

**Studies of Nuclear Hazards  
and Constitutional Law**

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April 4, 2003

Mr. Onno Hückmann  
Head, Legal Department  
Ministry for Foreign Affairs  
Government of Germany  
Berlin

Dear Mr. Onno, Hückmann,

Subject: Legal Basis for the United States to use Places/Bases inside  
Germany in its Attacks against Iraq; an Inquiry

May I ask your office the following Questions:

1. What is the legal basis for the United States of America to assume the right to use place or bases inside the outer territorial boundary of Germany in making its attacks against Iraq?
2. Did the German Government at any time since August 1, 1990, give permission or permissions to the United States to use bases, especially air bases, inside the outer territorial boundary of Germany for making attacks on Iraq, including for the support of any United States military operations against Iraq? And, if so, was any permission, or permissions, given by the German Government after September 10, 2001?
3. And if any permissions were given by the German Government, what formal declaration or declarations gave the permission or permissions?
4. Is Germany providing any material assistance to the United States in its war against Iraq? Such as providing supplies of food, water, electricity, communication facilities, and the like?
5. Official reports of the United States as broadcasted by Voice of America and National Public Radio in the months before and during the present attacks on Iraq said that German has given permission to the United States to use air bases inside Germany, and make military flights over the German air space, in its war against Iraq. Are those reports as I have represented them, true?
6. Shortly after the commencement of the present U.S. attacks on Iraq, the highest officers of the United States, including the President of the United States, and the Secretaries of Defense and State, have stated that there are 30 or so nations allied with the United States in its war against Iraq (the number is not important; I cannot recall the exact number), and named some of them, as Britain and Australia, and then mentioned that other nations are also assisting or in alliance with the United States in the war, but who have chosen to remain anonymous. Is

Germany one of those nations which the U.S. officers have alluded to as being allied with the United States in its war against Iraq? I should think not, in view of Chancellor Schröder's statements; but I ought to ask.

5. According to the information given on the internet site of the United States Air Force Europe Command Headquarters, there are six U.S. air-force bases inside Germany, and that these bases are used for the full spectrum of military operations, including United States expeditions. Presumably, therefore, those bases, or some of them, as Ramstein, have been used by the United States in making attacks on Iraq since March 18. Have those bases, or any of them, been used by the United States in its attacks against Iraq? Have any United States Air Force planes taken off from bases inside Germany loaded with bombs? Have any United States bomber plane, and fighter-bomber planes, and fighter planes, taken off from bases inside Germany?

6. Does the United States claim the right to use those bases or any of them for making attacks on foreign countries, as Iraq, without the prior permission of the Government of Germany? Have they exerted such a right in making its present attacks against Iraq starting March 18? Does the United States have or claim rights to use those bases or places on the basis of agreements or treaties between the United States and Germany for ending the United States war against Germany in the period 1941-1945? (I recall the name, Status of Forces agreements, but there may be other agreements or compacts as well, perhaps.) If so, what are the documents that declare those rights and agreements? Does the United States claim to own tracts of land or places (bases) inside the outer territorial boundary of Germany?

7. Is Germany bound by any agreement or contract, or agreements or contracts, to provide assistance, aids, supplies, &c. to the United States armed forces that are stationed in bases or places inside Germany when the United States is engaged in war?

8. Does the German Government regard any permission or permissions given to the United States to use the German air space and U.S. air bases in Germany (assuming that such permission was granted) and/or any assistance or provisions of supplies for those bases, as electrical power, water, food, and the like, and providing protection for those bases, as fulfilling an obligation Germany has under the NATO -- the so-called North Atlantic Treaty?

These are my questions. May I request in your answers a copy of the documents that declare permissions and agreements, and claims of the United States. I refer to the essays which I have sent to you via the E-Mail (two e-mails sent today). By the way I am composing a supplement to my letter to the Foreign Minister of Germany, Joschka Fischer, as I have mentioned in my first letter to him.

I ought to add, that my primary constitutional law work presently is to prepare and write a petition to the Government of the United States in exercise of my constitutional right to petition my government for a redress of grievances. But because of my special good feelings for the people of Germany, and my temporary residence here since August 1999, and my stays earlier (I was a member of the official German Government's study of the explosion accident risks of the Kalkar Schneller Bruter Reactor. I am a nuclear reactor physicist who makes studies of the accident hazards of nuclear power plants. I refer to the Internet website

www.technidigm.org/webb .), and having formed strong friendship ties to the German society (also the British society, as mentioned in my letter to Mr. Fischer), I feel obligated to give to your Government officers my analyses of the Constitution of the United States in respect to the present War, to help your Government make good and wise policy judgments and decisions that would help to end the killing and injuring of human beings, and the destructions now going, and promote the safety and happiness of everyone -- which good and wise policy judgments would also help the people of the United States, as I have mentioned in my letter to Minister Fischer.. Such are my purposes for sending my essays.

I do need answers to the above questions, to help me understand and learn important facts of U.S.-Germany relations that are of concern for a proper constitutional law analysis of the United States activities of war making. Also, if you have any questions about my analyses of United States constitutional law, and would like to have any information or documents that I provide, please do contact me.

Sincerely submitted,

Richard E. Webb

Attachment:  
Cover page of my  
1990 *Ohio State Law Journal* Article  
to identify me a bit.