

50219-AK-40
(Vol. 1)

CANADA-U.S. AGREEMENT FOR COOPERATION CONCERNING MILITARY ASPECTS OF ATOMIC ENERGY

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EXAMINED BY / EXAMINE PAR: <i>R. E. Reynolds</i>
DATE / DATE: <i>June 28, 1989</i>

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Translation Bureau

UNCLASSIFIED

November 19, 1956.

Legal Division

50219-A/K-40	
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Canada - U.S. Agreement for Translation.

I attach the English texts of an Exchange of Notes of July 1955, concerning co-operation regarding atomic information for mutual defence purposes.

It will be appreciated if you will provide a translation to French of these documents.

GILLES SICOTTE

Legal Division.

Wash. T. S. of Govt. 2/18/55
on 50219-AG-1

84TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 1052 }

REPORT ON THE PROPOSED AGREEMENTS FOR COOPERATION
REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENSE
PURPOSES BETWEEN THE GOVERNMENT OF THE UNITED STATES
OF AMERICA AND THE GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE UNITED KINGDOM AND NORTHERN
IRELAND

JULY 20, 1955.—Filed under authority of the order of the Senate of July 20, 1955,
and ordered to be printed

Mr. PASTORE, from the Joint Committee on Atomic Energy, submitted
the following

R E P O R T

On June 15, 1955, the President submitted to the Joint Committee on Atomic Energy proposed Agreements for Cooperation regarding atomic information for mutual defense purposes between the United States and Canada and the United States and the United Kingdom. The Subcommittee on Agreements for Cooperation, to which the proposed agreements were referred, heard witnesses from the Department of State and the Department of Defense on the proposed agreements. After exhaustive inquiry from all witnesses, the Subcommittee on Agreements for Cooperation unanimously concluded, and reported to the Joint Committee that the proposed agreements are in conformance with the letter and spirit of the Atomic Energy Act of 1954.

The Joint Committee, by unanimous vote on July 20, 1955, adopted the report and conclusions of the Subcommittee on Agreements for Cooperation.

This report is made by the Joint Committee under the provisions of section 202 of the Atomic Energy Act of 1954.

HEARINGS

Those who appeared at the executive hearing held by the Subcommittee on Agreements for Cooperation on July 11, 1955, were:

For the Department of State:

Mr. C. Burke Elbrick, Deputy Assistant Secretary for European Affairs

Mr. Gerard C. Smith, special assistant to the Secretary for Atomic Energy

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Mr. Philip J. Farley, deputy special assistant to Mr. C. Smith
Mr. Leonard Unger, officer in charge political military affairs,
Office of Secretary for European Affairs
For the Department of Defense:
Hon. Herbert B. Loper, Assistant Secretary of Defense
Maj. Gen. Harry McK. Roper, Deputy Assistant Chief of Staff, G-3 Operations
Vice Adm. A. C. Davis, Deputy Assistant Secretary of Defense for Internal Security Affairs
Col. Sidney Rubenstein, Director, Administrative Security Division, Office of Secretary of Defense
Col. Charles E. Carson, assistant to General Loper
Col. Delmar L. Crowson, assistant to General Loper
Lt. Col. Mark H. Terrell, assistant to General Roper
Comdr. David P. Klain, Assistant Director, Administrative Security Division
Mr. James M. Wilson, Office of Assistant Secretary of Defense for International Affairs
Mr. William Lang, Office of General Counsel, Office, Secretary of Defense

BACKGROUND

In his message to Congress on February 17, 1954, President Eisenhower requested that the Atomic Energy Act of 1946 be amended in several respects. He said in part:

For the purpose of strengthening the defense and economy of the United States and of the free world, I recommend that the Congress approve a number of amendments to the Atomic Energy Act of 1946. These amendments would accomplish this purpose, with proper security safeguards, through the following means:

First, widened cooperation with our allies in certain atomic energy matters;

Second, improved procedures for the control and dissemination of atomic energy information; and

Third, encouragement of broadened participation in the development of peacetime uses of atomic energy in the United States.

In his message he later stated:

In respect to defense considerations, our atomic effectiveness will be increased if certain limited information on the use of atomic weapons can be imparted more readily to nations allied with us in common defense.

In keeping with this Presidential recommendation, the basic revision of the organic atomic energy law passed by the 83d Congress permits, under carefully stated conditions, such cooperation with our allies. The report on the Atomic Energy Law of 1954 describes the effect of the revision enabling the communication of information on effects and utilization of atomic weapons to regional defense organizations to which we are a party in these words:

On the military side, the legislation permits the Department of Defense, under comprehensive security safeguards, to transfer to another nation, or to a regional defense organization of which we are a member, restricted data concerning the tactical employment of atomic weapons. Such information includes data necessary to the development of defense plans, the training of personnel in the employment of, and defense against, atomic weapons, and the evaluation of the capabilities of potential enemies in the employment of atomic weapons. The types of information that may be communicated to others to achieve these objectives are

PROPOSED AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 3

car delineated, and it is made clear that no information which would reveal important or significant data on the design or fabrication of the nuclear portions of atomic weapons, or on the detailed engineering of other important parts of atomic weapons, can be revealed.

This same report also set forth the underlying reason for such broadened international cooperation in the field of military effects.

When the organic law was enacted, atomic bombs were regarded by most as strategic weapons. Tactical applications of the military atom were but dimly perceived. Still less was it recognized that the time would soon come when tactical atomic weapons could profoundly, perhaps even decisively, affect the operations of the ground forces defending Western Europe. With our Nation the sole possessor of atomic weapons, and with these weapons husbanded for a strategic counterblow against an aggressor, there was no need for acquainting friendly nations with information concerning the effects and military employment of tactical atomic weapons. Today, however, we are engaged with our allies in a common endeavor, involving common planning and combined forces, to dam the tide of Red military power and prevent it from engulfing free Europe. America's preponderance in atomic weapons can offset the numerical superiority of the Communist forces, and serve emphatic notice on the Soviet dictators that any attempt to occupy free Europe, or to push farther anywhere into the free world, would be foredoomed to failure. Yet, so long as our law prohibits us from giving our partners in these joint efforts for common defense such atomic information as is required for realistic military planning, our own national security suffers.

THE ATOMIC ENERGY ACT OF 1954 AND THE PROPOSED AGREEMENT

On August 30, 1954, the Atomic Energy Act of 1954 was signed by the President. The substantive sections of this law concerning the communication to others of information on the military use and effects of atomic weapons are as follows:

(Section 144 b)

The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data as is necessary to—

- (1) the development of defense plans;
- (2) the training of personnel in the employment of and defense against atomic weapons; and
- (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons,

while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security:

Provided, however, That no such cooperation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: *And provided further,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123.

(Section 123)

COOPERATION WITH OTHER NATIONS.—No cooperation with any nation or regional defense organization pursuant to sections 54, 57, 64, 82, 103, 104, or 144 shall be undertaken until—

- a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 144b., the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendation thereon, which proposed agreement shall include
 - (1) the terms, conditions, duration, nature, and scope of the cooperation;
 - (2) a guaranty by the cooperating party that security safeguards and stand-

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ards as set forth in the agreement for cooperation will be maintain. a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose, and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation;

b. the President has approved and authorized the execution of the proposed agreement for cooperation and has made a determination in writing that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security; and

c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the Joint Committee and a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment for more than three days).

Taken together, these sections permit the communication of restricted data necessary to (1) the development of defense plans; (2) the training of personnel in the employment of and defense against atomic weapons; and (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons. The communication of such restricted data to a nation or regional defense organization to which the United States is a party may be made only while such nation is participating with the United States under a treaty or an executive agreement or other international arrangement approved by both Houses of Congress and while it is making a substantial material contribution to the mutual defense and security. The law provides further that no such cooperation shall involve the communication of restricted data relating to the design or fabrication of atomic weapons, except, however, for the communication of restricted data with regard to the external characteristics of atomic weapons, including size, weight, and shape, yields and effects, and systems employed in the judgment of the Commission and the Department of Defense, will not reveal important information concerning the design and fabrication of the nuclear components of atomic weapons. Furthermore, the cooperation to be undertaken must be in accordance with section 123 of the act.

The two agreements which are before the Joint Committee meet each of the above conditions. The Subcommittee on Agreements for Cooperation has been assured that any specific restricted data proposed to be communicated under these agreements will be scrupulously subjected to the test of joint determination by the Atomic Energy Commission and the Department of Defense that the specific items of restricted data will not reveal important information about nuclear components of weapons.

Section 123 of the act requires, in regard to Agreements for Cooperation pursuant to section 144b, that the proposed agreement be submitted to the President, together with the recommendations of the Department of Defense thereon. The agreement must include terms, conditions, duration, nature, and scope of the cooperation. It must include a guaranty by the cooperating party that security safeguards and standards as set forth in the Agreement for Cooperation will be maintained (since no material is to be transferred pursuant to the two agreements before the joint committee, section 123a does not pertain), and a guaranty by the cooperating party that restricted data will not

PROPOSED AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 5

be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the Agreement for Cooperation. Section 123 also required the President to approve and authorize execution of a proposed agreement and to make a determination in writing that the performance of the agreement will promote and will not constitute an unreasonable risk to the common defense and security.

Finally, section 123 requires that the proposed agreement, together with the determination and approval of the President, be submitted to the joint committee, and that a period of 30 days elapse while Congress is in session before the agreement may become effective.

The two agreements presently before the joint committee meet all statutory tests of section 123. Further, they were negotiated, recommended and approved by the Department of Defense and the President, in accordance with the terms of section 123. On April 13, 1955, they were submitted to the Joint Committee on Atomic Energy and, upon the expiration of the statutory time of 30 days when Congress is in session, they may be executed.

THE AGREEMENTS AND PERTINENT DOCUMENTS

There follow, as appendix I, the agreement with Canada and the correspondence relating thereto; and, as appendix II, the agreement with the United Kingdom and the correspondence relating thereto.

Joint Committee on Atomic Energy:

CLINTON P. ANDERSON, *Chairman*.
CARL T. DURHAM, *Vice Chairman*.
RICHARD B. RUSSELL.
JOHN O. PASTORE.
ALBERT GORE.
HENRY M. JACKSON.
BOURKE B. HICKENLOOPER.
EUGENE D. MILLIKIN.
WILLIAM F. KNOWLAND.
JOHN W. BRICKER.
CHET HOLIFIELD.
MELVIN PRICE.
PAUL J. KILDAY.
JOHN J. DEMPSEY.
STERLING COLE.
CARL HINSHAW.
JAMES E. VAN ZANDT.
JAMES T. PATTERSON.

Subcommittee on Agreements for Cooperation:

JOHN O. PASTORE, *Chairman*.
CLINTON P. ANDERSON.
BOURKE B. HICKENLOOPER.
JOHN W. BRICKER.
CARL T. DURHAM.
MELVIN PRICE.
STERLING COLE.

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APPENDIX I

THE SECRETARY OF DEFENSE,
Washington, June 10, 1955.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Section 144 (b) of the Atomic Energy Act of 1954 empowers you to authorize the Department of Defense, with the assistance of the Atomic Energy Commission, to cooperate with another nation or regional defense organization to which the United States is a party and to communicate to that nation or organization such atomic information as is necessary to the development of defense plans, the training of personnel in the employment of and defense against atomic weapons, and the evaluation of the capabilities of potential enemies in the employment of atomic weapons. This cooperation and communication, however, may be undertaken only in accordance with the limitations imposed by the act and under an agreement entered into pursuant to section 123 thereof.

The first of these agreements was with the North Atlantic Treaty Organization. It was approved by you on April 13, 1955, and has been before the Joint Committee on Atomic Energy for the required 30-day period. With the cooperation of the Department of State, a separate agreement has now been negotiated with Canada and recommended for signature. This proposed agreement is submitted herewith for your approval.

It is the view of this Department that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954. The execution of this agreement should do much to advance our mutual defense interests, especially the vital cause of North American defense in which we have long been working closely with our Canadian neighbors, and will thereby aid materially in the defense of the United States. I therefore strongly recommend that you approve this proposed agreement as required by section 123 of the Atomic Energy Act and transmit the agreement to the Joint Committee on Atomic Energy, together with your determinations and authorizations as to execution.

With great respect, I am,
Faithfully yours,

C. E. WILSON.

THE WHITE HOUSE,
Washington, June 15, 1955.

The Honorable CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy,
Washington, D. C.

DEAR SENATOR ANDERSON: Pursuant to section 123 of the Atomic Energy Act of 1954, I hereby submit to the Joint Committee on Atomic Energy a proposed agreement between the Governments of the United States and Canada for cooperation regarding communication of atomic information for mutual defense purposes under section 144 (b) of the act.

Under the terms of the proposed agreement, the United States may exchange with Canada, so long as Canada pursuant to an international arrangement continues to make substantial and material contributions to the mutual defense effort, atomic information which the United States considers necessary to (1) the development of defense plans; (2) the training of personnel in the employment of and defense against atomic weapons; and (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons. Canada will make atomic information available to the United States on the same basis.

Atomic information made available pursuant to the proposed agreement will not be transferred to unauthorized persons, or beyond the jurisdiction of the recipient government except where that information is to be communicated to another nation or regional organization which has already been given the same information under an agreement similar to this and then only to the extent such transfer is specifically authorized by the originating government.

Transfers of atomic information by the United States under the proposed agreement will be made only in accordance with the Atomic Energy Act of 1954 and such information will be safeguarded by the stringent security arrangements in effect between the United States and Canada when this agreement comes into force.

The agreement will remain in effect until terminated by agreement between the two governments, but the actual exchange of atomic information is entirely discretionary.

PROPOSED AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 7

Department of Defense has strongly recommended approval of this agreement. It is my firm conviction that through the cooperative measures foreseen in this agreement we will have aided materially not only in strengthening our own defenses but also those of our Canadian ally and will thereby contribute greatly to the mutual defense efforts which are of such vital importance to the maintenance of our common freedom.

Accordingly, I hereby determine that the performance of this proposed agreement will promote, and will not constitute an unreasonable risk to the common defense and security, and approve this agreement. In addition, I hereby authorize, subject to the provisions of the Atomic Energy Act of 1954, the Secretary of State to execute the proposed agreement and the Department of Defense, with the assistance of the Atomic Energy Commission, to cooperate with Canada and to communicate restricted data to Canada under the agreement.

Sincerely,

DWIGHT D. EISENHOWER.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR COOPERATION REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of Canada,

Recognizing that their mutual security and defense requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954 and the Canadian Atomic Energy Control Act and Atomic Energy Regulations, which were prepared with these purposes in mind,

Agree as follows:

ARTICLE I

1. While the United States and Canada are participating in international arrangements for their mutual defense and security and making substantial and material contribution thereto, each Government will from time to time make available to the other Government atomic information which the Government making such information available deems necessary to:

- (a) the development of defense plans;
- (b) the training of personnel in the employment of and defense against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either Government pursuant to this agreement shall be used by the other Government exclusively for the preparation and implementation of defense plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to Canada by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by Canada pursuant to this Agreement will be made in compliance with the Atomic Energy Control Act and the Atomic Energy Regulations of Canada or subsequent applicable Canadian legislation and regulations.

2. Under this Agreement there will be no transfers by the United States or Canada of atomic weapons or special nuclear material, as these terms are defined in Section 11 d. and Section 11 t. of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the United States and Canada and applicable national legislation and regulations of the two countries. In no case shall either Government maintain security standards for safeguarding atomic information made available pursuant to this

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Agreement lower than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force

2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defense information between the two Governments.

3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient Government to any unauthorized person or, except as provided in Article V of this Agreement, beyond the jurisdiction of that Government. Each Government may stipulate the degree to which any of the categories of information made available to the other Government pursuant to this Agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this Agreement, "atomic information" means:

(a) so far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 r. of the United States Atomic Energy Act of 1954 which is permitted to be communicated pursuant to the provisions of Section 144 b. of that Act and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d. of the United States Atomic Energy Act of 1954;

(b) so far as concerns the information provided by Canada, classified information relating to the military application of atomic energy.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or Canada with other nations or regional organizations in any fields of defense. Neither Government, however, shall communicate atomic information made available by the other Government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other Government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other Government.

ARTICLE VI

This agreement shall enter into force on the date of receipt by the Government of Canada of a notification from the Government of the United States of America that the period of thirty days required by Section 123 c. of the U. S. Atomic Energy Act of 1954 has elapsed, and shall remain in effect until terminated by mutual agreement of both Governments.

Done at Washington this fifteenth day of June 1955 in two original texts.

For the United States of America:

C. BURKE ELBRICK.

For Canada:

A. D. P. HEENEY.

APPENDIX II

THE SECRETARY OF DEFENSE,
Washington, June 14, 1955.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Section 144 (b) of the Atomic Energy Act of 1954 empowers you to authorize the Department of Defense, with the assistance of the Atomic Energy Commission, to cooperate with another nation or regional defense organization to which the United States is a party and to communicate to that nation or organization such atomic information as is necessary to the development of defense plans, the training of personnel in the employment of and defense against atomic weapons, and the evaluation of the capabilities of potential enemies in the employment of atomic weapons. This cooperation and communication, however, may be undertaken only in accordance with the limitations imposed by the act and under an agreement entered into pursuant to section 123 thereof.

The first of these agreements was with the North Atlantic Treaty Organization. It was approved by you on April 13, 1955, and has been before the Joint Committee

PROPOSED AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 9

on Energy for the required 30-day period. With the cooperation of the Department of State, a separate agreement has now been negotiated with the United Kingdom and recommended for signature. This proposed agreement is submitted herewith for your approval.

It is the view of this Department that this agreement is entirely in accord with the provision of the Atomic Energy Act of 1954. I am convinced that it will fully serve the best interests of the United States by making possible a further significant extension of the close cooperation in the field of mutual defense which has characterized our relationships with the United Kingdom for so many years. I therefore strongly recommend that you approve this proposed agreement as required by section 123 of the Atomic Energy Act and transmit the agreement to the Joint Committee on Atomic Energy together with your determinations and authorizations as to execution.

With great respect, I am
Faithfully yours,

C. E. WILSON.

JUNE 15, 1955.

The Honorable CLINTON P. ANDERSON,
Chairman, Joint Committee on Atomic Energy,
Washington, D. C.

DEAR SENATOR ANDERSON: Pursuant to section 123 of the Atomic Energy Act of 1954, I hereby submit to the Joint Committee on Atomic Energy a proposed agreement between the Governments of the United States and the United Kingdom for cooperation regarding communication of atomic information for mutual defense purposes under section 144 (b) of the act.

Under the terms of the proposed agreement, the United States may exchange with the United Kingdom, so long as the United Kingdom pursuant to an international arrangement continues to make substantial and material contributions to the mutual defense effort, atomic information which the United States considers necessary to (1) the development of defense plans; (2) the training of personnel in the employment of and defense against atomic weapons; and (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

The United Kingdom will make atomic information available to the United States on the same basis.

Atomic information made available pursuant to the proposed agreement will not be transferred to unauthorized persons, or beyond the jurisdiction of the recipient government except where that information is to be communicated to another nation or regional organization which has already been given the same information under an agreement similar to this and then only to the extent such transfer is specifically authorized by the originating government.

Transfers of atomic information by the United States under the proposed agreement will be made only in accordance with the Atomic Energy Act of 1954 and such information will be safeguarded by the stringent security arrangements in effect between the United States and the United Kingdom when this agreement comes into force.

The agreement will remain in effect until terminated by agreement between the two governments, but the actual exchange of atomic information is entirely discretionary.

The Department of Defense has strongly recommended approval of this agreement. It is my firm conviction that through the cooperative measures foreseen in this agreement we will have aided materially not only in strengthening our own defenses but also those of our British ally and will thereby contribute greatly to the mutual defense efforts which are of such vital importance to the maintenance of our common freedom.

Accordingly, I hereby determine that the performance of this proposed agreement will promote, and will not constitute an unreasonable risk to, the common defense and security, and approve this agreement. In addition, I hereby authorize, subject to the provisions of the Atomic Energy Act of 1954, the Secretary of State to execute the proposed agreement and the Department of Defense, with the assistance of the Atomic Energy Commission, to cooperate with the United Kingdom and to communicate restricted data to the United Kingdom under the agreement.

Sincerely,

DWIGHT D. EISENHOWER.

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AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Recognizing that their mutual security and defense requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954, which was prepared with these purposes in mind,

Agree as follows:

ARTICLE I

1. While the United States and the United Kingdom are participating in international arrangements for their mutual defense and security and making substantial and material contribution thereto, each Government will from time to time make available to the other Government atomic information which the Government making such information available deems necessary to:

- (a) the development of defense plans;
- (b) the training of personnel in the employment of and defense against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either Government pursuant to this agreement shall be used by the other Government exclusively for the preparation and implementation of defense plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to the United Kingdom by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by the United Kingdom pursuant to this Agreement will be made in compliance with the United Kingdom Official Secrets Acts, 1911-1939, and the United Kingdom Atomic Energy Act of 1946.

2. Under this Agreement there will be no transfers by the United States or the United Kingdom of atomic weapons or special nuclear material, as these terms are defined in Section 11d, and Section 11t, of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the United States and the United Kingdom and applicable national legislation and regulations of the two countries. In no case shall either Government maintain security standards for safeguarding atomic information made available pursuant to this Agreement lower than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defense information between the two Governments.

3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient Government to any unauthorized person or, except as provided in Article V of this Agreement, beyond the jurisdiction of that Government. Each Government may stipulate the degree to which any of the categories of information made available to the other Government pursuant to this Agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

PROPOSED AGREEMENTS FOR COOPERATION FOR MUTUAL DEFENSE 11

ARTICLE IV

As used in this Agreement, "atomic information" means:

(a) so far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 r. of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 b. of that Act, and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d. of the United States Atomic Energy Act of 1954;

(b) so far as concerns the information provided by the United Kingdom, information exchanged under this Agreement which is either classified atomic energy information or other United Kingdom defense information which it is decided to transfer to the United States in pursuance of Article I of this Agreement.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or the United Kingdom with other nations or regional organizations in any fields of defense. Neither Government, however, shall communicate atomic information made available by the other Government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other Government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other Government.

ARTICLE VI

This Agreement shall enter into force on the date on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such an Agreement, and shall remain in effect until terminated by mutual agreement of both Governments.

Done at Washington this Fifteenth day of June 1955 in two original texts.

For the United States of America:

C. BURKE ELBRICK.

For the United Kingdom of Great Britain and Northern Ireland:

R. H. SCOTT.

○

INCOMING MESSAGE

ORIGINAL

FROM: THE CANADIAN EMBASSY, WASHINGTON.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification

CONFIDENTIAL

File No.

50219-AG-40
52 50

Priority

System

CYPHER AUTO

No. WA-1248

Date July 25, 1955.

Departmental
Circulation

THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL COOR SECT.

Reference:

Our teletype WA-1237 of July 22. J. 7

Subject:

Bilateral agreement for cooperation regarding
atomic information for mutual defense purposes.

We received on Friday, July 22, a note

from the State Department informing us that the period
of thirty days required by section 123 (C) of the
U.S. Atomic Energy Act, 1954 has now elapsed and that
the agreement for cooperation between the Government
of the United States of America and the Government of
Canada regarding atomic information for mutual
defense purposes can now enter into force. The date
of entry into force of this agreement is July 22,
1955, the date on which the note from the State
Department was received.

2. We are sending by bag a copy of the note from
the State Department and of our reply.

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Done 25 JUL 1955

Date

References

✓ CCOS
(4 copies)
✓ Sec Cabinet
✓ Pres AECB
✓ Pres AEC
✓ CDRB.
✓ Legal Dir (Treaty Section)
✓ DL (2)
+ File
W+B

Done

Date

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: The Canadian Embassy, WASHINGTON, D.C..

Reference: Our teletype WA-1248 of July 25, 1955.

Subject: Bilateral Agreement for Cooperation...
.....Regarding Atomic Information for Mutual...
.....Defense Purposes.....

Security: CONFIDENTIAL

No: 1273

Date: July 25, 1955.

Enclosures: 2.

Air or Surface Mail:

Post File No:

Ottawa File No.

50219-AG-4
52 50

References

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28 JUL 1955

Attached are copies of a note from the

State Department informing us that the Agreement for
Cooperation Regarding Atomic Information for Mutual
Defense Purposes Between the Government of the United
States of America and the Government of Canada can
now come into force and copies of our reply noting that
the date of entry into force of the Agreement is
July 22, 1955.

J. D. Babbitt

Internal
Circulation

Distribution
to Posts

The Embassy.

Please refer
Pres AECB
Pres AECL
CDR B
CCOS (3 copies)
Sec Cab.
Legal Div (2 copies)
(attn: Treaty Section)
+ Make a copy for me.
+ File
WAB.

Please KB
Aug. 8/55

FILE COPY

Washington, D.C.,

July 25, 1955.

No. 502

Sir,

I have the honour to acknowledge your Note of July 21, 1955 referring to the "Agreement between the Government of the United States of America and the Government of Canada for Cooperation Regarding Atomic Information for Mutual Defense Purposes".

I note that the period of thirty days required by Section 123.c of the United States Atomic Energy Act of 1954 has now elapsed and that, in accordance with Article VI of the above-mentioned Agreement, this Agreement entered into force on July 22, 1955, the date of receipt of your Note.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. Mackenzie

The Honourable John Foster Dulles,
Secretary of State of the United States,
Washington, D.C.

July 21, 1955

Excellency:

I have the honor to refer to the "Agreement between the Government of the United States of America and the Government of Canada for Cooperation Regarding Atomic Information for Mutual Defense Purposes" which was signed on June 15, 1955.

Article VI of the Agreement provides that "This Agreement shall enter into force on the date of receipt by the Government of Canada of a notification from the Government of the United States of America that the period of thirty days required by Section 123.c of the United States Atomic Energy Act of 1954 has elapsed . . ."

In accordance with Article VI, I am pleased to inform you that the period of thirty days required by Section 123.c of the United States Atomic Energy Act of 1954 has now elapsed. Accordingly, this Agreement shall enter into force on the date of the receipt of this note.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Acting Secretary of State:

His Excellency

A. D. P. Heeneey,

Ambassador of Canada.

(Sgd) Robert Murphy

50219-AG-46
129

TOP SECRET

EXTRACT FROM MINUTES OF 581st
MEETING OF CHIEFS OF STAFF, HELD
ON 22 AND 23 OF JUNE, 1955.

File
HeB

DOWNGRADED TO SECRET
REDUIT A SECRET

VII. ITEMS CLEARED SECRETARIALLY

30. The following items have been cleared
secretarially with the Chiefs of Staff:

- (o) Agreement between United States and Canada for
Cooperation regarding Atomic Information

(TOP SECRET)

(CSC 6-1 of 27 May, 1955)

The Chiefs of Staff concurred with the draft agree-
ment on the above subject.

(Secretarial action completed by CSC 6-1 of
3 June, 1955)

50219-AG-40
129

CONFIDENTIAL

EXTRACT FROM MINUTES OF 581st
MEETING OF CHIEFS OF STAFF, HELD
ON 22 AND 23 OF JUNE, 1955.

File
ReB.

VII. ITEMS CLEARED SECRETARIALLY

30. The following items have been cleared
secretariially with the Chiefs of Staff:

(p) Security of Atomic Information

(CONFIDENTIAL)

(CSC 1977-1 TD 1 of 31 May, 1955)

The Chiefs of Staff concurred with the recommendation of the Joint Security Committee concerning security standards to be implemented for safeguarding of atomic information, subject to certain suggested changes which were incorporated in the draft appendix to the Agreement for Exchange of Atomic Information.

(Secretarial action completed by CSC 1977-1 TD 1
of 3 June, 1955)

TRANSMITTAL SLIP

TO: The Under-Secretary of State for

External Affairs, Ottawa

FROM: The Canadian Embassy, Washington, D. C.

Security... none

Date... June 22, 1955.

Air or Surface... surface

No. of enclosures... 6

The documents described below are for your information.

Despatching Authority... J. D. Babbitt

50219-AG-40
66

Copies

Description

Also referred to:

6

State Department Press Release No. 369
of June 20, 1955: Agreement for the
Exchange of Atomic Information for Mutual
Defence Purposes between the U.S. and U.K.

Refer CCOs
- 3 copies

See Calv.

Pym AECB

Done KB

July 7/55

~~D/R~~
To note
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INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.
2. This form should *NOT* be used to cover documents requiring action.
3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.
4. The form should bear the security classification of the material it covers.
5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

1055 JUN 24 AM 11 24

DEPARTMENT OF STATE

FILE COPY

FOR THE PRESS

JUNE 20, 1955

NO. 369

CAUTION - FUTURE RELEASE

FOR RELEASE AT 12:00 NOON, E.D.T., MONDAY, JUNE 20, 1955.
NOT TO BE PREVIOUSLY PUBLISHED, QUOTED FROM OR USED
IN ANY WAY.

On June 15, 1955 representatives of the Government of the United States and the Government of Canada, and representatives of the Government of the United States and the Government of the United Kingdom signed agreements for the exchange of atomic information for mutual defense purposes. These proposed agreements have been approved by President Eisenhower. According to the terms of the United States Atomic Energy Act of 1954, the proposed agreements must lie before the Joint Committee on Atomic Energy for a period of thirty days before they may enter into force.

Attached is a copy of the agreement with the United Kingdom together with a letter from the Secretary of Defense recommending to the President that he approve the agreement, and a letter of transmittal from the President to the Chairman of the Joint Committee on Atomic Energy.

The text of this agreement is being released today in London.

Following is the text of the letter to the President from the Secretary of Defense:

THE SECRETARY OF DEFENSE
WASHINGTON

June 14, 1955

Dear Mr. President:

Section 144 b. of the Atomic Energy Act of 1954 empowers you to authorize the Department of Defense, with the assistance of the Atomic Energy Commission, to cooperate with another nation or regional defense organization to which the United States is a party and to communicate to that nation or organization such atomic information as is necessary to the development of defense plans, the training of personnel in the employment of and defense against atomic weapons, and the evaluation of the capabilities of potential enemies in the employment of atomic weapons. This cooperation and communication, however, may be undertaken only in accordance with the limitations imposed by the Act and under an agreement entered into pursuant to Section 123 thereof.

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PR 369

The first of these agreements was with the North Atlantic Treaty Organization. It was approved by you on April 13, 1955, and has been before the Joint Committee on Atomic Energy for the required thirty-day period. With the cooperation of the Department of State, a separate agreement has now been negotiated with the United Kingdom and recommended for signature. This proposed agreement is submitted herewith for your approval.

It is the view of this Department that this agreement is entirely in accord with the provision of the Atomic Energy Act of 1954. I am convinced that it will fully serve the best interests of the United States by making possible a further significant extension of the close cooperation in the field of mutual defense which has characterized our relationships with the United Kingdom for so many years. I therefore strongly recommend that you approve this proposed agreement as required by Section 123 of the Atomic Energy Act and transmit the agreement to the Joint Committee on Atomic Energy together with your determinations and authorizations as to execution.

With great respect, I am

Faithfully yours,

The President
The White House

/S/ C. E. WILSON

- - - -

Following is the text of the letter of transmittal from the President to the Chairman of the Joint Committee on Atomic Energy:

June 15, 1955

Dear Senator Anderson:

Pursuant to Section 123 of the Atomic Energy Act of 1954, I hereby submit to the Joint Committee on Atomic Energy a proposed agreement between the Governments of the United States and the United Kingdom for cooperation regarding communication of atomic information for mutual defense purposes under Section 144 b. of the Act.

Under the terms of the proposed agreement, the United States may exchange with the United Kingdom, so long as the United Kingdom pursuant to an international arrangement continues to make substantial and material contributions to the mutual defense effort, atomic information which the United States considers necessary to

- (1) the development of defense plans;
- (2) the training of personnel in the employment of and defense against atomic weapons; and
- (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

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PR 369

The United Kingdom will make atomic information available to the United States on the same basis.

Atomic information made available pursuant to the proposed agreement will not be transferred to unauthorized persons, or beyond the jurisdiction of the recipient government except where that information is to be communicated to another nation or regional organization which has already been given the same information under an agreement similar to this and then only to the extent such transfer is specifically authorized by the originating government.

Transfers of atomic information by the United States under the proposed agreement will be made only in accordance with the Atomic Energy Act of 1954 and such information will be safeguarded by the stringent security arrangements in effect between the United States and the United Kingdom when this agreement comes into force.

The agreement will remain in effect until terminated by agreement between the two governments, but the actual exchange of atomic information is entirely discretionary.

The Department of Defense has strongly recommended approval of this agreement. It is my firm conviction that through the cooperative measures foreseen in this agreement we will have aided materially not only in strengthening our own defenses but also those of our British ally and will thereby contribute greatly to the mutual defense efforts which are of such vital importance to the maintenance of our common freedom.

Accordingly, I hereby determine that the performance of this proposed agreement will promote, and will not constitute an unreasonable risk to, the common defense and security, and approve this agreement. In addition, I hereby authorize, subject to the provisions of the Atomic Energy Act of 1954, the Secretary of State to execute the proposed agreement and the Department of Defense, with the assistance of the Atomic Energy Commission, to cooperate with the United Kingdom and to communicate Restricted Data to the United Kingdom under the agreement.

Sincerely,

/s/ DWIGHT D. EISENHOWER

The Honorable Clinton P. Anderson
Chairman, Joint Committee on Atomic Energy
Washington, D.C.

AGREEMENT

000029

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND FOR COOPERATION REGARDING ATOMIC
INFORMATION FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Recognizing that their mutual security and defense requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954, which was prepared with these purposes in mind,

Agree as follows:

ARTICLE I

ARTICLE I

1. While the United States and the United Kingdom are participating in international arrangements for their mutual defense and security and making substantial and material contribution thereto, each Government will from time to time make available to the other Government atomic information which the Government making such information available deems necessary to:

- (a) the development of defense plans;
- (b) the training of personnel in the employment of and defense against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either Government pursuant to this Agreement shall be used by the other Government exclusively for the preparation and implementation of defense plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to the United Kingdom by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by the United Kingdom pursuant to this Agreement will be made in compliance with the United Kingdom Official Secrets Acts, 1911-1939, and the United Kingdom Atomic Energy Act of 1946.

2. Under this Agreement there will be no transfers by the United States or the United Kingdom of atomic weapons or special nuclear material, as these terms are defined in Section 11 d. and Section 11t. of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the United States and the United Kingdom and applicable national legislation and regulations of the two countries. In no case shall either Government maintain security standards for safeguarding atomic information made available pursuant to this Agreement lower than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

2. Atomic

2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defense information between the two Governments.

3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient Government to any unauthorized person or, except as provided in Article V of this Agreement, beyond the jurisdiction of that Government. Each Government may stipulate the degree to which any of the categories of information made available to the other Government pursuant to this Agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this Agreement, "atomic information" means:

- (a) so far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 r. of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 b. of that Act, and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d. of the United States Atomic Energy Act of 1954;
- (b) so far as concerns the information provided by the United Kingdom, information exchanged under this Agreement which is either classified atomic energy information or other United Kingdom defense information which it is decided to transfer to the United States in pursuance of Article I of this Agreement.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or the United Kingdom with other nations or regional organizations in any fields of defense. Neither Government, however, shall communicate atomic information made available by the other Government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other Government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other Government.

ARTICLE VI

-7-

PR 369

ARTICLE VI

This Agreement shall enter into force on the date on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such an Agreement, and shall remain in effect until terminated by mutual agreement of both Governments.

DONE at Washington this Fifteenth day of June 1955 in two original texts.

FOR THE UNITED STATES OF AMERICA:

/S/ C. BURKE ELBRICK

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

/S/ R. H. SCOTT

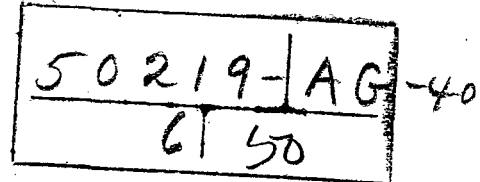
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State--FD, Wash., D.C.



OFFICE OF THE CHAIRMAN, CHIEFS OF STAFF
OTTAWA

17 June, 1955.



M.H. Wershof, Esq.,
Assistant Under-Secretary of State
for External Affairs,
East Block,
Ottawa, Canada.

Dear Mr. Wershof:

With reference to our telephone
conversation regarding the statement
which Mr. Campney will make on the
Atomic Agreement for Defence Purposes
which is being tabled by Mr. Martin,
attached, hereto, is the text.

Yours sincerely,

A handwritten signature, likely of R.L. Rayment, consisting of a stylized "R" and "L" followed by a flourish.

(R.L. Rayment) Colonel
ESO to CCOS

Encl-1

17.6.56(us)

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FREE COPY

16 Jun 55.

CHARLES FOULKES
General
C.C.O.S.

JUN 17 1955

**Suggested Statement to be made by The Minister
of National Defence on the Atomic Agreement
between the Governments of the United States of
America and Canada for Cooperation Regarding
Atomic Information for Mutual Defence Purposes**

Mr. Speaker, I should like to say a word about the Agreement
between the Government of the United States of America
and the Canadian Government for cooperation regarding
the exchange of atomic information for mutual defence
purposes, which has just been tabled.

The main purpose of the Agreement is to enable our two
countries to meet the contingencies of atomic warfare
through their mutual security and defence arrangements.

The information so exchanged will be of particular benefit
to Canada, not only in the training of Service personnel
in operations in areas where atomic explosions have
taken place and defence against atomic weapons, but
also in the development of our defence plans and
assistance to Civil Defence.

This Agreement is another example typifying the close and
harmonious relationship which exists between the
United States and Canada on matters relating to our
mutual defence.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF CANADA FOR COOPERATION REGARDING ATOMIC
INFORMATION FOR MUTUAL DEFENCE PURPOSES

PREAMBLE

The Government of the United States of America and the Government of Canada,

Recognizing that their mutual security and defence requires that they be prepared to meet the contingencies of atomic warfare, ✓

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto, ✓

Believing that the exchange of such information can be undertaken without threat to the security of either country, and ✓

Taking into consideration the United States Atomic Energy Act of 1954 and the Canadian Atomic Energy Control Act and Atomic Energy Regulations, which were prepared with these purposes in mind, ✓

Agree as follows:

ARTICLE I

1. While the United States and Canada are participating in international arrangements for their mutual defence and security and making substantial and material contribution thereto, each government will from time to time make available to the other government atomic information which the government making such information available deems necessary to:

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either government pursuant to this Agreement shall be used by the other government exclusively for the preparation and implementation of defence plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to Canada by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by Canada pursuant to this Agreement will be made in compliance with the Atomic Energy Control Act and the Atomic Energy Regulations of Canada or subsequent applicable Canadian legislation and regulations.
2. Under this Agreement there will be no transfers by the United States or Canada of atomic weapons or special nuclear material, as these terms are defined in Section 11 (d) and Section 11 (t) of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between Canada and the United States and applicable national legislation and regulations of the two countries. In no case shall either government maintain security standards for safeguarding atomic information lower than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.
2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defence information between the two governments.
3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient government to **any** unauthorized person or, except as provided in Article V of this Agreement, beyond the jurisdiction of that government. Each government may stipulate the degree to which any of the categories of information made available to the other government pursuant to this Agreement may be disseminated, may specify the categories

of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this Agreement, "atomic information" means:

- (a) So far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 (r) of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 (b) of that Act and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 (d) of the United States Atomic Energy Act of 1954.
- (b) So far as concerns information provided by Canada, Classified Information relating to the military application of atomic energy.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or Canada with other nations or regional organizations in any fields of defence. Neither government, however, shall communicate atomic information made available by the other government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other government.

- 4 -

ARTICLE VI

This Agreement shall enter into force on the date of receipt by the Government of Canada of a notification from the Government of the United States of America that the period of thirty days required by Section 123 (c) of the United States Atomic Energy Act of 1954 has elapsed, and shall remain in effect until terminated by mutual agreement of both governments.

Done at Washington this fifteenth day of June, 1955,
in two original texts.

For the United States of America:

For Canada:

(Sgd)
C. Burke Elbrick

(Sgd)
A.D.P. Heeney

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE
GOUVERNEMENT DU CANADA SUR LA COOPÉRATION DANS LE DOMAINE
DES RENSEIGNEMENTS ATOMIQUES AUX FINS DE DÉFENSE MUTUELLE

PRÉAMBULE

Le Gouvernement des États-Unis d'Amérique et le Gouvernement du Canada,

Reconnaissant que leur défense et leur sécurité mutuelles exigent qu'ils soient prêts à faire face aux risques d'une guerre atomique,

Reconnaissant qu'il est de leur intérêt commun que des renseignements s'y rapportant soient échangés,

Croyant que l'échange de tels renseignements peut s'effectuer sans danger pour la sécurité de l'un et de l'autre pays, et

Considérant la Loi américaine de 1954 sur l'énergie atomique et la Loi du Canada sur le contrôle de l'énergie atomique et du Règlement sur l'énergie atomique, mesures qui ont été élaborées dans l'intention de servir les fins précitées

Sont convenus de ce qui suit:

ARTICLE I

1. Aussi longtemps que les États-Unis et le Canada participeront aux ententes internationales en vue de leur défense et de leur sécurité mutuelles et qu'ils y contribueront dans une mesure importante et concrète, chaque Gouvernement mettra, de temps à autre, à la disposition de l'autre Gouvernement, tels renseignements atomiques que le Gouvernement informateur jugera nécessaires pour:

- a) l'élaboration des plans de défense;
- b) l'entraînement du personnel à l'emploi des armes atomiques et à la défense contre de telles armes; et
- c) l'évaluation du potentiel de tous ennemis éventuels en ce qui concerne l'emploi des armes atomiques.

2. Les renseignements atomiques fournis par l'un ou l'autre Gouvernement en vertu du présent accord devront être utilisés par l'autre Gouvernement exclusivement aux fins de l'élaboration et de l'exécution de plans de défense servant les intérêts mutuels des deux pays.

ARTICLE II

1. Tous les renseignements atomiques communiqués au gouvernement du Canada par les États-Unis en vertu du présent accord seront transmis en conformité des dispositions de la Loi américaine de 1954 sur l'énergie atomique et de toute autre loi ultérieure pertinente des États-Unis. Tous les renseignements atomiques communiqués au gouvernement des États-Unis par le gouvernement du Canada en vertu du présent accord seront transmis en conformité de la Loi sur le contrôle de l'énergie atomique et du Règlement du Canada régissant l'énergie atomique, ou de toute loi ou règlement, ultérieurs et pertinents, du Canada.

2. Sous le régime du présent accord il ne s'effectuera, du gouvernement des États-Unis au gouvernement du Canada, aucune cession d'armes atomiques ou de matériel nucléaire spécial, au sens où ils sont définis aux articles 11(d) et 11(t) de la Loi américaine de 1954 sur l'énergie atomique.

ARTICLE III

1. Les renseignements atomiques communiqués en vertu du présent accord devront faire l'objet de l'entière protection exigée par la sécurité aux termes d'arrangements pertinents de sécurité, arrangements conclus entre le Canada et les États-Unis et des lois et règlements pertinents des deux pays. L'un ou l'autre pays ne devra maintenir, en aucun cas, aux fins de la sauvegarde des renseignements atomiques, des normes de sécurité inférieures à celles qui seront stipulées aux arrangements pertinents de sécurité en vigueur à la date où le présent accord deviendra exécutoire.

2. Les renseignements du domaine atomique échangés en vertu du présent accord seront communiqués par les voies utilisées actuellement, ou dont on aura convenu par après pour l'échange, entre les deux gouvernements, de renseignements classifiés sur la défense.

3. Les renseignements atomiques reçus en vertu du présent accord ne devront être transmis par le gouvernement qui les recevra à aucune personne non autorisée, ni autrement que selon les dispositions de l'article V du présent accord, hors de la compétence dudit gouvernement. Chaque gouvernement peut stipuler

- 3 -

le niveau auquel toute catégorie de renseignements fournis à l'autre gouvernement en vertu du présent accord peut être divulgué, et spécifier les catégories de personnes qui pourront avoir accès auxdits renseignements, et imposer quant à la diffusion desdits renseignements toutes autres restrictions jugées nécessaires.

ARTICLE IV

Dans le présent accord, l'expression "renseignements atomiques" s'entend :

- a) En ce qui concerne les renseignements fournis par les États-Unis, des données de diffusion restreinte et définies à l'article 11(r) de la Loi américaine de 1954 sur l'énergie atomique et qu'il est permis de communiquer en vertu des dispositions de l'article 144(b) de ladite loi, et des renseignements portant essentiellement sur l'utilisation militaire d'armes atomiques, renseignements qui ont été soustraits de la catégorie des données de diffusion restreinte, aux termes de l'article 142(d) de la Loi américaine de 1954 sur l'énergie atomique.
- b) En ce qui concerne les renseignements fournis par le Canada, des renseignements classifiés portant sur l'application militaire de l'énergie atomique.

ARTICLE V

Rien dans le présent accord ne devra être interprété ou appliqué en tant qu'un empêchement ou une restriction à la consultation ou à la collaboration de la part des États-Unis ou du Canada avec d'autres pays ou organismes régionaux dans tout domaine de la défense. Cependant, ni l'un ni l'autre des gouvernements ne devront communiquer à toute autre nation ou organisme régional des renseignements atomiques obtenus de l'autre gouvernement en vertu du présent accord, à moins que les mêmes renseignements n'aient été rendus accessibles à une telle nation ou à un tel organisme par l'autre gouvernement selon les exigences de ses propres lois et si ce n'est dans la mesure où la communication de tels renseignements est expressément autorisée par ledit autre gouvernement.

- 4 -

ARTICLE VI

Le présent accord entrera en vigueur le jour où le gouvernement du Canada recevra du Gouvernement des États-Unis avis que la période de trente jours requise en vertu de l'article 123(c) de la Loi américaine de 1954 sur l'énergie atomique est écoulée, et restera en vigueur jusqu'à ce qu'il soit résilié de gré à gré par les deux gouvernements.

Fait à Washington, ce .15^e..... jour de .juin.. 1955 en deux textes originaux.

Pour les États-Unis d'Amérique:

Pour le Canada:

(Signé)

C. Burke Elbrick

(Signé)

A. D. P. Heeney

TRANSMITTAL SLIP

TO: Under-Secretary of State for Security... none

External Affairs, Ottawa

Date: June 16, 1955.

FROM: The Canadian Embassy, Washington, D. C.

Air or Surface... surface

No. of enclosures...

The documents described below are for your information.

Despatching Authority... G. de T. Glazebrook

50219-AG-40
6 6

Copies

Description

Also referred to:

State Department Press Release No. 358
of June 15, 1955: Signature of the
Agreement for the Exchange of Atomic In-
formation for Mutual Defense Purposes.

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INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.
2. This form should *NOT* be used to cover documents requiring action.
3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.
4. The form should bear the security classification of the material it covers.
5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

1955 JUN 20 02 NR 5561

FILE COPY

**DEPARTMENT OF STATE
FOR THE PRESS**

JUNE 15, 1955

NO. 358

Representatives of the Government of the United States and the Government of Canada and representatives of the Government of the United States and the Government of the United Kingdom have reached agreement on the terms of proposed Agreements for the exchange of atomic information for mutual defense purposes. These proposed Agreements approved by President Eisenhower and signed today by Ambassador A.D.P. Heeney for Canada and by C. Burke Elbrick, Deputy Assistant Secretary for European Affairs of the Department of State, for the United States, and by Sir Robert Scott, the British Minister for the United Kingdom and Mr. Elbrick are being submitted to the Joint Committee on Atomic Energy of the United States Congress. According to the terms of the United States Atomic Energy Act of 1954 the proposed Agreements are to lie before the Joint Committee for a period of 30 days before they may enter into force. The texts of the Agreements will be released in Ottawa, London and Washington within a few days.

* * *

State--FD, Wash., D.C.

INCOMING MESSAGE

File **ORIGINAL**

FROM: THE CANADIAN EMBASSY, WASHINGTON

Security Classification

CONFIDENTIAL

File No.

50219-AG-ya
52 50

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA
J.4

Priority	System	No.	Date
IMMEDIATE	CYPHER-AUTO	WA-981	June 14, 1955.

Departmental
Circulation
THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL COOR SECT.

Reference:

Subject: Bilateral agreement for the military uses of atomic energy.

The State Department has suggested that a press release along the lines of the following be given out probably by the White House tomorrow morning at the same time as the statement and releases on the civil agreement. The release, however, will be made separately. Begins:

"Representatives of the Government of the United States and the Government of Canada have reached agreement on the terms of a proposed agreement for the exchange of atomic information for mutual defence purposes. This proposed agreement approved by the President and signed yesterday by and is being submitted to the Joint Committee on Atomic Energy of the United States Congress. According to the terms of the United States Atomic Energy Act of 1954 the proposed agreement is to lie before the Joint Committee for a period of 30 days before it may be concluded. The text of the agreement will be released in Ottawa and Washington....." Ends.

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DONE - COMMS SECTION

Done 15 JUN 1955
JUN 15 '55

Date

References

Sec. Cabinet
CCOS
Pres. AECCL
Pres. AECB
CDRB
Press Office
American Div.
European "
Economic Div.
U.N. "
" file
W.H.B.

Chink

Murray

Done

Date

50219-AG-40
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June 14/55

CONFIDENTIAL
(SECRET ANNEX)

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA
AND CANADA FOR COOPERATION REGARDING ATOMIC
INFORMATION FOR MUTUAL DEFENCE PURPOSES

THE GOVERNMENT OF CANADA
PREAMBLE

The Government of the United States of America and the Government of Canada,

Recognizing that their mutual security and defence requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954 and the Canadian Atomic Energy Control Act and Atomic Energy Regulations, which were prepared with these purposes in mind,

Agree as follows:

ARTICLE I

1. While the United States and Canada are participating in international arrangements for their mutual defence and security and making substantial and material contribution thereto, each government will from time to time make available to the other government atomic information which the government making such information available deems necessary to:

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either government pursuant to this Agreement shall be used by the other government exclusively for the preparation and implementation of defence plans in the mutual interests of the two countries.

- 2 -

CONFIDENTIAL

ARTICLE II

1. All transfers of atomic information to Canada by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by Canada pursuant to this Agreement will be made in compliance with the Atomic Energy Control Act and the Atomic Energy Regulations of Canada or subsequent applicable Canadian legislation and regulations.
2. Under this Agreement there will be no transfers by the United States or Canada of atomic weapons or special nuclear material, as these terms are defined in Section 11 (d) and Section 11 (t) of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between Canada and the United States and applicable national legislation and regulations of the two countries. In no case shall either government maintain security standards for safeguarding atomic information lower than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.
2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defence information between the two governments.
3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient government to ^{any} unauthorized persons or, except as provided in Article V of this Agreement, beyond the jurisdiction of that government. Each government may stipulate the degree to which any of the categories of information made available to the other government pursuant to this Agreement may be disseminated, may specify the categories

of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this Agreement, "atomic information" means:

- (a) So far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 (r) of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 (b) of that Act and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 (d) of the United States Atomic Energy Act of 1954.
- (b) So far as concerns information provided by Canada, Classified Information relating to the military application of atomic energy.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or Canada with other nations or regional organizations in any fields of defence. Neither government, however, shall communicate atomic information made available by the other government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other government.

- 4 -

CONFIDENTIAL

ARTICLE VI

This Agreement shall enter into force upon signature and shall remain in effect until terminated by mutual agreement of both governments.

Done at Washington this.....day of.....1955
in two original texts.

For the United States of America: For Canada:

ACCESS SECTION / SECTION DE L'ACCÈS

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRÉ DU DOSSIER

RG 25 Acc Vol 5952 File/Dossier 20219-AK-40 pt. 1

Description of document / Description du document

ANNEX I & II TO THE Agreement.

No. of Pages / Nbre de pages 8 pgs.

Date

Access to Information Act / Reason for Removal

Loi sur l'accès à l'information / Retrait en vertu de

Exemption / Exception

EXEMPTION/EXCEPTION, 13(1)(a) 15(1)
ACCESS TO INFORMATION ACT
LOI SUR L'ACCÈS À L'INFORMATION

Review Officer / Agent(e) d'examen CB / DEALT

Defence Liaison (1) G. Ignatieff / en

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

File B
WMB

TO: FILE (Mr. Barton to see) *WMB*

Security S E C R E T

Date June 8, 1955

FROM: G. Ignatieff

File No.

50219-AG-4

REFERENCE:

6

6

SUBJECT: Bilateral Atomic Energy Agreement -- Exchange of Military Information (Telephone conversation with Mr. Glazebrook on June 7)

At Mr. Wershof's request I telephoned Mr. Glazebrook and told him the following:

- 1) That we had just heard through Mr. Bennett that the Committee on Atomic Energy in Congress had informed the United States Atomic Energy Commission that they would insist upon the declassification of the Bilateral Agreement on Civil Atomic Co-operation as soon as the Agreement has been submitted to a Congressional committee, as provided under the new Atomic Energy Agreement;
- 2) That this would presumably affect the bilateral agreement relating to co-operation in the military field;
- 3) That a telegram was on its way to the Embassy transmitting the decision of Cabinet Defence Committee that afternoon; that Cabinet Defence Committee had agreed to the initialling of the Agreement on Military Co-operation subject to three conditions, including that the Agreement should be kept classified until it had been signed at the conclusion of the thirty-days required under the United States Atomic Energy legislation; and

. . . 2

S E C R E T

- 2 -

- 4) That the Embassy should not take action on the telegram of instructions until they are satisfied that all three conditions laid down by Cabinet Defence Committee could in fact be satisfied, including the condition regarding security classification of the Agreement.

2. Mr. Glazebrook said that he had not heard about the position taken by the Joint Congressional Committee; that the Embassy would be careful not to take action on the Agreement on Military Co-operation until they are satisfied that the conditions laid down by Cabinet Defence Committee could be carried out and reported to this Department on Wednesday by telephone about the point concerning classification.


G. Ignatieff.

MESSAGE FORM
OUTGOING

File No.	
50219-AG-40	
50	50

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO: HEAD OF POST, WASHINGTON, D. C.

Message To Be Sent		No.	Date	For Communications Section Only	
AIR CYPHER		EX-1052	June 7, 1955.	SENT - JUN 7 1955	
EN CLAIR					
CODE					
CYPHER					
Priority		REFERENCE: Your WA-392 of June 6.			
..... <u>IMPORTANT</u>		SUBJECT: Bilateral Agreement for Cooperation on Military Aspects of Atomic Energy.			
ORIGINATOR		You are now authorized to take the following actions:			
..... <u>W. H. Barton</u> (Name Typed)		(a) initial the agreement and the two annexes provided there are no changes other than those covered in CJSW-2111 and 2113;			
Div. <u>D.L. (1)/grk</u>		(b) inform the United States authorities that the Canadian Government wishes Annex II to remain classified <u>Confidential</u> ;			
Local Tel. <u>7509</u>		(c) inform the United States authorities that the Canadian Government does not wish any publicity given to the initialling of the Agreement and Annexes and wishes the Agreement to remain classified <u>Confidential</u> until after signature, which presumably will be shortly after its approval by the Joint Committee on Atomic Energy 30 days hence.			
APPROVED BY		SECRETARY OF STATE FOR EXTERNAL AFFAIRS			
..... <u>[Signature]</u> (Signature)					
..... (Name Typed)					
Internal Distribution: S.S.E.A. - U.S.S.E.A.					
Done..... <u>P. 26</u>					
Date..... <u>June 8/55</u>					
Copies Referred To:					
CCOS (#)					
Sec to Cab.					
Pres. AECL					
Done..... <u>K.B.</u>					
Date..... <u>June 8/55</u>					

RECEIVED
EXTRADITIONS
AFFAIRS
1955 JUN 7 PM 5:48

SECRETARIA OF STATE FOR EXTERNAL AFFAIRS

0002 (2)

hence.

Joint Committee on Atomic Energy so that
will be shortly after its approval by the
until after signature, which presumably
agreement to remain classified Confidential
agreement and annexes and wishes the
burdensome given to the insisting of the
the Canadian Government does not wish any

(c) inform the United States authorities that
remain classified Confidential:

the Canadian Government wishes Annex II to

(p) inform the United States authorities that
those covered in CISM-SIII and SIII:

provided there are no changes other than

(e) initial the agreement and the two annexes
following sections:

Don't be now authorized to take the

initially aspects of Atomic Energy.
Bilateral agreement for cooperation on

SECRET

SECRET: DON'T MV-205 of June 6.

June 1, 1955.

HEAD OF BOST. AMBASSADOR, D. C.

FROM THE - RECEIVED OF STATE FOR EXTERNAL AFFAIRS

SECRET
MESSAGE FROM



DOWNGRADING TO SECRET
REDUIT A SECRET

OF THE CHAIRMAN, CHIEFS OF STAFF
OTTAWA

7 June, 1955.

File 50219-AG-40.
W.H.B.

The Minister

Agreement between the United States and Canada
for Cooperation regarding Atomic Information

50219-AG-40
5258

1. You will recall that the agreement and the security annex were cleared in principle by Cabinet last week, and it was understood that if there were any changes of substance the matter would be referred back to the Ministers but that editorial changes could be made without further reference to Cabinet.
2. I have just now received the final text agreed to by the United States, which contains a number of drafting changes but no changes of substance except the following.
3. The Secretary of Defense (Wilson) has referred to the Attorney General of the United States three of the items shown in the annex of the agreement for a ruling as to whether this information can be legally given to Canada within the terms of the U.S. Atomic Energy Act of 1954. These are:
 - (15) information regarding military nuclear compulsion systems for ships and aircraft
 - (16) information regarding military nuclear power
 - (17) information pertaining to the adaptation of commercial reactors to military use.
- If the United States Attorney General rules that these items are inadmissible, they will be removed from the annex and no action could be taken until the Atomic Energy Act is amended during the next session of Congress. It is considered that it would be in our best interests to agree to the deletion of these three items and secure the effects of the remainder of the agreement this year. I would therefore recommend that we should agree to the annex going forward with these items deleted if found necessary.
4. The United States have raised the question of the security of the document. They suggest that Annex 1, that is, the list of subjects to be exchanged, should be downgraded from "top secret" to "secret". In this downgrading we agree. They have also suggested that the agreement itself less the annex should be unclassified and the security annex should remain at "confidential". We suggest that the agreement should be unclassified after signature but not on initialling. As the agreement would then go to Congress, where changes might be made, it might be embarrassing to the Government if the agreement were published immediately on initialling. We agree that the security annex should be "confidential".
5. The United States authorities have stated that they hope to have this agreement initialled at 1600 hours on 8 June (tomorrow), and signed by the President and forwarded to Congress by 10 June. Owing to this deadline, I would recommend that Cabinet Defence Committee authorize the agreement to be initialled with the three items mentioned above deleted if found necessary.

(Charles Foulkes)
General,
Chairman, Chiefs of Staff.



File WNB

SECRET

DEPARTMENT OF EXTERNAL AFFAIRS
CANADA

REPLY TO BE ADDRESSED TO:
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
OTTAWA

Ottawa, June 7, 1955.

The Chairman,
Chiefs of Staff,
Department of National Defence,
Ottawa, Ontario.

50219-AG-40
5230

Bilateral Agreement for Cooperation on Military
Aspects of Atomic Energy

Attached are copies of Telegram No. WA-932 of June 6, 1955, reporting on the latest developments in connection with the proposed Canada-United States agreement for cooperation on the military aspects of atomic energy.

2. If your Department agrees, the Department of External Affairs will authorize our Ambassador in Washington to:

- (a) initial the agreement and the two annexes provided there are no changes other than those covered in CJSW-2111 and 2113;
- (b) inform the United States authorities that the Canadian Government wishes Annex II to remain classified Confidential;
- (c) inform the United States authorities that the Canadian Government does not wish any publicity given to the initialling of the Agreement and Annexes and wishes the Agreement to remain classified Confidential until after signature, which presumably will be shortly after its approval by the Joint Committee on Atomic Energy 30 days hence.

John L. Gign
Under-Secretary of State
for External Affairs

000058

Note for file
This letter was not sent as the matter was discussed at Cabinet Defence Office on June 7 and action agreed on as described in para 2 of this letter.
WNB

File
amg
SECRET

Ottawa, June 7, 1955.

MEMORANDUM FOR THE MINISTER

50219-AG-40
616

Bilateral Agreement for Cooperation on Military
Aspects of Atomic Energy

*to Minister's
approval*

Attached is a copy of Telegram No. WA-932 of June 6, 1955, reporting on the latest developments in connection with the proposed Canada-United States Agreement for Cooperation on the Military Aspects of Atomic Energy. As indicated in paragraph 4 of the telegram, tentative arrangements have been made for initialling the agreement on Wednesday so that it may be sent to Congress on Friday. Mr. Campney may raise this matter at the meeting of Cabinet Defence Committee this afternoon.

2. The Chairman, Chiefs of Staff has sent us two telegrams (CJSW-2111 and CJSW-2113 of June 6) giving the revised text of the agreement and Annexes I and II. Annex I deals with the subjects under which cooperation may take place and Annex II is the security agreement. No reference is made in the main agreement to the existence of these two annexes. I am not attaching a copy of the CJSW telegrams as I do not think you would wish to be bothered with them but I have checked the changes proposed as compared with the version approved by Cabinet last week and I am satisfied that this Department has no objection to them.

3. The only possible change of substance is that the United States may have to delete the sections in Annex I relating to the exchange of information concerning military reactors. A decision on this point is dependent upon a legal ruling from the United States Attorney General. The intention is to leave them in the Annex on the understanding that it may be necessary subsequently to delete them.

4. If you concur, I propose to send a letter to the Chairman, Chiefs of Staff informing him that

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7-6-19 (SS)

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- (a) subject to the agreement of the Department of National Defence, the Department of External Affairs will authorize our Ambassador in Washington to initial the Agreement and the two Annexes provided there are no changes other than those covered in CJSW-2111 and 2113;
- (b) the Canadian Government wishes Annex II to remain classified Confidential;
- (c) the Canadian Government does not wish any publicity given to the initialling of the Agreement and Annexes and wishes the Agreement to remain classified Confidential until after signature, which presumably will be shortly after its approval by the Joint Committee on Atomic Energy 30 days hence.

OK
POL
L. B. PEARS

[Handwritten signature]

50219-AG-40 SECRET
66

RECORD OF CABINET DEFENCE COMMITTEE DECISION

105th meeting: June 7, 1955.

Orig. on 50046-C-40

Item VI

Atomic Energy; agreement for cooperation regarding
exchange of information for mutual defence

The Committee noted the report on the agreement for cooperation with the United States regarding exchange of atomic energy information for mutual defence, and agreed to recommend that even if the sections in the annex on exchange of information regarding military reactors were deleted, the agreement with the U.S. and the two annexes be initialled, provided there were no further changes; and that the agreement itself remain classified Confidential until after signature, which would presumably occur after approval by the Congressional Joint Committee on Atomic Energy thirty days hence.

file
12B

The Under-Secretary

SECRET

June 7, 1955.

Defence Liaison (1) Division

50219-AG-40
5250

Bilateral agreement for cooperation on military Aspects
of Atomic Energy.

Attached is a self-explanatory memorandum for the Minister concerning the latest developments on the proposed bilateral agreement for cooperation on the military aspects of atomic energy. Since Mr. Campney may raise this matter at Cabinet Defence Committee meeting this afternoon, you may wish to give the memorandum to Mr. Pearson before that time.

2. Also attached is a letter for your signature to General Foulkes. In view of the time element, you might consider giving it to him at the meeting of Cabinet Defence Committee this afternoon.

Signed JG -

Defence Liaison (1) Division

INCOMING MESSAGE

ORIGINAL

FROM: THE CANADIAN EMBASSY, WASHINGTON

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification

SECRET

File No.

50219-AG-
52 50

Priority

System

No.

Date

CYPHER-AUTO

WA-932

June 6, 1955.

Departmental
Circulation

THE MINISTER
UNDER-SECY
ASSOC/U/SECY
ASSIST/U/SECS
POL COOR SECT.

Reference: Your EX-1024 of June 2.

Subject: Bilateral agreement for co-operation on military
uses of atomic energy.

Today at the State Department we were given a final copy of the United States draft of the agreement on the military uses of atomic energy. Brigadier Taber and Major Williams were also present for the Canadian Joint Staff. We understand that the Joint Staff have sent copies of this text to Ottawa and doubtless you will receive a copy from the Department of National Defence. CJS are also sending notes on the discussion about the text at the meeting today.

2. The United States propose that the agreement itself should be unclassified so that eventually it may be published. Annex I will be classified but the United States hope that it will be possible to reduce the classification from top secret to secret. Annex II on security arrangements is presently classified as confidential but if we should prefer to declassify it, the Americans probably would agree. We were told that the United Kingdom prefer to classify it as confidential.

3. It came out in the meeting, almost casually, that the United States are still in doubt about items I B, 15, 16, 17 of Annex I, namely, those covering military reactors. We were informed that although the Department of Defense are in favour of the exchange of this information, the legal position is not clear and the Attorney General's department has been asked for an opinion. The question is whether or not these items properly belong in a military agreement. If the Attorney General's office rules otherwise, or if they do not reach a decision within the next few days, presumably these items cannot be included in the present agreement.

4. With the exception of the items referred to above the United States are now ready to initial the agreement and would like to get it done so that it can be sent to Congress on Friday. Tentatively we have fixed a date on Wednesday for initialling.

Done ~~DONE-COMM'S SECTION~~

Date JUN 7 55

References

CCOS - 4 copies

Sec Cabinet

P/As AECL

~~P/As AECB~~

Done

Date

Ext. 230 (rev. 10/53)

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5. The question remains to be settled whether any release should be made at the time the agreement is sent to Congress. Since the agreement itself is not classified, the Americans think it will be very difficult to prevent any publicity. We should like your instructions whether or not you think a release is desirable.
A.D.P. Heeney.

Security **SECRET**

MESSAGE FORM
OUTGOING

File No.	
50219-AG-40	
6	50

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO: HEAD OF POST, WASHINGTON, D.C.

Message To Be Sent		No. RY 1024	Date June 2, 1955.	For Communications Section Only SENT — JUN 2 1955
AIR CYPHER				
EN CLAIR				
CODE				
CYPHER <i>cuta</i>	XXX			
Priority IMPORTANT <i>mw</i>				
ORIGINATOR				
..... (Signature) W. H. BARTON (Name Typed) D. L. (1)/kb Div..... Local Tel. 7509				
APPROVED BY <i>[Signature]</i> (Signature) (Name Typed)				
Internal Distribution: S. S. E. A. — <i>ALS</i> S. S. E. A.				
Done..... Date..... June 3/55				
Copies Referred To: Mr. Bryce CCOS				
Done..... KB Date..... June 3/55				
Ext. 97 (Rev. 1/52)				

REFERENCE: Your WA-901 of June 1.

SUBJECT: Canada-United States Agreement for Cooperation regarding Military Atomic Information.

Gabinet today approved in principle the conclusion of an agreement for cooperation with the United States regarding military atomic information on the clear understanding that, if there were any changes of substance either in the main agreement or the collateral security agreement, the matter would have to be further considered by Ministers.

2. We are **not** sure just where this leaves us but we assume that in due course you will receive from the State Department and send us the proposed agreements (both the main agreement and the security agreement) in final form, at which time we will be in a position to determine whether or not further authority is required from Ministers. Please do not ^(not) initial either of these agreements until you have consulted us.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS.

(For file - San Foulkes)
OK'd this by phone
[Signature]

000065

ATS 1955/16

50219-AK-40

43

file HCK

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF
THE UNITED STATES OF AMERICA FOR COOPERATION REGARDING
ATOMIC INFORMATION FOR MUTUAL DEFENSE PURPOSES

The Government of Canada and the Government of the United States
of America,

Recognizing that their mutual security and defense requires that
they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the
exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken
without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of
1954 and the Canadian Atomic Energy Control Act and Atomic Energy
Regulations, which were prepared with these purposes in mind,

Agree as follows:

ARTICLE I

1. While Canada and the United States are participating in
international arrangements for their mutual defense and security and
making substantial and material contribution thereto, each Government
will from time to time make available to the other Government atomic
information which the Government making such information available
deems necessary to:

- (a) the development of defense plans;
- (b) the training of personnel in the employment of and
defense against atomic weapons; and
- (c) the evaluation of the capabilities of potential
enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either Government pursuant to this Agreement shall be used by the other Government exclusively for the preparation and implementation of defense plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to Canada by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. All transfers of atomic information to the United States by Canada pursuant to this Agreement will be made in compliance with the Atomic Energy Control Act and the Atomic Energy Regulations of Canada or subsequent applicable Canadian legislation and regulations.

2. Under this Agreement there will be no transfers by Canada or the United States of atomic weapons or special nuclear material, as these terms are defined in Section 11 d and Section 11 t of the United States Atomic Energy Act of 1954.

ARTICLE III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between Canada and the United States and applicable national legislation and regulations of the two countries. In no case shall either Government maintain security standards for safeguarding atomic information made available pursuant to this Agreement lower than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter

agreed for the exchange of classified defense information between the two Governments.

3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient Government to any unauthorized person or, except as provided in Article V of this Agreement, beyond the jurisdiction of that Government. Each Government may stipulate the degree to which any of the categories of information made available to the other Government pursuant to this Agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

ARTICLE IV

As used in this Agreement, "atomic information" means:

- (a) so far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 r of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 b of that Act and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d of the United States Atomic Energy Act of 1954;
- (b) so far as concerns the information provided by Canada, classified information relating to the military application of atomic energy.

ARTICLE V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by Canada or the United

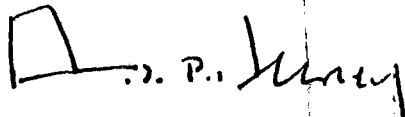
States with other nations or regional organizations in any fields of defense. Neither Government, however, shall communicate atomic information made available by the other Government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other Government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other Government.

ARTICLE VI

This Agreement shall enter into force on the date of receipt by the Government of Canada of a notification from the Government of the United States of America that the period of thirty days required by Section 123 c. of the United States Atomic Energy Act of 1954 has elapsed, and shall remain in effect until terminated by mutual agreement of both Governments.


DONE at Washington this 15th day of June 1955
in two original texts.

FOR CANADA:

A. P. Murray

FOR THE UNITED STATES OF AMERICA:

A. J. Felt


000070

INCOMING MESSAGE

ORIGINAL

FROM: THE CANADIAN EMBASSY, WASHINGTON

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification

SECRET

File No.

50219-AG-40

6

SD

Priority

System

CYPHER-AUTO

No. WA-901

Date

June 1, 1955.

Departmental
Circulation

THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL COOR SECT.

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DONE - COMM'S SECTION

Reference: Your EX-1008 of May 31, 1955.

Subject: Canada-United States Agreement for Cooperation
Regarding Military Atomic Information.

We now understand, we hope correctly, that you have available a complete draft of the security agreement or annex.

2. We find now that there was an unfortunate misunderstanding of the character of the agreement now before you. We had understood when this was given to us by the State Department that it represented the final United States views, and that all that was called for was Canadian comment and eventual agreement. We are now told that this is not the case. The document you have represents in the main United States views but is not necessarily final and is subject to further consideration.

3. This, we are now told, was given to us to elicit Canadian comments on the basis of which there could be a further discussion here between civil and military representatives on both sides; from which would emerge a final agreed draft suitable to be presented in the Canadian case to ministers.

4. When agreed on a government basis, the agreement would be initialed and sent to the President. If approved by the President, it would go to the Department of Defense and thence to the Joint Congressional Committee.

5. We pointed out that we had been struggling to meet what we understood to be the deadline of June 10. This also seems to have changed and the State Department think that a few more days at least could be allowed.

6. We apologize for this rather complete misunderstanding but hope you will now be able to proceed on the new basis.

References

CCOS
Scopie
Sec Cabinet
Pres AEC of Cla

+ File
WMB

Done

Date

D.L.(1)/MBarton/RB

CONFIDENTIAL

REFER TO: D.L.(2)
Sec: to the Cabinet.

*Done
KB
June 2/55*

Ottawa, June 1, 1955.

Your File: GSC 1977-1 TD 1
Our File: 50219-AG-40

50219-AG-40
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The Secretary,
Chiefs of Staff,
Department of National Defence,
Ottawa, Ontario.

Security of Atomic Information

I refer to your letter of May 31, 1955, to which was attached a memorandum dated May 30 from the Executive Secretary, Joint Security Committee, concerning security of atomic information. The matter has not yet been taken up with Mr. Pearson but Appendix "A", entitled "Security Standards for Safeguarding Atomic Information" would appear to me to be satisfactory for use as a security agreement in connection with the proposed agreement for the exchange of atomic information.

2. This Department does not wish to comment at this time on the question of the incorporation of a paragraph on criteria along the lines of Appendix "B" to the memorandum from the Executive Secretary of the Joint Security Committee, but would prefer to wait until we learn just what the United States Government does propose and until we know the form which the security agreement will have to take.

M. H. WERSHORE

FOR THE
Under-Secretary of State
for External Affairs.

50219-AG-40
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TOP SECRET

Ottawa, June 1, 1955.

MEMORANDUM FOR THE MINISTER

DOWNGRADED TO SECRET
REDUIT A SECRET

Proposed Canada-United States Agreement for
Cooperation concerning the Military Aspects
of Atomic Energy

We received last Monday, from our Embassy in Washington, the text of the proposed agreement between the United States and Canada for cooperation in the military aspects of atomic energy (copy attached). The State Department gave the document to the Embassy only last Friday and in doing so stressed the desirability of obtaining approval in principle from the Canadian Government by June 10 in order that it might be submitted to the President and transmitted by him to the Joint Committee on Atomic Energy in time for approval by that body during the current session of Congress.

2. I have just learned that the Department of National Defence intends to submit the agreement to Cabinet for approval tomorrow (June 2). I have studied the agreement and can see nothing in it to object to from the point of view of this Department except that possibly the termination clause which now reads: "until terminated by mutual agreement of both governments", might be changed to read: "until terminated by either government on twelve months' notice".

3. There is, however, a complication with respect to security. The State Department gave us no papers concerning security and did not mention the matter. It is our understanding, however, that the main atomic agreement must be accompanied by a collateral security agreement. As a matter of fact, the security officers of the Canadian Department of National Defence and the United States Department of Defence have collaborated in the preparation of the attached document marked Appendix "A", entitled "Security Standards for Safeguarding Atomic Information Exchanged Under This Agreement" (i.e. Atomic Cooperation Agreement). If it turns out that this docu-

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ment is to constitute the collateral security agreement, then I think we can concur in it without hesitation. It is possible, however, that the security officers of the Atomic Energy Commission may insist on the addition of paragraphs dealing with "criteria" which would be objectionable to this Department. We have not as yet been able to get any answer from the United States authorities on this point.

4. I suggest that when the matter is discussed in Cabinet tomorrow you might concur

- (a) in the granting of authority for conclusion of an agreement for cooperation with the United States concerning the military aspects of atomic energy in accordance with the attached draft, together with a collateral security agreement in accordance with the text of Appendix "A", on the clear understanding that any change in the substance of the security agreement will require further consideration by Cabinet;
- (b) the authorization of the Canadian Ambassador in Washington to sign the agreement on behalf of the Canadian Government;
- (c) that an Order-in-Council be issued pursuant to (b).



TOP SECRET

TOP SECRET

May 27

UPON REMOVAL OF ATTACHMENT
THIS DOCUMENT BECOMES CONFIDENTIAL

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA
AND CANADA FOR COOPERATION REGARDING
ATOMIC INFORMATION

COPY NO 278

DOWNGRADED TO SECRET
REDUIT A SECRET

PREAMBLE

The Government of the United States of America, hereinafter referred to as the United States, and the Government of Canada, hereinafter referred to as Canada,

Recognizing that their mutual security and defense requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by a mutual interchange of information pertinent thereto,

Taking into consideration the United States Atomic Energy Act of 1954 and the Canadian Atomic Energy Control Act and Atomic Energy Regulation, which were prepared with these purposes in mind, and

Recognizing that the exchange of such information is in their mutual defense interests and can be undertaken without threat to the security and best interests of either country,

Now therefore undertake and agree as follows:

ARTICLE I

1. While the United States and Canada are participating in international arrangements for their mutual defense and security and making substantial and material contribution thereto, each government will from time to time make available to the other atomic information which the government making such information available deems necessary to:

- (a) the development of defense plans;
- (b) the training of personnel in the employment of and defense against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either government pursuant to this Agreement shall be used exclusively for the preparation and

TOP SECRET

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UPON REMOVAL OF ATTACHMENT
THIS DOCUMENT BECOMES CONFIDENTIAL

TOP SECRET

- 2 -

implementation of defense plans in the mutual interests of the two countries.

ARTICLE II

1. All transfers of atomic information to Canada by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation. Under this Agreement there will be no transfers by the United States of atomic weapons or special nuclear material, as these terms are defined in Section 11 d and Section 11 t of the United States Atomic Energy Act of 1954.

2. All transfers of atomic information to the United States by Canada pursuant to this Agreement will be made in compliance with the Atomic Energy Control Act and the Atomic Energy Regulations of Canada or subsequent applicable Canadian legislation and regulations.

ARTICLE III

1. Atomic information made available pursuant to this Agreement will be accorded full security protection under applicable Canada-United States security arrangements, and where applicable, national legislation and regulations. In no case will either government maintain security standards for safeguarding atomic information lower than those set forth in Canada-United States security arrangements in effect on the date this Agreement comes into force.

2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defense information between the two governments.

3. Only those persons whose duties require access to atomic information made available pursuant to this Agreement may be the original recipients of such information, and such information will be authorized for dissemination only to persons whose responsibilities require them to have access to such information. Except as provided in Article VI of this Agreement,

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UPON REMOVAL OF ATTACHMENT
THIS DOCUMENT BECOMES CONFIDENTIAL

TOP SECRET

- 3 -

atomic information will not be transferred by either government to unauthorized persons or beyond the jurisdiction of that government. Each government may stipulate the degree to which any of the categories of information made available to the other government pursuant to this Agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the transmission of such information as it deems necessary.

4. Each government will from time to time render reports to the other government of the use which has been made of the information. These reports will contain pertinent information requested by the other government and will in particular contain a list of the persons possessing certain categories of information in accordance with the provisions of the preceding paragraph, and a list of the documents which have been transferred.

ARTICLE IV

1. As used in this Agreement, so far as concerns the information provided by the United States, "atomic information" means Restricted Data, as defined in Section 11 r of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 b of that Act and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 d of the United States Atomic Energy Act of 1954.

2. As used in this Agreement, so far as concerns information provided by Canada, "atomic information" means classified information relating to the military application of atomic energy.

ARTICLE V

The exchange of atomic information under this Agreement may include cooperation in tests, trials, exercises, training programs, staff and operational research studies and intelligence activities.

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UPON REMOVAL OF ATTACHMENT
THIS DOCUMENT BECOMES CONFIDENTIAL

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TOP SECRET

ARTICLE VI

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or Canada with other nations or regional organizations in any fields of defense. Neither government, however, shall communicate atomic information made available by the other pursuant to this Agreement to other nations or regional organizations unless the same information has been made available to that nation or regional organization by the other government in accordance with its own legislative requirements and only to the extent that such communication is expressly authorized by the other government.

ARTICLE VII

This Agreement shall enter into force upon signature and shall remain in effect until terminated by mutual agreement of both governments.

Done at Washington this day of 1955
in two original texts.

For the United States of America:

For Canada:

TOP SECRET

ACCESS SECTION / SECTION DE L'ACCÈS

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRÉ DU DOSSIER

RG 25 Acc Vol 5957 File/Dossier 20219-AK-40 pt. 1.

Description of document / Description du document

Annex to the Agreement copy # 27
+ appendix "A" (draft)

No. of Pages / Nbre de pages 8 pgs

Date May 27th 1955

Access to Information Act / Reason for Removal

Loi sur l'accès à l'information / Retrait en vertu de

Exemption / Exception

EXEMPTION/EXCEPTION 13(1)(a) 15(1)
ACCESS TO INFORMATION ACT
LOI SUR L'ACCÈS À L'INFORMATION

Review Officer / Agent(e) d'examen MB / DPAIT

File No.	
50219-AG-40	
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TO:
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RECEIVED
COMMUNICATIONS
EXTRADITION AFFAIRS

1955 MAY 31 PM 5:15

TO DIRECTOR
FROM [illegible]
SUBJECT: [illegible]

[illegible text block]

[illegible text block]

[illegible text block]

SEARCHED	INDEXED	SERIALIZED	FILED

RECEIVED
[illegible text]



ADDRESS REPLY TO.
SECRETARY
CHIEFS OF STAFF COMMITTEE.
OTTAWA.

Department of National Defence
CHIEFS OF STAFF COMMITTEE

IN REPLY PLEASE QUOTE
No. CSC 1977-1 TD. 1

CONFIDENTIAL

31 May, 1955.

*File
WVB*

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50219-AG-40
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Chairman, Chiefs of Staff
C.G.S.
C.N.S.
C.A.S.
C.D.R.B.

*Copy (without enclosure) on
Security of Atomic Information 50045-F-10*

1. Attached is a submission dated 30 May, 1955 on the above subject which has been received from the Executive Secretary, Joint Security Committee.
2. It is requested that your concurrence with or comments on the recommendations of the Joint Security Committee be forwarded to reach this office by Wednesday, 1 June, 1955.

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31 MAY 1955

*Revisions noted
on the attached document
were given to me by Col. Todd
by telephone today
June 1/55 - WVB*

A.O. Solomon
(A.O. Solomon)
Commander (SB), RCN,
Secretary.

AOS/3729/sjp
Enc.

cc: Deputy Minister
Secretary to the Cabinet
Under-Secretary of State for External Affairs
Co-ordinator, Joint Staff

ACCESS SECTION / SECTION DE L'ACCES

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RG 25 Acc Vol 5957 File/Dossier 50219-AK-40 pt. 1

Description of document / Description du document

000 Letter of May 30, 1955 and annex.

No. of Pages / Nbre de pages 5 pgs Date 30 May 1955

Access to Information Act / Reason for Removal

Loi sur l'accès à l'information / Retrait en vertu de

Exemption / Exception

EXEMPTION/EXCEPTION 136(1) 15(1)
ACCESS TO INFORMATION ACT
LOI SUR L'ACCÈS À L'INFORMATION

Review Officer / Agent(e) d'examen CRB [REDACTED]

Def. Liais. (1)/WHBarton/kb

TOP SECRET

Refer to: Sec. to Cab.
Sec., COS

✓ Done
KB
May 31/55

Ottawa, May 31, 1955.

The Chairman,
Chiefs of Staff,
Department of National Defence,
Ottawa, Ontario.

50219-AG-40
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Agreement between United States and Canada for
Cooperation regarding Atomic Information

Our Embassy in Washington has now been given by the State Department the proposed agreement for cooperation regarding atomic information together with the Annex to the agreement dealing with the areas in which cooperation will take place. Since the document is identical to the one sent to this department by the Secretary, Chiefs of Staff, in his letter of May 27, I am not enclosing a copy. There was no covering letter from the State Department.

2. In giving the document to the Embassy, the State Department stressed the desirability of obtaining approval in principle from the Canadian Government by June 10 in order that it could be submitted to the President and be transmitted by him to the Joint Committee on Atomic Energy in time for approval by that body (as a preliminary to signature) during the current session of Congress.

3. We have informed the Embassy that it is our understanding that this agreement is to be accompanied by a security agreement which must also be made between the two governments. If this is the case, it would appear to be necessary to obtain the text of the proposed security agreement from the State Department as soon as possible.

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We therefore requested the Embassy to find out if our understanding of the situation was correct and, if so, to obtain the document from the State Department at the earliest opportunity.

4. I presume that as soon as the situation with respect to the security agreement is clarified it will be your intention to ask Mr. Campney to submit the document to Cabinet for approval. It is suggested that it would expedite matters if the officers on your staff who are drafting the submission would consult with this Department. In this way it may be possible to obtain Mr. Pearson's concurrence prior to consideration in Cabinet.

M. H. WERSHOE

FOR THE

Under-Secretary of State
for External Affairs.

Refer to: D.L.(2)

*Done
KIB
May 31/55*

TOP SECRET

Ottawa, May 31, 1955.

Your File: CSC 6-1
Our File: 50219-AG-40

50219-AG-40
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The Secretary,
Chiefs of Staff Committee,
Department of National Defence,
Ottawa, Ontario.

Agreement between the United States and Canada
for cooperation regarding atomic information

I refer to your letter of May 27, 1955, attaching a copy of the United States draft of an agreement for cooperation between Canada and the United States regarding atomic information. I have not yet had an opportunity to show the document to Mr. Pearson but it would appear to me to be satisfactory except for one small detail. Article VII states "this agreement ... shall remain in effect until terminated by mutual agreement of both governments". In theory, this means that either government could insist that the agreement remain in effect even if the other government wished to terminate it. I suggest, therefore, that the final clause be modified to read "until terminated by either government on 12 months' notice". Alternatively, it could be provided that the agreement would remain in effect for a specific period, say 10 years. This is what has been done in the case of the civil atomic energy agreement.

2. I understand that in connection with Article III of the agreement it will be necessary to conclude a separate security agreement. I presume that this Depart-

TOP SECRET

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ment will have an opportunity to comment on this security agreement in due course. I am reserving the position of the Department of External Affairs with respect to this security agreement until we have had an opportunity to study it.

JULES LÉGER

Under-Secretary of State
for External Affairs

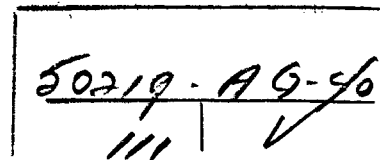
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REDUIT A SECRET

Mr. M. H. Wershof

TOP SECRET

May 31, 1955

G. G. Crean/Defence Liaison (2)/mh



Agreement between the United States and Canada for Co-operation
regarding Atomic Information.

I have discussed with Mr. Dwyer the security annexes to both the Military Agreement on Atomic Energy and the Civilian Agreement. Mr. Dwyer tells me that he redrafted the annex to the Civilian Agreement and sent it to Mr. Bryce. He does not, of course, expect any more than you do that it will be possible to make any revisions. I am sure, however, that my views would tally with Mr. Dwyer's. As to the Military Agreement, he has already had a number of discussions with Col. Todd. In the circumstances, he does not think that the Appendix, as now drafted, is too bad but he is of course worried if we are forced to include criteria. He has already suggested some modification to Todd on paragraph 7 of the National Defence paper and I believe we could reasonably leave it to Mr. Dwyer to do what he can to improve it. He has agreed that if time permits the annex should go to the Security Panel but, of course, there may not be sufficient time to do this.

2. If you are agreeable, therefore, I believe we should leave it to Mr. Dwyer in liaison with Mr. Barton to put forward any views on the security annex.

(Signed) G. G. CREAM.

G. G. Crean

ACCESS SECTION / SECTION DE L'ACCES

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RG 25 Acc Vol 5957 File/Dossier 50219-AK-40 pt. 1

Description of document / Description du document

DND document of 3/ny 30/55 and appendices

No. of Pages / Nbre de pages 8 pgs

Date 3/ny 30, 1955

Access to Information Act / Reason for Removal

Loi sur l'accès à l'information / Retrait en vertu de

Exemption / Exception

EXEMPTION/EXCEPTION 15(1)(c) 15(1)
ACCESS TO INFORMATION ACT
LOI SUR L'ACCÈS À L'INFORMATION

Review Officer / Agent(e) d'examen

CB / DFAIT

INCOMING MESSAGE

ORIGINAL

FROM: THE CANADIAN EMBASSY, WASHINGTON

Security Classification

CONFIDENTIAL

File No.

50219-AG-4
5250

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA
J.63

Priority

System

CYPHER-AUTO

No. WA-878

Date May 27, 1955.

Departmental
Circulation

THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL COOR SECT.

Reference:

Subject:

Atomic Energy: Canada-United States Agreement
on Exchange of Information.

Admiral Strauss told me at a reception last evening for the new Atomic Energy Commissioners that they (the Commission) had now accepted "Bennett's wording" and that the draft agreement with Canada had been cleared.

2. Bennett may already have had this news, but I would be grateful if he could be telephoned in case he has not heard.

3. I took it that Strauss meant that our agreement would now go to the President and thence to the Joint Congressional Committee. A.D.P. Heeney.

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DONE - COMM. SECTION

Done 30 MAY 1955

Date MAY 28 '55

References

Done

Date



CANADA

Department of National Defence

CHIEFS OF STAFF COMMITTEE

IN REPLY PLEASE QUOTE

No. CSC 6-1

CONFIDENTIAL

Enclosure TOP SECRET

ADDRESS REPLY TO.
SECRETARY
CHIEFS OF STAFF COMMITTEE,
OTTAWA.

File B 27-May, 1955.
f. 64

50219-AG-40
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Chairman, Chiefs of Staff
C.G.S.
C.N.S.
C.A.S.
C.D.R.B.

*Copy on 50045-F-42
(without enclosure)*

Agreement between US and Canada for Co-operation Regarding Atomic Information

1. Attached is a submission from the Secretary, Joint Special Weapons Policy Committee dated 27 May, 1955 together with a copy of the US draft of an agreement for co-operation regarding atomic information.

2. In view of the urgency it is requested that your comments on or concurrence with the draft agreement be forwarded to reach this office by 1 June, 1955.

27 MAY 1955

A.O. Solomon
(A.O. Solomon)
Commander (SB), RCN,
Secretary.

AOS/3729/sjp
Encs.

cc: Deputy Minister
Secretary to the Cabinet
~~Under-Secretary of State for External Affairs~~
Co-ordinator, Joint Staff



Department of National Defence

JOINT STAFF

IN REPLY PLEASE QUOTE
No. CSC 6.1 (JSWPC)

CONFIDENTIAL
TOP SECRET ATTACHMENTS

ADDRESS REPLY TO
CHAIRMAN
CHIEFS OF STAFF,
OTTAWA.

27 May 1955

Secretary,
Chiefs of Staff Committee

FILE COPY

Agreement between US and Canada for Cooperation
regarding Atomic Information

1. The US draft of an Agreement for Cooperation regarding Atomic Information has now been received from GJS(W). Copies are enclosed for distribution to Chiefs of Staff.
2. It is anticipated that the agreement will be formally presented to Canada by the US State Department in the very near future.

N D Bray

(N. D. Bray)
Wing Commander, RCAF,
Secretary,
Joint Special Weapons Policy Committee.

NDB/8253/mb

file

May 13, 1955.

56219-AK-40
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MEMORANDUM FOR THE ACTING MINISTER

Underwater Atomic Weapons Test

You will recall that on May 10, 1955, at your request I asked our Embassy in Washington to obtain assurances from the State Department that the prospective underwater test of an atomic weapon off the West coast of United States would not endanger Canadian shipping, Canadian aircraft or Canadian fishing activities either directly or in event of fall-out.

2. I have today received a telegram from our Embassy in Washington which reads as follows:

"We have now been given assurances by the State Department that all possible precautions have been taken to ensure that there will be no danger to Canadian shipping, aircraft or fishing either directly or from fall-out.

"The United States authorities understand that an occasion may arise in which you may wish to say the above publicly and they would have no objection to your so doing."

dh.

N. M.

CONFIDENTIAL

file

Ottawa, May 9, 1955.

MEMORANDUM FOR THE ACTING MINISTER

Underwater Atomic Weapon Test

— Attached, for your information, is a copy of Telegram No. WA-745 of May 7 informing us that the United States Government is announcing today that an underwater weapons test will be held off the West coast of United States in the next few days.

— 2. Anticipating that the United States announcement might lead to questions in Parliament, we asked our Embassy in Washington to try and obtain more exact information as to the location of the test. As you will see from telegram No. WA-746 of May 9 (copy attached), the Embassy was unsuccessful in obtaining the information requested.

J.H.

Discussed with Mr. Legor

10.5.6/55

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification

CONFIDENTIAL

File No.

Priority

IMMEDIATE

System

CYPHER-AUTO

No.

WA-746

Date

May 9, 1955.

Departmental
Circulation

THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL COOR SECT.

Reference: Your EX-862 of May 9.

Subject: Weapons Test.

At present the State Department have no more exact knowledge of the location of the test than they gave to us on Saturday and we passed on in WA-745. They tell us that the location was carefully chosen to avoid shipping and aircraft routes. For this reason it is not intended that there should be warning notice, though there will be surveillance. However, the State Department is enquiring as to whether more exact information can be given.

2. The release is timed for 2:00 p.m. today. It will substantially contain the information we passed on in WA-745 and is intended to indicate the absence of danger to shipping or aircraft and fisheries.

3. If any further information is given to us, we shall pass it to you immediately.

References

Done

Date

Done

INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification

CONFIDENTIAL

File No.

Priority

IMMEDIATE

System

CYPHER-AUTO

No. **WA-745**

Date **May 7, 1955.**

Departmental
Circulation

THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL COOR SECT.

Reference:

Subject:

The State Department have just told us
(and were not able to do so earlier) that on Monday, May
9 they will announce that another weapons test will be
held within the next few days.

2. This will be an underwater test, designed
to secure information on use against submarines. A
small-yield nuclear device will be used.

3. The test will be in the East Pacific Ocean
(i.e., off the west coast of the United States). The
location has been picked to avoid commercial traffic, fish,
and fishing vessels. The point will be several hundred
miles from any land.

4. The work done in finding a location to meet
these conditions, and also to avoid currents that would
carry contamination, was done jointly by the United
States Government and the Scripps Institute of Oceanogra-
phy.

5. The test will be conducted by a task force
which is a subdivision of Task Force 7 under Rear
Admiral Monson.

6. There will be one test only.

References

Done

Date

C O P Y

CONFIDENTIAL

PRIORITY

FROM CJS(W) 061930Z

TO CCOS OTTAWA

S P E C T R A

CONFIDENTIAL. CJSW 2071 6 MAY

FOR W/C BRAY.

PARA 1. FOLLOWING IS TEXT OF U.S. DRAFT OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR COOPERATION REGARDING ATOMIC INFORMATION. IT WILL BE NOTED THAT ANNEX TO THE AGREEMENT DOES NOT CONTAIN JCS LIST TO WHICH REFERENCE IS MADE. WITH THIS LIST ANNEX WOULD BE CLASSIFIED TOP SECRET.

QUOTE

PREAMBLE

government of the (hereinafter referred to as the "United States")
the Government of (hereinafter referred to as "Canada")
THE UNITED STATES OF AMERICA AND CANADA, RECOGNIZING THAT THEIR MUTUAL SECURITY AND DEFENCE REQUIRES THAT THEY BE PREPARED TO MEET THE CONTINGENCIES OF ATOMIC WARFARE, RECOGNIZING THAT THEIR COMMON INTERESTS WILL BE ADVANCED BY A MUTUAL INTERCHANGE OF INFORMATION PERTINENT THERETO, TAKING INTO CONSIDERATION APPLICABLE CANADIAN LEGISLATION AND THE UNITED STATES ATOMIC ENERGY ACT OF 1954, WHICH WAS PASSED WITH THESE PURPOSES IN MIND, AND RECOGNIZING THAT THE EXCHANGE OF SUCH INFORMATION IS IN THEIR MUTUAL DEFENCE INTEREST AND CAN BE UNDERTAKEN WITHOUT THREAT TO THE SECURITY AND BEST INTERESTS OF EITHER COUNTRY, NOW THEREFORE UNDERTAKE AND AGREE AS FOLLOWS:

ARTICLE I

1. WHILE THE UNITED STATES AND CANADA ARE PARTICIPATING IN INTERNATIONAL ARRANGEMENTS FOR THEIR MUTUAL DEFENCE AND SECURITY AND MAKING SUBSTANTIAL AND MATERIAL CONTRIBUTION THERETO, EACH GOVERNMENT WILL FROM TIME TO TIME MAKE AVAILABLE TO THE OTHER ATOMIC INFORMATION WHICH THE GOVERNMENT MAKING SUCH INFORMATION AVAILABLE DEEMS NECESSARY TO:

- (A) THE DEVELOPMENT OF DEFENCE PLANS;
- (B) THE TRAINING OF PERSONNEL AND THE EMPLOYMENT OF AND DEFENCE AGAINST ATOMIC WEAPONS; AND
- (C) THE EVALUATION OF THE CAPABILITIES OF POTENTIAL ENEMIES IN THE EMPLOYMENT OF ATOMIC WEAPONS.

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CONFIDENTIAL

2. ATOMIC INFORMATION WHICH IS TRANSFERRED BY EITHER GOVERNMENT

PURSUANT TO THE PRECEDING PARAGRAPH SHALL BE USED EXCLUSIVELY FOR THE

PREPARATION AND IMPLEMENTATION OF ^{MUTUAL} DEFENCE PLANS *in the mutual interest of the two countries.*

ARTICLE II

1. ALL TRANSFERS OF ATOMIC INFORMATION TO CANADA BY ~~THE GOVERNMENT OF~~ THE UNITED STATES WILL BE MADE IN COMPLIANCE WITH THE PROVISIONS OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954 AND SUBSEQUENT APPLICABLE UNITED STATES LEGISLATION. UNDER THIS AGREEMENT THERE WILL BE NO TRANSFERS BY THE UNITED STATES OF ATOMIC WEAPONS OR SPECIAL NUCLEAR MATERIAL, AS THESE TERMS ARE DEFINED IN SECTION 11 D AND SECTION 11 T OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954.

2. ALL TRANSFERS OF ATOMIC INFORMATION TO THE UNITED STATES BY ~~THE~~ *7* GOVERNMENT OF CANADA WILL BE MADE IN COMPLIANCE WITH APPLICABLE CANADIAN LEGISLATION.

ARTICLE III

1. ATOMIC INFORMATION MADE AVAILABLE PURSUANT TO THIS AGREEMENT WILL BE ACCORDED FULL SECURITY PROTECTION UNDER APPLICABLE CANADA-UNITED STATES SECURITY AGREEMENTS, AND WHERE APPLICABLE, NATIONAL LEGISLATION AND REGULATIONS. IN NO CASE WILL EITHER GOVERNMENT MAINTAIN SECURITY STANDARDS FOR SAFEGUARDING ATOMIC INFORMATION LOWER THAN THOSE SET FORTH IN CANADA-UNITED STATES SECURITY AGREEMENTS IN EFFECT ON THE DATE THIS AGREEMENT COMES INTO FORCE.

2. ATOMIC INFORMATION WHICH IS EXCHANGED IN ACCORDANCE WITH THIS AGREEMENT WILL BE MADE AVAILABLE THROUGH CHANNELS NOW EXISTING FOR THE EXCHANGE OF CLASSIFIED MILITARY INFORMATION BETWEEN THE TWO GOVERNMENTS.

3. ONLY THOSE PERSONS WHOSE DUTIES REQUIRE ACCESS TO ATOMIC INFORMATION MAY BE THE ORIGINAL RECIPIENTS OF SUCH INFORMATION. ATOMIC INFORMATION WILL BE AUTHORIZED FOR DISSEMINATION ONLY TO PERSONS WHOSE RESPONSIBILITIES REQUIRE THEM TO HAVE ACCESS TO SUCH INFORMATION. ATOMIC INFORMATION WILL NOT BE TRANSFERRED BY EITHER GOVERNMENT TO UNAUTHORIZED PERSONS OR BEYOND THE JURISDICTION OF THAT GOVERNMENT. EACH GOVERNMENT MAY STIPULATE THE DECREE TO WHICH ANY OF THE CATEGORIES OF INFORMATION MADE AVAILABLE TO THE OTHER GOVERNMENT MAY BE DISSEMINATED AND MAY SPECIFY THE CATEGORIES OF PERSONS

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WHO MAY HAVE ACCESS TO SUCH INFORMATION, AND IMPOSE SUCH OTHER RESTRICTIONS ON THE TRANSMISSION OF THE INFORMATION MADE AVAILABLE BY THAT GOVERNMENT AS IT DEEMS NECESSARY.

4. EACH GOVERNMENT WILL FROM TIME TO TIME RENDER REPORTS TO THE OTHER GOVERNMENT OF THE USE WHICH HAS BEEN MADE OF THE INFORMATION. THESE REPORTS WILL CONTAIN PERTINENT INFORMATION REQUESTED BY THE OTHER GOVERNMENT AND WILL IN PARTICULAR CONTAIN A LIST OF THE PERSONS PROCESSING CERTAIN CATEGORIES OF INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THE PRECEDING PARAGRAPH, AND A LIST OF THE DOCUMENTS WHICH HAVE BEEN TRANSFERRED.

ARTICLE IV

1. AS USED IN THIS AGREEMENT, SO FAR AS CONCERNS THE INFORMATION PROVIDED BY THE UNITED STATES, "ATOMIC INFORMATION" MEANS RESTRICTED DATA, AS DEFINED IN SECTION 11R OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954, WHICH IS PERMITTED TO BE COMMUNICATED PURSUANT TO THE PROVISIONS OF SECTION 144B OF THAT ACT, AND OTHER INFORMATION, INCLUDING THAT RELATING PRIMARILY TO THE MILITARY UTILIZATION OF ATOMIC WEAPONS, WHICH HAS BEEN REMOVED FROM THE RESTRICTED DATA CATEGORY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 142 OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954. WHEN RESTRICTED DATA INFORMATION IS EXTRACTED OR REPRODUCED BY CANADA, ALL UNITED STATES ^{MARKINGS} ~~MARKINGS~~ THEREON REFERRING TO RESTRICTED DATA WILL ALSO BE REPRODUCED.

2. INSERT APPLICABLE CANADIAN INSTRUCTIONS REGARDING ATOMIC INFORMATION MADE AVAILABLE BY CANADA.

ARTICLE V

1. THE EXCHANGE OF ATOMIC INFORMATION UNDER THIS AGREEMENT SHALL INCLUDE, TO THE EXTENT PERMITTED BY THE UNITED STATES ATOMIC ENERGY ACT OF 1954 AND APPLICABLE CANADIAN LEGISLATION, COOPERATION IN TESTS, TRIALS, EXERCISES, TRAINING PROGRAMMES, STAFF AND OPERATIONAL RESEARCH STUDIES AND INTELLIGENCE ACTIVITIES.

ARTICLE VI

1. NOTHING ^{HEREIN} SHALL BE INTERPRETED OR OPERATE AS A BAR OR RESTRICTION TO CONSULTATION AND COOPERATION BY THE UNITED STATES OR CANADA WITH OTHER NATIONS OR REGIONAL ORGANIZATIONS IN ALL FIELDS OF DEFENCE, BUT NEITHER GOVERNMENT WILL COMMUNICATE ATOMIC INFORMATION BEING MADE AVAILABLE BY THE OTHER TO PERSONS WITHIN THE JURISDICTION OF SUCH OTHER NATIONS OR TO REGIONAL

- 4 -

CONFIDENTIAL

ORGANIZATIONS EXCEPT AS EXPRESSLY AUTHORIZED BY THE GOVERNMENT MAKING THAT INFORMATION AVAILABLE.

ARTICLE VII

1. THIS AGREEMENT SHALL ENTER INTO FORCE UPON SIGNATURE AND SHALL REMAIN IN EFFECT UNTIL TERMINATED BY MUTUAL AGREEMENT OF BOTH GOVERNMENTS.

DONE AT WASHINGTON THISDAY OF1955 IN TWO ORIGINAL TEXTS.

FOR THE ^{UNITED}~~UNITED~~ STATES OF AMERICA: FOR CANADA:

ANNEX TO THE AGREEMENT

1. IT IS AGREED THAT THE TYPES OF ATOMIC INFORMATION WHICH MAY BE EXCHANGED AT THEIR DISCRETION BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND CANADA UNDER THE AGREEMENT FOR COOPERATION REGARDING ATOMIC INFORMATION, OF WHICH THIS ANNEX IS A PART, WILL BE LIMITED TO THE FOLLOWING:
(SAME AS JCS LIST).....

2. NOTHING HEREIN IS DESIGNED TO PRECLUDE THE TRANSFER THROUGH EXISTING CHANNELS OF MILITARY INFORMATION WHICH DOES NOT COME UNDER THE PROVISIONS OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954 AND APPLICABLE CANADIAN LEGISLATION.

specify

FOR THE UNITED STATES OF AMERICA:

FOR CANADA:

UNQUOTE

20040-1-2-3-4-5/MER/062238Z MAY 1955



TOP SECRET

50219-AG-40
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DOWNGRADED TO SECRET
REDUIT A SECRET

Ottawa, April 25, 1955.

Dear Mr. Bryce,

I attach for your information Minutes of the meeting held in the office of the Under-Secretary on Tuesday, April 19, 1955, to discuss the Agreement for Co-operation with the United States on atomic energy matters and to consider the United Kingdom Government's proposal on the distinction between large and tactical nuclear weapons.

Yours sincerely,

J. M. TEAKLES
FOR THE

Under-Secretary of State
for External Affairs.

R.B. Bryce, Esquire,
Secretary to the Cabinet,
Privy Council Office,
O t t a w a.

Defence Liaison (1) / L. H. Taylor / 13

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: The Under-Secretary

Security .. TOP SECRET

Date .. April 21, 1955

FROM: Defence Liaison (1) Division

File No.

50219-AG-40

REFERENCE:

SUBJECT: Meeting of Tuesday, April 19, 1955

I attach for your approval, draft minutes of the meeting which was held in your office, Tuesday, April 19, 1955, to discuss the Agreement for Co-operation with the United States on atomic energy matters, and to consider the United Kingdom Government's proposal on the distinction between large and tactical nuclear weapons.

2. Do you wish copies of these minutes in their final form to be sent to Mr. Bryce and Mr. Robertson?

Defence Liaison(1) Division.

DECLASSIFIED TO SECRET

FILE COPY TOP SECRET

MEETING TO DISCUSS THE DRAFT AGREEMENT FOR CO-
OPERATION WITH THE UNITED STATES ON ATOMIC
ENERGY AND THE UNITED KINGDOM PROPOSAL
CONCERNING NUCLEAR WEAPONS

A meeting was held in the office of the Under-Secretary of State for External Affairs on Tuesday, April 19, 1955, at 3:00 p.m., to discuss the draft Agreement for Co-operation with the United States on atomic energy matters, and to consider the United Kingdom Government's proposal that the Canadian and U.K. Governments should present to the United States a paper containing their views on the distinction between large and tactical nuclear weapons.

THOSE PRESENT WERE:

The Under-Secretary of State for
External Affairs - Mr. Jules Leger (Chairman)

The Secretary to the Cabinet - Mr. R.B. Bryce

The High Commissioner for Canada in
the United Kingdom - Mr. N.A. Robertson.

Secretary - Mr. J. H. Taylor.

Draft Agreement for Co-operation with the United States on
Atomic Energy

1. The Secretary to the Cabinet reported that the President, Atomic Energy of Canada, Ltd., had returned from his talks with officials of the U.S. Atomic Energy Commission with the draft of a bilateral Agreement.

(Agreement for Co-operation Between the Government
of Canada and the United States Atomic Energy
Commission - draft dated March 31, 1955)

2. Mr. Bryce believed that the substance of the Agreement was acceptable. It required no new security precautions, and the Canadian atomic energy programme would benefit from the information which would become available under its terms. It was disappointing that the U.S. authorities were not prepared to release information on package reactors under the Agreement. This was because, as Section B(2) of the draft specified, "the development of --- certain package reactors is presently concerned primarily with their military uses". No information would therefore be exchanged "until such time as these types of reactors warrant civil application". Apparently the A.E.C.'s work on package reactors was being done under contract to the U.S. Army, which planned to install them experimentally at radar stations.

3. There were two objections to the draft as it stood. First, its wording made it appear too one-sided. This was undesirable, particularly if the Agreement were to be published. Officials were therefore working on a re-wording which would state the provisions of the Agreement in reciprocal terms.

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4. Second, U.S. law required that any information or materials made available under the Agreement would not be used for military purposes. The Canadian authorities were ready to accept this stipulation, since the purely Canadian atomic energy programme was for peaceful purposes. However, plutonium for U.S. weapons was made in Canada, and fuel systems for U.S. military reactors were tested at Chalk River. The A.E.C. intended that these arrangements should continue, even though on a strict interpretation, they were forbidden under the U.S. law. The Prime Minister had directed that the Agreement be so drafted that Canada could observe it in spirit as well as in letter. It was therefore proposed to alter the draft to state that information or materials released to Canada under the Agreement would not be used for military purposes by Canada. This would not preclude its use for military purposes by the U.S. References to existing uranium and heavy water contracts had also been written into the draft for this reason.

5. The High Commissioner for Canada in the United Kingdom asked whether the Agreement would be made public. Mr. Bryce thought that it would have to be, even though the A.E.C. did not wish to publish it, and were hoping that it might be approved in a private session of the Congressional Committee on Atomic Energy. Since a similar procedure even if it were followed in the United States was not possible in Canada, the Canadian view was that the Agreement should be published. There was in any case nothing in the draft which could not safely be revealed.

6. Mr. Bryce pointed out that the possibility of a breakdown in the parallel negotiations now in progress between the U.S. and the U.K. deserved consideration. The U.K. authorities were balking at the insistence of the U.S. on full field checks for employees at atomic energy establishments. While the Canadian officials concerned were inclined to agree that the U.S. were asking for more precautions than were really necessary, they had found in their own experience that a system of field checks, while burdensome, was not intolerable.

7. Mr. Robertson considered that the U.K. authorities could quite reasonably maintain on practical grounds that their security arrangements did not need to be as strict as those of the U.S. Beyond that, they had to take account of the widespread unpopularity of U.S. security methods in Britain. The strength of this feeling had been reflected in the breakdown of the tripartite security talks last autumn. However, the U.K. authorities would no doubt be interested to learn what Canada's experience had been in operating a system of field checks. Mr. Robertson said that he would pass on this information to Sir Edwin Plowden.

8. The Under-Secretary of State for External Affairs pointed out that Admiral Strauss must be determined to overcome this difficulty, since he was planning to spend a month in the U.K. It would place the U.S. in an unfavourable light if the A.E.C., while failing to conclude an Agreement with the U.K., were able to conclude Agreements with other countries which had no intention of adopting in practice the security measures they accepted on paper. Mr. Bryce added that it was difficult to imagine that the U.S. authorities would put themselves in the ridiculous position of admitting that under the new Atomic

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Energy Act, they had found it possible only to negotiate successfully with Canada. It was also difficult to imagine dividing the Chalk River establishment to permit one half to work with the U.S., and the other with the U.K., in the event that co-operation between the U.S. and the U.K. ceased.

U.K. Proposal concerning the Distinction between
Large and Tactical Nuclear Weapons

9. Mr. Leger and Mr. Bryce explained the Canadian background against which the U.K. proposal should be seen. There had not yet been full discussions between the Department of National Defence and the Department of External Affairs on the implications of the nuclear strategy, although the Department of External Affairs had suggested at several levels, and with the active support of the Secretary of State for External Affairs, that such discussions needed to take place. The subject had received some attention in the Chiefs of Staff Committee, where Mr. Bryce had pointed out that there were serious implications to a complete reliance on a nuclear strategy. Such reliance could mean that we would lose our freedom of choice. It might leave us defenceless should political factors and public pressure combine to prevent the immediate use of nuclear weapons in an emergency. It would invalidate our present approach to disarmament. As Richard Rovere had argued in a recent article in the "New Yorker", the industrial potential which had enabled the Allies to recover from the initial shocks of the Second World War and finally to win, would no longer weigh in favour of the West in a short war. Furthermore, once long-range missiles had been perfected to the point where they could be fired from sites in the United States, foreign bases, and therefore allies, would cease to be significant in the calculations of the U.S.

10. Canada was already facing the problems posed by the need to improve substantially the defences of North America. If present trends continued, the Canadian Army, while nominally committed to the defence of Europe, might in fact have to be trained as a Civil Defence force for use in Canada. Because none of these problems had been thought through in Canada, and because the civilians attending the Chiefs of Staff Committee disagreed with some of the military members on how to go about studying them, it was especially difficult to reply to the U.K. Government.

(Telegrams Nos. 534 and 537, from the Office of
the High Commissioner for Canada, London, to the
Secretary of State for External Affairs, dated
April 18, 1955)

11. Mr. Robertson thought that two separate but related questions were raised by the U. K. draft paper.

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The first was the broad question of dependence on nuclear weapons. The second was the more immediate danger to peace in the Formosa situation, and the unwisdom of public statements of the sort Mr. Dulles had made, threatening the use of "tactical" nuclear weapons in that area. The U.K. Government were more concerned with the immediate problem, and regardless of what might be thought about the broader question, the U.K. authorities were on good grounds in pointing out that it might not be possible to contain the Formosa situation if nuclear weapons were used. On the other hand, Mr. Dulles' statements were also undesirable if they were no more than a bluff.

12. Mr. Leger saw several objections to the U.K. draft paper. First, it referred in paragraph 4 to "the American proposition" that a distinction between the two types of nuclear weapons could be drawn, and in paragraph 2 to "the suggestion (which) had been made" that the U.K. Government should accept this proposition. If this implied that the U.K. Government believed that a similar direct approach had been made to the Canadian Government, the paper should be rewritten to make it clear that no such approach had in fact been made. On the other hand, as Mr. Bryce observed, perhaps the words "proposition" and "suggestion" could be read in a more general sense without this implication. Second, the conclusions in paragraphs 7 and 8 were not those which the Canadian Government would necessarily draw. The Canadian Government would wish to make clear that it was meaningless to talk of "tactical" employment of a weapon if the Soviet Union had only large nuclear weapons with which to retaliate. Mr. Robertson agreed. Whether or not a weapon had been employed tactically or not depended on the riposte of the opponent. Mr. Bryce suggested that what might have happened in the United States was that there had been a compromise, which authorized the use of small nuclear weapons but not large ones by the U.S. forces near Formosa.

13. Mr. Leger recalled that Mr. Spaak had been alarmed by Mr. Dulles' statements. Spaak objected most strongly on moral grounds to using atomic weapons a second time against Asians, since this would not only alienate Asia from the United States, but even Europe. It was certain that such weapons were available to the U.S. forces in Germany and near Formosa, and it might even be that U.S. forces in Korea had been or would be similarly equipped. Mr. Spaak had proposed that the NATO governments together should express their disapproval to the United States. The Canadian reply had been that we agreed with Mr. Spaak's arguments, but did not think the NATO approach was the best one. Mr. Spaak had since approached the Netherlands Government, which had also declined to join in an approach of this sort to the U.S. Government. Mr. Robertson suggested that jealousy of Spaak might in part account for the refusal of the Netherlands authorities.

14. At the same time, Mr. Leger pointed out that we had committed ourselves to M.C. 48, and it could be argued that it was illogical to base the defence of the NATO area on the nuclear deterrent, while denying to ourselves the use of the same deterrent against possible aggression in Asia. He agreed with Mr. Bryce, however, that our position on the present crisis in the Far East was more a matter of believing it unwise to use or threaten to use nuclear weapons in this particular situation.

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15. So far as Europe was concerned, perhaps the root of the difficulty was that at present, the nuclear strategy suited the United States because of its superior arsenal of nuclear weapons, whereas it did not suit European countries who feared they might be made a nuclear battleground. Mr. Bryce predicted that in a few years, the roles might be reversed. If the Soviet Union improved the means of delivering nuclear weapons, they might well decide to concentrate their initial attack on North America and perhaps the British Isles, and take over Western Europe undamaged. If such a stage were reached, North America might have second thoughts about the wisdom of a policy which prevented it from fighting anything but a nuclear war in which this continent would bear the brunt of the attack.

16. Mr. Leger wondered whether there was not some way out of the dilemma posed by the rapid development of weapons. Devices were developed which were sold to the United States military authorities, and which became the basis of new strategic plans. Often these plans ignored political factors, and yet they deprived the policy makers who were forced to use them of any freedom of choice. Perhaps an opportunity to assert that political, not military considerations should be the fundamental determinant of policy might come with the development of long-range missiles. The Canadian Government, while accepting defensive installations like radar systems, could deny the use of Canadian territory for missile sites. Mr. Robertson pointed out that it would be difficult to do so since we had already accepted the presence of the Strategic Air Command on the Leased Bases.

17. It was agreed that because several of the Chiefs of Staff were about to leave Ottawa, it would be advisable to hold a meeting with them within a day or two to decide what answer should be made to the U.K. proposal outlined in telegrams Nos. 536 and 537. To the extent that such a meeting might help precipitate a careful consideration by all the authorities concerned of the implications of the nuclear strategy, it would be especially welcome.

INWARD TELEGRAM TO THE HIGH COMMISSIONER FOR THE UNITED KINGDOM OTTAWA

FROM THE UNITED KINGDOM AMEMBASSY, WASHINGTON

SENT: 12.20 p.m. 23rd March 1955

RECD: 12.30 p.m. 23rd March 1955

EMERGENCY

O.T.P.

NO. 9

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249 50219-AG-40
52 52
B.2 on 24.11.55
for Mr. B.2

Addressed to Foreign Office telegram
No. 635 of 23rd March repeated for information
to Ottawa.

Following for Dean from Scott.

Your telegram No. 1197: Atomic
Energy Security Talks.

In view of critical state of bilateral
talks, this will need careful handling here, and
indeed it would be much better not to publish
if you can avoid it.

2. Please telegraph

(a) text of statement in question
(of which there is no mention in Minutes sent us)

(b) information about nature and
probable source of leak (Americans are certain to
ask).

3. You will realise that clearance with
the Atomic Energy Commission will take a little
time unless we ask for it as a matter of urgency,
in which case we shall have to give reasons.

FJ

23.3.55

COPY

50219-AG-40	
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File 50219-AG-40

Draft
of an

March 3/55

AGREEMENT FOR COOPERATION

Between the United States of America and Canada.

Concerning the communication of data, as contemplated in the United States Atomic Energy Act of 1954 (hereinafter referred to as "the Act"), for the purposes of defence planning, the training of personnel in the employment of and defence against atomic weapons, and the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

It being recognized that the exchange of such data between the United States and Canada is in the common defence interests of the two countries and can be undertaken without threat to the security and best interests of either.

Now therefore the United States and Canada mutually undertake and agree that:

1. Subject to the terms and conditions hereof the United

States will co-operate with and communicate to

Canada, through channels of communication estab-

lished or recognized by this agreement, Restricted

Data as authorized in subsection (b) of section 144

of the Act, and data declassified or removed from

the Restricted Data category pursuant to section 142

of the Act.

2. The Restricted Data referred to in paragraph 1 above

shall be such as is necessary to the development of

defence plans, the training of personnel in the employ-

ment of and defence against atomic weapons, and the

evaluation of the capabilities of potential enemies in

the employment of atomic weapons, to the extent

permitted by the Act.

1st USA change is new clause similar to Clause 1 but providing for flow of data in opposite direction.

CTSW 1943

2nd USA change is added clause stating that final decision on transfer of Restricted Data rests with US.

CTSW 1943

S E C R E T

- 2 -

3. Without limiting the generality of paragraphs 1 and 2, the communication of Restricted Data and other data under the terms of this agreement shall include, to the extent permitted by the Act, the maximum possible cooperation in tests, trials, exercises, training programs, staff and operational research studies, ^{medical} and intelligence activities.

CCOS 3

3rd USA change requires Canada to reaffirm that established security agreements will be maintained.

CJSW 1943

Also some rewording of 4(b) to ensure that information intended only for Canada will not be released to any agency under UK jurisdiction.

CJSW 1943

4. Canada undertakes and guarantees
- (a) that the security safeguards and standards as set out herein will be maintained;
 - (b) that any Restricted Data communicated pursuant to this agreement will not be communicated to unauthorized persons or beyond the jurisdiction of Canada except as specified herein.
5. Nothing herein shall be interpreted or operate as a bar or restriction to consultation and co-operation by the United States and Canada with the United Kingdom in all fields of defence, but Canada agrees that it will communicate Restricted Data to persons within the jurisdiction of the United Kingdom only as authorized by the United States.
6. Data communicated under the terms of this agreement will be transmitted through mutually agreed channels of communication.
7. Security safeguards and standards mutually agreed by the United States and Canada will be maintained.

This paragraph is included on the understanding that the U.S. desires such a clause.

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S E C R E T

- 3 -

8. This agreement shall continue in force as long as Canada is participating with the United States in a regional defence arrangement.
9. This agreement, being primarily concerned with matters set out in subsection (b) of section 144 and section 142 of the Act shall not operate as a bar to the entry into further agreements for co-operation under the Act.
10. Words and terms used in this agreement shall have the same meanings as in the Act.

THIS DRAFT HAS NOW ACQUIRED AN "ANNEX" WHICH LISTS IN GENERAL TERMS THE SUBJECTS COVERED BY THIS AGREEMENT, e.g.

- (a) Characteristics, size, shape, weight, yield, etc, of "A" weapons.
- (b) Configuration of aircraft to carry "A" weapons.
- (c) Structural analysis and blast effects.

C'SW 1943

etc.

Orig. 50085-E-4

50219-AG-46
6/6

SECRET - CANADIAN
EYES ONLY

January 10, 1955.

MEMORANDUM BY THE JOINT SPECIAL WEAPONS
POLICY COMMITTEE

Exchange of Military Atomic Information

1. During World War II close co-operation existed between US, UK and Canada on the development of atomic energy. However, the McMahon Act, which was passed by the US Congress in 1946, prohibited the release to other governments of restricted data on the US atomic energy program. The term "restricted data" was defined to include all data concerning design, manufacture, or utilization of atomic weapons, unless the US Atomic Energy Commission determined that the information might be published without adversely affecting the security of the nation.
2. Late in 1947 the governments of US, UK and Canada entered into an agreement referred to as the "modus vivendi", which provided for, amongst other things, a "Technical Co-operation Programme" (TCP). Under the terms of the TCP, the US agreed to exchange with the UK and Canada classified data in certain specific fields of research not related to production of atomic weapons. In December, 1953, the TCP was extended by the addition of a new topic defined as "Effects on human beings and their environment of blast, heat and radiation from atomic explosions (excluding such data as would permit the determination of the yield of any specified weapon or nuclear device or the design and fabrication of any weapon or nuclear device)". In the past a considerable amount of information was made available to Canada by the US Department of Defence, but only if the information was unclassified or bore only a military security

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SECRET - CANADIAN
EYES ONLY

Exchange of Military Atomic Information (continued)

classification. It is now possible for the US to release to the Canadian Forces information on the new topic although it is classified Restricted Data. When such information is made available to Canada by the US it is also transmitted by them to the UK.

3. Information on certain defensive aspects of Atomic Warfare such as radiation detection instruments has been exchanged for several years, and was discussed at tripartite conferences on Special Weapons in the years 1952-53-54. In addition officers from the Armed Services have attended US Atomic Defence Officers Courses since 1949. Although Canadian officers were excluded from certain portions of these courses, nevertheless much information of value was obtained and has been put into use by our staff and schools.

4. The McMahon Act has now been superseded by the US Atomic Energy Act of 1954. The new law states that the President may authorize the Department of Defence, with the assistance of the Atomic Energy Commission, to release to friendly nations such Restricted Data as is necessary to -

- a) the development of defence plans;
- b) the training of personnel in the employment of and defence against atomic weapons;
- c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

Restricted Data relating to design or fabrication of atomic weapons is limited to information on external characteristics, including size, weight and shape, 000114

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SECRET - CONFIDENTIAL
AND ONLY

Exchange of Military Atomic Information (continued)
yields and effects, and systems employed in the delivery and use of the weapons. Data in these categories cannot be released unless in the joint judgment of the Atomic Energy Commission and the Department of Defence no important information concerning the design and fabrication of the nuclear component of the weapon is revealed.

5. The Act states that such information shall not be released until the co-operating nation or defence organization has entered into an agreement with the US giving the terms, conditions, duration, nature and scope of the co-operation, and suitable guarantees that proper security measures will be maintained. A draft agreement for co-operation with NATO nations has been prepared and circulated by the US. The draft contains the following list of topics on which information will be released:

- a) For planning purposes, general magnitude of the number of atomic weapons, by types, yields, and fuzing options, to be made available to North Atlantic Treaty Organization commands.
- b) The extent to which there is interchangeability of nuclear components among the various types of weapons.
- c) Effects to be expected from the detonation of nuclear weapons under the various conditions of bursts.
- d) General description of basic safety features.
- e) Weapons which can be carried by the different types of delivery vehicles.
- f) To the extent that it will influence North Atlantic Treaty Organization planning, the estimated military results,

000115

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SECRET - CANADIAN
EYES ONLY

Exchange of Military Atomic Information (continued)

in general terms, to be expected from the strategic air offensive.

g) Soviet capabilities for atomic warfare.

6. It is understood that the US is prepared to enter into additional bilateral agreements with Canada and the UK, and it is anticipated that these will provide for co-operation on an even broader basis. A draft agreement outlining Canadian Service requirements has been forwarded to the US by the Chairman, Chiefs of Staff, to serve as a basis for discussion. It is unlikely that official action will be taken until the NATO agreement has been approved.

7. It is believed that US authorities hope to have the agreements ready for submission to Congress by the end of January, and expect that co-operation under the new Act will begin by April. After this time it should be possible for the Department of National Defence to obtain considerably more information on all phases of atomic warfare, except on the design and fabrication of the nuclear components.

8. In the past Canada and the UK have enjoyed a preferred position with regard to obtaining atomic information from the US, and this information was provided on the understanding that it would not be revealed to other governments. It is understood that no classified military information has been made available to other members of the Commonwealth by the US. It is believed that the UK has revealed certain details of its atomic programme to other Commonwealth nations, but no information 000116

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SECRET - CANADIAN
EYES ONLY

Exchange of Military Atomic Information (continued)

based on classified US data has been transmitted. In general, US information which has been made available to Canada has also been revealed to the UK. However, certain details of the US weapons programme must be considered "for Canadian Eyes Only", and in discussions with the UK no information on size, yield or design of US weapons should be presented unless it is apparent that the information is common knowledge.

Department of National Defence,
January 10, 1955.

TO: The Under-Secretary

S E C R E T

November 30, 1954.

FROM: Defence Liaison (1) Division

50219-AG-40
616

SUBJECT: Agreements for Atomic Energy Cooperation with the United States

You will recall that at the last meeting of the Advisory Panel on Atomic Energy, Mr. Bennett and General Foulkes reported on the progress being made concerning the negotiation of Agreements for Cooperation with the United States in accordance with Sections 144 (a) and (b) of the United States Atomic Energy Act of 1954.

2. General Foulkes has now sent us a copy of the draft agreement which he has asked the Chairman of the Canadian Joint Staff in Washington to take up with the appropriate authorities in the Pentagon. Last Friday Mr. Bennett showed to Barton a copy of the draft agreement on the civil side of atomic energy which he was sending to Admiral Strauss. Barton suggested to him that he might wish to circulate copies to the members of the Panel and to Mr. Heeney and he said that he would do so, but so far he does not seem to have followed this up.

3. It seems to me that we are falling short of the objective stated by Mr. Bryce in his letter to you of October 22, that "it would be desirable that our Panel should see something of the Agreements before we are fully committed to them and while the thinking on them is still in its formative stages." Possibly you might wish to discuss with Mr. Bryce what, if anything, should be done about it.

BENJAMIN ROGERS

FOR THE

Defence Liaison (1) Division

000118

OFFICE OF THE UNDER-SECRETARY

~~Mr. Rogers~~Mr. B. L. L. L.~~Secretariat~~

NW 30

I suggest a little note
for RAN & USSEA. Done

Has COS Committee considered
this draft? <sup>No evidence of it. However it
may have been discussed
informally.</sup>

Apparently Ford has wants
to regulate the test through
military channels & then
turn it over to the Dept for
signing. Not a very
desirable method from our
viewpoint.

Please

hh

DEPARTMENT OF EXTERNAL AFFAIRS

ROUTING SLIP

DATE

SECURITY

TO:

Mr. Kerstof

FROM:

☐ For Signature☐ For Action☐ For Comments☐ For Approval

For Information and

File ☐Destroy ☐Return ☐

COMMENTS: (This space is not for comments of a permanent character which should be formally recorded in a memorandum)

*Will you
please have a
look at this
circular document
RTH*

000120

50219-AG-40
93 ✓
SECRET

Dr. J. W. Key
file
WNB

18 November, 1954.

J. 5

Dear

With further reference to my letter of even date enclosing a letter to Admiral Radford, with a copy to you, in which I mentioned that we had in preparation a draft bilateral agreement for co-operation on atomic matters. I am attaching herewith two copies of this draft agreement which closely follows the United States Atomic Energy Act of 1954.

I would request that you call on the appropriate authorities in the Pentagon and present our draft agreement and request that arrangements be made to discuss this on the official level so that any U.S. views can be incorporated and a final draft be worked out as early as is convenient and returned to this HQ for government clearance. You should bear in mind that the final draft agreement should be completed with governmental clearance on both sides so that it can be presented to the Senate Committee on Atomic Energy at the opening of Congress early in January.

Will you take the necessary steps to keep the Ambassador informed of these negotiations. Also, should the U.S. require any substantial changes you will of course get in touch with us immediately.

Yours sincerely,

Rear Admiral H.G. DeWolf, CBE, DSO, DSC, CD,
Chairman, Canadian Joint Staff,
2001 Connecticut Ave., N.W.,
Washington 8, D.C.

Copies to: Mr. Bryce
Mr. Leger
Dr. Soland
Mr. Bennet

29.11.17(05)

000121

FILE COPY

Draft
of an

S E C R E T

AGREEMENT FOR CO-OPERATION

Between the United States of America and Canada.

Concerning the communication of data, as contemplated in the United States Atomic Energy Act of 1954 (hereinafter referred to as "the Act"), for the purposes of defence planning, the training of personnel in the employment of and defence against atomic weapons, and the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

It being recognized that the exchange of such data between the United States and Canada is in the common defence interests of the two countries and can be undertaken without threat to the security and best interests of either.

Now therefore the United States and Canada mutually undertake and agree that:

1. Subject to the terms and conditions hereof the United States will co-operate with and communicate to Canada, through channels of communication established or recognized by this agreement, Restricted Data as authorized in subsection (b) of section 144 of the Act, and data declassified or removed from the Restricted Data category pursuant to section 142 of the Act.
2. The Restricted Data referred to in paragraph 1 above shall be such as is necessary to the development of defence plans, the training of personnel in the employment of and defence against atomic weapons, and the evaluation of the capabilities of potential enemies

....2

- 2 -

S E C R E T

in the employment of atomic weapons, to the extent permitted by the Act.

3. Without limiting the generality of paragraphs 1 and 2, the communication of Restricted Data and other data under the terms of this agreement shall include, to the extent permitted by the Act, the maximum possible cooperation in tests, trials, exercises, training programs, staff and operational research studies and intelligence activities.
4. Canada undertakes and guarantees
 - (a) that the security safeguards and standards as set out herein will be maintained;
 - (b) that any Restricted Data communicated pursuant to this agreement will not be communicated to unauthorized persons or beyond the jurisdiction of Canada except as specified herein.
5. Nothing herein shall be interpreted or operate as a bar or restriction to consultation and co-operation by the United States and Canada with the United Kingdom in all fields of defence, but Canada agrees that it will communicate Restricted Data to persons within the jurisdiction of the United Kingdom only as authorized by the United States.
6. Data communicated under the terms of this agreement will be transmitted through mutually agreed channels of communication.
7. Security safeguards and standards mutually agreed by the United States and Canada will be maintained.

This paragraph is included on the understanding that the U.S. desires such a clause.

....3

- 3 -

S E C R E T

8. This agreement shall continue in force as long as Canada is participating with the United States in a regional defence arrangement.
9. This agreement, being primarily concerned with matters set out in subsection (b) of section 144 and section 142 of the Act shall not operate as a bar to the entry into further agreements for co-operation under the Act.
10. Words and terms used in this agreement shall have the same meanings as in the Act.

 National Archives
of Canada

Archives nationales
du Canada

Ottawa, Canada
K1A 0N3

RG 25

Vol. 5957

File # 50219-AK-40 pt. 1

29 pgs.

EXEMPTION/EXCEPTION 15(1)
ACCESS TO INFORMATION ACT
LOI SUR L'ACCÈS À L'INFORMATION

Canada

SECRET

Am. Govt of

ANNEX I TO THE AGREEMENT
BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND CANADA
FOR COOPERATION REGARDING ATOMIC INFORMATION
FOR MUTUAL DEFENSE PURPOSES

1. Under the Agreement between the governments of the United States of America and Canada for cooperation regarding atomic information for mutual defense purposes of which this annex is a part:

(a) The exchange of atomic information may include cooperation in tests, trials, exercises, training programs, staff and operational research studies and intelligence activities.

(b) The types of atomic information which may be transferred by either government at its discretion and subject to the provisions of its own legislation shall be limited to the following:

- (1) Effects related to yield to be expected from the detonation of atomic weapons.
- (2) Response of structures, equipment, and personnel to the effects of atomic weapons, including damage or casualty criteria.
- (3) Systems for analysis of the response of structures, equipment and personnel to the effects of atomic weapons.
- (4) Characteristics of atomic weapons including size, weight, shape, yields, fuzing options, ballistic accuracy, and vulnerability to natural phenomena.
- (5) The general magnitude of the number of atomic weapons, by types, yields and fuzing options which may be allocated in support of joint Canada-United States plans for the defense of North America: and the logistic aspects and storage requirements of such allocated weapons.

SECRET

- 2 -

- (6) Information regarding delivery systems, including tactics and techniques and duties of delivery crews as regards weapons.
- (7) Information required to determine compatibility for atomic weapons of all delivery vehicles including instruments required for in-flight monitoring and checkout of atomic weapons.
- (8) Basic safety features of atomic weapons.
- (9) Training of personnel in the employment of and defense against atomic weapons, requests for attendance of personnel at schools, exercises and tests will be processed on an individual basis.
- (10) Information on the capabilities of potential enemy nations for atomic warfare.
- (11) Information regarding civil defense against atomic attacks.
- (12) Information including samples on the amount and geographical distribution of radioactive debris resulting from past and future nuclear explosions.
- (13) Acoustic, seismic, electromagnetic, and other geophysical data from nuclear explosions provided they reveal only general characteristics of weapons or devices.
- (14) Time and locations of scheduled nuclear explosions.
- (15) Information regarding military nuclear propulsion systems for ships and aircraft.
- (16) Information regarding military nuclear power plants.
- (17) Information pertaining to the adaptation of commercial reactors to military use.

2. Nothing in the Agreement is designed to preclude the transfer or exchange of defense information which does not come under the provisions of the United States Atomic Energy Act of 1954.

For the United States of America:

For Canada:

000128

CSC 1977-1 (JSC)

C O N F I D E N T I A L

Security of Atomic Information

With reference to message from Canadian Joint Staff, Washington, dealing with amendments to the security annex to the agreement on the exchange of atomic information, a final draft of the paper has been prepared showing the deletions and additions.

All additions are underlined and all deletions are enclosed in brackets.

C O N F I D E N T I A L

6 June, 1955 - Draft

ANNEX II TO THE AGREEMENT BETWEEN THE GOVERNMENTS
OF THE UNITED STATES OF AMERICA AND CANADA FOR COOPERATION
REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENSE PURPOSES.

The following are the security arrangements for safeguarding atomic information classified Confidential or above exchanged pursuant to the agreement between the Governments of the United States of America and Canada for cooperation regarding atomic information for mutual defense purposes of which this annex is a part.

I PERSONNEL SECURITY

A. No person will be entitled to access to atomic information solely by virtue of rank, appointment, or security clearance. Access to atomic information will be granted only to those individuals whose official duties require such access and who have been investigated and cleared for access in accordance with the standards prescribed in this Appendix. No person will be granted a security clearance unless it is affirmatively determined that such clearance is clearly consistent with (the) national security interests (of the respective countries).

B. Before granting access to atomic information, a responsible *authority* of the government ~~authority~~ of the country concerned will make a determination of eligibility for each individual to be granted such access.

C. The decision as to whether the granting of a clearance is clearly consistent with the interests of security will be a determination based on all available information. This clearance will be based on a determination that such individual is of:

1. Unquestioned loyalty, integrity and trustworthiness.
2. Excellent character and of such habits and associates as to cast no doubt upon his discretion or good judgment in the handling of atomic information.

CONFIDENTIAL

- 2 -

D. A background investigation, which is an investigation covering the individual's background for a sufficient period of time and in sufficient detail to provide assurance that the criteria in items C 1 and 2 above have been met, will be conducted by a governmental investigative agency on the following:

1. Any person to be granted access to Top Secret atomic information
2. Any person who is of Russian or Satellite origin or connection,
and
3. Any other person who may be vulnerable to pressure from foreign
or other sources.

(E. For persons who are to have access to Secret and Confidential)
(atomic information, a thorough investigation will be made of all)
(records held by the national security services or by other govern-)
(ment departments and agencies. In the event that derogatory)
(or questionable information concerning an individual is disclosed)
(as a result of this check, the inquiry will be extended as necessary)
(to obtain such additional information as may be required to deter-)
(mine whether or not a clearance should be granted.)

E. For persons who are to have access to Secret atomic information, a thorough investigation will be made of all records held by the national security services. For persons who are to have access to Confidential atomic information a thorough investigation will be made of all records held by the national security services or records held by other governmental departments, agencies or military units.

in the event that
In the event that further information is considered necessary or derogatory or questionable information concerning an individual is disclosed as a result of this check, the inquiry will be extended as necessary to obtain such additional information as may be required to determine whether or not a clearance should be granted.

F. When immediate access to atomic information is essential for the individual concerned to carry out his assigned task, and the delay caused by awaiting full clearance would be detrimental

CONFIDENTIAL

- 3 -

to the national interest, the responsible authority empowered to grant such clearance may authorize a provisional clearance based on the records immediately available. In each such case the responsible authority will institute immediately the procedures necessary to satisfy the full clearance requirements set forth in the paragraphs above.

- G. (All) Each establishment(s) handling atomic information will maintain a registry of the clearance of personnel authorized to have access to such information at that establishment. Each clearance will be reviewed, as the occasion demands, to insure that it conforms with the current standards applicable to the person's employment, and will be re-examined as a matter of priority when new information is received which indicates that continued employment (on classified work) involving access to atomic information is no longer consistent with the interests of security.

II PHYSICAL SECURITY

- A. Atomic information will be protected against sabotage, espionage, unauthorized access or any other hostile activity. The nature of the protection will depend upon:
1. The character and location of the building and
 2. The classification, volume and location of the information in the building.
- B. Atomic information will be stored as follows:
1. Top Secret - in safes or strong steel cabinets fitted with three-wheel combination or special security locks.
 2. Secret and Confidential - in safes or steel cabinets whose locking devices are regularly inspected and known to be secure.

III TRANSMISSION

- A. The minimum requirements for transmission of atomic information made available by the other government will be as follows:
1. Top Secret atomic information by military, diplomatic, or other official courier.

C O N F I D E N T I A L

- 4 -

2. Secret and Confidential atomic information by registered mail within the postal systems of the respective nations.

B. All atomic information transmitted by electrical means will be encrypted.

IV ACCOUNTABILITY

Accountability procedures will be established to control the dissemination of atomic information. Particularly severe control will be maintained for atomic information classified Top Secret, and Top Secret control officers will be designated to maintain accountability registers for the receipt and dispatch of Top Secret documents.

V MARKING OF REPRODUCED DOCUMENTS

When a document containing atomic information is reproduced, all original security markings thereon will also be reproduced.

VI LOSS OR COMPROMISE

In the event of loss or possible compromise of atomic information exchanged under this agreement, the originating nation will be informed and an immediate investigation will be carried out into the circumstances surrounding the loss. The originating nation will also be informed of the findings of the investigation.

VII DESTRUCTION

Classified documents, when no longer required, will be destroyed by burning or reducing to pulp. Accountability records will be maintained to reflect the destruction of Top Secret and Secret documents.

VIII REPORTS

Each government will from time to time render reports to the other government of the use which has been made of the information received by it under the agreement. These reports will contain pertinent information requested by the other government and will in particular contain a list of the persons possessing certain categories of information upon the dissemination of which restrictions have been placed by each other government and a list of the documents which have been transferred by that government under the agreement.

C O N F I D E N T I A L

- 5 -

IX CONTINUING REVIEW OF SECURITY SYSTEMS

In order to insure similar implementation of the security policies and procedures detailed in this agreement, reciprocal periodic visits will be made with a view to achieving mutual understanding of the adequacy and reasonable comparability of the respective security systems.

Reproduction of this document in whole
in part is prohibited except with
permission of the issuing office.

TOP SECRET

COPY NO. 27

ANNEX TO THE AGREEMENT

It is agreed that the types of atomic information which may be exchanged at their discretion between the Governments of the United States and Canada under the Agreement for Co-operation Regarding Atomic Information, of which this Annex is a part, will be limited to the following:

1. Effects related to yield to be expected from the detonation of atomic weapons.
2. Response of structures, equipment, and personnel to the effects of atomic weapons, including damage or casualty criteria.
3. Systems for analysis of the response of structures, equipment and personnel to the effects of atomic weapons.
4. Characteristics of atomic weapons including size, weight, shape, yields, and fuzing options.
5. The general magnitude of the number of atomic weapons, by types, yields and fuzing options which may be allocated in support of joint Canada-United States plans for the defense of North America; and the logistic aspects and storage requirements of such weapons.
6. Information regarding delivery systems, including tactics and techniques, and duties of delivery crews as regards weapons.
7. Information required to determine aircraft compatibility for atomic weapons, including instruments required for purposes of in-flight monitoring and check-out of atomic weapons.
8. Basic safety features of atomic weapons including disposal of damaged or defective weapons.
9. Training of personnel in the employment of and defense against atomic weapons. Requests for attendance of personnel at schools, exercises and tests will be processed on an individual basis.

TOP SECRET

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000135

- 2 -

TOP SECRET

10. Information on the capabilities of potential enemy nations for atomic warfare.
11. Information regarding civil defense against atomic attacks.
12. Information regarding military nuclear propulsion systems for ships and aircraft.
13. Information regarding military nuclear power plants.
14. Information pertaining to the adaptation of commercial reactors to military use.
15. Information, including samples, on the amount and geographical distribution of radioactive debris resulting from past and future nuclear explosions.
16. Acoustic, seismic, electromagnetic, and other geophysical data from nuclear explosions, provided they reveal only general characteristics of weapons or devices.
17. Time and locations of scheduled nuclear explosions.

Nothing in the Agreement is designed to preclude the transfer or exchange of defense information which does not come under the provisions of the United States Atomic Energy Act of 1954.

For the United States of America:

For Canada:

TOP SECRET

000136

APPENDIX "A"

CONFIDENTIAL

27 May - Draft

SECURITY STANDARDS FOR
SAFEGUARDING ATOMIC INFORMATION
EXCHANGED UNDER THIS AGREEMENT

I. PERSONNEL SECURITY

- A. No person will be entitled to access to atomic information solely by virtue of rank, appointment, or security clearance. Access to atomic information will be granted only to those individuals whose official duties require such access and who have been investigated and cleared for access in accordance with the standards prescribed in this Appendix. No person will be granted a security clearance unless it is affirmatively determined that such clearance is clearly consistent with ~~the~~ national security interests ~~of the respective countries.~~
- B. Before granting access to atomic information, a responsible government authority ^{of the country concerned} will make a determination of eligibility for each individual to be granted such access.
- C. The decision as to whether the granting of a clearance is clearly consistent with the interests of security will be a determination based on all available information. This clearance will be based on a determination

that such individual is of:

1. Unquestioned loyalty, integrity and trustworthiness.
2. Excellent character and of such habits and associates as to cast no doubt upon his discretion or good judgment in the handling of atomic information.

4/

D. A background investigation, which is an investigation covering the individual's background for a sufficient period of time and in sufficient detail to provide assurance that the criteria in items C 1 and 2 above have been met, will be conducted by a governmental investigative agency on the following:

1. Any person to be granted access to Top Secret atomic information,
2. Any person who is of Russian or Satellite origin or connection, and
3. Any other person who may be vulnerable to pressure from foreign or other sources.

5/

E. For persons who are to have access to Secret (and Confidential) atomic information, a thorough investigation will be made of all records held by the national security services or by other government departments and agencies. ^{or military units} In the event that ^{further info is required on} derogatory or questionable information concerning an individual is dis-

closed as a result of this check, the inquiry will be extended as necessary to obtain such additional information as may be required to determine whether or not a clearance should be granted.

F. When immediate access to atomic information is essential for the individual concerned to carry out his assigned task, and the delay caused by awarding a full clearance would be detrimental to the national interest, the responsible authority empowered to grant such clearance may authorize provisional clearance based on records immediately available. In each such case, the responsible authority will institute immediately the procedure necessary to satisfy the full clearance requirements set forth in the paragraphs above.

G. ^{Each} All establishments handling atomic information will maintain a registry of the clearance of personnel ^{at that establishment} authorized to have access to such information. Each clearance will be reviewed, as the occasion demands, to insure that it conforms with the current standards applicable to the person's employment, and will be re-examined as a matter of priority when new information is received which indicates that continued employment

involving access to classified information
~~on-classified work~~ is no longer consistent with the
interests of security.

II. PHYSICAL SECURITY

A. Atomic information will be protected against sabotage, espionage, unauthorized access or any other hostile activity. The nature of the protection will depend upon:

1. The character and location of the building, *and*
2. The classification, volume and location of the information in the building.

B. Atomic information will be stored as follows:

1. Top Secret -- in safes or strong steel cabinets fitted with three-wheel combination or special security locks.
2. Secret and Confidential -- in safes or steel cabinets whose locking devices are regularly inspected and known to be secure.

III. TRANSMISSION

A. The minimum requirements for transmission of atomic information made available by the other government will be as follows:

1. Top Secret atomic information by military or diplomatic courier or other official courier.

2. Secret and Confidential atomic information by registered mail within the postal systems of the respective nations.

B. All atomic information transmitted by electrical means will be encrypted.

IV. ACCOUNTABILITY

Accountability procedures will be established to control the dissemination of atomic information. Particularly severe control will be maintained for atomic information classified Top Secret, and Top Secret control officers will be designated to maintain accountability registers for the receipt and dispatch of Top Secret documents.

V. MARKING OF REPRODUCED DOCUMENTS

When a document containing atomic information is reproduced, all original security marking thereon will also be reproduced.

VI. LOSS OR COMPROMISE

In the event of loss or possible compromise of atomic information exchanged under this agreement, the originating nation will be informed and an immediate investigation will be carried out into the circumstances surrounding the loss. The originating nation will also be informed of the findings of the investigation.

VII. DESTRUCTION

Classified documents, when no longer required, will be destroyed by burning or reducing to pulp. Accountability records will be maintained to reflect the destruction of Top Secret and Secret documents.

IX ~~VIII.~~ CONTINUING REVIEW OF SECURITY SYSTEMS

In order to insure similar implementation of the security policies and procedures detailed in this Agreement, reciprocal periodic visits will be made with a view to achieving mutual understanding of the adequacy and reasonable comparability of the respective security systems.

VIII. as for Art III para 4.

FILE COPY

IN REPLY PLEASE QUOTE

NO. GSC 1977-1 (JSC)



Department of National Defence

JOINT STAFF

CONFIDENTIAL

ADDRESS REPLY TO

CHAIRMAN
CHIEFS OF STAFF,
OTTAWA.


30 May 1955.

Secretary,
Chiefs of Staff Committee

Security of Atomic Information

1. Attached hereto as Appendix 'A' is the draft appendix "Security Standards for Safeguarding Atomic Information" which it is proposed to use as the security appendix to the Agreement for the Exchange of Atomic Information.
2. This draft agreement was prepared by Representatives of the Joint Security Committee and the U.S. Defense Department. It has not yet received official approval in either country. The U.S. propose that the security appendix be the same for the US-Canada Agreement and the US-UK Agreement on the Exchange of Atomic Information. This draft has been accepted by the UK Representative in Washington and has been forwarded to the UK for approval.
3. There is some question as to whether the US will accept the criteria stated in paragraph I C. It is understood that the security annex to the civilian agreement is very long and involved and contains a long list of criteria. If the referenced paragraph is not accepted by the US, it is for consideration whether the detailed criteria in the draft Department of National Defence Security Policy, also distributed this date, could be used. These criteria are attached as Appendix "B".
4. Paragraph III A 2 states that Secret and Confidential atomic information may be transmitted by registered mail. It is expected to be a condition of this transmission that postal clerks handling registered mail receive a security clearance to the Confidential level at least. The U.S. has asked informally whether these postal clerks are in fact cleared. At the present time, postal clerks receive a fingerprint check only. The new Cabinet Directive Screening of Personnel will require a fingerprint check and a check of subversive indices for security clearance to Confidential. Until the Post Office Department adopt both these indices checks for their registered mail clerks, Canada should not use registered mail for the transmission of Secret or Confidential atomic information.
5. Available Members of Joint Security Committee have examined this document and the Committee recommends:
 - a) its adoption in this form, or
 - b) if we are faced with the necessity of adding detailed criteria, that the criteria attached at Appendix "B" be used and the document remain classified Confidential.
 - c) That Chiefs of Staff Committee request the Security Panel to use its good offices to ensure that postal clerks dealing with registered mail receive security clearance to Confidential.

Encls.
WAT/5934/AB.


W.A. Todd, Lt-Col.,
Executive Secretary,
Joint Security Committee.

000143

APPENDIX "A"

C O N F I D E N T I A L

27 May - Draft

SECURITY STANDARDS FOR
SAFEGUARDING ATOMIC INFORMATION
EXCHANGED UNDER THIS AGREEMENT

I. PERSONNEL SECURITY

- A. No person will be entitled to access to atomic information solely by virtue of rank, appointment, or security clearance. Access to atomic information will be granted only to those individuals whose official duties require such access and who have been investigated and cleared for access in accordance with the standards prescribed in this Appendix. No person will be granted a security clearance unless it is affirmatively determined that such clearance is clearly consistent with the national security interests of the respective countries.
- B. Before granting access to atomic information, a responsible government authority will make a determination of eligibility for each individual to be granted such access.
- C. The decision as to whether the granting of a clearance is clearly consistent with the interests of security will be a determination based on all available information. This clearance will be based on a determination that such individual is of:
1. Unquestioned loyalty, integrity and trustworthiness.
 2. Excellent character and of such habits and associates as to cast no doubt upon his discretion or good judgment in the handling of atomic information.
- D. A background investigation, which is an investigation covering the individual's background for a sufficient period of time and in sufficient detail to provide assurance that the criteria in items C 1 and 2 above have been met, will be conducted by a governmental investigative agency on the following:
1. Any person to be granted access to Top Secret atomic information,
 2. Any person who is of Russian or Satellite origin or connection, and
 3. Any other person who may be vulnerable to pressure from foreign or other sources.

I *WF*

When immediate access to atomic information is essential for the individual concerned to carry out his assigned task, and the delay caused by awarding a full clearance would be detrimental to the national interest, the responsible authority empowered to grant such clearance may authorize provisional clearance based on records immediately available. In each such case, the responsible authority will institute immediately the procedure necessary to satisfy the full clearance requirements set forth in the paragraphs above.

C O N F I D E N T I A L

- F. →
- E. For persons who are to have access to Secret and Confidential atomic information, a thorough investigation will be made of all records held by the national security services or by other government departments and agencies. In the event that derogatory or questionable information concerning an individual is disclosed as a result of this check, the inquiry will be extended as necessary to obtain such additional information as may be required to determine whether or not a clearance should be granted.
- F. All establishments handling atomic information will maintain a registry of the clearance of personnel authorized to have access to such information. Each clearance will be reviewed, as the occasion demands, to insure that it conforms with the current standards applicable to the person's employment, and will be re-examined as a matter of priority when new information is received which indicates that continued employment on classified work is no longer consistent with the interests of security.

II. PHYSICAL SECURITY

- A. Atomic information will be protected against sabotage, espionage, unauthorized access or any other hostile activity. The nature of the protection will depend upon:
1. The character and location of the building.
 2. The classification, volume and location of the information in the building.
- B. Atomic information will be stored as follows:
1. Top Secret -- in safes or strong steel cabinets fitted with three-wheel combination or special security locks.
 2. Secret and Confidential -- in safes or steel cabinets whose locking devices are regularly inspected and known to be secure.

III. TRANSMISSION

- A. The minimum requirements for transmission of atomic information made available by the other government will be as follows:

CONFIDENTIAL

1. Top Secret atomic information by military or diplomatic courier. *on other official courier*

2. Secret and Confidential atomic information by registered mail within the postal systems of the respective nations.

B. All atomic information transmitted by electrical means will be encrypted.

IV. ACCOUNTABILITY

Accountability procedures will be established to control the dissemination of atomic information. Particularly severe control will be maintained for atomic information classified Top Secret, and Top Secret control officers will be designated to maintain accountability registers for the receipt and dispatch of Top Secret documents.

V. MARKING OF REPRODUCED DOCUMENTS

When a document containing atomic information is reproduced, all *original* security markings thereon will also be reproduced.

VI. LOSS OR COMPROMISE

In the event of loss or possible compromise of atomic information exchanged under this agreement, the originating nation will be informed and an immediate investigation will be carried out into the circumstances surrounding the loss. The originating nation will also be informed of the findings of the investigation.

VII. DESTRUCTION

Classified documents, when no longer required, will be destroyed by burning or reducing to pulp. Accountability records will be maintained to reflect the destruction of Top Secret and Secret documents.

VIII. CONTINUING REVIEW OF SECURITY SYSTEMS

In order to insure similar implementation of the security policies and procedures detailed in this Agreement, reciprocal periodic visits will be made with a view to achieving mutual understanding of the adequacy and reasonable comparability of the respective security systems.

STOP

C O N F I D E N T I A L

No
DEPARTMENT OF NATIONAL DEFENCE
INSTRUCTION
SECURITY OF PERSONNEL

Appendix "B" to
CSC 1977.1 (JSC) of
30 May, 1955.

7. In assessing information developed as a result of the investigations outlined above, the following criteria should be used as a guide. Information of the type listed hereunder may preclude the issuance of a clearance or permit only a low level clearance. Each case, however, must be considered on its own merits:

- a) Committed or attempted to commit, conspired to, or aided or abetted another to commit or attempt to commit any act of espionage, sabotage, treason or sedition.
- b) Established an association with espionage agents of a foreign nation; with individuals who are reliably reported as suspected of espionage; or with representatives of foreign nations whose interests are inimical to the security of Canada, *except where those associations are official or maintained on other reasonable grounds.*
- c) Advocated or supported the overthrow of the Government of Canada by force or violence.
continued
- d) Sympathetic interest in totalitarian, fascist, or communist, or other subversive political ideologies. *indicates*
- e) Identification with a "front" or infiltrated organization when there is also other information which establishes the probability that he may be part of, or sympathetic to, the infiltrating element.
- f) Close continued association with individuals (including those to whom he may be bound by ties of kinship, affection, or obligation) who have subversive interests or associations as defined above when the circumstances are such that he may be presumed to know of such associations or interests.
- g) Present or recent alien status.
- h) Convictions for felony which indicate habitual criminal tendencies.
- i) Conviction for, or manifested tendencies of homosexuality or perversion.
- j) Addiction to the use of alcohol or narcotics habitually and to excess, without evidence of rehabilitation.
- k) Manifested tendencies demonstrating unreliability, abuse of trust or dishonesty.
- l) Record of a dishonorable discharge from Her Majesty's Service.
- m) To have been adjudged insane, have been committed to an insane asylum, or treated for serious mental illness or serious neuropsychiatric disorders without evidence of cure.
- n) To have wilfully violated or disregarded security regulations to a degree which could have endangered national security.
- o) Demonstrated a lack of discretion or honesty essential to the handling of classified information.
- p) The loyalty, character or discretion of any person may be vulnerable through those to whom he is bound by ties of kinship, affection, or obligation. Therefore, in justice to the individual as well as in the interest of security, serious thought should be given to the clearance of anyone whose near relative are resident in a communist nation or a satellite thereof, under circumstances permitting coercion or pressure to be brought on the individual through them.



CANADA

DK(2) to note & file
50219-AG-40
Wm B
Seen
Department of National Defence
by M. Cram
JOINT STAFF

IN REPLY PLEASE QUOTE

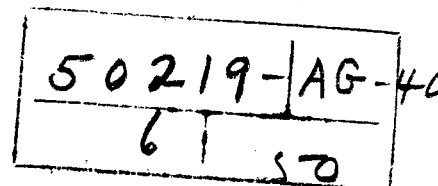
No. GSC 1977-1 (JSC)

CONFIDENTIAL

ADDRESS REPLY TO
CHAIRMAN
CHIEFS OF STAFF,
OTTAWA.

30 May, 1955.

Mr. W.H. Barton,
Department of External Affairs.



Security Appendix to Atomic Agreement

1. As you requested on Saturday here are five copies of the proposed security annex to the Atomic Agreement. If any criteria are to be added to this paper, I have informed Colonel Rubinstein that we might accept, under protest, those criteria in paragraph 7 of our draft Security of Personnel Policy, DND, five copies of which are attached hereto. I informed him that I would have to obtain consent in Ottawa for this.

2. In the event that criteria are required for the paper, would you please look over paragraph 7 of our draft paper and let me have your comments as soon as possible as I expect a call from Colonel Rubinstein tomorrow.

W.A. Todd
(W.A. Todd) Lt-Col.,
Executive Secretary,
Joint Security Committee.

Attachs.
WAT/5934/AB

APPENDIX "A"

C O N F I D E N T I A L

27 May - Draft

SECURITY STANDARDS FOR
SAFEGUARDING ATOMIC INFORMATION
EXCHANGED UNDER THIS AGREEMENT

FILE COPY

I. PERSONNEL SECURITY

- A. No person will be entitled to access to atomic information solely by virtue of rank, appointment, or security clearance. Access to atomic information will be granted only to those individuals whose official duties require such access and who have been investigated and cleared for access in accordance with the standards prescribed in this Appendix. No person will be granted a security clearance unless it is affirmatively determined that such clearance is clearly consistent with the national security interests of the respective countries.
- B. Before granting access to atomic information, a responsible government authority will make a determination of eligibility for each individual to be granted such access.
- C. The decision as to whether the granting of a clearance is clearly consistent with the interests of security will be a determination based on all available information. This clearance will be based on a determination that such individual is of:
1. Unquestioned loyalty, integrity and trustworthiness.
 2. Excellent character and of such habits and associates as to cast no doubt upon his discretion or good judgment in the handling of atomic information.
- D. A background investigation, which is an investigation covering the individual's background for a sufficient period of time and in sufficient detail to provide assurance that the criteria in items C 1 and 2 above have been met, will be conducted by a governmental investigative agency on the following:
1. Any person to be granted access to Top Secret atomic information,
 2. Any person who is of Russian or Satellite origin or connection, and
 3. Any other person who may be vulnerable to pressure from foreign or other sources.

C O N F I D E N T I A L

- E. For persons who are to have access to Secret and Confidential atomic information, a thorough investigation will be made of all records held by the national security services or by other government departments and agencies. In the event that derogatory or questionable information concerning an individual is disclosed as a result of this check, the inquiry will be extended as necessary to obtain such additional information as may be required to determine whether or not a clearance should be granted.
- F. All establishments handling atomic information will maintain a registry of the clearance of personnel authorized to have access to such information. Each clearance will be reviewed, as the occasion demands, to insure that it conforms with the current standards applicable to the person's employment, and will be re-examined as a matter of priority when new information is received which indicates that continued employment on classified work is no longer consistent with the interests of security.

II. PHYSICAL SECURITY

- A. Atomic information will be protected against sabotage, espionage, unauthorized access or any other hostile activity. The nature of the protection will depend upon:
1. The character and location of the building.
 2. The classification, volume and location of the information in the building.
- B. Atomic information will be stored as follows:
1. Top Secret -- in safes or strong steel cabinets fitted with three-wheel combination or special security locks.
 2. Secret and Confidential -- in safes or steel cabinets whose locking devices are regularly inspected and known to be secure.

III. TRANSMISSION

- A. The minimum requirements for transmission of atomic information made available by the other government will be as follows:

C O N F I D E N T I A L

1. Top Secret atomic information by military or diplomatic courier.

2. Secret and Confidential atomic information by registered mail within the postal systems of the respective nations.

B. All atomic information transmitted by electrical means will be encrypted.

IV. ACCOUNTABILITY

Accountability procedures will be established to control the dissemination of atomic information. Particularly severe control will be maintained for atomic information classified Top Secret, and Top Secret control officers will be designated to maintain accountability registers for the receipt and dispatch of Top Secret documents.

V. MARKING OF REPRODUCED DOCUMENTS

When a document containing atomic information is reproduced, all security markings thereon will also be reproduced.

VI. LOSS OR COMPROMISE

In the event of loss or possible compromise of atomic information exchanged under this agreement, the originating nation will be informed and an immediate investigation will be carried out into the circumstances surrounding the loss. The originating nation will also be informed of the findings of the investigation.

VII. DESTRUCTION

Classified documents, when no longer required, will be destroyed by burning or reducing to pulp. Accountability records will be maintained to reflect the destruction of Top Secret and Secret documents.

VIII. CONTINUING REVIEW OF SECURITY SYSTEMS

In order to insure similar implementation of the security policies and procedures detailed in this Agreement, reciprocal periodic visits will be made with a view to achieving mutual understanding of the adequacy and reasonable comparability of the respective security systems.

CSC 1617-3

C O N F I D E N T I A L

DEPARTMENT OF NATIONAL DEFENCE

INSTRUCTION

SECURITY OF PERSONNEL

ENC 10000

AIM

1. The aim of this instruction is to effect uniformity in the field of personnel security investigations and clearances throughout the Department of National Defence particularly as to:

- a) Minimum standards of investigation
- b) Criteria upon which clearances may be granted

GENERAL

2. No person is entitled to access to classified information or material solely by virtue of rank, appointment, or security clearance. Access to such information will be authorized only when the governmental duties of the individual require such access and he has been cleared. A security clearance serves only to indicate that the person is eligible for access to classified military information as required by his duties and does not, in itself, authorize access.

3. This instruction is applicable to all personnel, military and civilian, employed by or on behalf of the Department of National Defence.

STANDARDS OF INVESTIGATION

4. The standard of investigation as detailed hereafter is related to the level of clearance required and is to be interpreted as a minimum. These standards may be exceeded by competent authority but no lower standard may be authorized except in the event of war or national emergency.

TYPES OF INVESTIGATIONS

5. Personnel security investigations are of three types:

- a) a check of the subversive and fingerprint indices of the Royal Canadian Mounted Police (hereafter referred to as an "indices" check).
- b) a background investigation which, in addition to sub-paragraph a) above, will include a detailed examination of all federal government records * applicable to the individual's service in the federal government covering an uninterrupted period of ten years of federal government service. This investigation may also include the taking up of references.

* As applicable,
Citizenship and Immigration
External Affairs (Passport Division)
Department of Veterans Affairs

Civil Service Commission
Department of National Defence
(DNI, DMI, DAFS, D. Sci Int)
Other Departments and Agencies.

C O N F I D E N T I A L

CONFIDENTIAL

- c) a field investigation: when the background investigation (detailed in sub-paragraph b) above) does not provide a minimum of ten years continuous coverage or develops derogatory information or appears insufficient to give adequate assurance of loyalty, integrity, and discretion of the individual, a field investigation will be undertaken. This investigation will cover:
 - i) place of birth and citizenship,
 - ii) attendance at last school,
 - iii) employment,
 - iv) standing in the community through a neighbourhood investigation,
 - v) local police records.

SCOPE OF INVESTIGATION

6. The types of investigation required to support a clearance are as follows:

a) Top Secret - Military Personnel

- i) a check of indices and a background investigation, or
- ii) a check of indices and field investigation

b) Top Secret - Civilian Personnel

- i) a check of indices and field investigation

→ c) Aliens will not be cleared to Top Secret

d) Interim Top Secret clearances will not be granted.

e) Secret - Military Personnel

- i) indices check and a satisfactory service record

f) Secret - Civilian Personnel

- i) indices check and background investigation or,
- ii) in the absence of ten years continuous service, a field investigation

g) Secret - Aliens

- i) aliens may be cleared to Secret on the basis of a field investigation and indices check covering a minimum period of ten years.

h) Interim clearances to Secret may be granted both military and civilian personnel on the basis of indices check but these will be held to a minimum. Interim clearances to Secret will not be granted to aliens.

i) Confidential - Military and Civilian Personnel

- i) a check of indices.

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j) Confidential - Aliens

Aliens may be cleared to Confidential on

- i) an indices check
 - ii) a check of Citizenship and Immigration records.
- k) No formal clearance is required for Restricted.

CRITERIA

7. In assessing information developed as a result of the investigations outlined above, the following criteria should be used as a guide. Information of the type listed hereunder may preclude the issuance of a clearance or permit only a low level clearance. Each case, however, must be considered on its own merits:

- a) Committed or attempted to commit, conspired to, or aided or abetted another to commit or attempt to commit any act of espionage, sabotage, treason or sedition.
- b) Established an association with espionage agents of a foreign nation; with individuals who are reliably reported as suspected of espionage; or with representatives of foreign nations whose interests are inimical to the security of Canada. *except when in official business*
- c) Advocated or supported the overthrow of the Government of Canada by force or violence.
- d) Sympathetic interest in totalitarian, fascist, or communist, or other subversive political ideologies.
- e) Identification with a "front" or infiltrated organization when there is also other information which establishes the probability that he may be part of, or sympathetic to, the infiltrating element.
- f) Close continued association with individuals (including those to whom he may be bound by ties of kinship, affection, or obligation) who have subversive interests or associations as defined above when the circumstances are such that he may be presumed to know of such associations or interests.
- g) Present or recent alien status.
- h) Convictions for felony which indicate habitual criminal tendencies.
- i) Conviction for, or manifested tendencies of homosexuality or perversion.
- j) Addiction to the use of alcohol or narcotics habitually and to excess, without evidence of rehabilitation.
- k) Manifested tendencies demonstrating unreliability, abuse of trust or dishonesty.

C O N F I D E N T I A L

- l) Record of a dishonorable discharge from Her Majesty's Service.
- m) To have been adjudged insane, have been committed to an insane asylum, or treated for serious mental illness or serious neuropsychiatric disorders without evidence of cure.
- n) To have wilfully violated or disregarded security regulations to a degree which could have endangered national security.
- o) Demonstrated a lack of discretion or honesty essential to the handling of classified information.
- p) The loyalty, character or discretion of any person may be vulnerable through those to whom he is bound by ties of kinship, affection, or obligation. Therefore, in justice to the individual as well as in the interest of security, serious thought should be given to the clearance of anyone whose near relative are resident in a communist nation or a satellite thereof, under circumstances permitting coercion or pressure to be brought on the individual through them.

ATOMIC ENERGY INFORMATION

8. Access, within the Department of National Defence, to atomic information classified Top Secret, Secret, or Confidential will be governed by the clearances procedures as set forth in this instruction.

REVIEW OF CLEARANCES

9. Clearances will be reviewed as the occasion demands.

25 May 1955.