

50219-AK-40

Pl. 4

Canada. U.S. U.K. Agreement for Cooperation Concerning Military Aspects of Atomic Energy.

ACCESS TO INFORMATION
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EXAMINED BY / EXAMINE PAR:
<i>R. B. Reynolds</i>
DATE / DATE:
<i>June 27, 1989</i>

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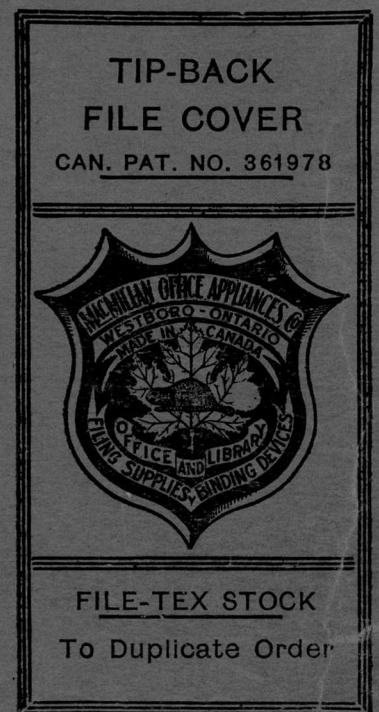
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No. Sp 2970

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25 June 59*

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**FILE 68-1**

**56219-AK-40**  
**58 50**

FM NATOPARIS JUN24/59 SECRET  
TO EXTERNAL 1308 PRIORITY  
INFO WASHDC

25 JUN 1959

REF OUR TEL 1237 JUN17 AND YOUR TEL DL495 JUN18  
BILATERAL AGREEMENT WITH THE USA FOR CO-OPERATION ON THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES  
IN NATO COUNCIL THIS MORNING I MADE A STATEMENT IN THE TERMS AUTHO-  
RIZED IN YOUR TEL UNDER REF AND OUTLINED IN OUR TEL 1237.  
2. WE HAD PREVIOUSLY ASCERTAINED THAT THIS STATEMENT WOULD BE  
ACCEPTABLE TO THE USA REP AND THAT HE WOULD SUPPORT IT. IN COUNCIL  
BURGESS EXPRESSED PLEASURE AT THE CONCLUSION OF THE AGREEMENT AND  
COMMENDED THE "FINE CO-OPERATION" OF THE CDN GOVT IN NORAD. THERE WAS  
NO RPT NO OTHER COMMENT.  
3. BURGESS' STATEMENT, MOST WELCOME IN ITSELF, MAY HAVE LEFT THE IMPRES-  
SION THAT USA INTEREST IN THE AGREEMENT IS CONFINED TO THE FACILITY  
IT WILL LEND TO NORTH AMERICAN DEFENCE. FOR OUR PART WE DID NOT RPT  
NOT WISH TO BE MORE SPECIFIC THAN THE SENTENCE USED FROM THE PRIME  
MINISTER'S STATEMENT IN DESCRIBING THE BENEFITS ACCRUING FROM THE  
AGREEMENT. WE THINK, HOWEVER, THAT IT WOULD BE IN ORDER FOR US, DURING  
OUR ANNUAL REVIEW EXAMINATION, TO MAKE CLEAR THAT ONE RESULT OF THE  
AGREEMENT WILL BE TO FACILITATE THE ADVANCED TRAINING OF CDN TROOPS  
IN THE USE OF ANY MODERN WEAPONS TO BE PROVIDED TO OUR FORCES IN  
EUROPE, E. G. THE LACROSSE MISSILE

LEGER

SEEN BY THE MINISTER  
23/7/59

*File*  
*SM*

Secret

Ottawa

23 June, 1959

50219-AK-40  
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*Should there be a press release? after July 26th*  
*HKY*  
*[Signature]*

MEMORANDUM FOR THE MINISTER

Bilateral Agreement with the United States for Co-operation on the Uses of Atomic Energy for Mutual Defence Purposes

In 1955 we negotiated with the United States an agreement on the exchange of atomic energy information for mutual defence purposes. This agreement was designed to enable Canada to take advantage of the extensive revision made the previous year to the McMahon Act, the first revision made since this Act was passed in 1945. Under the terms of this agreement our Armed Forces could obtain information 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 capabilities of potential enemies in the employment of atomic weapons.

The new agreement, which was signed on May 22 and tabled in the House of Commons by the Prime Minister on May 25, in effect supersedes the 1955 agreement. It was made possible by the further revisions of the United States Atomic Energy Act made a year ago which permitted the United States to co-operate more extensively with its Allies in the military atomic energy field. In addition to the three categories of information covered by the earlier agreement we will be able to obtain (a) information on the development of delivery systems compatible with the atomic weapons which they carry, (b) information necessary to the research, development and design of military reactors. We will also be able to obtain from the United States (c) non-nuclear parts of atomic weapons systems (for example, launchers and guidance systems) and (d) when in a position to make a firm request, a military reactor or reactors as well as any special nuclear fuels to operate them.





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Our agreement goes further than similar agreements negotiated at the same time by the United States with Turkey, Greece, Germany and the Netherlands in that we can receive information on military reactors and, eventually, a reactor or reactors and special fuels for them. (This, we have been given to understand, is due to our demonstrated capacity to design, build and operate reactors for civil purposes). Our agreement does not, however, go as far as the similar United States/United Kingdom agreement. Having made "substantial progress" in the development of nuclear weapons, the United Kingdom can be given additional information on weapons and more highly classified equipment (though not the actual warheads). Canada cannot, of course, meet this test of the United States Act.

In brief, therefore, the importance of the new agreement stems from the advances it makes over the 1955 agreement. Whereas the latter covered only exchange of information, and then only in three categories, the new agreement provides for two more categories, the transfer of <sup>new</sup> nuclear parts of atomic weapons systems and eventually the transfer of a military reactor, if required, and special fuels for it. The Technical Annex (which is to remain secret) is much more liberal than the Technical Annex of the earlier agreement.

The need for Canada to negotiate a new agreement arose in several ways. Although under the 1955 agreement the United States was able to exchange with us a good deal of Restricted information, it became apparent that, as an ally of the United States in NATO and as a partner in the defence of North America it would be in our own interests to ensure that our Armed Forces were in a position to obtain as much information and equipment as possible for which Canada was eligible under the revised Act. The eventual equipment of our Brigade and Air Division in Europe with modern weapons and our joint participation in NORAD make this particularly necessary. Moreover, we had run into some situations which could not be resolved under the 1955 agreement; for example, we require to have full information on future air defence weapons for NORAD and information and equipment to give the RCAF a salvage capability in the event of an accident occurring during an overflight of Canada by SAC aircraft. Also, the still-secret Technical Annex of the 1955 agreement was not broad enough in scope to permit training in certain advanced nuclear tactical weapons and contained no provisions regarding certain delivery systems which our Armed Forces require. Our Defence authorities are satisfied that the new agreement will cover

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our immediately foreseeable requirements and that the United States authorities have, within the limits of the Atomic Energy Act, made it as comprehensive as they can.

The United States Act provides that such agreements must lie on the table of the Joint Committee on Atomic Energy of the U.S. Congress for a period of sixty days. The waiting period for our agreement will end on July 26. In the meantime we have been told in confidence by the State Department that the Joint Committee has already approved it in Executive Session and that provided the Congress does not rise before that date we can expect that it will come into force as of July 26. Shortly before July 26 we shall have to make arrangements with the State Department for a formal exchange of notes stating that each Government has approved the new agreement. This agreement was approved by the Cabinet Defence Committee on April 22 and by the Cabinet on May 13.

The agreement is, of course, closely related to but quite separate from those to be worked out with the United States governing the conditions on storage, custody and control of nuclear weapons in Canada and for Canadian Forces in Europe which the Prime Minister announced in the House on February 20. The Department of National Defence has already begun technical discussions with the United States Department of Defence on these conditions.



N.A.R.



DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE

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FM: EXTERNAL OTTAWA	DATE	FILE		SECURITY							
	18-6-59	50219-AK-40 70		SECRET 50							
TO: NATO PARIS	NUMBER		PRECEDENCE		COMCENTRE USE ONLY						
	DL-495		OPIMMEDIATE								
INFO: WASHINGTON			PRIORITY								

Ref.: WASHINGTON TELEGRAM 1494 JUNE 16.

Subject: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR DEFENCE PURPOSES.

YOU WILL HAVE SEEN FROM WASHINGTON TELEGRAM UNDER REFERENCE THAT THE STATE DEPARTMENT HAVE NO OBJECTION TO YOUR MAKING A STATEMENT TO THE NATO COUNCIL BUT THAT THEY WOULD PREFER THE DELETION OF THE PHRASE "IT IS ONE OF THE AGREEMENTS OF THE KIND RECENTLY CONCLUDED BETWEEN THE USA AND MEMBER COUNTRIES OF NATO AND IS OF THE TYPE DESCRIBED IN THE PAPER WHICH THE USA REP CIRCULATED TO COUNCIL ON MAY 4". IT WILL, THEREFORE, BE IN ORDER FOR YOU TO MAKE A STATEMENT ALONG THE LINES YOU HAVE PROPOSED WITH THE ABOVE AMENDMENT.

2. YOUR UNDERSTANDING OF THE PURPOSE OF THE NEW AGREEMENT AS OUTLINED IN YOUR TELEGRAM 1224 OF JUNE 16 IS ESSENTIALLY CORRECT IN THAT THE PROVISIONS GOVERNING THE EXCHANGE OF INFORMATION WILL, INTERALIA, PERMIT TRAINING OF CANADIAN FORCES IN THE USE OF THOSE ATOMIC WEAPONS WITH WHICH THEY WILL BE PROVIDED IN TIME AND THE DELIVERY SYSTEMS FOR THESE WEAPONS. THE CONDITIONS GOVERNING THE

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LOCAL DISTRIBUTION

ORIGINATOR	DIVISION	PHONE	APPROVED BY
SIG..... NAME..... F.M.Tovell/ih.....	D.L.(1)	67509	(Signed) PAUL TREMBLAY

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PROVISION OF THESE WEAPONS WILL BE WORKED OUT SUBSEQUENTLY. THE AGREEMENTS EMBODYING THESE CONDITIONS AND THE AGREEMENT SIGNED ON MAY 22 ARE NOT, THEREFORE, UNRELATED. HOWEVER, YOU WILL REALIZE THAT THE NEW AGREEMENT IS ESSENTIALLY THE 1955 AGREEMENT (CANADA TREATY SERIES 1955, NUMBER 16) REVISED TO TAKE ADVANTAGE OF THE AMENDMENTS MADE TO THE U.S. ATOMIC ENERGY ACT A YEAR AGO. UNDER THE EARLIER AGREEMENT WE COULD ALSO BE GIVEN INFORMATION NECESSARY TO THE DEVELOPMENT OF DEFENCE PLANS, THE TRAINING OF MILITARY 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. NOW, IN ADDITION TO THESE CATEGORIES, WE CAN ALSO BE GIVEN INFORMATION ON THE DEVELOPMENT OF DELIVERY SYSTEMS COMPATIBLE WITH THE ATOMIC WEAPONS WHICH THEY CARRY AND INFORMATION NECESSARY TO RESEARCH, DEVELOPMENT AND DESIGN OF MILITARY REACTORS. FURTHER, WE CAN BE GIVEN NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS (E.G., LAUNCHERS) AND, WHEN IN A POSITION TO REQUEST ONE, A MILITARY REACTOR AND SPECIAL FUELS FOR IT. THE IMPORTANCE OF THE NEW AGREEMENT, THEREFORE, STEMS FROM THESE ADVANCES OVER THE 1955 AGREEMENT. THE ADVANCE IN RESPECT OF INFORMATION FOR TRAINING OF MILITARY PERSONNEL IS ONLY SIGNIFICANT TO THE EXTENT THAT THE RELEVANT SECTIONS OF THE TECHNICAL ANNEX (A COPY OF WHICH WE HAVE SENT TO YOU FOR YOUR OWN INFORMATION ONLY) ARE MORE LIBERAL THAN THE CORRESPONDING SECTIONS OF THE TECHNICAL ANNEX TO THE 1955 AGREEMENT.

FM NATOPARIS JUN17/59 SECRAT  
TO EXTERNAL 1237 OPIMMEDIATE  
INFO TT CCOS OPIMMEDIATE FM OTT  
WASHDC PRIORITY

WASHDC TEL 1494 JUN16

BILATERAL AGREEMENT WITH USA FOR COOPERATION ON USE OF ATOMIC ENERGY  
FOR MUTUAL DEFENCE PURPOSES

IN LIGHT OF WASHDCS REFTEL PLEASE CONFIRM THAT YOU ARE AGREEABLE  
TO OUR MAKING A STATEMENT IN COUNCIL ON JUN24 IN FOLLOWING TERMS:  
QUOTE THE COUNCIL WILL RECALL THAT, AT AN EARLIER DATE, I REFERRED TO  
EXPECTED CONCLUSION OF AN AGREEMENT BETWEEN CDN AND USA GOVTS  
COVERING COOPERATION ON USES OF ATOMIC ENERGY FOR  
MUTUAL DEFENCE PURPOSES. I NOW WISH TO INFORM COUNCIL THAT SUCH AN  
AGREEMENT HAS BEEN CONCLUDED. WHEN INFORMING CDN HOUSE OF COMMONS  
OF CONCLUSION OF AGREEMENT CDN PRIME MINISTER SAID QUOTE I FEEL  
CERTAIN THAT THE COOPERATION WHICH WILL BE CARRIED OUT UNDER THIS  
AGREEMENT WILL BE OF SUBSTANTIAL BENEFIT TO CANADA, NOT RPT NOT  
ONLY IN THE TRAINING OF OUR ARMED FORCES, IN THE DEVELOPMENT OF  
DEFENCE PLANS AND IN THE IMPROVEMENT IN OUR MILITARY STATE OF  
READINESS AND OUR EQUIPMENT, BUT ALSO IN ENABLING CANADAS ARMED  
FORCES BETTER TO PLAY THEIR PART IN THE DEFENCE OF NORTHAMERICA  
AND THE FREE WORLD. UNQUOTE. (END OF QUOTATIONS

2. WE HAVE KEPT IN TOUCH INFORMALLY WITH USA DEL HERE. ON  
RECEIVING YOUR CONFIRMATION WE WILL INFORM THEM OF THE TEXT OF  
OUR PROPOSED STATEMENT AND SECURE THEIR AGREEMENT ON TIMING. ""

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18 JUN 1959

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FILE COPY

DM WASHDC JUN16/59 SECRET  
TO EXTERNAL 1494 OPIMMED  
INFO NATOPARIS OPIMMED  
REF OURTEL 1451 JUN11

BILATERAL AGREEMENT WITH USA FOR COOPERATION ON THE USE OF ATOMIC  
ENERGY FOR MUTUAL DEFENCE PURPOSES

FESSENDEN(ACTING DIRECTOR OF THE OFFICE OF EUROPEAN REGIONAL AFFAIRS)  
CALLED YESTERDAY MORNING TO CONFIRM HIS PRELIMINARY STATEMENT TO US,  
REPORTED IN OUR REFTEL, THAT THERE WAS NO PROBLEM IN PRINCIPLE ABOUT  
OUR MAKING A STATEMENT TO THE NATO COUNCIL CONCERNING THIS AGREEMENT.  
2. FESSENDEN HOPED HOWEVER THAT WE WOULD CONSIDER DELETING THE SENTENCE  
OF PARA5 OF NATO TEL 1101 JUN1 WHICH READS: "IT IS ONE OF THE AGREEMENTS  
OF THE KIND RECENTLY CONCLUDED BETWEEN THE USA AND MEMBER COUNTRIES  
OF NATO AND IS OF THE TYPE DESCRIBED IN THE PAPER WHICH THE USA REP  
CIRCULATED TO COUNCIL ON MAY4." THE REASON FOR THIS SUGGESTION IS THAT  
THE AGREEMENT WITH US IS MORE COMPREHENSIVE THAN THE OTHER AGREEMENTS  
AND OUR AGREEMENT STEMS FROM A MUCH LONGER PERIOD OF COOPERATION.  
FESSENDEN SAID THAT FOR OUR OWN INFO SOME OF THE OTHER COUNTRIES  
CONCERNED ARE ANXIOUS TO MAKE MORE COMPREHENSIVE AGREEMENTS. WHILE  
THIS POSSIBILITY WAS BEING EXPLORED, FOR US TO IMPLY THAT THEIR PRESENT  
AGREEMENTS ARE SIMILAR TO OURS MIGHT AFFECT SENSITIVITIES.  
3. FESSENDEN SAID THAT THE USA DID NOT PLAN TO MAKE A FURTHER GENERAL  
STATEMENT CONCERNING THE LATEST AGREEMENT SINCE THE AGREEMENTS EXCEPT  
FOR THE ONE WITH CDA WERE COVERED IN THE STATEMENT TO COUNCIL IN MAY.  
THE USA DEL IN PARIS WOULD HOWEVER BE HAPPY TO ASSOCIATE ITSELF  
WITH A CDN STATEMENT. FESSENDEN SAID THAT THE USA DELEGATES HAD BEEN  
ALERTED TO OUR REQUEST. WE AGREED THAT THE TIMING OF THE STATEMENTS  
SHOULD BE LEFT TO THE DELS.

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17 JUN 1959

FM NATOPARIS JUN16/59 SECRET

TO EXTERNAL 1224 PRIORITY

INFO TT CCOS DM/DND PRIORITY FM OTT

WASHDC PRIORITY

YOURTEL DL473 JUN10 AND WASHDC TEL 1426

BILATERAL AGREEMENT FOR CO-OPERATION OF USES OF ATOMIC ENERGY  
WE SHOULD MAKE CLEAR THAT, IN PARA2 OURTEL 1101, WE DID NOT RPT NOT  
MEAN TO SUGGEST THAT THE AGREEMENT WE HAVE CONCLUDED WITH USA ON  
EXCHANGE OF INFO IN ANY WAY COVERS PROVISIONS OF DELIVERY SYSTEMS  
FOR ATOMIC WEAPONS. WE APPRECIATE THAT ANY WEAPONS SYSTEMS TO BE  
ACQUIRED BY CANADA WOULD BE COVERED BY SEPARATE AGREEMENTS  
WHICH HAVE NOT RPT NOT BEEN WORKED OUT.

2. WHAT WE DID MEAN TO SUGGEST WAS THAT ON BASIS OF INFO AT OUR  
DISPOSAL WE WERE INCLINED TO ASSUME THAT PROVISIONS FOR EXCHANGE  
OF INFO IN PRESENT AGREEMENT WOULD BE SUCH AS TO PERMIT AND  
FACILITATE THE ADVANCE<sup>?</sup> TRAINING OF CDN PERSONNEL IN USE OF ATOMIC  
WEAPONS FOR CDN FORCES. PRESUMABLY THIS FACILITY WILL BE NEEDED IN  
CONNECTION WITH ANY ATOMIC WEAPONS TO BE ACQUIRED BY NAVY, LACROSSE  
WEAPONS TO BE ACQUIRED FOR ARMY IN CDA AND IN EUROPE, AND ANY ATOMIC  
WEAPONS WITH WHICH AIR DIV MAY ULTIMATELY BE ARMED. WE DO NOT RPT NOT  
SUPPOSE THAT AGREEMENT ON EXCHANGE OF INFO WOULD SPECIFICALLY RELATE  
TO ANY OF THESE WEAPONS, IF FOR NO RPT NO OTHER REASON THAN THAT  
DECISIONS REGARDING ACQUISITION OF SOME OF THEM HAVE NOT RPT NOT  
YET BEEN TAKEN. WE DID HAVE IN MIND HOWEVER THAT AGREEMENT ON  
EXCHANGE OF INFO WOULD PRESUMABLY BE SUCH AS TO FORM NECESSARY  
COUNTERPART OF ANY SUBSEQUENT AGREEMENTS ON PROVISION OF DELIVERY  
SYSTEMS, AND IN PARTICULAR, THAT IT WOULD MAKE POSSIBLE IN DUE COURSE  
THE ADVANCE<sup>?</sup> TRAINING OF CDN ARMY PERSONNEL IN USE OF THE LACROSSE  
WEAPON, BOTH IN CDA AND IN EUROPE. AS WE UNDERSTAND THE GENERAL  
PROCEDURE, AGREEMENT ON EXCHANGE OF INFO COVERS, INTER ALIA, SUCH  
INFO ABOUT NUCLEAR WARHEADS AS IS NECESSARY FOR TRAINING FORCES  
IN USE OF DELIVERY SYSTEMS, THE AGREEMENTS ON PROVISION OF THESE

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PAGE TWO 1224

SYSTEMS BEING ENTIRELY SEPARATE. THIS AT ANY RATE IS THE PATTERN WHICH WE UNDERSTAND IS BEING DEVELOPED BETWEEN USA AND CERTAIN EUROPEAN NATO COUNTRIES.

3. WE WOULD BE GLAD TO KNOW IF WE HAVE PLACED A CORRECT INTERPRETATION ON PRESENT CDN AGREEMENT IN THIS RESPECT.

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FM WASHDC JUN10/59 RESTD

TO EXTERNAL 1426

INFO NATOPARIS

BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENCE PURPOSES

FOR YOUR INFO, THE TEXT OF THIS AGREEMENT WAS PUBLISHED IN YESTER-  
DAYS CONGRESSIONAL RECORD. THE SUBCOMMITTEE ON AGREEMENTS FOR  
COOPERATION WILL BEGIN HEARINGS ON THE AGREEMENT AND THOSE WITH  
GERMANY, THE NETHERLANDS AND TURKEY TOMORROW, JUN11. TEXTS OF THESE  
AGREEMENTS ARE BEING FORWARDED BY BAG. \*\*\*\*\*

*Done 11 June 59 with WCCOS  
1 com WPCO  
and the  
military  
DL(1)*

11 JUN 1959

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE **FILE COPY**

~~SECRET~~

44

FM:	EXTERNAL OTTAWA	DATE	FILE		SECURITY
		9 <sup>00</sup> 4-6-59	50219-AK-40		SECRET
TO:	NATO PARIS	NUMBER	PRECEDENCE	COMCENTRE USE ONLY	
		DL-473	OPIMMEDIATE		
INFO:	WASHINGTON,  CCOS		OP IMMEDIATE		

Ref.: YOUR TEL 1101 JUNE 1

Subject: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

WE AGREE THAT THERE WOULD BE CERTAIN ADVANTAGES IN YOUR MAKING A BRIEF STATEMENT TO THE COUNCIL CONCERNING OUR NEW ATOMIC AGREEMENT WITH THE UNITED STATES. WE HAVE IN MIND NOT ONLY THE REASONS YOU HAVE ADVANCED AND THOSE OUTLINED IN WASHINGTON TELEGRAM 1336 OF JUNE 3 BUT ALSO OUR GENERAL POLICY OF KEEPING THE NATO COUNCIL INFORMED OF IMPORTANT DEVELOPMENTS IN CANADIAN FOREIGN AND DEFENCE POLICY.

2. YOU HAVE ALREADY RECEIVED A COPY OF THIS AGREEMENT. UNDER SEPARATE COVER WE ARE SENDING YOU A COPY OF THE TECHNICAL ANNEX AND THE SECURITY ANNEX. THE MAIN AGREEMENT HAS, OF COURSE, NOW BEEN MADE PUBLIC BUT THE TWO ANNEXES WILL REMAIN CLASSIFIED. THE MAIN AGREEMENT DEALS ONLY WITH THE EXCHANGE OF INFORMATION FOR CERTAIN SPECIFIED PURPOSES, THE TRANSFER OF CERTAIN NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS AND THE TRANSFER AT SOME FUTURE TIME OF

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SIG..... NAME..... F.M.Tovell/in	D.L (1)	67509	N. A. ROBERTSON SIG..... NAME.....



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MILITARY REACTORS AND SPECIAL MATERIALS TO OPERATE THEM. IT DOES NOT COVER SPECIAL WEAPONS (YOUR PARAGRAPH TWO IMPLIES THAT YOU BELIEVE IT DOES) FOR WHICH ~~✓~~ SEPARATE AGREEMENTS WILL BE NEGOTIATED AS ANNOUNCED BY THE PRIME MINISTER IN THE HOUSE OF COMMONS ON FEBRUARY 20.

3. THE GENERAL LINE PROPOSED IN YOUR PARAGRAPH FIVE WITH THE ADDITION OF THE PENULTIMATE PARAGRAPH OF THE PRIME MINISTER'S STATEMENT IN THE HOUSE ON MAY 25, FOR THE REASON GIVEN IN YOUR PARAGRAPH ELEVEN, WOULD APPEAR SATISFACTORY FOR THE PURPOSE YOU HAVE IN MIND AND WE HAVE NO CHANGES TO SUGGEST. YOU WILL NOTE FROM THE CONCLUDING PARAGRAPH OF THIS TELEGRAM THAT WE ARE INSTRUCTING WASHINGTON TO TAKE UP YOUR SUGGESTION WITH THE STATE DEPARTMENT. WE LEAVE IT TO YOU TO DECIDE WHETHER YOU SHOULD LET YOUR DUTCH, TURKISH AND GERMAN COLLEAGUES KNOW IN ADVANCE OF YOUR INTENTION TO MAKE A BRIEF STATEMENT.

4. WITH REGARD TO YOUR PARAGRAPH FOUR, WE, LIKE YOU, HAVE AS YET NO PRECISE KNOWLEDGE OF THE PROVISIONS OF THE U.S. AGREEMENTS WITH TURKEY, GERMANY AND THE NETHERLANDS AS THEY HAVE NOT YET BEEN PUBLISHED. HOWEVER, WE HAVE BEEN TOLD IN CONFIDENCE BY THE STATE DEPARTMENT THAT OUR AGREEMENT IS MORE COMPREHENSIVE IN THAT ARTICLE II PROVIDES FOR THE EXCHANGE OF CLASSIFIED INFORMATION NECESSARY FOR "RESEARCH, DEVELOPMENT AND DESIGN OF MILITARY REACTORS", IN ADDITION TO THE FOUR FIELDS ENUMERATED IN YOUR TELEGRAM 903 OF MAY 5, AND THAT IN ARTICLE IV, THE WAY IS OPENED FOR THE TRANSFER OF MILITARY REACTORS AND MATERIALS. <sup>WE ASSUME THAT</sup> IN OTHER RESPECTS THE AGREEMENTS ARE IDENTICAL.

5. WITH REGARD TO POINTS (B) AND (C) OF YOUR PARAGRAPH SIX, SINCE OUR AGREEMENT HAS ALREADY BEEN MADE PUBLIC THE DIFFERENCES BETWEEN IT AND THE OTHER THREE ARE BOUND TO BECOME KNOWN IN TIME. IN FACT, COPIES OF OUR AGREEMENT HAVE BEEN GIVEN ON REQUEST TO THE <sup>BELGIAN</sup> FRENCH AND DANISH EMBASSIES AND TO THE UNITED KINGDOM HIGH COMMISSION. IF OTHER GOVERNMENTS SHOULD ASK FOR A COPY WE COULD NOT VERY WELL REFUSE. IF ANY DIFFICULTIES SHOULD ARISE OVER THE FACT THAT OUR AGREEMENT IS MORE COMPREHENSIVE, YOU COULD POINT OUT THAT WHILE RESTRICTED DATA ON REACTORS CAN BE PROVIDED UNDER IT AS SOON AS

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IT COMES INTO FORCE, ANY REACTOR OR REACTORS AND SPECIAL MATERIALS FOR THEM CAN ONLY BE OBTAINED BY AN AMENDMENT TO THE AGREEMENT; THIS MEANS, IN <sup>EFFECT</sup> ~~FACT~~, THAT WE WOULD HAVE TO NEGOTIATE A NEW AGREEMENT <sup>AS</sup> ~~AND~~ WE WOULD HAVE TO GO THROUGH THE SAME PROCESS AGAIN, I.E. NEGOTIATION, SIGNATURE AND A SIXTY-DAY WAITING PERIOD WHILE THE CONGRESS <sup>IS</sup> ~~WAS~~ IN SESSION, ONCE WE HAVE ESTABLISHED <sup>IT</sup> ~~NEED~~ FOR THIS TYPE OF EQUIPMENT AND ARE PREPARED TO MAKE A FIRM PROPOSAL TO THE U.S. AUTHORITIES. THUS, IF WE WERE IN A POSITION TO MAKE A FIRM REQUEST FOR A REACTOR NOW, THE EARLIEST DATE ON WHICH WE COULD EXPECT TO RECEIVE IT WOULD BE MARCH OR APRIL 1960. FOR YOUR OWN INFORMATION, THE PROVISIONS OF OUR AGREEMENT COVERING REACTORS, REFERRED TO ABOVE, WERE IN THE ORIGINAL U.S. DRAFT AND WERE NOT INSERTED AT OUR REQUEST.

6. FINALLY, WE WOULD AGREE THAT ANY EXPOSITION OF THE RELATIONSHIP BETWEEN THIS AGREEMENT, THE FURTHER AGREEMENTS TO BE NEGOTIATED ON CONTROL, CUSTODY AND STORAGE OF SPECIAL WEAPONS IN CANADA AND FOR OUR FORCES IN WESTERN EUROPE, AND THE GOVERNMENT'S POLICY ON THE PRODUCTION OF NUCLEAR WEAPONS AND INTERNATIONAL CONTROL TO LIMIT THEM, WOULD BEST BE LEFT TO A MORE APPROPRIATE OCCASION.

7. FOR WASHINGTON: PLEASE ASCERTAIN FROM THE STATE DEPARTMENT ~~AS TO~~ WHETHER THERE WOULD BE ANY OBJECTION TO MR. LEGER MAKING A STATEMENT ALONG THE LINES SUGGESTED IN PARAGRAPH FIVE OF HIS TELEGRAM UNDER REFERENCE. IN SO DOING, YOU MIGHT SAY THAT WE ARE QUITE PREPARED TO LEAVE THE TIMING OF SUCH A STATEMENT TO HIM AFTER CONSULTING WITH HIS U.S. COLLEAGUE. WE WOULD HOPE THAT, AS SUGGESTED IN PARAGRAPH THIRTEEN OF NATO PARIS TELEGRAM, THE U.S. REPRESENTATIVE WOULD BE ABLE TO ASSOCIATE HIMSELF WITH ANY STATEMENT MR. LEGER WOULD MAKE. IF THE STATE DEPARTMENT ARE CONTEMPLATING INSTRUCTING THE U.S. REPRESENTATIVE TO MAKE A GENERAL STATEMENT ON THESE AGREEMENTS, WE SHOULD BE GLAD TO HEAR ABOUT IT SO AS TO INSTRUCT MR. LEGER TO FIT HIS BRIEF STATEMENT INTO WHAT THE U.S. REPRESENTATIVE MIGHT SAY, IF THIS SHOULD APPEAR DESIRABLE.



DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

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

FROM: ..... CANADIAN EMBASSY,  
..... WASHINGTON, D.C.

Reference: Your telegram No. DL473 of June 10, 1959....

Subject: BILATERAL AGREEMENT FOR COOPERATION ON THE  
..... USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE  
..... PURPOSES.

Security: UNCLASSIFIED

No: 898

Date: June 10, 1959

Enclosures: 1

Air or Surface Mail: Courier Bag

Post File No:

Ottawa File No.

50219-AK-40

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15 JUN 1959

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We are attaching for your information an  
excerpt from the Congressional Record of June 9  
setting out the text of the bilateral agreements  
between the United States on one hand and The  
Netherlands, Turkey and Germany respectively on the  
other.

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better than no policy at all. Mining people generally were bitterly disappointed at the time, and no more has been heard of it.

Actually, the preface to Public Law 520, the Stockpile Act of 1946, which I had a considerable part in drafting, contains an excellent policy statement for domestic mining.

Because of the succeeding confusion and the apparent inability of the administration to come up with satisfactory solutions to the problems of our mining industry, I came to the conclusion that the Congress would have to state a mineral policy if the country is to have one. So on February 23, 1956, I introduced into the 84th Congress Senate Joint Resolution 148, which stated congressional intent and directed the Secretary of the Interior to do something about it. No hearings were held on the bill as about that time it appeared that the administration would take some action.

We now are back to the same position, if the administration will not announce and follow a sensible mineral policy for domestic mining, the Congress must speak. Consequently, I am today introducing a joint resolution similar to Senate Joint Resolution 148 with minor changes, the principal one being to point out that in case of a destructive war our national stockpiles would be of inestimable value in rehabilitating and rebuilding our industries. This fact seems to have been overlooked in the haste to dispose of materials which are surplus to the present shrunken stockpile formula.

Mr. President, I ask unanimous consent that the joint resolution be printed immediately following these remarks, and that it lie on the desk until Monday, June 15, in order that additional sponsors may join with me.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and will lie on the desk, as requested by the Senator from Montana.

The joint resolution (S.J. Res. 107) expressing the sense of the Congress with respect to a sound national minerals policy, and directing the Secretary of the Interior to take certain action in furtherance of such policy, introduced by Mr. MURRAY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Whereas the mineral industry of the United States is vital to the welfare of the Nation both in war and peace, ours being essentially a minerals and metals economy;

Whereas for the above and other reasons it is essential that the United States be as nearly self-sufficient as possible in both the minerals and metals commonly used as well as those classified by the Government as strategic and critical;

Whereas dependence upon foreign sources of supply for our minerals and metals needs, in this atomic age, would invite possible national suicide;

Whereas only by constant exploration, development, research and production can our

minerals industry maintain its reserves and its supply position in a healthy condition;

Whereas although the Congress approves a sound mineral stockpile program as a defense measure and to aid in rebuilding the country's industries after a possible war, it feels that such a program must be supplemented by constant production, in both peace and wartime, to maintain a sound economy and realism in national defense;

Whereas economy should be practiced in Government wherever possible, too much attention is paid to procuring foreign strategic materials cheaply for the national stockpiles whereas real economy frequently demands purchase from domestic sources at higher prices;

Whereas the Office of Defense Mobilization is concerned only with the war economy of the minerals industry, the Department of the Interior is or should be directly concerned with the peacetime economy of the minerals industry;

Whereas the Office of Defense Mobilization continually insists that, although it is interested in developing as broad a mobilization base for war and peace as is possible, its Director is bound by the limits of the Defense Production Act and the current stockpile formula which he interprets as requiring him to get materials at the cheapest possible price regardless of source;

Whereas the Congress is not assured that the current reduced stockpile formula is in the best interests of the Nation;

Whereas, as the Office of Defense Mobilization concerns itself directly only with the national defense within the stockpile formula, the Department of the Interior should be concerned with the peacetime economy of the mining and minerals industry and with the distress of certain segments of such industry contributed to by the policies of the Office of Defense Mobilization, low tariffs, and cheap imports;

Whereas the Office of Defense Mobilization has ample legislative authority, backed by ample funds, to take care of the defense situation, the Department of the Interior has neither; and

Whereas the Office of Minerals Mobilization has been organized within the Department of the Interior with directions to submit to the Director of the Office of Defense Mobilization recommendations regarding mineral policies for defense, and to the Secretary of the Interior regarding peacetime mineral economics: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to present to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives (1) within six months after the adoption of this joint resolution, a plan for keeping the domestic mining industry in a healthy condition at all times, and (2) within six months after the adoption of this joint resolution, and every six months thereafter, a report advising the Congress of the current economic status of each of the domestic mineral industries of the United States.

SEC. 2. The Secretary of the Interior is further authorized and directed, within one year after the adoption of this joint resolution, to submit to the Congress his recommendations for legislation, to be administered by the Department of the Interior (including a suitable bill or bills to carry out such recommendations), which will assure the United States of a minerals industry, both of the common minerals, and metals and those classified as strategic and critical, having the capacity to operate on a sound economic basis, regardless of the price of foreign minerals and metals.

NATIONAL ECONOMIC COUNCIL FOR SECURITY AND PROGRESS—ADDITIONAL COSPONSORS OF BILL

Mr. WILEY. Mr. President, on May 28, 1959, I introduced the bill (S. 2080) to establish a National Economic Council for Security and Progress. Since that time nine of my colleagues, of both parties, have joined me as cosponsors. During the last week I have also had many communications, from all over the country, from so-called liberals and conservatives alike, from merchants, farmers, and clerks, who felt that in conducting a military and diplomatic cold war we must not forget the dangerous third front—the economic threat.

Our good ally, Great Britain, only recently signed a comprehensive trade agreement with the Soviets. And to us, too, the Communists have recently come dangling the sparkling advantages of increased East-West trade.

Yes, I believe in trade—in more trade, and in freer trade. But I also say: Be careful of Russians bearing gifts, for what they often have in mind is not a long-term constructive program of mutual benefit, but a short-lived program for economic penetration and destruction. The Russians have demonstrated in the past that exports and imports under their system are not means for meeting legitimate market needs, but are, instead, tools in a long-range economic offensive. Soviet imports from the West, which amounted to almost 4 billion rubles in 1931, fell to less than 1 billion in 1935, once the purposes of the Soviet procurement campaign were achieved. Likewise, American sales to Russia suddenly fell from \$100 million in 1931 to \$12 million in 1932. Can a nation build long-term plans on this type of a trading partner? Any nation which will permit its economy to become heavily dependent on the Soviet Union will soon find that it has a very truculent bear by the tail.

When the Soviets discuss their peaceful intentions and end up by saying: Let us engage in economic competition because this way both economies will grow and no one will lose. I say: look out. As professed Marxists and materialists, believing that the economic facts determine all other facts of life, the Soviets certainly could not expect us to believe that they want to overtake and surpass the United States economically merely for the clean fun of it.

The impact of continuing Soviet economic expansion is economic, military, and political, and is profoundly psychological as well. This expansion has, therefore, major international implications.

First. Soviet economic expansion would result in a further expansion of the economic base of Russian military power. With an increase in the Soviet productive base and the resultant increase in the Soviet military threat, we may also expect more aggressive Communist foreign policies.

Second. Increasing Soviet economic capacity will enable the Communists to

extend their program for penetrating undeveloped areas through trade and aid. For a long time the Soviet economic theoreticians have indicated that the new Soviet economic offensive should take place in the most vulnerable sector of the free world: in the territories having the majority of the human race and facing the most serious economic and social difficulties. Being blocked by the relative unity and prosperity of the western countries the Communists direct their efforts to underdeveloped nations. Since 1954 the Russians have extended \$2½ billions in military and economic credits, and \$1 billion of this was spent last year alone.

Third. Soviet economic success is constantly used as a psychological weapon—to prove communism's magic ability to produce rapid progress and to better meet the economic needs of the people. What is accomplished in Russia is therefore offered as a blueprint for local programs—in Asia, Africa, the Middle East, and Latin America. Through such blueprints and through identification with popular aspirations in underdeveloped areas the Communists proceed to strengthen the Communist forces operating within the target countries.

The Soviet economic offensive forms a dangerous third front. Soviet national production keeps growing at a rate of 8 to 10 percent annually. Our increase is less than 3 percent per year. With these rates they appear destined to catch up with us. Let us make sure that this does not come as a sudden surprise. Let us prevent sputniks in the economic realm.

In introducing S. 2080, establishing a National Economic Council for Security and Progress, I am asking for a reappraisal of our overall economic program and for coordination on the highest level. We do not want a planned economy—because by giving up economic freedom, political liberty is threatened also. We believe in free enterprise because we know that it works better to satisfy the people's economic needs. But in facing the Soviet economy, fully mobilized and directed towards us, I ask for preparedness. It is preparedness and a comprehensive economic program, at home and abroad, that the National Economic Council should produce.

I should like also, at this time, to ask for unanimous consent to have the names of the Senator from Utah [Mr. Moss] and the Senator from Pennsylvania [Mr. Scott] added to the list of the sponsors of S. 2080, for the establishment of the National Economic Council for Security and Progress.

The VICE PRESIDENT. Without objection, it is so ordered.

#### ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES—AGREEMENTS FOR COOPERATION WITH GOVERNMENTS OF CANADA, GERMANY, THE NETHERLANDS, AND TURKEY

Mr. PASTORE. Mr. President, on May 19, 1959, the President submitted to the Congress a proposed agreement be-

tween the United States and France and a proposed amendment to an agreement between the United States and the United Kingdom in uses of atomic energy for mutual defense purposes, the texts of which I introduced into the CONGRESSIONAL RECORD on May 26.

On May 26, 1959, the President submitted to the Congress four additional proposed agreements for cooperation in the uses of atomic energy for mutual defense purposes. They are separate individual agreements between the United States and each of the following nations: The Government of Canada. The Federal Republic of Germany. The Kingdom of The Netherlands. The Government of Turkey.

The four additional proposed agreements have been referred to the Joint Committee on Atomic Energy where along with the earlier two they will be considered by the Subcommittee on Agreements for Cooperation.

In order that all Members of Congress may be familiar with the details, I ask unanimous consent to have printed in the body of the RECORD the texts of the four additional proposed agreements as well as the accompanying recommendations of the President, the Department of Defense, the State Department, and the Atomic Energy Commission, to follow the conclusion of my remarks.

The individual proposed agreements provide that the United States will transfer nonnuclear parts of atomic weapons systems to the individual nation for the purpose of improving the state of training and operational readiness of that nation's armed forces. In addition each agreement will permit the United States to transfer classified information necessary for the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

It should be noted that these agreements only provide for transfer of nonnuclear parts of atomic weapons systems and not nonnuclear parts of atomic weapons. Nonnuclear parts of weapons can only be transferred to a country that has made substantial progress in the development of atomic weapons, that is, only the United Kingdom at the present time. The distinction between the two is explained in the statement of the managers on the part of the House in the conference report, dated June 27, 1958:

The conference agreement, therefore, makes provision for the transfer of two distinctly different types of nonnuclear parts. One type, the nonnuclear parts of atomic weapons, relates to the integral components of the weapon itself which could only be transferred to those nations that have made substantial progress in the development of atomic weapons. The other type relates to nonnuclear parts of atomic weapons systems which are not integral to the weapon itself but pertain to various kinds of equipment involving restricted data to make

possible the operational use, maintenance of the weapon, such as adaptation kits. This latter category of nonnuclear parts relating to the atomic weapons systems is not as sensitive as the first category of nonnuclear parts and would not disclose internal design information of the weapon. This type, under the new language, may be transferred to a nation provided that the transfer will not contribute significantly to that nation's atomic weapon design, development, or fabrication capability.

In addition to transfer of nonnuclear parts of atomic weapons systems, which is contained in each, the proposed agreement with Canada would also provide for the United States to transfer classified information pertaining to research, development, and design of military reactors with an express intent to agree at some future time by an amendment to the agreement for the transfer of military reactors and special nuclear material for research on, development of, production of, and use in military reactors. This latter provision would be similar to what was entered into with the United Kingdom is purchasing an American built nuclear submarine reactor.

In accordance with section 123d, of the Atomic Energy Act of 1954, as amended, each of these agreements must lie before the Joint Committee for 60 days, during which time they may be subject to congressional resolution of disapproval. Assuming no adjournment of either House of more than 3 days, the 60-day period will expire at 12 o'clock midnight July 25, 1959.

It is my intention that the Subcommittee on Agreements for Cooperation will begin hearings on these agreements on Thursday, June 11, 1959, at 2 p.m.

There being no objection, the agreements, and accompanying papers, were ordered to be printed in the RECORD, as follows:

#### To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy of an Agreement Between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes. The agreement was signed in Washington on May 22, 1959, by the Acting Secretary of State on behalf of the Government of the United States and the Ambassador of Canada to the United States on behalf of the Government of Canada.

Proceeding from the authority contained in Public Law 85-479 approved by the President July 2, 1958, which amended the Atomic Energy Act of 1954, the agreement was negotiated for the purpose of advancing the extent of cooperation between the two countries in their common defense, particularly in the vital field of the military applications of atomic energy.

The agreement is predicated on the determination that the common defense and security of the United States and Canada will be advanced by the cooperation envisaged therein, and takes into account that our countries are participating together in an international defense arrangement. The exchanges of information and transfers of equipment provided for in the agreement will substantially contribute to the capability of the United States and Canada to meet their mutual defensive responsibilities already closely shared.

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I am also transmitting a copy of the Acting Secretary of State's letter accompanying authoritative copies of the signed agreement, a copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of this agreement, and a copy of my memorandum in reply thereto setting forth my approval.

## Enclosures:

1. Agreement Between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes

2. Copy of Secretary of State's letter accompanying copies of the signed agreement

3. Copy of a joint letter from the Chairman of the AEC and the Secretary of Defense recommending my approval of the agreement

4. A copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 26, 1959.

## AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

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

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country;

Contemplating that their common defense and security may be advanced by the transfer at some future time of other types of equipment and materials for use therein; and

Taking into consideration that the U.S. Atomic Energy Act of 1954, as amended, and the Canadian Atomic Energy Control Act and atomic energy regulations were enacted or prepared with these purposes in mind,

Have agreed as follows:

### ARTICLE I. GENERAL PROVISION

While the United States and Canada are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each party will communicate to and exchange with the other party information, and transfer materials and equipment to the other party, in accordance with the provisions of this agreement provided that the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

### ARTICLE II. EXCHANGE OF INFORMATION

Each party will communicate to or exchange with the other party such classified information as is jointly determined to be necessary to:

A. The development of defense plans;

B. The training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;

C. The evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy;

D. The development of delivery systems compatible with the atomic weapons which they carry; and

E. Research, development, and design of military reactors to the extent and by such means as may be agreed.

### ARTICLE III. TRANSFER OF NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The Government of the United States will transfer to the Government of Canada, subject to terms and conditions mutually agreed upon between the parties and all appropriate provisions and requirements of applicable U.S. laws, nonnuclear parts of atomic weapons systems involving restricted data as such parts are jointly determined to be necessary for the purpose of improving Canada's state of training and operational readiness.

### ARTICLE IV. TRANSFER OF MILITARY REACTORS AND MATERIALS

The Government of the United States, by amendment to this agreement and subject to the terms and conditions mutually agreed upon between the parties,

A. May agree to transfer, or authorize any person to transfer, to the Government of Canada, military reactors and/or parts thereof for military applications; and

B. May agree to transfer to the Government of Canada special nuclear material for research on, development of, production of, and use in military reactors for military applications.

### ARTICLE V. RESPONSIBILITY FOR USE OF INFORMATION, MATERIAL, AND EQUIPMENT

The application or use of any information (including design drawings and specifications), material, or equipment communicated, exchanged, or transferred under this agreement shall be the responsibility of the party receiving it, and the other party does not provide any indemnity, and does not warrant the accuracy or completeness of such information and does not warrant the suitability of completeness of such information, material, or equipment for any particular use or application.

### ARTICLE VI. CONDITIONS

A. Cooperation under this agreement will be carried out by each of the parties in accordance with its applicable laws.

B. Under this agreement there will be no transfer by either party of atomic weapons or nonnuclear parts of atomic weapons.

C. Except as may be otherwise agreed for civil uses, the information communicated or exchanged, or the materials or equipment transferred, by either party pursuant to this agreement shall be used by the recipient party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the parties.

### ARTICLE VII. GUARANTEES

A. Classified information, materials, and equipment communicated or transferred pursuant to this agreement shall be accorded full security protection under applicable security arrangements between the parties and applicable national legislation and regulations of the parties. In no case shall either party maintain security standards for safeguarding classified information, materials, or equipment made available pursuant to this agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this agreement comes into force.

B. Classified information communicated or exchanged pursuant to this agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the parties.

C. Classified information, communicated or exchanged, and any materials or equipment transferred, pursuant to this agreement shall not be communicated, exchanged, or transferred by the recipient party or persons under its jurisdiction to any unauthorized persons, or, except as provided in Article VIII of this agreement, beyond the jurisdiction of that party. Each party may stipulate the degree to which any of the information, materials, or equipment communicated, exchanged, or transferred by it or persons under its jurisdiction pursuant to this agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information, materials, or equipment; and may impose such other restrictions on the dissemination or distribution of such information, materials, or equipment as it deems necessary.

### ARTICLE VIII. DISSEMINATION

Nothing in this agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either party with other nations or international organizations. Neither party, however, shall communicate classified information or transfer or permit access to or use of materials or equipment, made available by the other party pursuant to this agreement unless:

A. It is notified by the originating party that all appropriate provisions and requirements of the originating party's applicable laws, including authorization by competent bodies of the originating party, have been complied with which would be necessary to authorize the originating party directly so to communicate to, transfer to, or permit access to or use by such other nation or international organization; and further that the originating party authorizes the recipient party so to communicate to, transfer to or permit access to or use by such other nation or international organization; or

B. The originating party has informed the recipient party that the originating party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

### ARTICLE IX. CLASSIFICATION POLICIES

Agreed classification policies shall be maintained with respect to all classified information, materials, or equipment communicated, exchanged, or transferred under this agreement. The parties intend to continue the present practice of consultation with each other on the classification of these matters.

### ARTICLE X. PATENTS

A. With respect to any invention or discovery:

1. Either employing information which has been communicated or exchanged pursuant to article II, or derived from any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to articles III and IV, and made or conceived after the date of such communication, exchange, or transfer but during the period of this agreement, by the recipient party, or any agency or corporation owned or controlled thereby, or any of their agents or contractors, or any employee of any of the foregoing; or

2. Not covered in subparagraph 1 above and made or conceived by any person representing, employed by, or acting for or on behalf of one party (hereinafter referred to as the "sponsoring party") or its contractor, while in the country of the other party and assigned to an installation, plant, labora-

tory, institution, or similar facility in the country of the other party pursuant to this agreement,

the recipient or sponsoring party (as the case may be) shall:

(1) Be entitled to all right, title, and interest in and to the invention or discovery, or patent application or patent thereon, in the country of the recipient or sponsoring party (as the case may be) and in third countries; and

(2) Obtain, by appropriate means, sufficient right, title, and interest in and to the invention or discovery, or patent application or patent thereon, as may be necessary to fulfill its obligations under the following two subparagraphs; and

(3) Transfer and assign to the other party all right, title, and interest in and to the invention or discovery, or patent application or patent thereon, in the country of that other party, subject to the retention by the recipient or sponsoring party (as the case may be) of a royalty-free, nonexclusive, irrevocable license, with the right to grant sublicenses, for all purposes; and

(4) Grant to the other party a royalty-free, nonexclusive, irrevocable license, with the right to grant sublicenses, for all purposes in the country of the recipient or sponsoring party (as the case may be) and in third countries.

B. 1. Each party shall, to the extent owned by it, or any agency or corporation owned or controlled thereby, grant to the other party a royalty-free, nonexclusive, irrevocable license to manufacture and use the subject matter covered by any patent and incorporated in any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to articles III and IV for use by the licensed party for the purposes set forth in paragraph C of article VI.

2. The transferring party neither warrants nor represents that any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to articles III and IV do not infringe any patent owned or controlled by other persons and assumes no liability or obligation with respect thereto, and the recipient party agrees to indemnify and hold harmless the transferring party from any and all liability arising out of any infringement of any such patent.

C. With respect to any invention or discovery, or patent application or patent thereon, or license or sublicense therein covered by paragraph A of this article, each party:

1. May, to the extent of its right, title and interest therein, deal with the same in its own and third countries as it may desire, but shall in no event discriminate against citizens of the other party in respect of granting any license or sublicense under the patents owned by it in its own or any other country;

2. Hereby waives any and all claims against the other party for compensation, royalty or award, and hereby releases the other party with respect to any and all such claims.

D. 1. No patent application with respect to any classified invention or discovery employing classified information which has been communicated or exchanged pursuant to article II, or derived from the reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to article III or IV, may be filed:

(a) By either party or any person in the country of the other party except in accordance with agreed conditions and procedures; or

(b) In any country not a party to this agreement except as may be agreed and subject to articles VII and VIII.

2. Appropriate secrecy of prohibition orders shall be issued for the purpose of giving effect to this paragraph.

E. Detailed procedures shall be jointly established to effectuate the foregoing provisions, and all situations not specifically covered shall be settled by mutual agreement governed by the basic principle of equivalent benefits to both parties.

#### ARTICLE XI. PREVIOUS AGREEMENTS FOR COOPERATION

Effective from the date on which the present agreement enters into force, the cooperation between the parties being carried out under or envisaged by the Agreement for Cooperation Regarding Atomic Information for Mutual Defense Purposes, which was signed at Washington on June 15, 1955, and by paragraph B of Article II bis of the Agreement for Cooperation Concerning Civil Uses of Atomic Energy, which was signed at Washington on June 15, 1955, as amended by the amendment signed at Washington on June 26, 1956, shall be carried out in accordance with the provisions of the present agreement.

#### ARTICLE XII. DEFINITIONS

For the purposes of this agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or Canada, including that designated by the Government of the United States as "Restricted data" or "Formerly restricted data" and that designated by the Government of Canada as "ZED information."

C. "Equipment" means:

1. Any instrument, apparatus or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof, and includes reactor and military reactor; and

2. Nonnuclear parts of atomic weapons systems involving restricted data.

D. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear materials; and "other nonnuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

E. "Atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted data" and "Formerly restricted data."

2. So far as concerns information provided by the Government of Canada, information which is designated "ZED information."

F. "Military reactor" means a reactor for the propulsion of naval vessels, aircraft or land vehicles and military package power reactors.

G. "Reactor" means an apparatus, other than an atomic weapon, in which a controlled self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

H. "Persons" means:

1. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency or Government corporation other

than the U.S. Atomic Energy Commission and Atomic Energy of Canada Limited; and

2. Any legal successor, representative, agent or agency of the foregoing.

I. References in this agreement to the Government of Canada include the Atomic Energy of Canada Limited.

#### ARTICLE XIII. DURATION

This agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this agreement, and shall remain in force until terminated by agreement of both parties, except that, if not so terminated, articles II and III may be terminated by agreement of both parties, or either party on 1 year's notice to the other to take effect at the end of a term of 5 years, or thereafter on 1 year's notice to take effect at the end of a term of 5 years.

In witness whereof, the undersigned, authorized, have signed this agreement. Done at Washington this 22d day of May 1959, in two original texts.

For the Government of the United States of America:

DOUGLAS DILLON.

For the Government of Canada:

A. D. P. HEENEY.

Certified to be a true copy of the original:

HALVOR O. EKEREN,

Office of the Special Assistant to the Secretary for Atomic Energy, Department of State.

MAY 22, 1959.

THE PRESIDENT,  
The White House.

THE PRESIDENT: The undersigned, the Acting Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.

This agreement was signed today, May 22, 1959, on behalf of the United States pursuant to the authorization granted in the President's memorandum of May 22, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of that memorandum was received by the Acting Secretary of State from the President.

Respectfully submitted,

(Enclosure: Agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.)

MAY 22, 1959.

MEMORANDUM FOR THE SECRETARY OF DEFENSE,  
THE CHAIRMAN, ATOMIC ENERGY COMMISSION

In your joint letter to me of May 20, 1959, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.

Canada is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the Armed Forces of Canada, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance.



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Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby—

(1) Approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts not so provided are subject to my further approval;

(2) Determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) Approve the proposed agreement and authorize its execution for the Government of the United States by the Secretary of State.

In taking these actions, I have noted the supplementary information regarding the agreement, also jointly submitted to me.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

THE SECRETARY OF DEFENSE,  
Washington, D.C., May 20, 1959.

THE PRESIDENT,  
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed Agreement Between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The present Agreement for Mutual Defense Purposes which was executed on June 15, 1955, provides for the exchange of information within limits concerning utilization of atomic weapons. Also, the Amendment to the Civil Uses Agreement which was executed on June 26, 1956, provides for the exchange of information on reactors of primarily military significance. Henceforth, cooperation on all military application of atomic energy would be carried out under the proposed new and expanded Agreement for Mutual Defense Purposes. Therefore, the agreement, which will permit, under the authority of the Atomic Energy Act of 1954, as amended, this increased cooperation is an important step in advancing our mutual defense interests, specifically, 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 defense of the United States.

Article II of the agreement provides for the transfer of classified information including "restricted data" and "formerly restricted data" necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; the development of delivery systems compatible with the atomic weapons which they carry; and research, development and design of military reactors.

Article III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of Canada. However, in view of section 91c of the Atomic Energy Act, the applicability of which is reflected in article VI of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic

weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities and conditions of transfer and such determination shall be submitted for your approval.

To date cooperation with Canada in the field of military reactors has been confined principally to the feasibility of their establishing a program for the design, development and construction of military reactors. Recognizing the progress being made and the desire for further cooperation in this important field within the limits of the Atomic Energy Act, article IV of the agreement expresses our intent to agree at some future time to transfer material and equipment, with the understanding that such cooperation would require an amendment to this agreement.

The agreement would remain in force until terminated by an agreement of both parties, thus assuring continued protection of information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be terminated by agreement of the parties or by either party, following 1 year's advance notice, at the expiration of an initial term of 10 years, or upon the expiration of any succeeding term of 5 years.

In accordance with the provisions of sections 91c, 144b, and c. of the Atomic Energy Act of 1954, as amended, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Canada are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article VI of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article VI also specifies that there will be no transfer under the agreement of atomic weapons or nonnuclear parts of atomic weapons.

In addition to the foregoing terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

Canada is now participating with the United States in an international arrangement pursuant to which Canada is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that the agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the per-

formance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you

(a) Approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) Determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) Approve the proposed agreement and authorize its execution for the Government of the United States by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

With great respect, we are,  
Faithfully yours,

NEIL H. MCELROY,  
Secretary of Defense.  
JOHN A. MCCONE,

Chairman, Atomic Energy Commission.

To the Congress of the United States:

In December 1957 the heads of government of the nation members of the North Atlantic Treaty Organization reached agreement in principle on the desirability of achieving the most effective pattern of NATO military defensive strength, taking into account the most recent developments in weapons and techniques. In enunciating this agreement in principle the heads of government made it clear that this decision was the result of the fact that the Soviet leaders, while preventing a general disarmament agreement, had left no doubt that the most modern and destructive weapons of all kinds were being introduced into the Soviet armed forces. The introduction of modern weapons into NATO forces should be no cause for concern on the part of other countries, since NATO is purely a defensive alliance.

It is our conviction and the conviction of our NATO allies that the introduction into NATO defenses of the most modern weapons available is essential in maintaining the strength necessary to the alliance. Any alliance depends in the last analysis upon the sense of shared mutual interests among its members, and by sharing with our allies certain training information we are demonstrating concretely our sense of partnership in NATO's defensive planning. Failure on our part to contribute to the improvement of the state of operational readiness of the forces of other members of NATO will only encourage the Soviet Union to believe that it can eventually succeed in its goal of destroying NATO's effectiveness.

To facilitate the necessary cooperation on our part legislation amending the Atomic Energy Act of 1954 was enacted during the last session of the Congress. Pursuant to that legislation agreements for cooperation have recently been concluded with three of our NATO partners; all of these agreements are designed to implement in important respects the agreed NATO program. These agreements will enable the United States to cooperate effectively in mutual defense planning with these nations and in the training of their respective NATO forces in order that, if an attack on NATO should occur, under the direction of the Supreme Allied Commander for Europe these forces could effectively use nuclear weapons in their defense.

These agreements represent only a portion of the work necessary for complete implementation of the decision taken by the North Atlantic Treaty Organization in December 1957. I anticipate the conclusion of similar

agreements for cooperation with certain other NATO nations as the Alliance's defensive planning continues.

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of three agreements, one with the Federal Republic of Germany, one with the Kingdom of the Netherlands, and one with the Government of Turkey. I am also transmitting a copy of the Secretary of State's letter accompanying authoritative copies of the signed agreements, a copy of three joint letters from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of these documents and copies of my memorandums in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 26, 1959.

The President,  
The White House.

DEAR MR. PRESIDENT: The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to their transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, authoritative copies of three agreements for cooperation on the uses of atomic energy for mutual defense purposes; an agreement between the Government of the United States and the Federal Republic of Germany signed at Bonn on May 5, 1959; agreement between the Government of the United States and the Kingdom of the Netherlands signed at The Hague May 6, 1959; and an agreement between the Government of the United States and the Government of Turkey signed at Ankara May 5, 1959.

These agreements were signed on behalf of the United States pursuant to authorizations granted in your memoranda of May 4, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. Copies of these memoranda were received by the Secretary of State from the President.

Faithfully yours,

DOUGLAS DILLON,  
Acting Secretary.

# AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Federal Republic of Germany,

Considering that they have concluded a Mutual Defense Assistance Agreement pursuant to which each Government will make available to the other equipment, materials, services, or other military assistance in accordance with such terms and conditions as may be agreed;

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration the U.S. Atomic Energy Act of 1954, as amended, and all applicable statutes of the Federal Republic of Germany, which were enacted or prepared with these purposes in mind,

Have agreed as follows:

## ARTICLE I. GENERAL PROVISION

While the United States and the Federal Republic of Germany are participating in an

international arrangement for their mutual defense and security and making substantial and material contributions thereto, each party will communicate to and exchange with the other party information and transfer nonnuclear parts of atomic weapons systems involving restricted data to the other party in accordance with the provisions of this agreement, provided that the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

## ARTICLE II. EXCHANGE OF INFORMATION

Each party will communicate to or exchange with the other party such classified information as is jointly determined to be necessary to:

- A. The development of defense plans;
- B. The training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. The evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. The development of delivery systems compatible with the atomic weapons which they carry.

## ARTICLE III. TRANSFER OF NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The Government of the United States will transfer to the Government of the Federal Republic of Germany, subject to terms and conditions to be agreed, nonnuclear parts of atomic weapons systems involving restricted data as such parts are jointly determined to be necessary for the purpose of improving the German state of training and operational readiness.

## ARTICLE IV. CONDITIONS

A. Cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws.

B. Under this agreement there will be no transfer by either party of atomic weapons, nonnuclear parts of atomic weapons, or special nuclear materials.

C. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems transferred, by either party pursuant to this agreement shall be used by the recipient party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the parties.

## ARTICLE V. GUARANTEES

A. Classified information and nonnuclear parts of atomic weapons systems communicated or transferred pursuant to this agreement shall be accorded full security protection under applicable security arrangements between the parties and applicable national legislation and regulations of the parties. In no case shall either party maintain security standards for safeguarding classified information, and nonnuclear parts of atomic weapons systems, made available pursuant to this agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this agreement comes into force.

B. Classified information communicated or exchanged pursuant to this agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the parties.

C. Classified information, communicated or exchanged, and any nonnuclear parts of atomic weapons systems transferred pursuant to this agreement shall not be communicated, exchanged or transferred by the recipient party or persons under its jurisdiction to any unauthorized persons or, except as

provided in article VI of this agreement, beyond the jurisdiction of that party. Each party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or nonnuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or nonnuclear parts of atomic weapons systems as it deems necessary.

## ARTICLE VI. DISSEMINATION

Nothing in this agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either party with other nations or international organizations. Neither party, however, shall so communicate classified information or transfer or permit access to or use of nonnuclear parts of atomic weapons systems made available by the other party pursuant to this agreement unless:

A. It is notified by the originating party that all appropriate provisions and requirements of the originating party's applicable laws, including authorization by competent bodies of the originating party, have been complied with which would be necessary to authorize the originating party directly so to communicate to, transfer to, permit access to or use by such other nation or international organization; and further that the originating party authorizes the recipient party so to communicate to, transfer to, permit access to or use by such other nation or international organization; or

B. The originating party has informed the recipient party that the originating party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

## ARTICLE VII. CLASSIFICATION POLICIES

Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this agreement.

## ARTICLE VIII. RESPONSIBILITY FOR USE OF INFORMATION AND NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The application or use of any information (including design drawings and specifications) or nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this agreement shall be the responsibility of the party receiving it, and the other party does not provide any indemnity or warranty with respect to such application or use.

## ARTICLE IX. PATENTS

The recipient party shall use the classified information communicated or revealed by equipment transferred hereunder for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient party or persons under its jurisdiction shall be made available to the other party for defense purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of article V of this agreement.

## ARTICLE X. DEFINITIONS

For the purposes of this agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any



AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Kingdom of the Netherlands,

Considering that they have concluded a Mutual Defense Assistance Agreement, pursuant to which each Government will make available to the other equipment, materials, services, or other military assistance in accordance with such terms and conditions as may be agreed;

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration the United States Atomic Energy Act of 1954, as amended, and all applicable statutes of the Netherlands, which were enacted or prepared with these purposes in mind;

Have agreed as follows:

ARTICLE I. GENERAL PROVISIONS

While the United States and the Netherlands are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other party, information and transfer non-nuclear parts of atomic weapons systems involving restricted data to the other party in accordance with the provisions of this agreement, provided that the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

ARTICLE II. EXCHANGE OF INFORMATION

Each party will communicate to or exchange with the other party such classified information as is jointly determined to be necessary to:

A. The development of defense plans;  
B. The training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;

C. The evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and

D. The development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III. TRANSFER OF NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The Government of the United States will transfer to the Government of the Netherlands, subject to terms and conditions to be agreed, non-nuclear parts of atomic weapons systems involving restricted data as such parts are jointly determined to be necessary for the purpose of improving the Netherlands' state of training and operational readiness.

ARTICLE IV. CONDITIONS

A. Cooperation under this agreement will be carried out by each of the parties in accordance with its applicable laws.

B. Under this agreement there will be no transfer by either party of atomic weapons,

non-nuclear parts of atomic weapons, or special nuclear materials.

C. The information communicated or exchanged, or non-nuclear parts of atomic weapons systems transferred, by either party pursuant to this agreement shall be used by the recipient party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the parties.

ARTICLE V. GUARANTEES

A. Classified information and nonnuclear parts of atomic weapons systems communicated or transferred pursuant to this agreement shall be accorded full security protection under applicable security arrangements between the parties and applicable national legislation and regulations of the parties. In no case shall either party maintain security standards for safeguarding classified information, and nonnuclear parts of atomic weapons systems, made available pursuant to this agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this agreement comes into force.

B. Classified information communicated or exchanged pursuant to this agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the parties.

C. Classified information, communicated or exchanged, and any nonnuclear parts of atomic weapons systems transferred pursuant to this agreement shall not be communicated, exchanged, or transferred by the recipient party or persons under its jurisdiction to any unauthorized persons or, except as provided in article VI of this agreement, beyond the jurisdiction of that party. Each party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems communicated, exchanged, or transferred by it or persons under its jurisdiction pursuant to this agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or non-nuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or nonnuclear parts of atomic weapons systems as it deems necessary.

ARTICLE VI. DISSEMINATION

Nothing in this agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either party with other nations or international organizations. Neither party, however, shall so communicate classified information or transfer or permit access to or use of nonnuclear parts of atomic weapons systems made available by the other party pursuant to this agreement unless:

A. It is notified by the originating party that all appropriate provisions and requirements of the originating party's applicable laws, including authorization by competent bodies of the originating party, have been complied with which would be necessary to authorize the originating party directly so to communicate to, transfer to, permit access to or use by such other nation or international organization; and further that the originating party authorizes the recipient party so to communicate to, transfer to, permit access to or use by such other nation or international organization; or

B. The originating party has informed the recipient party that the originating party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE VII. CLASSIFICATION POLICIES

Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this agreement.

ARTICLE VIII. RESPONSIBILITY FOR USE OF INFORMATION AND NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The application or use of any information (including design drawings and specifications) or nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement shall be the responsibility of the party receiving it, and the other party does not provide any indemnity or warranty with respect to such application or use.

ARTICLE IX. PATENTS

The recipient party shall use the classified information communicated, or revealed by equipment transferred hereunder, for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient party or persons under its jurisdiction shall be made available to the other party for all purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of article V of this agreement.

ARTICLE X. DEFINITIONS

For the purposes of this agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services, or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or the Netherlands, including that designated by the Government of the United States as "Restricted data" or "Formerly restricted data" and that designated by the Government of the Netherlands as "Atomic."

C. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made of, in whole or in part, special nuclear material; and "nonnuclear parts of atomic weapons systems involving restricted data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this agreement, the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted data" and "Formerly restricted data."

2. So far as concerns information provided by the Government of the Netherlands, information which is designated "Atomic."

ARTICLE XI. DURATION

This agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this agreement, and shall remain in force until terminated by agreement of both parties except that either party may terminate its cooperation under articles II or III upon the expiration of the North Atlantic Treaty.

In witness whereof, the undersigned, duly authorized, have signed this agreement.

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other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or the Federal Republic of Germany, including that designated by the Government of the United States as "Restricted data" or "formerly restricted data" and that designated by the Government of the Federal Republic of Germany as "Sonderangaben."

C. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made of, in whole or in part, special nuclear material; and "nonnuclear parts of atomic weapons systems involving restricted data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this agreement, the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted data" and "formerly restricted data."

2. So far as concerns information provided by the Government of the Federal Republic of Germany, information which is designated "Sonderangaben."

ARTICLE XI. DURATION

This agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this agreement, and shall remain in force until terminated by agreement of both parties except that either party may terminate its cooperation under articles II or III upon the expiration of the North Atlantic Treaty.

In witness whereof, the undersigned, duly authorized, have signed this agreement.

Done at Bonn, in duplicate in the English and German languages, both texts being equally authentic, this 5th day of May 1959.

For the Government of the United States of America:

DAVID BRUCE.

For the Government of the Federal Republic of Germany:

FRANZ JOSEF KUNTZ.

THE WHITE HOUSE,  
Washington, May 4, 1959.

MEMORANDUM FOR THE SECRETARY OF DEFENSE,  
THE CHAIRMAN, ATOMIC ENERGY COMMISSION

In your joint letter to me of May 1, 1959, you recommend that I approve a proposed Agreement Between the Government of the United States of America and the Government of the Federal Republic of Germany for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The Federal Republic of Germany is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of the Federal Republic of Germany, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby—

(1) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities, and conditions of transfer of such parts are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

MAY 1, 1959.

THE PRESIDENT,  
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of the Federal Republic of Germany for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91c and 144b of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of the Federal Republic. The December 1957 NATO heads of Government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article 11 of the agreement provides for the transfer of classified information, including "restricted data" and "formerly restricted data," necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of the Federal Republic. However, in view of section 91c of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease, or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer, and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91c and 144b of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and the Federal Republic are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature, and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

The Federal Republic is now participating with the United States in international arrangement pursuant to which the Federal Republic is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities, and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully,

CHARLES,  
Secretary of Defense,  
McCONE,  
Chairman, Atomic Energy Commission.

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Done at The Hague, in duplicate, in the English language, this 6th day of May 1959.  
For the Government of the United States of America:

PHILIP YOUNG.

For the Government of the Kingdom of the Netherlands:

THE WHITE HOUSE,  
Washington, May 4, 1959.

MEMORANDUM FOR THE SECRETARY OF DEFENSE,  
THE CHAIRMAN, ATOMIC ENERGY COMMISSION  
Re joint letter to me of May 1, 1959,  
recommending that I approve a proposed  
agreement between the Government of the  
United States of America and the Govern-  
ment of the Netherlands for Cooperation on  
the Uses of Atomic Energy for Mutual De-  
fense Purposes.

The Netherlands is participating with the United States in an international arrange- ment pursuant to which it is making sub- stantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and opera- tional readiness of the armed forces of The Netherlands, subject to provisions, condi- tions, guarantees, terms, and special deter- minations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommenda- tions and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agree- ment, I hereby

(1) approve the program for the trans- fer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; how- ever, types, quantities and conditions of transfer of such parts are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the com- mon defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designa- ted by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memo- randum to the Secretary of State.

DWIGHT D. EISENHOWER.

MAY 1, 1959.

THE PRESIDENT,  
The White House.

DEAR MR. PRESIDENT: There is hereby sub- mitted for your consideration and approval a proposed Agreement Between the Govern- ment of the United States of America and the Government of The Netherlands for Co- operation on the Uses of Atomic Energy for Mutual Defense Purposes.

The proposed agreement will permit, under the authority of Sections 91c. and 144b. of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and opera- tional readiness of the armed forces of The Netherlands. The December 1957 NATO Heads of Government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense inter- ests, including the vital cause of strength- ening the NATO defensive alliance, and will

thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, in- cluding "Restricted Data" and "Formerly Re- stricted Data," necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evalua- tion of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Articles III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving Restricted Data (other than nonnuclear parts of atomic weapons) for the purpose of im- proving the state of training and operational readiness of the armed forces of The Nether- lands. However, in view of section 91c. of the Atomic Energy Act, the applicability of which is reflected in Article IV of the Agree- ment, no transfer can be made if it would contribute significantly to the recipient na- tion's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities and conditions of transfer, whether by sale, lease or loan, of these parts which it will be- come necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to de- termine from time to time the types, quanti- ties and conditions of transfer and such de- termination shall be submitted for your ap- proval.

The agreement would remain in force un- til terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agree- ment. However, cooperation for the trans- fer of information and equipment under ar- ticles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sec- tions 91c. and 144b. of the Atomic Energy Act of 1954, the agreement specifically pro- vides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will pro- mote and will not constitute an unreason- able risk to its defense and security. Article I of the agreement also provides, in accor- dance with the act, that all cooperation under the agreement will be undertaken only while the United States and Turkey are partici- pating in an international arrangement for their mutual defenses and security and mak- ing substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in ac- cordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature and scope of cooperation, the agreement pro- vides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commit- ments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to un- authorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances spe- cifically provided in the agreement.

Turkey is now participating with the United States in an international arrange- ment pursuant to which Turkey is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agree- ment is entirely in accord with the pro- visions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you (a) approve the program for the trans- fer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the com- mon defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully yours,

QUARLES,  
Secretary of Defense.  
McCONE,

Chairman, Atomic Energy Commission.

REPUBLIC OF TURKEY,  
Vilayet of Ankara, City of Ankara, Em- bassy of the United States of America,  
ss: I,

Richard D. Forster, Vice Counsel of the United States of America at Ankara, Turkey, duly commissioned and qualified, do hereby certify that the annexed copy of note No. 2422 dated May 5, 1959, and signed by the Honorable Fletcher Warren, American Am- bassador at Ankara, Turkey, is a true and faithful copy of the original note addressed to His Excellency Fatin Rustu Zorlu, Min- ister of Foreign Affairs for the Republic of Turkey the same having been carefully examined by me and compared with the said original and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and official seal this 7th day of May 1959.

RICHARD D. FORSTER,  
Vice Consul of the United States of  
America.  
No. 2422.

ANKARA, May 5, 1959.

His Excellency FATIN RUSTU ZORLU,  
Minister of Foreign Affairs, Ankara.

EXCELLENCY: I have the honor to refer to the decisions taken at the North Atlantic Treaty heads of government meeting in De- cember 1957 and to propose the following agreement between the Government of the United States of America and the Govern- ment of Turkey for cooperation on the uses of atomic energy for mutual defense pur- poses:

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

Considering that they have concluded a mutual defense assistance agreement pur- suant to which each government will make available to the other equipment, materials, services, or the military assistance in ac- cordance with such terms and conditions as may be agreed;

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

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Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and,

Taking into consideration the U.S. Atomic Energy Act of 1954, as amended, and all applicable statutes of Turkey, which were enacted or prepared with these purposes in mind,

Have agreed as follows:

#### ARTICLE I. GENERAL PROVISION

While the United States and Turkey are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each party will communicate to and exchange with the other party information and transfer nonnuclear parts of atomic weapons systems involving restricted data to the other party in accordance with the provisions of this agreement, provided that the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

#### ARTICLE II. EXCHANGE OF INFORMATION

Each party will communicate to or exchange with the other party such classified information as is jointly determined to be necessary to:

- A. The development of defense plans;
- B. The training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. The evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. The development of delivery systems compatible with the atomic weapons which they carry.

#### ARTICLE III. TRANSFER OF NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The Government of the United States will transfer to the Government of Turkey, subject to terms and conditions to be agreed, nonnuclear parts of atomic weapons systems involving restricted data as such parts are jointly determined to be necessary for the purpose of improving Turkish state of training and operational readiness.

#### ARTICLE IV. CONDITIONS

A. Cooperation under this agreement will be carried out by each of the parties in accordance with its applicable laws.

B. Under this agreement there will be no transfer by either party of atomic weapons, nonnuclear parts of atomic weapons, or special nuclear materials.

C. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems transferred, by either party pursuant to this agreement shall be used by the recipient party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the parties.

#### ARTICLE V. GUARANTEES

A. Classified information and nonnuclear parts of atomic weapons systems communicated or transferred pursuant to this agreement shall be accorded full security protection under applicable security arrangements between the parties and applicable national legislation and regulations of the parties.

In no case shall either party maintain security standards for safeguarding classified information, and nonnuclear parts of atomic weapons systems, made available pursuant to this agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this agreement comes into force.

B. Classified information communicated or exchanged pursuant to this agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the parties.

C. Classified information, communicated or exchanged, and any nonnuclear parts of atomic weapons systems transferred pursuant to this agreement shall not be communicated, exchanged, or transferred by the recipient party or persons under its jurisdiction to any unauthorized persons or, except as provided in article VI of this agreement, beyond the jurisdiction of that party. Each party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems communicated, exchanged, or transferred by it or persons under its jurisdiction pursuant to this agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or nonnuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or nonnuclear parts of atomic weapons systems as it deems necessary.

#### ARTICLE VI. DISSEMINATION

Nothing in this agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either party with other nations or international organizations. Neither party, however, shall so communicate classified information or transfer or permit access to or use of nonnuclear parts of atomic weapons systems made available by the other party pursuant to this agreement unless:

A. It is notified by the originating party that all appropriate provisions and requirements of the originating party's applicable laws, including authorization by competent bodies of the originating party, have been complied with which would be necessary to authorize the originating party directly so to communicate to, transfer to, permit access to or use by such other nation or international organization; and further that the originating party authorizes the recipient party so to communicate to, transfer to, permit access to or use by such other nation or international organization; or

B. The originating party has informed the recipient party that the originating party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

#### ARTICLE VII. CLASSIFICATION POLICIES

Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this agreement.

#### ARTICLE VIII. RESPONSIBILITY FOR USE OF INFORMATION AND NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The application or use of any information (including design drawing and specifications) or nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this agreement shall be the responsibility of the party receiving it, and the other party does not provide any indemnity or warranty with respect to such application or use.

#### ARTICLE IX. PATENTS

The recipient party shall use the classified information communicated or revealed by equipment transferred hereunder for the purposes specified herein only. Any inven-

tions or discoveries resulting from possession of such information on the part of the recipient party or persons under its jurisdiction shall be made available to the other party for defense purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of article V of this agreement.

#### ARTICLE X. DEFINITIONS

For the purposes of this agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "confidential" or higher applied under the legislation or regulations of either the United States or Turkey, including that designated by the Government of the United States as "restricted data" or "formerly restricted data" and that designated by the Government of Turkey as "atomic."

C. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made of, in whole or in part, special nuclear material; and "nonnuclear parts of atomic weapons systems involving restricted data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this agreement, the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "restricted data" or "formerly restricted data."
2. So far as concerns information provided by the Government of Turkey information which is designated "atomic."

#### ARTICLE XI. DURATION

This agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this agreement, and shall remain in force until terminated by agreement of both parties except that either party may terminate its cooperation under article II or III upon the expiration of the North Atlantic Treaty.

If the foregoing is acceptable to your Government, I have the honor to propose that this note and your reply thereto, Excellency, shall constitute an agreement between our Governments.

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

His Excellency Monsieur FLETCHER WARREN,  
*Ambassador Extraordinary and Plenipotentiary, Embassy of the United States of America.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of today's date, which reads as follows:

"EXCELLENCY: I have the honor to refer to the decisions taken at the North Atlantic Treaty heads of Government meeting in December 1957 and to propose the following agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of atomic energy for mutual defense purposes:

"The Government of the United States of America and the Government of Turkey,

"Considering that they have concluded a mutual defense assistance agreement pur-



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suant to which each Government will make available to the other equipment, materials, services or the military assistance in accordance with such terms and conditions as may be agreed.

"Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

"Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

"Recognizing that their common defense security will be advanced by the exchange of information concerning atomic weapons and by the transfer of certain types of atomic weapons and security;

"Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and  
into consideration the U.S. Atomic Energy Act of 1954, as amended, and all applicable statutes of Turkey, which were enacted or prepared with these purposes in mind,

"Have agreed as follows:

## "ARTICLE I. GENERAL PROVISION

"While the United States and Turkey are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each party will communicate to and exchange with the other party information and transfer nonnuclear parts of atomic weapons systems involving restricted data to the other party in accordance with the provisions of this agreement, provided that the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

## "ARTICLE II. EXCHANGE OF INFORMATION

"Each party will communicate to or exchange with the other party such classified information as is jointly determined to be necessary to:

"A. The development of defense plans;

"B. The training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;

"C. The evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and

"D. The development of delivery systems compatible with the atomic weapons which they carry.

## "ARTICLE III. TRANSFER OF NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

"The Government of the United States will transfer to the Government of Turkey, subject to terms and conditions to be agreed, nonnuclear parts of atomic weapons systems involving restricted data as such parts are jointly determined to be necessary for the purpose of improving Turkish state of training and operational readiness.

## "ARTICLE IV. CONDITIONS

"A. Cooperation under this agreement will be carried out by each of the parties in accordance with its applicable laws.

"B. Under this agreement there will be no transfer by either party of atomic weapons, nonnuclear parts of atomic weapons, or special nuclear materials.

"C. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems transferred, by either party pursuant to this agreement shall be used by the recipient party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

"D. Nothing in this agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the parties.

## "ARTICLE V. GUARANTEES

"A. Classified information and nonnuclear parts of atomic weapons systems communicated or transferred pursuant to this agreement shall be accorded full security protection under applicable security arrangements between the parties and applicable national legislation and regulations of the parties. In no case shall either party maintain security standards for safeguarding classified information, and nonnuclear parts of atomic weapons systems, made available pursuant to this agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this agreement comes into force.

"B. Classified information communicated or exchanged pursuant to this agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the parties.

"C. Classified information, communicated or exchanged, and any nonnuclear parts of atomic weapons systems transferred pursuant to this agreement shall not be communicated, exchanged or transferred by the recipient party or persons under its jurisdiction to any unauthorized persons or, except as provided in article VI of this agreement, beyond the jurisdiction of that party. Each party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or nonnuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or nonnuclear parts of atomic weapons systems as it deems necessary.

## "ARTICLE VI. DISSEMINATION

"Nothing in this agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either party with other nations or international organizations. Neither party, however, shall so communicate classified information or transfer or permit access to or use of nonnuclear parts of atomic weapons system made available by the other party pursuant to this agreement unless:

"A. It is notified by the originating party that all appropriate provisions and requirements of the originating party's applicable laws, including authorization by competent bodies of the originating party, have been complied with which would be necessary to authorize the originating party directly so to communicate to, transfer to, permit access to, or use by such other nation or international organization; and further that the originating party authorizes the recipient party so to communicate to, transfer to, permit access to, or use by such other nation or international organization; or

"B. The originating party has informed the recipient party that the originating party has so communicated to, transferred to, permitted access to, or use by such other nation or international organization.

## "ARTICLE VII. CLASSIFICATION POLICIES

"Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged, or transferred under this agreement.

## "ARTICLE VIII. RESPONSIBILITY FOR USE OF INFORMATION AND NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

"The application or use of any information (including design drawing and specifications) or nonnuclear parts of atomic weapons system communicated, exchanged, or transferred under this agreement shall be the responsibility of the party receiving it, and the other party does not provide any indemnity or warranty with respect to such application or use.

## "ARTICLE IX. PATENTS

"The recipient party shall use the classified information communicated or revealed by equipment transferred hereunder for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient party or persons under its jurisdiction shall be made available to the other party for defense purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of article V of this agreement.

## "ARTICLE X. DEFINITIONS

"For the purposes of this agreement:

"A. 'Atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

"B. 'Classified information' means information, data, materials, services, or any other matter with the security designation of 'confidential' or higher applied under the legislation or regulations of either the United States or Turkey, including that designated by the Government of the United States as 'restricted data' or 'formerly restricted data' and that designated by the Government of Turkey as 'atomic.'

"C. 'Nonnuclear parts of atomic weapons' means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made of, in whole or in part, special nuclear material; and 'nonnuclear parts of atomic weapons systems involving restricted data' means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

"D. As used in this agreement, the term 'atomic information' means:

"1. So far as concerns information provided by the Government of the United States, information which is designated 'restricted data' and 'formerly restricted data.'

"2. So far as concerns information provided by the Government of Turkey information which is designated 'atomic.'

## "ARTICLE XI. DURATION

"This agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this agreement, and shall remain in force until terminated by agreement of both parties except that either party may terminate its cooperation under article II or III upon the expiration of the North Atlantic Treaty.

"If the foregoing is acceptable to your Government I have the honor to propose that this note and your reply thereto, Excellency, shall constitute an agreement between our Governments."

In reply, I have the honor to inform you that the Government of the Turkish Republic accept the above proposals and agree that

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your note, together with this reply, shall constitute an agreement between the two Governments which shall take effect this day.

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

THE WHITE HOUSE,  
Washington, May 4, 1959.

## MEMORANDUM FOR THE SECRETARY OF DEFENSE, THE CHAIRMAN, ATOMIC ENERGY COMMISSION

In your joint letter to me of May 1, 1959, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of atomic energy for mutual defense purposes.

Turkey is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of Turkey, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby—

(1) Approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to my further approval;

(2) Determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) Approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

MAY 1, 1959.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 19c. and 144b. of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of Turkey. The December 1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides few the transfer of classified information, in-

cluding "restricted data" and "formerly restricted data," necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of Turkey. However, in view of section 91c. of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities and conditions of transfer, whether by sale, lease or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provision of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91c and 144b of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and the Netherlands are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when those conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons, or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature, and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

The Netherlands is now participating with the United States in an international arrangement pursuant to which the Netherlands is making substantial and material

contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you (a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreements; however, types, quantities and conditions of transfer of such parts are subject to your later approval; (b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and (c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully yours,

McCONE,

Chairman, Atomic Energy Commission.

QUARLES,

Secretary of Defense.

## AGREEMENT FOR COOPERATION WITH INTERNATIONAL ATOMIC AGENCY, RELATING TO PEACEFUL USES OF ATOMIC ENERGY

Mr. PASTORE, Mr. President, pursuant to section 123c of the Atomic Energy Act of 1954, as amended, the following documents were submitted to the Joint Committee on Atomic Energy on May 27 and June 3, 1959:

First. An executed Agreement for Cooperation Between the International Atomic Energy Agency and the United States of America;

Second. A letter dated May 1, 1959, from the Commission to the President recommending approval of the agreement; and

Third. A letter dated May 2, 1959, from the President to the Commission containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security, approving the agreement, and authorizing its execution.

This agreement will make it possible for the Agency to draw on the uranium-235 pledged to the Agency by President Eisenhower at the conference which approved the IAEA statute at United Nations Headquarters in 1956. The special nuclear materials covered by this agreement will be furnished by the United States at not less than the Atomic Energy Commission's published charges applicable to the domestic distribution of such material and provides for up to \$50,000 worth of special nuclear material to be made available without charge during any calendar year for research on peaceful uses or for medical therapy.

The agreement provides for the transfer and export of equipment and facilities, subject to applicable laws, regulations, and license requirements of the United States, as well as for the performance of services for the Agency by

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persons under the jurisdiction of the United States. It also provides for the United States to undertake to reprocess the return of both special nuclear and source material made available to this agreement.

The agreement will enter into force when the parties have exchanged notifications that their respective statutory and constitutional requirements have been fulfilled and will remain in force for a period of 20 years.

It is that these documents be printed in the Record at this point.

Being no objection, the documents are ordered to be printed in the Record as follows:

THE WHITE HOUSE,  
Washington, May 2, 1959.

The Honorable JOHN A. McCONE,  
Chairman, Atomic Energy Commission,  
Washington, D.C.

DEAR MR. CHAIRMAN: Under the date of May 1, 1959, the Atomic Energy Commission recommended that I approve the proposed agreement entitled "Agreement for Cooperation Between the International Atomic Energy Agency and the United States of America," and authorize its execution.

The agreement, which was negotiated pursuant to the Atomic Energy Act of 1954, as amended, and which, in the opinion of the Commission, is an important and desirable step in advancing the development of the peaceful uses of atomic energy, has been reviewed. The agreement sets forth a number of areas of cooperation between the United States and the Agency, including the transfer of special nuclear and source material, and the application or use of equipment, facilities or information.

The United States agrees to make available to the Agency, at the Commission's published charges applicable to domestic distribution, 5,000 kilograms of contained uranium 235 together with amounts which will match the sum of all quantities made available by all other member states prior to July 1, 1960, and such additional quantities as may be authorized by the United States. The United States undertakes to assist the Agency in obtaining source material from persons under U.S. jurisdiction, and to accept for reprocessing both special nuclear and source material made available under this agreement. At the Agency's request, the United States may purchase special nuclear material recovered or produced as a result of Agency activities.

Provision is made for the transfer and export of equipment and facilities, subject to the applicable laws, regulations and license requirements of the United States, as well as for the performance of services for the Agency. The United States does not warrant the suitability of any material, equipment, facilities or information for any particular use or application. All leases of special nuclear, source or reactor material made pursuant to this agreement shall include a mutually acceptable provision relieving the lessor of liability in connection with material after delivery.

No restricted data will be communicated under this agreement, and all guarantees prescribed in the Atomic Energy Act of 1954, as amended, are contained therein.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby—

(1) Determine that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(2) Approve the proposed agreement for cooperation between the International

Atomic Energy Agency and the United States of America enclosed with your letter of May 1, 1959; and

(3) Authorize the execution of the proposed agreement for the Government of the United States of America by the U.S. representative (or acting U.S. representative) to the International Atomic Energy Agency.

It is my hope that this agreement will lead to further cooperation between the United States and the International Atomic Energy Agency in the peaceful uses of atomic energy.

Sincerely,

DWIGHT D. EISENHOWER.

U.S. ATOMIC ENERGY COMMISSION,  
Washington, D.C., May 1, 1959.

The President,  
The White House

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed agreement entitled "Agreement for Cooperation Between the International Atomic Energy Agency and the United States of America," and authorize its execution. The Department of State supports the Commission's recommendation.

The agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, and is, in the opinion of the Commission, an important and desirable step in advancing the development of the peaceful uses of atomic energy in accordance with the policy which you have established.

The agreement is especially noteworthy in that it will provide the basis for the transfer of special nuclear materials to the Agency in accordance with your offer of October 26, 1956. In addition the Agreement sets forth a number of areas of cooperation between the United States and the Agency in the peaceful uses of atomic energy, including the transfer of source material and the application or use of equipment, facilities or information.

The United States agrees to make available to the Agency 5,000 kilograms of contained uranium 235 together with amounts which will match the sum of all quantities made available by all other member states prior to July 1, 1960, and such additional quantities as may be authorized by the United States. Special nuclear material will be made available at the Commission's published charges applicable to domestic distribution. The United States will assist the Agency in obtaining source material from persons under United States jurisdiction, and if no commercial sources are available on reasonable terms, the United States may make such material available to the Agency.

The United States undertakes to accept the return of source and special nuclear material made available pursuant to this Agreement for reprocessing. At the Agency's request, the United States may purchase special nuclear material recovered or produced from special nuclear and source material as a result of Agency activities.

Provision is made for the transfer and export of equipment and facilities, subject to the applicable laws, regulations and license requirements of the United States, as well as for the performance of services for the Agency.

The United States does not warrant the suitability of any material, equipment, facilities or information for any particular use or application. All leases of special nuclear, source or reactors material made pursuant to this agreement shall include a mutually acceptable provision relieving the lessor of liability in connection with material after delivery. No restricted data will be communicated under this Agreement, and all the guarantees prescribed in the Atomic Energy Act of 1954, as amended, are contained therein.

Following your approval and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Government of the United States of America, represented by the United States Representative (or Acting United States Representative) to the International Atomic Energy Agency, and the International Atomic Energy Agency. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the Agreement will then be placed before the Joint Committee on Atomic Energy.

Respectfully,

Chairman.

(Enclosure: Agreement for Cooperation With the International Atomic Energy Agency.)

AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY  
The United States of America and the International Atomic Energy Agency,

Desiring to set forth areas of cooperation in the peaceful application of atomic energy including the basis on which special nuclear material, source material and reactor material will be made available by the United States to the agency for use in agency activities:

Agree as follows:

ARTICLE I

For purposes of this agreement:

(a) "Agency" means the International Atomic Energy Agency.

(b) "United States" means the Government of the United States of America, or any agency of the U.S. Government acting on behalf of the United States.

(c) "Parties" mean the United States and the Agency. "Party" means one of the above-mentioned "parties."

(d) "Agency Statute" means the Statute of the Agency as amended from time to time.

(e) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency and (2) any legal successor, representative, agent or agency of the foregoing.

(f) "Reactor material" means any material, other than special nuclear material or source material, of especial importance or desirability for use in reactors or in research thereon.

(g) "Source material" means (1) uranium, thorium, or any other material determined by mutual agreement of the United States and the Agency to be source material; (2) any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; or (3) ores containing one or more of the foregoing materials, in such concentration as may be determined from time to time by mutual agreement.

(h) "Special nuclear material" means plutonium-239, uranium-233, uranium enriched in the isotopes 235 or 233, any material containing one or more of the foregoing, now specified as "special fissionable material" in subparagraph 1, article XX of the Agency statute, and any other material determined by mutual agreement of the United States and the Agency to be special nuclear material. Special nuclear material does not include "reactor material" or source material.

(i) "Agency activity" means any activity set up by the Agency or any member or group of members thereof under the aegis of the Agency or conducted with the assistance of the Agency for research or development or practical application of atomic energy for peaceful purposes.

ARTICLE II

A. The United States will make available to the Agency pursuant to the Agency

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statute, as set forth in paragraph B of this article, for use in Agency activities 5,000 kilograms of contained uranium-235 together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear material made available by all other members of the Agency prior to July 1, 1960. The United States will also, from time to time, make available to the Agency such additional quantities of special nuclear materials, including contained uranium-235, as may be authorized by the United States. The uranium supplied hereunder may be enriched up to 20 percent in the isotope uranium-235 provided, however, that the parties may agree to a higher enrichment with respect to uranium to be used in research reactors, material testing reactors or for research purposes.

B. The United States undertakes to make special nuclear material available to the Agency at the U.S. Atomic Energy Commission's published charges applicable to the domestic U.S. distribution of such material in effect at the time, it being understood that the foregoing shall not affect the existence of the Commission's authority to assist and encourage research on peaceful uses or for medical therapy by making such material available to the Agency without charge during any calendar year in a quantity which at the time of transfer does not exceed in value US\$50,000.

C. The special nuclear material made available to the Agency pursuant to the Agency statute will be used or pursuant to the Agency's direction and in its behalf distributed by the Agency in accordance with the statute of the Agency and rules and regulations made pursuant thereto. The United States will retain such material until needed by the Agency. When requested by the Agency, the United States will deliver such material to the Agency or pursuant to the Agency's direction and in its behalf to a member or a group of members designated by the Agency. The parties shall agree on the compensation for such material, its form and composition, delivery schedule, and related matters.

D. The United States will assist the Agency in obtaining source material and reactor materials from persons under the jurisdiction of the United States, if the Agency wishes. If no commercial sources are available to the Agency on reasonable terms, the United States may make such material available to the Agency. Such material made available to the Agency will be used or pursuant to the Agency's direction and in its behalf distributed by the Agency in accordance with the statute of the Agency and rules and regulations made pursuant thereto. The United States, when requested by the Agency, will deliver such material to the Agency or pursuant to the Agency's direction and in its behalf to a member or group of members designated by the Agency. The parties shall agree on the compensation for such material, its form and composition, delivery schedule, and related matters.

E. The United States will accept the return of source and special nuclear material made available pursuant to this agreement for reprocessing on terms and conditions to be agreed, and will, unless the parties agree otherwise, return to the Agency either the amount of source and special nuclear material recovered therefrom or an equivalent amount of source and special nuclear material recoverable therefrom.

F. The United States may, at the request of the Agency, and subject to the laws of the United States and to the Agency statute, purchase, for use solely in the peaceful ap-

plication of atomic energy, special nuclear material recovered or produced from special nuclear material and source material as a result of Agency activities, at such prices and on such other terms and conditions as may be agreed.

#### ARTICLE III

The application or use of any material, equipment, or facilities, or use of any information (including design drawings and specifications), made available by the United States shall be the responsibility of the Agency, or of any member of the Agency to which the Agency shall transfer such material, equipment, facilities, or information, in accordance with the Agency statute, and the United States does not warrant the suitability of such information, material, equipment, or facilities, for any particular use or application except to the extent the parties may otherwise specifically agree. All agreements for the lease of any special nuclear material, source material, or reactor material pursuant to this agreement shall include a mutually acceptable provision relieving the lessor of liability arising out of or in connection with material after delivery.

#### ARTICLE IV

The United States undertakes that subject to the applicable laws, regulations, and license requirements of the United States, persons under the jurisdiction of the United States will be permitted to make arrangements to transfer and export material, equipment, or facilities, and to perform services in the peaceful uses of atomic energy for the Agency, or upon request of the Agency, for a member or group of members of the Agency, or for a person under the jurisdiction of such member in connection with an Agency activity with which such member is associated.

#### ARTICLE V

The Agency guarantees, to the full extent of its statutory powers, that:

(a) The safeguards set forth in the Agency statute shall be maintained and implemented as provided in the Agency statute with respect to material, equipment, or facilities, made available by the United States or persons under its jurisdiction for use in Agency activities.

(b) No material, equipment, or facilities, transferred pursuant to this agreement will be used for atomic weapons or for research on or for development of atomic weapons or for any other military purposes.

(c) Material, equipment, or facilities, used, transferred or retransferred pursuant to this agreement shall be used or transferred only in accordance with the agency statute and this agreement.

#### ARTICLE VI

This agreement shall enter into force on the day on which each party to this agreement shall have received from the other party written notification that it has complied with all requirements for the entry into force of such agreement and shall remain in force for a period of 20 years.

In witness whereof, the undersigned representatives have signed this agreement pursuant to duly constituted authority.

Done at Vienna, in duplicate, this 11th day of May 1959.

For the United States of America:

HAROLD C. VEDELER.

For the International Atomic Energy Agency:

STERLING COLES.

Certified to be a true copy:

ELEANOR C. McDOWELL,

Office of the Legal Adviser, Department of State.

#### ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. JOHNSON of Texas:

Article entitled "The Spirit of Resistance Behind the Iron Curtain Is Very Much Alive," prepared for publication by Dr. Albert N. Tarulis of the Library of Congress.

By Mr. HUMPHREY:

Address delivered by Mrs. Katie Louchheim, vice chairman, Democratic National Committee, at a luncheon sponsored by the Jane Jefferson Clubs and Western States Democratic Conference, Denver, Colo., on May 16, 1959.

Newsletter dated May 25, 1959, from the office of Representative GEORGE MCGOVERN, of South Dakota, relating to the food-for-peace bill.

By Mr. BEALL:

Address delivered by Mr. Walter L. Fowler before the Bankers convention in Hot Springs, Va., on June 5, 1959, entitled "End the Controversy—II."

Invocation delivered by the Most Reverend Phillip M. Hannan, D.D., at a dinner for the American Rheumatism Association, June 5, 1959.

By Mr. TALMADGE:

Statement by J. Craig Smith, president of Avondale Mills, and weekly column of Senator TALMADGE dated May 20, 1959, relating to the threat to the textile industry by reason of the trade and foreign aid policies of the United States with respect to subsidized exportation of raw cotton.

By Mr. MCCARTHY:

Commentary on Fortune tax series by Walter W. Heller, Department of Economics, University of Minnesota, May 25, 1959.

By Mr. NEUBERGER:

Editorial entitled "The Miracle of NATO," written by David Lawrence and published in U.S. News & World Report of June 15, 1959.

Editorial entitled "Where Is Federal School Aid?" published in the Christian Science Monitor of June 5, 1959.

Article entitled "New Roads Spur Timber Project," written by John J. Abele and published in the New York Times of June 7, 1959.

Column entitled "Jones Deals Blow to Security Bill," written by Joseph Young, and published in the Evening Star of June 4, 1959.

By Mr. LAUSCHE:

Editorial published in the Washington Evening Star, on June 5, 1959, entitled "Accounting Law Nullified."

By Mr. KENNEDY:

Editorial published in the New York Times, June 7, 1959, entitled "Labor and the Kennedy Bill."

By Mr. BYRD of Virginia:

Editorial published in the Saturday Evening Post of June 6, 1959, entitled "It's the Little People Who Pay the Taxes," written by Mr. L. Robert Driver, which will appear hereafter in the Appendix.

By Mr. WILEY:

Article entitled "We Need a U.S. Crime Census," written by Herbert Hoover and published in This Week magazine of June 7, 1959, which will appear hereafter in the Appendix.

By Mr. LANGER:

Letter dated May 12, 1955, written to him by Mr. and Mrs. P. N. Haakenson, relating to adoption of foreign child.

Document relating to action recently taken by Polish-American Congress of Eastern Massachusetts.



D.L.(1)/F.M.Tovell/cw

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: .....The Under-Secretary.....

Security **SECRET**.....

FROM: .....Defence Liaison (1) Division.....

Date .....June 9, 1959.....

REFERENCE: .....

File No.

50219-AK-40

SUBJECT: .....BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON  
THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.....

Mr. Léger has suggested that it might be desirable for him to make a brief statement in the NATO Council regarding our new atomic agreement. A copy of his telegram is attached.

2. We are inclined to agree that such a statement would be useful as it would be in line with our view that the Council should take a more active interest both in atomic questions and in North American defence generally.

3. The statement Mr. Léger would make would be along the following lines:

"The Council will recall that, at an earlier date, I referred to the expected conclusion of an agreement between the Canadian and United States Governments covering cooperation on the uses of atomic energy for mutual defence purposes. I now wish to inform the Council that such an agreement has been concluded. It is one of the agreements of this kind recently concluded between the United States and member countries of NATO and is of the type described in a paper which the United States representative circulated to the Council on May 4.

I feel certain that the cooperation which will be carried out under this agreement will be of substantial benefit to Canada, not only in the training of our armed forces, in the development of defence plans and in the improvement in our military state

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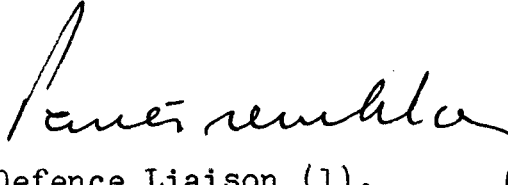
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2.

of readiness and our equipment, but also in enabling Canada's armed forces better to play their part in the defence of North America and the free world."

4. We have consulted General Foulkes who agrees with Mr. Léger's suggestion and with the proposed telegram to him which is attached for your consideration.

sent  
9.6.59

  
Defence Liaison (1).

IN REPLY PLEASE QUOTE

NO. CONFIDENTIAL



OFFICE OF THE CHAIRMAN, CHIEFS OF STAFF  
OTTAWA

REPLY TO BE ADDRESSED TO:  
SECRETARY, CHIEFS OF STAFF  
NATIONAL DEFENCE HEADQUARTERS  
OTTAWA, CANADA

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5 June, 1959

Under-Secretary of State  
for External Affairs,  
East Block,  
O T T A W A.

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Bilateral Agreement between Canada and the United States for  
Cooperation in Uses of Atomic Energy for Mutual Defence Purposes

1. Reference is made to your letter of 4 June 1959, enclosing a copy of a draft telegram to Mr. Leger in Paris, concerning his suggestion for making a brief statement to the NATO Council on our new Bilateral Agreement with the United States.

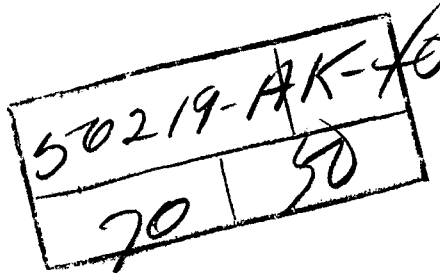
2. It is considered that Mr. Leger's reasons for suggesting the announcement to the NATO Council are sound and that, under the circumstances, such an announcement is justified.

3. The draft telegram attached to your letter has been reviewed by this Department and is approved for release.

(Charles Foulkes)  
General

Chairman, Chiefs of Staff

8 JUN 1959



S E C R E T

Ottawa, June 4, 1959.

The Chairman,  
Chiefs of Staff,  
Department of National Defence,  
O T T A W A.

Bilateral Agreement with the United  
States for Cooperation on the uses  
of Atomic Energy for Mutual Defence  
Purposes.

You will have seen telegram 1101 of June 1 from Mr. Leger on the above subject in which he puts forward the suggestion that it would be desirable to make a brief statement at an early date to the NATO Council on our new bilateral atomic agreement with the United States. In his telegram Mr. Leger deals at some length with the considerations which have led him to make this suggestion. Our Embassy in Washington also support this idea. A copy of Washington Telegram 1336 of June 3 in this regard is attached.

2. We are inclined to agree that on balance there is merit in Mr. Leger's suggestion and attached is a draft telegram which might be sent him, if you concur. You will note that this telegram also asks the Embassy in Washington to ascertain whether the State Department would have any objection to Mr. Leger making a statement along the lines he proposes.

3. I should be grateful if we could receive any comments you may wish to make on this telegram as soon as possible.

Under-Secretary of State  
for External Affairs.



50219-AK-40  
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TO: *[Signature]*  
REGISTRY

OTT 025

HM

OC B033

BW 013

RR HCMRO

DE HCPBW

R 031647Z

FM WASHDC JUN3/59 UNCLAS

TO EXTERNAL 1339

REF YOURLET L495 MAY25

BILATERAL AGREEMENT FOR COOPERATION IN THE USES OF ATOMIC  
ENERGY FOR MUTUAL DEFENCE PURPOSES

THE INSTRUMENT OF FULL POWER AUTHORIZING THE AMBASSADOR TO  
SIGN THIS AGREEMENT WAS TRANSMITTED TO THE STATE

REPT TODAY JUN3.

*for 5 copies to CCOS  
1 copy to PCO  
and all  
Nuclear  
D.C. (1)  
done  
5 June 59  
JG*

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FM WASHDC JUN3/59 RESTD  
TO EXTERNAL 1338  
REF YOURTEL DL435 MAY27

BILATERAL AGREEMENT FOR COOPERATION IN THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENCE PURPOSES--CONGRESSIONAL APPROVAL

YESTERDAY WE SPOKE TO PENDER IN THE LEGAL DEPT CONCERNING THE  
QUERIES RAISED IN YOURTEL.

2. PENDER CITED TO US THE CASE OF THE UK AGREEMENT IN WHICH THERE  
HAD BEEN A REPORT TO CONGRESS IN THE SENSE OF A JOINT COMMITTEE  
DOCUMENT. HE EXPECTED THAT SOME SORT OF REPORT IN THE LOOSE SENSE  
OF THE WORD, ENDORSING THE NEW AGREEMENT, WOULD BE SUBMITTED BY THE  
JOINT COMMITTEE TO BOTH THE HOUSE OF REPS AND THE SENATE. IF, HOWEVER,  
THE COMMITTEE WERE NOT RPT NOT TO MAKE A REPORT, THEN AT THE END  
OF THE 60 DAY PERIOD THERE WOULD BE NO RPT NO IMPEDIMENT TO THE  
EXECUTIV PROCEEDING WITH THE EXCHANGE OF NOTES TO BRING THE  
AGREEMENT INTO FORCE, THAT IS, NO RPT NO FORMAL ACTION IS REQUIRED  
BY CONGRESS UNLESS IT SHOULD BE UNFAVOURABLY DISPOSED TOWARDS AN

AGREEMENT.

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4 JUN 1959

FILE COPY

FM WASHDC JUN3/59 SECRET  
TO EXTERNAL 1336 OPIMMEDIATE  
INFO NATOPARIS OPIMMEDIATE  
REF NATOPARIS TEL 1101 JUN1

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4 JUN1959

BILATERAL AGREEMENT WITH THE USA FOR COOPERATION IN THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

I THINK I SHOULD LET YOU KNOW THAT WE SUPPORT STRONGLY LEGERS  
SUGGESTION THAT HE BE AUTHORIZED TO MAKE A SUITABLE STATEMENT IN THE  
NAT COUNCIL AT AN EARLY DATE.

2.IT SEEMS TO ME THAT BY VOLUNTEERING SUCH INFO IN THE COUNCIL,  
WE WOULD HELP TO REMOVE ANY MISUNDERSTANDING OF OUR ATTITUDE WHICH  
MAY HAVE RESULTED FROM OUR DIFFERENCE OF OPINION WITH OTHER MEM-  
BERS ON THE RECENT NATO RELEASE ON ATOMIC DEFENCES.AT ANY RATE,NO  
RPT NO HARM CAN BE DONE BECAUSE OF THE FACT THAT OUR BILATERAL  
AGREEMENT IS NOW A PUBLIC DOCUMENT,HAVING BEEN TABLED IN THE HOUSE  
OF COMMONS.

3.WE AGREE,OF COURSE,THAT THE FORM OF LEGERS STATEMENT SHOULD  
BE CONCERTED WITH THE STATE DEPT BUT WE WILL MAKE NO RPT NO  
APPROACH TO THEM UNTIL WE HAVE YOUR INSTRUCTIONS

HEENEY\*\*\*\*\*

50219-AK-40	
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S E C R E T

Ottawa, June 3, 1959.

Dear Jules,

Further to my personal letter to you of May 15, I attach a copy of the Technical Annex and the Security Annex to our new Atomic Agreement with the United States. These annexes will not, of course, be made public and we have been careful to avoid giving anyone outside the Canadian Government the impression that these documents exist.

Also attached is a copy of the French text of the Agreement.

Yours sincerely,

N. A. ROBERTSON

J. Leger, Esq.,  
Delegation of Canada to  
the North Atlantic Council,  
P A R I S.

5.6.37/05

000702

ALL CORN

FM ATOPARIS JUN1/59 SECRET

TO EXTERNAL 1101 OPIMMEDIATE

INFO WASHDC OPIMMEDIATE

TT CCOS DM/DND OPIMMEDIATE FM OTT

REF YOUR TEL DL431 MAY26

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BILATERAL AGREEMENT WITH THE USA FOR COOPERATION ON THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

WE SUGGEST THAT IT WOULD BE DESIRABLE TO PROVIDE THE NATO COUNCIL  
WITH SOME INFO ABOUT OUR BILATERAL AGREEMENT WITH THE USA.

2. YOU WILL RECALL THAT, WHEN THE NATO PRESS RELEASE ON NUCLEAR  
WEAPONS WAS UNDER DISCUSSION IN COUNCIL, I SAID THAT THE TIME WOULD  
COME WHEN WE WOULD HAVE TO CONCLUDE WITH THE USA BILATERAL NEGOTIATIONS  
OF OUR OWN ON SPECIAL WEAPONS. THERE WOULD BE A CERTAIN  
VALUE IN LETTING THE COUNCIL KNOW THAT SUCH AN AGREEMENT HAS NOW  
BEEN CONCLUDED.

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13 JUN 1959

3. AT THE SAME TIME, WE WOULD PROBABLY WISH TO MAKE ONLY A VERY  
BRIEF AND GENERAL STATEMENT. YOU WILL RECALL THAT THE ONLY INFO SO  
FAR GIVEN TO COUNCIL ON THE AGREEMENTS OF THIS TYPE WHICH THE USA  
HAS CONCLUDED WITH OTHER NATO COUNTRIES, IS THAT CONTAINED IN  
RDC/59/119 MAY4 COVERING ANTICIPATED AGREEMENTS WITH TURKEY, GREECE,  
GERMANY AND THE NETHERLANDS, AND IN THE GENERAL OUTLINE OF THE  
AGREEMENTS CIRCULATED BY THE USA DEL AND FORWARDED IN OUR TEL  
903 MAY5.

4. A POINT COVERED IN OUR AGREEMENT BUT NOT COVERED IN THE ABOVE-  
MENTIONED MATERIAL IS THE PROVISION FOR "THE TRANSFER AT SOME  
FUTURE TIME (TO CDA) OF MILITARY REACTORS AND ANY SPECIAL NUCLEAR  
MATERIALS REQUIRED FOR THEM". (WE HAVE HERE QUOTED FROM ONE PART  
OF THE PRIME MINISTER'S STATEMENT MAY25.) IT IS, OF COURSE, POSSIBLE  
THAT ONE OR MORE OF THE AGREEMENTS CONCLUDED WITH OTHER COUNTRIES  
(EG THE NETHERLANDS WHICH IS INTERESTED IN ATOMIC SUBMARINES)  
CONTAINS SUCH A PROVISION BUT WE HAVE NO INFO TO THIS EFFECT.

5. A STATEMENT MIGHT BE MADE ALONG THE FOLLOWING LINES: QUOTE THE  
COUNCIL WILL RECALL THAT, AT AN EARLIER DATE, I REFERRED TO THE  
EXPECTED CONCLUSION OF AN AGREEMENT BETWEEN THE CDN AND USA GOVTS  
COVERING COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DE-



PAGE TWO 1101

FENCE PURPOSES. I NOW WISH TO INFORM THE COUNCIL THAT SUCH AN AGREEMENT HAS BEEN CONCLUDED. IT IS ONE OF THE AGREEMENTS OF THIS KIND RECENTLY CONCLUDED BETWEEN THE USA AND MEMBER COUNTRIES OF NATO AND IS OF THE TYPE DESCRIBED IN THE PAPER WHICH THE USA REP CIRCULATED TO COUNCIL ON MAY 4. END QUOTE. THE STATEMENT MIGHT POSSIBLY CONCLUDE WITH QUOTATION OF THE PENULTIMATE SENTENCE OF THE PRIME MINISTER'S STATEMENT OF MAY 25.

6. CERTAIN CONSIDERATIONS WHICH YOU MIGHT WISH TO TAKE INTO ACCOUNT OCCUR TO US. THESE ARE: (A) NO OTHER COUNTRY WHICH HAS CONCLUDED A SIMILAR AGREEMENT WITH THE USA HAS SO FAR MADE A STATEMENT TO THIS EFFECT IN COUNCIL, ALTHOUGH BOTH THE NETHERLANDS AND TURKISH REPS MADE PASSING REF TO THE NEGOTIATION OF AGREEMENTS DURING DISCUSSION OF THE NATO PRESS RELEASE. (B) IT IS ALWAYS POSSIBLE THAT A BRIEF STATEMENT ABOUT OUR AGREEMENT MIGHT LEAD TO A REQUEST FOR FULLER INFO OR FOR THE TEXT OF THE AGREEMENT IN THE FORM IN WHICH IT HAS BEEN MADE PUBLIC. THIS MIGHT LEAD TO OR INVOLVE SIMILAR REQUESTS WITH RESPECT TO THE OTHER AGREEMENTS. (C) A STATEMENT OF THE KIND WE SUGGEST WOULD GLOSS OVER THE POINT MENTIONED IN PARA 4 ABOVE. AT THE SAME TIME, BECAUSE OF THE PUBLIC STATEMENTS ALREADY MADE IN OTTAWA AND WASHDC, SOME PERMANENT REPS MAY BE AWARE OF THE CLAUSE IN OUR AGREEMENT MAKING POSSIBLE THE TRANSFER TO CDA OF MILITARY REACTORS AND ANY SPECIAL NUCLEAR MATERIALS REQUIRED FOR THEM. THIS MIGHT LEAD TO SPECULATION REGARDING WHAT MIGHT APPEAR TO BE A SOMEWHAT SPECIAL FEATURE OF OUR AGREEMENT AND, POSSIBLY, REGARDING THE EXTENT TO WHICH THIS PROVISION IS COMPATIBLE WITH OUR ESTABLISHED POLICY ON THE PRODUCTION OF NUCLEAR WEAPONS AND INTERNATIONAL CONTROL TO LIMIT THE SPREAD OF NUCLEAR WEAPONS.

7 I DO NOT THINK THAT (A) SHOULD POSE ANY REAL PROBLEM. A PRESS REPORT PUBLISHED IN THE NEW YORK HERALD TRIBUNE ON MAY 27 STATED THAT THE PREVIOUS DAY PRESIDENT EISENHOWER HAD SUBMITTED TO CONGRESS "AGREEMENTS WITH FOUR ALLIED NATIONS TO SUPPLY SECRET INFO AND EQUIPMENT TO TRAIN THEIR FORCES IN USING ATOMIC WEAPONS". THE ARTICLE CONTINUED "THE AGREEMENTS... WERE REACHED WITH WESTERN GERMANY, TURKEY, THE NETHERLANDS AND CDA". THE ARTICLE REPRODUCED

PAGE THREE 1101

PARTS OF THE PRESIDENT'S ACCOMPANYING MSG TO CONGRESS IN WHICH HE DESCRIBED THE USA POLICY OF SHARING INFO ON NUCLEAR WEAPONS WITH ITS NATO ALLIES AND THE STEPS WHICH THE USA IS TAKING TO ASSIST IN INCREASING THE DEFENSIVE STRENGTH OF NATO FORCES. WE DO NOT KNOW WHY AN AGREEMENT WITH GREECE HAS NOT YET BEEN TABLED IN CONGRESS BUT WE DO NOT THINK THAT THIS SHOULD MATERIALLY AFFECT OUR OWN DECISION ABOUT INFORMING NATO. FROM OUR POINT OF VIEW THE SIGNIFICANT FACT IS THAT IT IS ALREADY PUBLIC KNOWLEDGE THAT AN AGREEMENT WITH CDA IS AMONG THOSE WHICH HAVE BEEN TABLED IN CONGRESS. 8. WE ALSO DOUBT IF (B) SHOULD CREATE ANY REAL DIFFICULTY. IT HAS BEEN ARGUED BY THE BELGIAN REP THAT IT WOULD BE INAPPROPRIATE FOR THE NATO COUNCIL TO DISCUSS THE AGREEMENTS WHEN THEY ARE, SO TO SPEAK, SUBJUDICE IN CONGRESS AND OTHER PARLIAMENTS. HOWEVER, THE MERE PROVISION TO THE NATO COUNCIL OF THE TEXTS OF THE AGREEMENTS AS ALREADY MADE PUBLIC WOULD SEEM UNEXCEPTIONABLE IF THERE SHOULD BE SUCH A DEMAND.

9. SO FAR AS (C) IS CONCERNED, WE REALIZE THAT IT IS, IN PART, A POINT WHICH YOU MAY BE DEALING WITH IN A BROADER CONTEXT. WE KNOW, FROM MATERIAL WE HAVE RECEIVED FROM THE DEPT INCLUDING THE TEXTS OF THE AGREEMENT AS MADE PUBLIC, THAT OUR AGREEMENT WITH THE USA IS IN LINE WITH OUR POLICY ON PRODUCTION OF NUCLEAR WEAPONS AND THE SPREAD THEREOF. WE THEREFORE (THINK?) THAT THERE WOULD BE NO DIFFICULTY, IF THE NEED SHOULD ARISE, IN MAKING THIS CLEAR IN NATO. WE WONDER IF IT IS RELEVANT THAT, AS WE UNDERSTAND IT, THE MILITARY REACTORS AND SPECIAL NUCLEAR MATERIALS IN WHICH WE ARE INTERESTED WOULD BE THOSE RELATING TO THE PROPULSION OF NAVAL VESSELS, AIRCRAFT OR LAND VEHICLES AND MILITARY PACKAGE POWERED REACTORS. CBC NEWS SUMMARY FOR MAY 25 CONTAINED A STATEMENT TO THIS EFFECT AND ADDED THAT "CDA IS NOW STUDYING WHETHER THE PRODUCTION OF NUCLEAR POWERED SUBMARINES OR OTHER VESSELS FOR THIS COUNTRY IS FEASIBLE FROM THE

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PAGE FOUR 1101

ECONOMIC AND MILITARY STANDPOINT".

10. IT OCCURS TO US THAT, SINCE THE USA REP HAS NOT YET GIVEN COUNCIL INFO ABOUT THE ACTUAL TABLING OF THE FOUR AGREEMENTS IN CONGRESS OR ABOUT THE PRESIDENT'S MSG TO CONGRESS WHEN TRANSMITTING THE AGREEMENTS, A CDN STATEMENT IN COUNCIL MIGHT BE FITTED IN TO A MORE GENERAL STATEMENT COVERING THE ABOVE POINTS WHICH THE USA REP MIGHT BE INTENDING TO MAKE. A PROCEDURE OF THIS KIND MIGHT BE MORE ACCEPTABLE IN WASHDC.

11. WE ASSUME THAT OUR AGREEMENT WITH THE USA WOULD, INTER ALIA, FACILITATE THE ADVANCE TRAINING (IN DUE COURSE) OF CDN PERSONNEL IN THE USE OF NUCLEAR WEAPONS FOR OUR FORCES IN EUROPE. THIS ASSUMPTION, WOULD INCREASE THE APPROPRIATENESS OF OUR MAKING A STATEMENT. WE REALIZE THAT, AT THE SAME TIME, YOU MIGHT WISH THE NATO COUNCIL TO HAVE A BALANCED IMPRESSION OF THE PURPOSE OF THE AGREEMENT IN RELATION TO THE DEFENCE OF THE CDA-USA REGION AS WELL AS OF NATO EUROPE. WE THINK, HOWEVER, THAT THIS ASPECT OF THE MATTER WOULD BE SUFFICIENTLY COVERED IF, AS SUGGESTED ABOVE, THE PENULTIMATE STATEMENT OF THE PRIME MINISTER OF MAY 25 WERE INCLUDED; IN ANY CASE WE THINK THAT ANY FULLER EXPOSITION OF THIS ASPECT COULD BE LEFT UNTIL A MORE APPROPRIATE OCCASION.

12. - IN ANY CASE OUR FEELING IS THAT, ON BALANCE, WE SHOULD MAKE A SIMPLE STATEMENT FOR THE INFO OF THE NATO COUNCIL. THIS WOULD KEEP THE RECORD STRAIGHT AND PERHAPS ASSIST US IN ANY FUTURE DISCUSSIONS OF THE BROADER QUESTION OF THE NUCLEAR POLICY OF THE ALLIANCE.

13. YOU WOULD, NO DOUBT, WISH TO CONSULT WITH THE STATE DEPT BEFORE ANY STATEMENT WERE MADE IN COUNCIL. I WOULD BE GLAD, IF IT WERE POSSIBLE, IF THIS COULD BE DONE IN TIME TO ALLOW ME TO MAKE THE STATEMENT SOON. IF THE USA REP SHOULD NOT BE PLANNING A MORE GENERAL STATEMENT OF THE KIND MENTIONED IN PARA 11, I WOULD BE GLAD IF HE WERE AUTHORISED TO ASSOCIATE HIMSELF BRIEFLY WITH MY STATEMENT  
WEGEER°

Minister's Office

(Mr. Dalworth)

Legal Division

UNCLASSIFIED

June 1st, 1959.

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Attached for tabling in Parliament are the appropriate envelopes containing the required copies of the French text of the Agreement between Canada and the USA for cooperation on the uses of atomic energy for mutual defence purposes, signed at Washington, May 22, 1958.

2. You will recall that the Prime Minister and Acting Secretary of State for External Affairs made a statement in the House on Monday May 25 and that the English text was officially tabled in the House and Senate on May 26; tabling notice was printed in Votes and Proceedings and Minutes of the Proceedings respectively for that date. Seventy-five copies of the French text have been sent to the Parliamentary Distribution Office to be available to members upon request.

J.L. DELISLE

Legal Division.

D.L.(1)  
(Mr. Tovell)

Done June 2/59  
JL

**FILE COPY**

FM WASHDC MAY281959 RESTD

TO EXTERNAL 1281 OPIMMEDIATE

INFO TT CCOS OTT FM OTT

REF YOURTEL DL439 MAY27

BILATERAL AGREEMENT WITH THE USA FOR COOPERATION IN THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

WE UNDERSTAND FROM COURTNEY(OFFICE OF THE SPECIAL ASSISTANT ON  
ATOMIC ENERGY)THAT THE AGREEMENTS WITH WEST GERMANY,THE NETHERLANDS  
AND TURKEY DO PROVIDE FOR MAKING AVAILABLE NONNUCLEAR PARTS OF  
ATOMIC WEAPONS SYSTEMS,AS DOES THE CDN AGREEMENT.

2.THE CDN AGREEMENT IS MORE COMPREHENSIVE THAN THE OTHER THREE  
AGREEMENTS TO THE EXTENT THAT ARTICLE II(E)PROVIDES FOR THE COMMU-  
NICATION AND EXCHANGE OF INFO ON QUOTE RESEARCH,DEVELOPMENT AND  
DESIGNS OF MILITARY REACTORS TO THE EXTENT AND BY SUCH MEANS AS MAY  
BE AGREED UNQUOTE AND ARTICLE IV MAKES PROVISION FOR THE TRANSFER  
OF MILITARY REACTORS AND MATERIALS.IN OTHER WORDS WE UNDERSTAND  
THE OTHER THREE AGREEMENTS DO NOT RPT NOT CONTAIN PROVISIONS RE-  
LATING TO REACTORS.

3.THE AGREEMENTS WITH WEST GERMANY,TURKEY AND THE NETHERLANDS WERE  
SUBMITTED TO CONGRESS ON MAY26 AS WAS THE CDN AGREEMENT.THERE IS  
NO RPT NO WAY OF TELLING EXACTLY WHEN THE TEXTS WILL BE PUBLISHED  
IN THE CONGRESSIONAL RECORD BUT WE SHOULD JUDGE ON THE BASIS OF  
THE EXPERIENCE WITH THE UK AND FRENCH AGREEMENTS THAT THEY WILL  
BE AVAILABLE WITHIN A FORTNIGHT.COURTNEY WAS NOT RPT NOT AWARE  
WHETHER THE AGREEMENTS HAD BEEN PUBLISHED IN THE THREE COUNTRIES.  
WE SHOULD THEREFORE BE CIRCUMSPECT IN ANSWERING POSSIBLE QUESTIONS  
CONCERNING THEM.IT MAY BE OF ASSISTANCE TO YOU,HOWEVER,TO HAVE  
THE TEXT OF THE PRESIDENTS MSG TRANSMITTING THE AGREEMENTS TO  
CONGRESS:TEXT BEGINS.

QUOTE TO THE CONGRESS OF THE USA:

IN DEC 1957 THE HEADS OF GOVT OF THE NATIONS MEMBERS OF THE  
NATO REACHED AGREEMENT IN PRINCIPLE ON THE DESIRABILITY OF  
ACHIEVING THE MOST EFFECTIVE PATTERN OF NATO MILITARY DEFENSIVE  
STRENGTH,TAKING INTO ACCOUNT THE MOST RECENT DEVELOPMENTS IN

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29 MAY 1959



PAGE TWO 1281

WEAPONS AND TECHNIQUES. IN ENUNCIATING THIS AGREEMENT IN PRINCIPLE THE HEADS OF GOVT MADE IT CLEAR THAT THIS DECISION WAS THE RESULT OF THE FACT THAT THE SOVIET LEADERS, WHILE PREVENTING A GENERAL DISARMAMENT AGREEMENT, HAD LEFT NO DOUBT THAT THE MOST MODERN AND DESTRUCTIVE WEAPONS OF ALL KINDS WERE BEING INTRODUCED INTO THE SOVIET ARMED FORCES. THE INTRODUCTION OF MODERN WEAPONS INTO NATO FORCES SHOULD BE NO CAUSE FOR CONCERN ON THE PART OF OTHER COUNTRIES, SINCE NATO IS PURELY A DEFENSIVE ALLIANCE.

IT IS OUR CONVICTION AND THE CONVICTION OF OUR NATO ALLIES THAT THE INTRODUCTION INTO NATO DEFENSES OF THE MOST MODERN WEAPONS AVAILABLE IS ESSENTIAL IN MAINTAINING THE STRENGTH NECESSARY TO THE ALLIANCE. ANY ALLIANCE DEPENDS IN THE LAST ANALYSIS UPON THE SENSE OF SHARED MUTUAL INTERESTS AMONG ITS MEMBERS, AND BY SHARING WITH OUR ALLIES CERTAIN TRAINING INFO WE ARE DEMONSTRATING CONCRETELY OUR SENSE OF PARTNERSHIP IN NATOS DEFENSIVE PLANNING. FAILURE ON OUR PART TO CONTRIBUTE TO THE IMPROVEMENT OF THE STATE OF OPERATIONAL READINESS OF THE FORCES OF OTHER MEMBERS OF NATO WILL ONLY ENCOURAGE THE SOVIET UNION TO BELIEVE THAT IT CAN EVENTUALLY SUCCEED IN ITS GOAL OF DESTROYING NATOS EFFECTIVENESS.

TO FACILITATE THE NECESSARY COOPERATION ON OUR PART LEGISLATION AMENDING THE ATOMIC ENERGY ACT OF 1954 WAS ENACTED DURING THE LAST SESSION OF THE CONGRESS. PURSUANT TO THAT LEGISLATION AGREEMENTS FOR COOPERATION HAVE RECENTLY BEEN CONCLUDED WITH THREE OF OUR NATO PARTNERS; ALL OF THESE AGREEMENTS ARE DESIGNED TO IMPLEMENT IN IMPORTANT RESPECTS THE AGREED NATO PROGRAM. THESE AGREEMENTS WILL ENABLE THE USA TO COOPERATE EFFECTIVELY IN MUTUAL DEFENSE PLANNING WITH THESE NATIONS AND IN THE TRAINING OF THEIR RESPECTIVE NATO FORCES IN ORDER THAT, IF AN ATTACK ON NATO SHOULD OCCUR, UNDER THE DIRECTION OF THE SUPREME ALLIED COMMANDER FOR EUROPE. THESE FORCES COULD EFFECTIVELY USE NUCLEAR WEAPONS IN THEIR DEFENSE.

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PAGE THREE 1281

THESE AGREEMENTS REPRESENT ONLY A PORTION OF THE WORK NECESSARY FOR COMPLETE IMPLEMENTATION OF THE DECISION TAKEN BY THE NATO IN DEC 1957. I ANTICIPATE THE CONCLUSION OF SIMILAR AGREEMENTS FOR COOPERATION WITH CERTAIN OTHER NATO NATIONS AS THE ALLIANCES DEFENSIVE PLANNING CONTINUES.

PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED, I AM SUBMITTING TO EACH HOUSE OF THE CONGRESS AN AUTHORITATIVE COPY OF THREE AGREEMENTS, ONE WITH THE FEDERAL REPUBLIC OF GERMANY, ONE WITH THE KINGDOM OF THE NETHERLANDS AND ONE WITH THE GOVT OF TURKEY. I AM ALSO TRANSMITTING A COPY OF THE SECRETARY OF STATES LET ACCOMPANYING AUTHORITATIVE COPIES OF THE SIGNED AGREEMENTS, A COPY OF THREE JOINT LETS FROM THE SECRETARY OF DEFENSE AND THE CHAIRMAN OF THE ATOMIC ENERGY COMMISSION RECOMMENDING MY APPROVAL OF THESE DOCUMENTS, AND COPIES OF MY MEMOS IN REPLY THERETO SETTING FORTH MY APPROVAL.

DWIGHT D EISENHOWER.

THE WHITE HOUSE, MAY 26/59. UNQUOTE. TEXT ENDS

# TRANSMITTAL SLIP

TO: Under-Secretary of State for External Affairs, Canada

Security.....Unclassified

Attention: Defence Liaison (1)

Date.....May 28, 1959.

FROM: Canadian Embassy,

Air or Surface.....Courier Bag...

Washington, D.C.

No. of enclosures.....2

The documents described below are for your information.

Despatching Authority.....J.S.Nutt/jpt

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Copies

Description

Also referred to:

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White House Press Release dated May 26, 1959:  
Message of the President re Agreement Between  
the Government of the United States of America  
and the Government of Canada for Cooperation  
on the Uses of Atomic Energy for Mutual Defence  
Purposes.

With  
T.

1 JUN 1959

Re: 1-6-59  
J.S.Nutt  
D.C. (1) Lane  
1-6-59  
J.S.N.

## 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.

95:6 WB I N00 6561  
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FOR RELEASE AT 12:00 NOON (EDT), MAY 26, 1959

**CAUTION:** The following message of the President scheduled for delivery to the Congress today, May 26, 1959, **MUST BE HELD IN STRICT CONFIDENCE** and no portion, synopsis or intimation of its contents may be given out or published UNTIL RELEASE TIME.

The same caution applies to all newspapers, radio and television commentators and news broadcasters, both in the United States and abroad.

**PLEASE USE EXTREME CARE TO AVOID PREMATURE PUBLICATION OR ANNOUNCEMENT.**

James C. Hagerty  
Press Secretary to the President

-----  
THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy of an Agreement Between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes. The Agreement was signed in Washington on May 22, 1959, by the Acting Secretary of State on behalf of the Government of the United States and the Ambassador of Canada to the United States on behalf of the Government of Canada.

Proceeding from the authority contained in Public Law 85-479 approved by the President July 2, 1958, which amended the Atomic Energy Act of 1954, the Agreement was negotiated for the purpose of advancing the extent of cooperation between the two countries in their common defense, particularly in the vital field of the military applications of atomic energy.

The Agreement is predicated on the determination that the common defense and security of the United States and Canada will be advanced by the cooperation envisaged therein, and takes into account that our countries are participating together in an international defense arrangement. The exchanges of information and transfers of equipment provided for in the Agreement will substantially contribute to the capability of the United States and Canada to meet their mutual defensive responsibilities already closely shared.

I am also transmitting a copy of the Acting Secretary of State's letter accompanying authoritative copies of the signed Agreement, a copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of this Agreement, and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

May 26, 1959.

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- 2 -

The following is the text of the letter to the President from the Acting Secretary of State:

May 22, 1959

The President:

The undersigned, the Acting Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an Agreement Between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

This Agreement was signed today, May 22, 1959, on behalf of the United States pursuant to the authorization granted in the President's memorandum of May 22, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of that memorandum was received by the Acting Secretary of State from the President.

Respectfully submitted,

DOUGLAS DILLON

The President  
The White House

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- 3 -

Following is the text of the joint letter to the President from the Secretary of Defense and the Chairman of the Atomic Energy Commission:

May 20, 1959

Dear Mr. President:

There is hereby submitted for your consideration and approval a proposed Agreement between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The present Agreement for Mutual Defense Purposes which was executed on June 15, 1955, provides for the exchange of information within limits concerning utilization of atomic weapons. Also, the Amendment to the Civil Uses Agreement which was executed on June 26, 1956, provides for the exchange of information on reactors of primarily military significance. Henceforth, cooperation on all military application of atomic energy would be carried out under the proposed new and expanded Agreement for Mutual Defense Purposes. Therefore, the Agreement, which will permit, under the authority of the Atomic Energy Act of 1954, as amended, this increased cooperation is an important step in advancing our mutual defense interests, specifically, 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 defense of the United States.

Article II of the Agreement provides for the transfer of classified information including "Restricted Data" and "Formerly Restricted Data" necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; the development of delivery systems compatible with the atomic weapons which they carry; and research, development and design of military reactors.

Article III of the Agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving Restricted Data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of Canada. However, in view of Section 91c, of the Atomic Energy Act, the applicability of which is reflected in Article VI of the Agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities and conditions of transfer, whether by sale, lease or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the Agreement. Accordingly, under the terms and conditions of the Agreement, it will be necessary to determine from time to time the types, quantities and conditions of transfer and such determination shall be submitted for your approval.

To date cooperation with Canada in the field of military reactors has been confined principally to the feasibility of their establishing a program for the design, development and construction of military reactors. Recognizing the progress being made and the desire for further cooperation in this important field within the limits of the Atomic Energy Act, Article IV of the Agreement expresses our intent to agree at some

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future time to transfer material and equipment, with the understanding that such cooperation would require an amendment to this Agreement.

The Agreement would remain in force until terminated by an agreement of both parties, thus assuring continued protection of information and equipment transferred in accordance with the provisions of the Agreement. However, cooperation for the transfer of information and equipment under Articles II and III of the Agreement may be terminated by agreement of the parties or by either party, following one year's advance notice, at the expiration of an initial term of ten years, or upon the expiration of any succeeding term of five years.

In accordance with the provisions of Sections 91c., 144b. and c. of the Atomic Energy Act of 1954, as amended, the Agreement specifically provides in Article I that all cooperation under the Agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the Agreement also provides, in accordance with the Act, that all cooperation under the Agreement will be undertaken only while the United States and Canada are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under Articles II and III of the Agreement would be undertaken only when these conditions prevail.

Article VI of the Agreement stipulates that the cooperation under the Agreement will be carried out by each of the parties in accordance with its applicable laws. Article VI also specifies that there will be no transfer under the Agreement of atomic weapons or nonnuclear parts of atomic weapons.

In addition to the foregoing terms, conditions, duration, nature and scope of cooperation, the Agreement provides that the parties will maintain agreed security safeguards and standards. The Agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the Agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the Agreement.

Canada is now participating with the United States in an international arrangement pursuant to which Canada is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that the Agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you

- (a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving Restricted Data under the terms and conditions provided in this letter and the proposed Agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

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- 5 -

- (b) determine that the performance of this Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and
- (c) approve the proposed Agreement and authorize its execution for the Government of the United States by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

With great respect, we are

Faithfully yours,

John A. McCone  
Chairman  
Atomic Energy Commission

Neil McElroy  
Secretary of Defense

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- 6 -

Following is the text of the President's Memorandum for the Secretary of Defense and the Chairman of the Atomic Energy Commission:

THE WHITE HOUSE

Washington

May 22, 1959

MEMORANDUM FOR

The Secretary of Defense  
The Chairman, Atomic Energy Commission

In your joint letter to me of May 20, 1959, you recommended that I approve a proposed Agreement between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

Canada is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed Agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of Canada, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance.

Having considered your joint recommendations and the cooperation provided for in the Agreement, including security safeguards and other terms and conditions of the Agreement, I hereby

- (1) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving Restricted Data under the terms and conditions provided in your joint letter and the proposed Agreement; however, types, quantities and conditions of transfer of such parts not so provided are subject to my further approval;
- (2) determine that the performance of this Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and
- (3) approve the proposed Agreement and authorize its execution for the Government of the United States by the Secretary of State.

In taking these actions, I have noted the supplementary information regarding the Agreement, also jointly submitted to me.

After execution of the Agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER

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## DEPARTMENT OF EXTERNAL AFFAIRS

Subject.....

Date **MAY 28 1959**

Publication **MONTREAL GAZETTE**

### Nuclear Arms For Canada

With the Canadian-United States nuclear information pact announced Monday by Prime Minister Diefenbaker, Canada moves much closer to the provision of nuclear weapons for the Canadian armed forces. A second agreement, now being charted by the two countries, will take this further step of providing for the storage of U.S.-made nuclear weapons on Canadian soil and their employment by Canadian forces both in Canada and Europe.

Also foreseen is American supply of military reactors to Canada. These could be reactors for use in propelling submarines (Canada is considering a fleet of nuclear-powered submarines), surface ships or aircraft; also included are the "package reactors" being produced for use as power stations in desolate areas such as the Canadian Far North.

What interests Canadians most at this point is the nuclear weapons arrangement. Does Canada need them?

The strategic facts are blunt enough to be quite convincing. The whole strategy of North American defence is to destroy the attacker, whether bomber or missile, as far north as possible. The most effective means of destroying either is with a nuclear explosion; this explosion need not be "on target" in the old sense. If it takes place within

a mile of the attacker, it can knock it—or them—out.

The BOMARC ground-to-air missile, with which Canada is to be equipped is intended to carry such a warhead. It is only logical that the warheads should be stored in Canada for use in the missiles.

It is most important that guarantees be included in the next treaty concerning the supply of both missiles and warheads in case of emergency. Missiles may be "unmanned aircraft" but this title can be misleading. They should be considered more like artillery shells, and the launching pads should be considered the guns which fire them. Guns are useless without shells; launchers are useless without their particular kind of ammunition.

During the Korean War, Canadian-built Sabre jets had to be stored when the supply of American engines for them was cut off. Canada solved that problem by building her own engines, Orendas, in Toronto. But Canada has no intention of getting into the ultra-expensive, duplicative business of building her own missiles or her own nuclear weapons.

Emergency supply of this kind of ammunition will have to be guaranteed by the U.S., or it won't be sensible to have the BOMARC sites set up at all.

FM WASHDC MAY27/59 UNCLAS

TO EXT AL 1263 PRIORITY

REF OURTEL 1257 MAY26

BILATERAL AGREEMENT FOR COOPERATION IN THE USES OF ATOMIC

ENERGY FOR MUTUAL DEFENCE

FOLLOWING IS THE TEXT OF THE PRESIDENT S MSG TRANSMITTING THIS  
AGREEMENT TO CONGRESS AS PRINTED IN THE CONGRESSIONAL RECORD FOR  
MAY26/59. TEXT BEGINS

QUOTE TO THE CONGRESS OF THE UNITED STATES:

PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED, I AM SUB-  
MITTING HEREWITH TO EACH HOUSE OF THE CONGRESS AN AUTHORITATIVE COPY  
OF AN AGREEMENT BETWEEN THE GOVT OF THE USA AND THE GOVT OF CDA  
FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE  
PURPOSES. THE AGREEMENT WAS SIGNED IN WASHINGTON ON MAY22, 1959,  
BY THE ACTING SECRETARY OF STATE ON BEHALF OF THE GOVT OF THE  
UNITED STATES AND THE AMBASSADOR OF CANADA TO THE UNITED STATES  
ON BEHALF OF THE GOVT OF CANADA.

PROCEEDING FROM THE AUTHORITY CONTAINED IN PUBLIC LAW 85-479  
APPROVED BY THE PRESIDENT JULY 2, 1958, WHICH AMENDED THE ATOMIC  
ENERGY ACT OF 1954, THE AGREEMENT WAS NEGOTIATED FOR THE PURPOSE  
OF ADVANCING THE EXTENT OF COOPERATION BETWEEN THE TWO COUNTRIES  
IN THEIR COMMON DEFENSE, PARTICULARLY IN THE VITAL FIELD OF  
THE MILITARY APPLICATIONS OF ATOMIC ENERGY.

THE AGREEMENT IS PREDICATED ON THE DETERMINATION THAT THE COMMON  
DEFENSE AND SECURITY OF THE UNITED STATES AND CANADA WILL BE ADVANCED  
BY THE COOPERATION ENVISAGED THEREIN, AND TAKES INTO ACCOUNT THAT  
OUR COUNTRIES ARE PARTICIPATING TOGETHER IN AN INTERNATIONAL DEFENSE  
ARRANGEMENT. THE EXCHANGES OF INFORMATION AND TRANSFERS OF EQUIPMENT  
PROVIDED FOR IN THE AGREEMENT WILL SUBSTANTIALLY CONTRIBUTE TO THE  
CAPABILITY OF THE UNITED STATES AND CANADA TO MEET THEIR MUTUAL  
DEFENSIVE RESPONSIBILITIES ALREADY CLOSELY SHARED.

I AM ALSO TRANSMITTING A COPY OF THE ACTING SECRETARY OF  
STATES LETTER ACCOMPANYING AUTHORITATIVE COPIES OF THE SIGNED  
AGREEMENT, A COPY OF A JOINT LETTER FROM THE SECRETARY OF DEFENSE  
AND THE CHAIRMAN OF THE ATOMIC ENERGY COMMISSION RECOMMENDING

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*5 copies to CCSI  
" W.R.C. 01  
and to  
military  
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Done  
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29 MAY 1959

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MY APPROVAL OF THIS AGREEMENT, AND A COPY OF MY MEMO IN REPLY THERETO

SETTING FORTH MY APPROVAL

DWIGHT D EISENHOWER

THE WHITE HOUSE MAY26/59.

TEXT ENDS

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CCN: PAGE ONE LINE 3 FM END WA COPIES OF RPT OF



DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

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OUTGOING MESSAGE

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	27-5-59	50219-AK-40		RESTRICTED					
TO: WASHINGTON	70		52		COMCENTRE USE ONLY				
	NUMBER		PRECEDENCE						
	DL-439		OPIMMEDIATE						
INFO: CCOS									

Ref.: YOURTEL 1257 MAY 26

Subject: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON  
THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

WE HAVE SEEN AN AP REPORT DATED WASHINGTON, MAY 26,  
TO THE EFFECT THAT WHEN FORWARDING OUR AGREEMENT TO THE CONGRESS  
THE PRESIDENT AT THE SAME TIME FORWARDED AGREEMENTS "FOR TRANSFER  
OF ATOMIC INFORMATION AND EQUIPMENT FOR NUCLEAR WEAPONS TRAINING"  
WITH GERMANY, TURKEY AND THE NETHERLANDS. THE REPORT GOES ON TO SAY  
THAT "ONE OF THE PACTS - BETWEEN THE U.S. ON THE ONE HAND AND WEST  
GERMANY, THE NETHERLANDS AND TURKEY ON THE OTHER, STIPULATES THERE  
WILL BE NO TRANSFER OF ACTUAL ATOMIC WEAPONS, NONNUCLEAR PARTS OF  
SUCH WEAPONS OR SPECIAL NUCLEAR MATERIAL. A SEPARATE AGREEMENT WITH  
CANADA PROVIDES FOR SENDING TO THAT COUNTRY CERTAIN NONNUCLEAR PARTS  
OF ATOMIC WEAPONS SYSTEMS - BUT NOT PARTS OF THE ACTUAL WEAPONS -  
TO IMPROVE THE TRAINING AND OPERATIONAL READINESS OF CANADA'S ARMED  
FORCES".

2. WE SHOULD BE GRATEFUL IF YOU COULD SEND US COPIES OF THE

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LOCAL  
DISTRIBUTION

ORIGINATOR	DIVISION	PHONE	APPROVED BY
SIG..... F.M.Tovell/ih NAME.....	D.L (1)	67509	SIG..... (Signed) PAUL TREMBLAY NAME.....

-2-

AGREEMENT (OR AGREEMENTS) WITH GERMANY, TURKEY AND THE NETHERLANDS AS SOON AS THEY ARE AVAILABLE. IN THE MEANTIME IT WOULD BE HELPFUL, IN ORDER TO DEAL WITH ANY POSSIBLE QUESTIONS IN PARLIAMENT, TO KNOW WHETHER THE AP REPORT IS CORRECT IN THAT THESE THREE COUNTRIES WILL NOT OBTAIN, AS WILL WE, CERTAIN NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS, BUT THAT IN ALL OTHER RESPECTS THE AGREEMENTS ARE SIMILAR.



FILE

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

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OUTGOING MESSAGE

44 FM: EXTERNAL OTTAWA	27 26-5-59	50219-AK-4C		RESTRICTED						
		70	50							
		DL-435	PRIORITY							
TO: WASHINGTON			COMCENTRE USE ONLY							
INFO: CCOS										

Ref.:

Subject: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES - CONGRESSIONAL APPROVAL.

SECTION 123 OF THE U.S. ATOMIC ENERGY ACT AS AMENDED PROVIDES THAT "NO COOPERATION WITH ANY NATION OR REGIONAL DEFENCE ORGANIZATION ... SHALL BE UNDERTAKEN UNTIL - ... d. THE PROPOSED AGREEMENT FOR COOPERATION, TOGETHER WITH THE APPROVAL AND DETERMINATION OF THE PRESIDENT, IF ARRANGED PURSUANT TO SUBSECTION 91 C, 144 B, OR 144 C, HAS BEEN SUBMITTED TO THE CONGRESS AND REFERRED TO THE JOINT COMMITTEE AND A PERIOD OF SIXTY DAYS HAS ELAPSED WHILE CONGRESS IS IN SESSION, BUT ANY SUCH PROPOSED AGREEMENT FOR COOPERATION SHALL NOT BECOME EFFECTIVE IF DURING SUCH SIXTY DAY PERIOD THE CONGRESS PASSES A CONCURRENT RESOLUTION STATING IN SUBSTANCE THAT IT DOES NOT FAVOUR THE PROPOSED AGREEMENT FOR COOPERATION".

2. IT SEEMS CLEAR FROM THE FOREGOING THAT SHOULD THE

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LOCAL DISTRIBUTION			
ORIGINATOR	DIVISION	PHONE	APPROVED BY
SIG..... NAME.....F.M.Tovell/1h...	D.L.(1)	67509	(Signed) PAUL TREMBLAY SIG..... NAME.....

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JOI COMMITTEE NOT APPROVE OUR AGREEMENT IT WOULD SO REPORT TO BOTH THE SENATE AND TO THE HOUSE OF REPRESENTATIVES AND WOULD PRESUMABLY, IN ADDITION, RECOMMEND THE NECESSARY CONCURRENT RESOLUTION CALLED FOR BY THE ACT. IT IS NOT CLEAR TO US, HOWEVER, HOW THIS PROVISION OF THE ACT WOULD BE CARRIED OUT IN PRACTICE SHOULD THE JOINT COMMITTEE NOT OBJECT TO OUR AGREEMENT. ARE WE TO ASSUME, FOR EXAMPLE, THAT IF THE JOINT COMMITTEE FINDS NO OBJECTION IT WILL NOT SO REPORT TO BOTH HOUSES AND THAT ITS FAILURE TO RECOMMEND AGAINST APPROVAL OF THE AGREEMENT WOULD AS A CONSEQUENCE CONSTITUTE APPROVAL? IF IT DOES REPORT FAVOURABLY TO BOTH HOUSES, IS THIS REPORT SUBJECT TO THE APPROVAL OF BOTH HOUSES EITHER IN THE FORM OF A CONCURRENT RESOLUTION OR A DRAFT PUBLIC LAW? ~~IN EITHER CASE,~~  
~~WOULD THERE BE A DEBATE IN EITHER OR BOTH HOUSES?~~

# TRANSMITTAL SLIP

TO: Under Secretary of State for External Affairs, Canada

Attention: Defence Liaison (1)

FROM: Canadian Embassy,

Washington, D.C.

Security: Unclassified

Date: May 27, 1959

Air or Surface: Courier Bag

No. of enclosures: 4

The documents described below are for your information.

Despatching Authority: J.S. Nutt/jpt

96

50219-AK-40	
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Copies

Description

Also referred to:

White House Press Release dated May 26, 1959:  
Message from the President to the Congress of  
the United States regarding NATO.

Refer copy to  
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Copy on 100-40

To see  
Mr. Tremblay  
Mr. McLaughlin  
Mr. Tavel  
Mr. House alone  
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J. J. B.  
2 June 59  
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1 JUN 1959

## INSTRUCTIONS

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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.

SS: 6 MB 1 JUN 95 1059

FOR RELEASE AT 12:00 NOON (EDT) , MAY 26, 1959

**CAUTION:** The following message of the President scheduled for delivery to the Congress today, May 26, 1959, **MUST BE HELD IN STRICT CONFIDENCE** and no portion, synopsis or intimation of its contents may be given out or published **UNTIL RELEASE TIME**.

The same caution applies to all newspapers, radio and television commentators and news broadcasters, both in the United States and abroad.

**PLEASE USE EXTREME CARE TO AVOID PREMATURE PUBLICATION OR ANNOUNCEMENT.**

James C. Hagerty  
Press Secretary to the President

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

In December 1957 the Heads of Government of the nations members of the North Atlantic Treaty Organization reached agreement in principle on the desirability of achieving the most effective pattern of NATO military defensive strength, taking into account the most recent developments in weapons and techniques. In enunciating this agreement in principle the Heads of Government made it clear that this decision was the result of the fact that the Soviet leaders, while preventing a general disarmament agreement, had left no doubt that the most modern and destructive weapons of all kinds were being introduced into the Soviet armed forces. The introduction of modern weapons into NATO forces should be no cause for concern on the part of other countries, since NATO is purely a defensive alliance.

It is our conviction and the conviction of our NATO allies that the introduction into NATO defenses of the most modern weapons available is essential in maintaining the strength necessary to the Alliance. Any alliance depends in the last analysis upon the sense of shared mutual interests among its members, and by sharing with our Allies certain training information we are demonstrating concretely our sense of partnership in NATO's defensive planning. Failure on our part to contribute to the improvement of the state of operational readiness of the forces of other members of NATO will only encourage the Soviet Union to believe that it can eventually succeed in its goal of destroying NATO's effectiveness.

To facilitate the necessary cooperation on our part legislation amending the Atomic Energy Act of 1954 was enacted during the last session of the Congress. Pursuant to that legislation agreements for cooperation have recently been concluded with three of our NATO partners; all of these agreements are designed to implement in important respects the agreed NATO program. These agreements will enable the United States to cooperate effectively in mutual defense planning with these nations and in the training of their respective NATO forces in order that, if an attack on NATO should occur, under the direction of the Supreme Allied Commander for Europe these forces could effectively use nuclear weapons in their defense.

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- 2 -

These agreements represent only a portion of the work necessary for complete implementation of the decision taken by the North Atlantic Treaty Organization in December 1957. I anticipate the conclusion of similar agreements for cooperation with certain other NATO nations as the Alliance's defensive planning continues.

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of three agreements, one with the Federal Republic of Germany, one with the Kingdom of the Netherlands and one with the Government of Turkey. I am also transmitting a copy of the Secretary of State's letter accompanying authoritative copies of the signed agreements, a copy of three joint letters from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of these documents and copies of my memoranda in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

May 26, 1959.

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- 3 -

The following is the text of the letter to the President from the Acting Secretary of State:

May 18, 1959

Dear Mr. President:

The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to their transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, authoritative copies of three Agreements for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes: an Agreement between the Government of the United States and the Federal Republic of Germany signed at Bonn on May 5, 1959; an Agreement between the Government of the United States and the Kingdom of the Netherlands signed at The Hague May 6, 1959; and an Agreement between the Government of the United States and the Government of Turkey signed at Ankara May 5, 1959.

These agreements were signed on behalf of the United States pursuant to authorizations granted in your memoranda of May 4, 1959 to the Secretary of Defense and the Chairman of the Atomic Energy Commission. Copies of these memoranda were received by the Secretary of State from the President.

Faithfully yours,

DOUGLAS DILLON  
Acting Secretary

Enclosures

The President  
The White House

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- 4 -

Following is the text of the joint letter to the President from the Deputy Secretary of Defense and the Chairman of the Atomic Energy Commission relating to the Agreement with the Government of the Federal Republic of Germany. Similar letters were sent relating to the Agreement with the Government of The Netherlands and the Agreement with the Government of Turkey:

May 1, 1959

Dear Mr. President:

There is hereby submitted for your consideration and approval a proposed Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The proposed Agreement will permit, under the authority of Sections 91c. and 144b. of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of the Federal Republic. The December 1957 NATO Heads of Government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present Agreement is an important part of the implementation of this concept. The carrying out of this Agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the Agreement provides for the transfer of classified information, including "Restricted Data" and "Formerly Restricted Data", necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the Agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving Restricted Data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of the Federal Republic. However, in view of Section 91c. of the Atomic Energy Act, the applicability of which is reflected in Article IV of the Agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities and conditions of transfer, whether by sale, lease or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the Agreement. Accordingly, under the terms and conditions of the Agreement, it will be necessary to determine from time to time the types, quantities and conditions of transfer and such determination shall be submitted for your approval.

The Agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the Agreement. However, cooperation for the transfer of information and equipment under Articles II and III of the Agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

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In accordance with the provisions of Sections 91c. and 144b. of the Atomic Energy Act of 1954, the Agreement specifically provides in Article I that all cooperation under the Agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the Agreement also provides, in accordance with the Act, that all cooperation under the Agreement will be undertaken only while the United States and the Federal Republic are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under Articles II and III of the Agreement would be undertaken only when these conditions prevail.

Article IV of the Agreement stipulates that the cooperation under the Agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the Agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature and scope of cooperation, the Agreement provides that the parties will maintain agreed security safeguards and standards. The Agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the Agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the Agreement.

The Federal Republic is now participating with the United States in international arrangement pursuant to which the Federal Republic is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this Agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you

- (a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving Restricted Data under the terms and conditions provided in this letter and the proposed Agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;
- (b) determine that the performance of this Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and
- (c) approve the proposed Agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully,

John A. McCone  
Chairman  
Atomic Energy Commission

Donald A. Quarles  
Deputy Secretary of Defense

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Following is the text of the President's Memorandum for the Secretary of Defense and the Chairman of the Atomic Energy Commission relating to the Agreement with the Government of the Federal Republic of Germany. Similar Memoranda were sent relating to the Agreement with the Government of The Netherlands and the Agreement with the Government of Turkey:

May 4, 1959

MEMORANDUM FOR

The Secretary of Defense  
The Chairman, Atomic Energy Commission

In your joint letter to me of May 1, 1959, you recommended that I approve a proposed Agreement between the Government of the United States of America and the Government of The Federal Republic of Germany for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The Federal Republic of Germany is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed Agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of The Federal Republic of Germany, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the Agreement, including security safeguards and other terms and conditions of the Agreement, I hereby

- (1) approve the program for the transfer of non-nuclear parts of atomic weapon systems involving Restricted Data under the terms and conditions provided in your joint letter and the proposed Agreement; however, types, quantities and conditions of transfer of such parts are subject to my further approval;
- (2) determine that the performance of this Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and
- (3) approve the proposed Agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the Agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER

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## TRANSMITTAL SLIP

TO: Under-Secretary of State for External Affairs, Canada Security...Unclassified.....  
.....Attention: Defence Liaison (1)..... Date..... May 27, 1959.....  
FROM: Canadian Embassy, ..... Air or Surface... Courier Bag.....  
..... Washington, D.C. .... No. of enclosures..... 5.....

The documents described below are for your information.

Despatching Authority..... J.S. Nutt/jpt.....

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Description

Also referred to:

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State Department Press Release No. 360 of May 25, 1959 -- United States and Canada Sign Atomic Defence Agreement.

Rebu 3 copies to CCOS  
1 copy to PCO  
Hudson  
P. 4111

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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.

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## DEPARTMENT OF STATE FOR THE PRESS

MAY 25, 1959

NO. 360

### U.S. AND CANADA SIGN ATOMIC DEFENSE AGREEMENT

Acting Secretary of State Douglas Dillon and Canadian Ambassador A.D.P. Heeney signed on May 22, 1959 an Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The Agreement, which stems from the 1958 amendment to the United States Atomic Energy Act, will facilitate closer collaboration between the two governments in planning and implementation of common defense arrangements. Terms of the accord authorize exchange of classified information on joint defense plans, military reactors, and employment of and defense against nuclear weapons. Also provided for is the transfer to Canada of U.S.-produced nonnuclear parts of atomic weapons systems.

The terms recognize that the Agreement will advance the mutual security of the two countries, and relate the cooperation to their joint participation in international defense arrangements. In accordance with the terms of the Atomic Energy Act, the signed Agreement must now lie before Congress for sixty days after which it may be brought into force by an exchange of notes between the two Governments.

The United States and Canada are already cooperating in the field of atomic energy under two agreements: one for exchange of information for mutual defense purposes, and the other for cooperation in the civil uses -- both signed June 15, 1955.

\* \* \*

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

## DEPARTMENT OF EXTERNAL AFFAIRS

Subject.....

MAY 2 / 1959

Date.....

Publication.....

OTTAWA CITIZEN

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### Exchange Of Nuclear Information

The agreement between the United States and Canada for an exchange of nuclear information must be regarded as only a beginning. For the moment at least, it appears to have mainly military value. Canada will be given a better idea of the weapons available for defence. Useful as that may be, Canada would be much farther ahead if the agreement were broadened to include an exchange of technical knowledge covering the whole nuclear field.

The United States retains the right to decide whether Canada should get "military" reactors, such as those used in submarines or ships. Yet there is no effective difference between a reactor used in a warship, and one used in an icebreaker. And an icebreaker powered by nuclear fission would surely be of the greatest value to Canada. Knowledge of atomic reactors for ships, already in the possession of the U.S., should be exchanged.

Similarly with nuclear reactors for producing electricity. Relatively small plants that could be set up in remote areas would be particularly useful in developing the Canadian North. The agreement to exchange information cannot be considered sufficiently broad unless important non-military uses for nuclear energy are included.

The principle of exchange of nuclear information was first stated several years ago as part of the theory of interdependence among the North Atlantic nations, particularly the United States, Britain and Canada. An exchange of information (Canada, too, would have knowledge based on its own experiments to place in the common pool) would eliminate much duplication, and strengthen the available scientific and economic resources of these three countries. It is unfortunate that so little has actually been done to put the principle into effect.

DEPARTMENT OF EXTERNAL AFFAIRS

Subject.....

MAY 27 1959

Date..... Publication.....

TORONTO TELEGRAM

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## The Atom In Canada's Future

THE new U.S.-Canada agreement on use of atomic energy for mutual defense may have greater significance for future Canadian economic development than for defense policy.

No nation has a greater stake in nuclear development than Canada. And, although the new agreement is focussed on military uses, anything that broadens the flow of knowledge to Canada's nuclear scientists has implications for peaceful as well as military uses of this country's great store of uranium.

Importance of this new source of wealth to Canada is underlined in the annual report of the Crown corporation, Eldorado Mining and Refining Ltd. Last year the Canadian uranium

industry produced concentrates valued at \$274,416,000. Only pulp and paper products and wheat exceeded uranium among Canada's exports.

The question of arming Canada's forces with nuclear weapons is still under negotiation. It involves considerations of limiting the availability of atomic weapons, not to mention U.S. laws forbidding control of U.S.-made weapons to pass into foreign hands.

But the field of nuclear development for peaceful purposes is wide open. The limiting factors are public and private initiative.

As a leading producer of the raw material, uranium, can Canada afford to miss any bets in the atomic age? The long run

prosperity of the Canadian uranium industry seems secure, although expiration of supply contracts with the U.S. in mid-1962 may bring temporary lean times. Eldorado Mining and Refining is pushing sales to other countries.

But should Canada be satisfied with the role of purveyor of partially processed raw material in the atomic age? Surely the scope is there not only for production and sale of fully processed atomic fuel, but also for development, production and sale of atomic devices—power plants, reactors, turbines for ships, submarines, eventually aircraft. To concentrate on development of peaceful uses of the atom would seem common sense, if only to ensure markets for Canadian uranium, not to mention atomic-based economic developments within Canada.

Private industry and public bodies such as Ontario Hydro and Atomic Energy of Canada, are co-operating in development of peaceful uses of the atom. But steam age progress will not suffice in the atomic age. Canada's uranium wealth is the wherewithal of a "great leap forward." This is an opportunity that shouldn't be missed.

## DEPARTMENT OF EXTERNAL AFFAIRS

Subject.....

Date.....

~~MAY 27 1959~~

Publication.....

TORONTO GLOBE AND MAIL

MAY 27 1959

### A Nuclear Power?

Few Canadians will take satisfaction from the Diefenbaker Government's announcement that Canada and the United States are to "exchange" secret information on the military use of atomic energy. The Canadian people know perfectly well that the "exchange" is a one-way street. Canada has little or no information of this kind to give the U.S. It is the U.S. that will do all the giving. Do we really want to accept the gift? This question cannot be answered until we have dealt with another, larger one. Do we really want to become a Nuclear Power?

Step by step, we are moving in this direction. But we are not doing it consciously, of our own accord, in line with a general policy determined by the Canadian Government, debated by the Canadian Parliament, known to and accepted by the Canadian people. Canada has no nuclear defense policy. So far as this newspaper can judge, Canada has no defense policy of any sort whatsoever. So what will we do with these secrets when we get them?

The outside world will reach its own conclusions in the matter. It knows that the Canadian and U.S. Governments are negotiating an agreement which will place on Canadian soil American nuclear warheads, under American ownership and American control. Now, it learns that the U.S. will give Canada information about the use of

atomic weapons. It will decide that the U.S. is pushing Canada into a nuclear role, making Canada a sort of atomic satellite.

Admittedly, warfare has entered the nuclear era. Possibly, some of Canada's defenses should be nuclear. But there are two important prerequisites, neither of which has been met:

Firstly, the Canadian people and Parliament should have a thorough discussion of the matter. If Canada is to become in any manner or degree a Nuclear Power, it should be a sober, national decision, made after full and frank consideration.

Secondly, any atomic weapons placed in Canada or in the hands of Canadian troops should be under Canadian ownership and Canadian control. If such ownership and control are beyond Canada's financial means, then the matter is settled right there; we do without atomic weapons.

Leaders of the Opposition parties have been guarded in their comments on the "secret sharing" agreement. We do note, however, that the CCF House Leader Mr. Hazen Argue, stresses the need to maintain Canadian sovereignty. This is the essential point. This is the sole purpose of defense. It would be truly catastrophic if, in the name of defense we threw away—or even appeared to throw away—the sovereignty we were supposed to be defending.

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TO EXTERNAL 1257 PRIORITY

BILATERAL AGREEMENT FOR COOPERATION IN THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENCE

PARKER, CDN DESK, HAS JUST CALLED TO SAY THAT THE AGREEMENT WILL BE  
SENT FROM THE WHITE HOUSE TO CONGRESS AT NOON TODAY. THE 60 DAY  
WAITING PERIOD WILL THUS COMMENCE AT NOON TODAY.

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27 MAY 1959

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE

FILE  
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44 FM: EXTERNAL OTTAWA	DATE	FILE		SECURITY	
	26-5-59	50219-AR-40 70 50		UNCLAS.	
TO: WASHINGTON	NUMBER		PRECEDENCE		COMCENTRE USE ONLY
	DL-431		OPIMMEDIATE		
INFO: NATO PARIS					

Ref.:  
Subject: BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

THE FOLLOWING STATEMENTS WERE MADE IN THE HOUSE YESTERDAY.  
ON THE ABOVE SUBJECT:

RIGHT HON. J.G. DIEFENBAKER (PRIME MINISTER): MR. SPEAKER, I

a statement at this time in regard to an agreement signed on May 22 in Washington between the Canadian and United States governments providing for co-operation between the two countries on the uses of atomic energy for mutual defence purposes. I trust that the house will grant me leave to make this statement. An announcement concerning this agreement is being made simultaneously in Washington. Copies of the agreement will be available in the joint parliamentary distribution branch in both languages.

This agreement will enable Canada to take advantage of the amendments made last year to the United States atomic energy act, and therefore continue and extend the degree to which co-operation in this field has been carried out under the agreement for co-operation regarding atomic information for mutual defence purposes signed in Washington on June 15, 1955, and the amendment to the civil agreement which was signed on June 26, 1956.

Under the terms of the United States act, as members of the house know, agreements for co-operation on the uses of atomic energy for mutual defence purposes must lie on the table of the joint committee on atomic energy of the United States congress for a period of 60 days after signature. It is expected, therefore, that this agreement will come into effect in approximately that period of time.

It might be helpful if I were to draw the attention of the house to the main features of this agreement, and in that connection I will use the language of the agreement. It will permit the exchange of information necessary to the development of defence plans; the training of personnel in the employment of and defence against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons; the development of delivery systems compatible with the atomic weapons which they carry; research, development and design of military reactors to the extent and by such means as may be agreed.

Provision is made for the transfer to Canada under mutually agreeable conditions of such non-nuclear parts of atomic weapons systems involving restricted data as are jointly determined to be necessary to improve the state of training of Canada's armed forces and the operational readiness of those forces. Finally, the way will be opened for the transfer at some future time to Canada of military reactors and any special nuclear materials required for them. Because of the sensitive nature of the information and materials which will be exchanged and transferred

under this agreement, certain appropriate safeguard provisions have been included.

I feel certain that the co-operation which will be carried out under this agreement will be of substantial benefit to Canada, not only in the training of our armed forces, in the development of defence plans and in the improvement in our military state of readiness and our equipment, but also in enabling Canada's armed forces better to play their part in the defence of North America and the free world.

I trust this agreement will be carried out in the same spirit which has marked the harmonious relations which have always existed between Canada and the United States on atomic energy matters.

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, it is difficult to imagine an agreement on a more important subject than the one which the Prime Minister has just read to the house. I have heard it, as have other hon. members, for the first time. I would not wish to make any comment on it without the most careful consideration. Its importance certainly warrants that consideration.

However, from what the Prime Minister has said I gather that the co-operation which is visualized between the two governments in the field of atomic weapons does not extend to the transfer of control from the United States to Canadian sources of any atomic weapons which might be manufactured in the United States and be made available to the Canadian forces for tactical or defence purposes. That, of course, is an extremely important limitation—if indeed it is a limitation—in this agreement.

As I say however, the whole matter is of such great importance that I would not wish to make any further comment on it at this time.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, this is undoubtedly one of the most important announcements that has been made in this chamber for a long time. It is most difficult, without any prior notice, to be able to state one's position immediately on such an important and complicated matter. However, the principles which guide us in looking at such documents are well known. We are interested, of course, in defence. We are interested in the protection of the integrity of Canadian sovereignty. We shall study this agreement with great care and we shall comment on it after such study in the interests of not only Canada's defence but, of even greater importance, in the interests of the peace of the world.

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HOUSE OF COMMONS

Monday, May 25, 1959

The house met at 2.30 p.m.

THE LATE JOHN FOSTER DULLES  
TRIBUTES ON PASSING OF FORMER U.S. SECRETARY  
OF STATE

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, while it is a most unusual thing to do, the passing of John Foster Dulles, the former secretary of state of the United States, has evoked feelings of world-wide sympathy, and I shall therefore share with the house the message I sent yesterday to President Eisenhower on behalf of the parliament of Canada and the Canadian people:

May I express the deep sympathy of the government and people of Canada on the death of the Honourable John Foster Dulles.

In his passing, the American people have lost one of the outstanding figures of our time, one whose years of devoted service as secretary of state crowned a long and distinguished career in many spheres of private and public endeavour. The world has lost at a critical time a great and steadfast personality, ever vigilant in the defence of freedom.

To Canadians, he was more than a renowned world statesman; he was a friendly neighbour who regularly turned to his island home in Canada for rest and inspiration.

Our thoughts are with you and the people of the United States as you mourn the loss of one whose counsel was of such distinction and whose labours were so unstintingly given. His refusal to spare himself even when in the grip of a fatal illness will stand for years to come as an example of personal courage and public dedication.

Please extend to Mrs. Dulles and the family the expression of Canada's sorrow at his passing.

I know that the house and all Canadians will join with me in paying tribute to Mr. Dulles' memory. I may add that at the funeral in Washington on May 27 the government and people of Canada will be represented by the Minister of Finance (Mr. Fleming).

Hon. L. B. Pearson (Leader of the Opposition): Mr. Speaker, in associating our party with what the Prime Minister has just said, and particularly with his words of sympathy to Mrs. Dulles and the other members of the family, perhaps I may be permitted to read a few paragraphs from the statement I gave to the press yesterday when I heard the sad news of Mr. Dulles' death:

History will evaluate the contribution he made to the solution of international problems. But we do not need to wait for history to tell us that this contribution was a powerful, at times a decisive one,

and one that had the highest purposes behind it. His illness, and now his death, has left a vacuum in the direction of the foreign policy of his country, and indeed of the western coalition, which will not easily be filled.

He was a dedicated man and even his opponents could not but admire his courage, determination and capacity. He discharged his responsibilities with an unflagging zeal and a single-minded devotion that was beyond praise. He fought for what he believed with the intensity of a crusader and the skill of a great advocate.

He would have been a powerful and respected figure in the diplomacy and policy of any country he represented. As a spokesman of the most powerful state in the world, his was often the dominating voice. It never weakened in the pursuit, through policies in which he passionately believed, of freedom and security in the world as the foundation of peace. Those who worked with him to reach this goal, even though they may not have agreed with everything he said or did, will pay tribute to his sincerity of purpose, his clarity of mind and his magnificent courage, as they lament his passing at this time.

The free democracies have lost a great champion, whose like we shall not see again.

Mr. Hazen Argue (Assiniboia): Mr. Speaker, we in the C.C.F. wish to be associated with the Prime Minister and the Leader of the Opposition in sending to Mrs. Dulles, their two sons, and the members of the Dulles family our sincere sympathy at the time of the passing of John Foster Dulles. He spent his life very largely in the service of the state department of the United States. Since the time he became secretary of state all have acclaimed his zeal, his strong will, and his complete devotion to that task.

The members of the C.C.F. movement in Canada, Mr. Speaker, have not always agreed with the policies put forward by John Foster Dulles, but we have admired his bravery throughout his life and particularly his great courage in fighting the dread disease of cancer which finally conquered him. Though we have not always agreed with his policies, we respected him as a western leader who put forward his views believing them to be right in the light of the many problems and trials confronting the world from time to time. We associate ourselves with this message of sympathy from Canada to the President of the United States and to the family.

ATOMIC ENERGY

AGREEMENT WITH U.S. ON USE FOR MUTUAL  
DEFENCE

Right Hon. J. G. Diefenbaker (Prime Minister): Mr. Speaker, I should like to make

RIG

NO

Subject:

Ref.:

INFO: NA

TO: WASH

FM: EXH

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ATTN OTT

WASHINGTON, MAY 26 (AP)-PRESIDENT EISENHOWER TODAY SENT CONGRESS AGREEMENTS FOR TRANSFER OF ATOMIC INFORMATION AND EQUIPMENT FOR NUCLEAR WEAPONS TRAINING TO CANADA, WEST GERMANY, TURKEY, THE NETHERLANDS.

THE AGREEMENTS WILL GO INTO EFFECT AUTOMATICALLY IN 60 DAYS UNLESS CONGRESS VETOES THEM.

ONE OF THE PACTS--BETWEEN THE UNITED STATES ON THE ONE HAND AND WEST GERMANY, THE NETHERLANDS AND TURKEY ON THE OTHER--STIPULATES THERE WILL BE NO TRANSFER OF ACTUAL ATOMIC WEAPONS, NON-NUCLEAR PARTS OF SUCH WEAPONS, OR SPECIAL NUCLEAR MATERIAL.

A SEPARATE AGREEMENT WITH CANADA PROVIDES FOR SENDING TO THAT COUNTRY CERTAIN NON-NUCLEAR PARTS OF ATOMIC WEAPONS TO IMPROVE THE TRAINING AND OPERATIONAL READINESS OF CANADA'S ARMED FORCES.

BOTH AGREEMENTS CALL FOR TRANSFER OF CERTAIN SECRET INFORMATION IN THE ATOMIC FIELD.

THE PACT WITH WEST GERMANY, THE NETHERLANDS AND TURKEY IS BASED ON AN AGREEMENT REACHED IN PARIS IN DECEMBER 1957 BY EISENHOWER AND THE HEADS OF OTHER NATO NATIONS.

(SEE OTTAWA NIGHT)

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CORRECTION  
IN WASHINGTON NUCLEAR SUB FOLLOWING FOR FOURTH PARA . .  
MATERIAL.

A SEPARATE AGREEMENT WITH CANADA PROVIDES FOR SENDING TO THAT  
COUNTRY CERTAIN NON-NUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS--BUT NOT  
PARTS OF THE ACTUAL WEAPONS--TO IMPROVE THE TRAINING AND OPERATIONAL  
READINESS OF CANADAS ARMED FORCES.

THAT WOULD ALLOW TRANSFER OF ANYTHING NOT PART OF THE BLAST-  
PRODUCING WARHEAD ITSELF, SUCH AS GUIDANCE EQUIPMENT OR EVEN THE  
ROCKET VEHICLE TO CARY THE WARHEAD.

BOTH AGREEMENTS . . . PICKING UP FIFTH PARA (SCE) (MAKES CLEAR  
NO PARTS OF ACTUAL WEAPONS INVOLVED)

CP NY 26-5-59

X&B104P

000744

DEPARTMENT OF EXTERNAL AFFAIRS

Subject.....

Date..... MAY 26 1959..... Publication.....

OTTAWA CITIZEN

## THE FIELD OF ATOMIC MIGHT

# Nuclear Pact Ties Canada Firmly To U.S. Coattails

By Charles Lynch  
Southam New Services

A further expansion of the military items Canada obtains from the United States is envisaged in yesterday's announcement of new Canada-U.S. co-operation in the field of nuclear weaponry.

### Storage In Canada

The announcement dealt with information on atomic military techniques to be provided by the United States to Canada. It foreshadowed the storage in Canada of U.S.-made nuclear warheads, in U.S. custody but for use by Canadian forces. It also mentioned transfer at some future time from the U.S. to Canada of "military reactors and any special nuclear materials required for them."

There was no mention of any reverse flow, from Canada to the United States, of either information or materials. Canada has been a principal supplier of uranium to the United States for military uses, and most of the U.S. knowledge in the field of atomics has been acquired with Canadian-produced uranium.

### Market Shaky

With U.S. domestic production of uranium increasing, grave fears have been expressed here that Canada will lose her share of the American market, which could knock the bottom out of Canada's uranium industry.

Whether or not the nuclear hardware Canada is to receive from the U.S. will contain products based on Canadian uranium ore is not known. Prime Minister Diefenbaker already has stated that Canada has no intention of producing her own atomic weaponry, and a defence department spokesman said last night that Canada has no plans for developing her own "delivery systems" for nuclear warheads.

Thus Canada, which has pursued an independent line in investigating the peaceful uses of atomic energy, enters the field of military atomic usage firmly tied to the procedures and production facilities of the United States.

The agreement announced by Prime Minister Diefenbaker yesterday covers just about everything in the field of nuclear weaponry except the warheads themselves—and a further agreement about those is now being negotiated.

### Canada Gains

Under the new agreement, Canada gets access to:

1—Complete information from the U.S. on the capabilities of atomic weapons.

2—U.S. training for our soldiers, sailors and airmen on the use of atomic weapons, and also the known defences against such weapons.

3—American intelligence reports on the atomic weapons in the hands of the Russians.

4—All U.S. information on missiles and other means of delivering atomic weapons—the so-called "delivery systems".

5—Complete U.S. information about military atomic reactors, and eventually the reactors themselves with the nuclear materials required for them. These are the kind of reactors that could be used to power atomic submarines, ships, or power stations in remote areas such as the Arctic.

The new agreement takes advantage of amendments made last year to the U.S. Atomic Energy Act. It resembles a recent agreement reached in the same field between Britain and the United States, although that one was somewhat less of a one-way street since Britain is a producer in her own right of atomic weapons, and Canada is not.

DEPARTMENT OF EXTERNAL AFFAIRS  
PLANS FOR CANADA'S DEFENSE SERVICE

Subject

all S-Can. Defense

W.F.

Date MAY 26 1959

Publication TORONTO GLOBE AND MAIL

# Committee Approval Awaited

By CLARK DAVEY

Globe and Mail Staff Reporter

Ottawa, May 25—Canada has moved one step closer to knowing as much about nuclear warfare as does the United States, its partner in North American defense.

In an agreement tabled in the Commons today by Prime Minister Diefenbaker, the two countries have promised to exchange a wide range of military atomic information.

But transfer of atomic weapons themselves or even non-nuclear parts of atomic weapons is specifically forbidden by the agreement signed in Washington last Friday.

However, the agreement should make available to Canada the kind of specialized knowledge of the atomic weapons available on which an intelligent appraisal of the kind of weapons this country wants its forces to have can be based.

The United States also retains the right to decide whether Canada should get military reactors—such as those which might be used in submarines, ships or aircraft—or parts of reactors for military use.

The United States also withheld the right to decide, by amending the agreement, on transfer of special nuclear materials for research, development, production or use in military reactors.

Still in negotiation between the two countries, however, is the agreement which will lead to the storing of nuclear warheads on Canadian soil presumably for use on Bomarc missiles or air-to-air missiles fired from interceptor aircraft, be they Canadian or American, based in this country.

However, this new agreement is an obvious, albeit intermediate step toward the day when Canadian forces will be able, if necessary, to use nuclear weapons in the defense of Canada or in NATO operations in Europe.

The preamble to the agreement underlines that Canada and the United States realize that, for mutual security and defense, they must be prepared to meet the contingencies of atomic warfare.

Stressing the importance of the agreement, Mr. Diefenbaker said co-operation would be of substantial benefit to Canada in the training of armed forces, in the development of defense plans and the improvement of the state of military readiness and equipment. The agreement,

he added, should also mean that Canadian forces will be better prepared to defend North America and the free world.

ADefense Department spokesman explained that one section of the agreement referring to the development of delivery systems capable of carrying a nuclear warhead—in other words, missiles—did not mean Canada was going ahead with missile development.

Canada has no plan at the moment for developing missiles capable of delivering a nuclear punch but the United States has agreed to provide the classified information necessary if this country makes such a move.

Basically, the agreement is an extension, made possible by an amendment to the U.S. Atomic Energy Act, to an earlier 1955 agreement between Canada and the United States. The amendment made it possible for the United States to tell its Allies more about atomic and nuclear weapons; the agreement carries this out as far as Canada is concerned.

The agreement won't take effect for 60 days, the period provided for review by the U.S. Congressional Joint Committee on Atomic Energy.

Although there is a specific ban against the transfer to Canada of non-nuclear parts of atomic weapons systems—a fine distinction set out in the definitions attached to the agreement.

And, in spite of the fact that much of the information will flow from the United States to Canada, the agreement is reciprocal providing for use of Canadian information by the United States.

There are strict security provisions attached to the agreement.

In a rather left-handed way the agreement as much as admonishes the two countries not to use information exchanged against each other, but to concentrate it on mutual defense.

Liberal Leader Pearson, reserving comment because of the importance of the agreement, noted that it made no provision for the transfer of control from the United States to Canada of atomic weapons to be used by Canadian forces.

CCF House Leader Argue underlined his party's desire to protect the integrity of Canadian sovereignty. He said the agreement had to be studied in the interests of world peace as well as Canadian defense.

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

(FILE COPY)

NUMBERED LETTER

TO:.....THE CANADIAN EMBASSY,.....  
.....WASHINGTON, D.C.....  
  
FROM: THE UNDER-SECRETARY OF STATE FOR  
EXTERNAL AFFAIRS, OTTAWA, CANADA.  
Our tel. DL-410 of May 15,  
Reference:.....1959.....  
Subject:.....Authority to sign atomic energy...  
.....defence agreement.....  
.....

Security:..UNCLASSIFIED.....  
No:.....L-495.....  
Date:.....May 25, 1959.....  
Enclosures:.....1.....  
Air or Surface Mail:.....  
Post File No:.....

Ottawa File No.	
50219-AK-40 "D"	
55	36

References

Enclosed for transmission to the State Department is an Instrument of Full Power authorizing Mr. Heeney to sign the Agreement between Canada and the USA for co-operation on the uses of atomic energy for mutual defence purposes. The instrument was signed on May 22.

2. As the agreement was signed on May 22, it is assumed that the Ambassador submitted a copy of our telegram under reference as his authority to sign. Please inform us when this instrument is presented to the State Department to complete the formalities.

J.L. DELISLE

Under-Secretary of State  
for External Affairs.

Internal  
Circulation

Distribution  
to Posts



May 26

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BILATERAL ATOMIC ENERGY AGREEMENT

QUESTION 1: Is the new Canada-U.S. agreement similar to the recent United States-United Kingdom agreement?

SUGGESTED ANSWER: This agreement does differ from the agreement reached between the United States and the United Kingdom last year and which was amended earlier this month. The principal reason for this is that Canada, unlike the United Kingdom, does not produce atomic weapons. The U.S. Atomic Energy Act limits the provision by the United States of certain information and equipment to those nations which have made substantial progress in the development of atomic weapons. It will be recalled that on February 20 I stated in

-2-

the House that "it is the policy of the Canadian Government not to undertake the production of nuclear weapons in Canada". This policy stems, as I said on the same occasion, from the Government's firm belief in the importance of limiting the spread of nuclear weapons at the independent disposal of national governments. The Government is satisfied that the agreement will cover our immediately foreseeable requirements.

BILATERAL ATOMIC ENERGY AGREEMENT

QUESTION 2: Why is it only "at some future time" that

Canada could obtain a military reactor?

SUGGESTED ANSWER: Before a military reactor and any

special nuclear material required to operate

it may be transferred, the Canadian Government

would have to make a firm proposal. If and

when it should be decided that we have need

for a particular military reactor, then, of

course, appropriate action would be taken.



BILATERAL ATOMIC ENERGY AGREEMENT

QUESTION 3: What is the relation of this agreement to the Government's announced plans to acquire nuclear warheads for Bomarc and other defensive weapons?

SUGGESTED ANSWER: The agreement tabled yesterday does not provide for the transfer of complete nuclear weapons. It does, however, make possible the transfer of information and equipment important to the operation of such weapons systems as may be required by Canadian forces. So far as the acquisition of nuclear warheads for Bomarc and other defensive weapons for use by the Canadian forces is concerned, my statement to the House on February 20 covers the situation. On that occasion I said that the Government, as soon as it is in a position to do so, will

-2-

inform the House, within the limits of  
security, of the general terms of understanding  
which are reached between the two Governments  
on this subject.

BILATERAL ATOMIC ENERGY AGREEMENT

QUESTION 4: What is the difference between nonnuclear parts of atomic weapons and nonnuclear parts of atomic weapons systems?

SUGGESTED ANSWER: No provision is made in this agreement for the transfer to Canada of nonnuclear parts of atomic weapons as Canada does not have a nuclear weapons programme. However, information regarding these parts could be made available if it should be agreed that such information would fulfill the purposes of Article II. With regard to nonnuclear parts of atomic weapons systems, Article III provides for the transfer of such parts as are jointly determined to be necessary to improve Canada's state of training and operational readiness. Such parts could include, for example, launching devices.



May 25

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DRAFT STATEMENT FOR THE PRIME MINISTER'S  
USE WHEN TABLING THE AGREEMENT WITH THE  
UNITED STATES FOR COOPERATION ON THE USES  
OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

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Mr. Speaker, with the leave of the House I should like to table copies of an agreement signed on May 22 in Washington between the Canadian and United States Governments providing for cooperation between the two countries on the uses of atomic energy for mutual defence purposes. An announcement concerning this agreement is being made simultaneously in Washington. Copies of this agreement will be available in the Joint Parliamentary Distribution Branch. The French text will be available shortly.

This agreement will enable Canada to take advantage of the amendments made last year to the U.S. Atomic Energy Act. It will, therefore, continue and extend the degree to which cooperation in this field has been carried out under the agreement for Cooperation



- 2 -

Regarding Atomic Information for Mutual Defence Purposes signed in Washington on June 15, 1955, and the Amendment to the Civil Agreement of June 15, 1955, signed in Washington on June 26, 1956.

Under the terms of the United States Act, agreements for cooperation on the uses of atomic energy for mutual defence purposes must lie on the table of the Joint Committee on Atomic Energy of the U.S. Congress for a period of sixty days after signature. It is expected, therefore, that this agreement will come into force in approximately two months.

It might be helpful if I were to draw the attention of the House to the main features of this agreement. It will permit the exchange of information necessary to,

- (1) the development of defence plans;

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- (2) the training of personnel in the  
employment of and defence against  
atomic weapons and other military  
applications of atomic energy;
- (3) the evaluation of the capabilities of  
potential enemies in the employment of  
atomic weapons;
- (4) the development of delivery systems  
compatible with the atomic weapons  
which they carry;
- (5) research, development and design of military  
reactors to the extent and by such means  
as may be agreed.

Provision is made for the transfer to Canada  
under mutually agreeable conditions of such nonnuclear  
parts of atomic weapons systems involving Restricted Data

- 4 -

as are jointly determined to be necessary to improve the state of training of Canada's armed forces and their operational readiness.

Finally, the way will be opened for the transfer at some future time to Canada of military reactors and any special nuclear materials required for them.

Because of the sensitive nature of the information and materials which will be exchanged and transferred under this agreement certain appropriate safeguard provisions have been included.

I feel certain that the cooperation which will be carried out under this agreement will be of substantial benefit to Canada, not only in the training of our armed forces, in the development of defence plans and in the improvement in our military state of readiness and equipment, but also to enable our armed forces better to

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play their full part in the defence of North America  
and the free world. I am equally certain that this  
agreement will be carried out in the same spirit which  
has marked the close and harmonious relations which have  
always existed between Canada and the United States on  
atomic energy matters.

POSSIBLE SUPPLEMENTARY QUESTIONS

1. A question as to whether the Canada-U.S. agreement differs from that which the United States completed last year with the United Kingdom might be answered along the following lines.

This agreement does differ from the agreement reached between the United States and the United Kingdom last year and which was amended earlier this month. The principal reason for this is that Canada, unlike the United Kingdom, does not produce atomic weapons. The U.S. Atomic Energy Act limits the provision by the United States of certain information and equipment to those nations which have made substantial progress in the development of atomic weapons. It will be recalled that on February 20 I stated in the House that "it is the policy of

- 2 -

the Canadian Government not to undertake the production of nuclear weapons in Canada". This policy stems, as I said on the same occasion, from the Government's firm belief in the importance of limiting the spread of nuclear weapons at the independent disposal of national governments. The Government is satisfied that the agreement will cover our immediately foreseeable requirements.

2. A question as to why it is only "at some future time" that Canada could obtain a military reactor might be answered along the following lines.

Before a military reactor and any special nuclear material required to operate it may be transferred, the Canadian Government would have to make a firm proposal. If and when it should



- 3 -

be decided that we have need for a particular military reactor, then, of course, appropriate action would be taken.

3. If a question is asked as to the effect of this agreement on the Government's announced plans to acquire nuclear warheads for BOMARC and other defensive weapons, it might be answered along the following lines.

This agreement does not provide for the transfer of complete nuclear weapons. It does, however, make possible the transfer of information and equipment important to the operation of such weapon systems as may be required by Canadian forces. So far as the acquisition of nuclear warheads for BOMARC and other defensive weapons for use by the

.. /

- 4 -

Canadian forces is concerned, my statement to the House on February 29 covers the situation. On that occasion I said that the Government, as soon as it is in a position to do so, will inform the House, within the limits of security, of the general terms of understanding which are reached between the two Governments on this subject.

MADE IN CANADA  
HOMER D. SMITH  
POND

SD219-A1-48

POSSIBLE SUPPLEMENTARY QUESTIONS

Returned from  
Prime  
Minister  
H.B.R.

1. A question as to whether the Canada-U.S. agreement  
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- 2 -

the Canadian Government not to undertake the production of nuclear weapons in Canada". This policy stems, as I said on the same occasion, from the Government's firm belief in the importance of limiting the spread of nuclear weapons at the independent disposal of national governments. The Government is satisfied that the agreement will cover our immediately foreseeable requirements.

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Before a military reactor and any special nuclear material required to operate it may be transferred, the Canadian Government would have to make a firm proposal. If and when it should

- 3 -

be decided that we have need for a particular military reactor, then, of course, appropriate action would be taken.

3. If a question is asked as to the effect of this

*Bomarc* agreement on the Government's announced plans to

acquire nuclear warheads for BOMARC and other

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This agreement does not provide for the

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- 4 -

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

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

FROM: ..... CANADIAN EMBASSY, .....  
..... WASHINGTON, D.C. ....

Reference: Our telegram No. 1216 of May 20, 1959. ....

Subject: ... Agreement Between the United States and ...  
... Canada for Cooperation on the Uses of Atomic Energy  
... for Mutual Defence Purposes. ....

Security: ... CONFIDENTIAL .....

No.: 795 .....

Date: ..... May 21, 1959 .....

Enclosures: ..... 1 .....

Air or Surface Mail: Courier Bag .....

Post File No: .....

Ottawa File No.

50219-AK-40

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References

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25 MAY 1959

*buh*  
*G*

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Attached for your retention is a copy of  
this Agreement as initialled by the Ambassador and  
representatives of the Department of Defence, State  
Department and the Atomic Energy Commission.

Internal  
Circulation

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Distribution  
to Posts

*E. A. Rae*  
The Embassy

1959 MAY 25 AM 11:41

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101-101

AGREEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF CANADA  
FOR COOPERATION ON THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENSE PURPOSES

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

Considering that their mutual security and defense require that they be  
prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international  
arrangement pursuant to which they are making substantial and material  
contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by  
the exchange of information concerning atomic energy and by the transfer of  
certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk  
to the defense and security of either country;

Contemplating that their common defense and security may be advanced  
by the transfer at some future time of other types of equipment and materials  
for use therein; and

Taking into consideration that the United States Atomic Energy Act of  
1954, as amended, and the Canadian Atomic Energy Control Act and Atomic  
Energy Regulations were enacted or prepared with these purposes in mind,

Have agreed as follows:

## ARTICLE I

### GENERAL PROVISION

While the United States and Canada are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other Party information, and transfer materials and equipment to the other Party, in accordance with the provisions of this Agreement provided that the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

## ARTICLE II

### EXCHANGE OF INFORMATION

Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy;
- D. the development of delivery systems compatible with the atomic weapons which they carry; and
- E. research, development and design of military reactors to the extent and by such means as may be agreed.

### ARTICLE III

#### TRANSFER OF NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS

The Government of the United States will transfer to the Government of Canada, subject to terms and conditions mutually agreed upon between the Parties and all appropriate provisions and requirements of applicable United States laws, nonnuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving Canada's state of training and operational readiness.

### ARTICLE IV

#### TRANSFER OF MILITARY REACTORS AND MATERIALS

The Government of the United States, by amendment to this Agreement and subject to the terms and conditions mutually agreed upon between the Parties,

A. may agree to transfer, or authorize any person to transfer, to the Government of Canada, military reactors and/or parts thereof for military applications; and

B. may agree to transfer to the Government of Canada special nuclear material for research on, development of, production of, and use in military reactors for military applications.

## ARTICLE V

### RESPONSIBILITY FOR USE OF INFORMATION, MATERIAL AND EQUIPMENT

The application or use of any information (including design drawings and specifications), material or equipment communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity, and does not warrant the accuracy or completeness of such information and does not warrant the suitability or completeness of such information, material or equipment for any particular use or application.

## ARTICLE VI

### CONDITIONS

- A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.
- B. Under this Agreement there will be no transfer by either Party of atomic weapons, or nonnuclear parts of atomic weapons.
- C. Except as may be otherwise agreed for civil uses, the information communicated or exchanged, or the materials or equipment transferred, by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.
- D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.



## ARTICLE VII

### GUARANTEES

A. Classified information, materials and equipment communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, materials or equipment made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.

C. Classified information, communicated or exchanged, and any materials or equipment transferred, pursuant to this Agreement shall not be communicated, exchanged or transferred by the recipient Party or persons under its jurisdiction to any unauthorized persons, or, except as provided in Article VIII of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information, materials or equipment communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information, materials or equipment; and may impose such other restrictions on the dissemination or distribution of such information, materials or equipment as it deems necessary.

## ARTICLE VIII

### DISSEMINATION

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement unless:

A. it is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organization; and further that the originating Party authorizes the recipient Party so to communicate to, transfer to or permit access to or use by such other nation or international organization; or

B. the originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

## ARTICLE IX

### CLASSIFICATION POLICIES

Agreed classification policies shall be maintained with respect to all classified information, materials or equipment communicated, exchanged or

transferred under this Agreement. The Parties intend to continue the present practice of consultation with each other on the classification of these matters.

## ARTICLE X

### PATENTS

A. With respect to any invention or discovery:

1. either employing information which has been communicated or exchanged pursuant to Article II, or derived from any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV, and made or conceived after the date of such communication, exchange or transfer but during the period of this Agreement, by the recipient Party, or any agency or corporation owned or controlled thereby, or any of their agents or contractors, or any employee of any of the foregoing; or

2. not covered in subparagraph 1 above and made or conceived by any person representing, employed by, or acting for or on behalf of one Party (hereinafter referred to as the "sponsoring Party") or its contractor, while in the country of the other Party and assigned to an installation, plant, laboratory, institution or similar facility in the country of the other Party pursuant to this Agreement,

the recipient or sponsoring Party (as the case may be) shall:

1' be entitled to all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of the recipient or sponsoring Party (as the case may be) and in third countries; and

2' obtain, by appropriate means, sufficient right, title and interest in and to the invention or discovery, or patent application

or patent thereon, as may be necessary to fulfill its obligations under the following two subparagraphs; and

3' transfer and assign to the other Party all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of that other Party, subject to the retention by the recipient or sponsoring Party (as the case may be) of a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes; and

4' grant to the other Party a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes in the country of the recipient or sponsoring Party (as the case may be) and in third countries.

B. 1. Each Party shall, to the extent owned by it, or any agency or corporation owned or controlled thereby, grant to the other Party a royalty-free, non-exclusive, irrevocable license to manufacture and use the subject matter covered by any patent and incorporated in any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV for use by the licensed Party for the purposes set forth in paragraph C of Article VI.

2. The transferring Party neither warrants nor represents that any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV do not infringe any patent owned or controlled by other persons and assumes no liability or obligation with respect thereto, and the recipient Party agrees to indemnify and hold harmless the transferring Party from any and all liability arising out of any infringement of any such patent.

C. With respect to any invention or discovery, or patent application or patent thereon, or license or sublicense therein covered by paragraph A of this Article, each Party:

1. may, to the extent of its right, title and interest therein, deal with the same in its own and third countries as it may desire, but shall in no event discriminate against citizens of the other Party in respect of granting any license or sublicense under the patents owned by it in its own or any other country;

2. hereby waives any and all claims against the other Party for compensation, royalty or award, and hereby releases the other Party with respect to any and all such claims.

D. 1. No patent application with respect to any classified invention or discovery employing classified information which has been communicated or exchanged pursuant to Article II, or derived from the reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III or IV, may be filed:

a. by either Party or any person in the country of the other Party except in accordance with agreed conditions and procedures; or

b. in any country not a party to this Agreement except as may be agreed and subject to Articles VII and VIII.

2. Appropriate secrecy or prohibition orders shall be issued for the purpose of giving effect to this paragraph.

E. Detailed procedures shall be jointly established to effectuate the foregoing provisions, and all situations not specifically covered shall be settled by mutual agreement governed by the basic principle of equivalent benefits to both Parties.

## ARTICLE XI

### PREVIOUS AGREEMENTS FOR COOPERATION

Effective from the date on which the present Agreement enters into force, the cooperation between the Parties being carried out under or envisaged by the Agreement for Cooperation Regarding Atomic Information for Mutual Defense Purposes, which was signed at Washington on June 15, 1955, and by paragraph B of Article II bis of the Agreement for Cooperation concerning Civil Uses of Atomic Energy, which was signed at Washington on June 15, 1955, as amended by the Amendment signed at Washington on June 26, 1956, shall be carried out in accordance with the provisions of the present Agreement.

## ARTICLE XII

### DEFINITIONS

For the purposes of this Agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or Canada, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of Canada as "ZED Information".



C. "Equipment" means:

1. any instrument, apparatus or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof, and includes reactor and military reactor; and
2. nonnuclear parts of atomic weapons systems involving Restricted Data.

D. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear materials; and "other non-nuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

E. "Atomic information" means:

1. so far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".
2. so far as concerns information provided by the Government of Canada, information which is designated "ZED Information".

F. "Military reactor" means a reactor for the propulsion of naval vessels, aircraft or land vehicles and military package power reactors.

G. "Reactor" means an apparatus, other than an atomic weapon, in which a controlled self-supporting fission chain reaction is maintained by utilizing uranium, plutonium or thorium, or any combination of uranium, plutonium or thorium.

H. "Persons" means:

(1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency or government corporation other than the United States Atomic Energy Commission and Atomic Energy of Canada Limited; and

(2) any legal successor, representative, agent or agency of the foregoing.

I. References in this Agreement to the Government of Canada include the Atomic Energy of Canada Limited.

### ARTICLE XIII

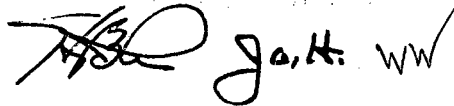
#### DURATION

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties, except that, if not so terminated, Articles II and III may be terminated by agreement of both Parties, or by either Party on one year's notice to the other to take effect at the end of a term of ten years, or thereafter on one year's notice to take effect at the end of any succeeding term of five years.

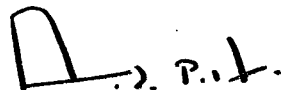
IN WITNESS WHEREOF, the undersigned, duly authorized, have  
signed this Agreement.

DONE at Washington this \_\_\_\_\_ day of \_\_\_\_\_,  
in two original texts.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

 J. H. W.

FOR THE GOVERNMENT OF CANADA:

 D. P. L.

ACCESS SECTION / SECTION DE L'ACCES

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RC 25      U6/ Accession 5957      Box      File/ 50219-AK-40 pt. 4.  
Dossier

Nature of document/ Technical answer attached  
Description du document  
to letter from WSHOC # 795

No. of Pages/ 4 pgs  
Nbre de pages

Date May 21/59.

Exempt/Exception, 15(1)  
Access To Information Act/  
Reason for Removal/ Loi sur l'accès à l'information  
Retrait en vertu de

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

FM CASHDC MAY20/59 CONF

TO RNL 1216 OPIMMEDIATE

REF YOUR TEL DL409 MAY15

DRAFT BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC  
ENERGY FOR MUTUAL DEFENCE PURPOSES

THE AMBASSADOR INITIALLED THE AGREEMENT THIS AFTERNOON AND THE STATE  
DEPT IS SENDING IT IMMEDIATELY TO THE WHITE HOUSE. WE ARE HOPEFUL  
BUT NOT YET CERTAIN THAT SIGNATURE MAY TAKE PLACE ON FR  
MORNING AT 11 AM. WE SHALL KEEP YOU INFORMED.

2. WE ARE SENDING BY FRI BAG A COPY OF THE INITIALLED AGREEMENT  
ANNEXES.

3. FOLLOWING IS TEXT OF DRAFT PRESS RELEASE PASSED TO US BY EKE  
(DISARMAMENT SECTION) TEXT BEGINS:

"ACTING SECRETARY OF STATE DOUGLAS DILLON AND CDN AMBASSADOR ADP  
HEENEY TODAY SIGNED AN AGREEMENT FOR COOPERATION IN THE USES OF ATOMIC  
ENERGY FOR MUTUAL DEFENSE PURPOSES.

"THE AGREEMENT, WHICH STEMS FROM THE 1958 AMENDMENT TO THE USA ATOMIC  
ENERGY ACT, WILL FACILITATE CLOSER COLLABORATION BETWEEN THE TWO  
GOVTS IN PLANNING AND IMPLEMENTATION OF COMMON DEFENSE ARRANGEMENTS.  
TERMS OF THE ACCORD AUTHORIZE EXCHANGE OF CLASSIFIED INFO ON JOINT  
DEFENCE PLANS, MILITARY REACTORS, AND EMPLOYMENT OF AND DEFENSE AGAINST  
NUCLEAR WEAPONS. ALSO PROVIDED FOR IS THE TRANSFER TO CDA OF USA  
PRODUCED NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS.

"THE TERMS RECOGNIZE THAT THE AGREEMENT WILL ADVANCE THE MUTUAL  
SECURITY OF THE TWO COUNTRIES, AND RELATES THE COOPERATION TO THEIR  
JOINT PARTICIPATION IN INTERNATIONAL DEFENSE ARRANGEMENTS. IN ACCOR-  
DANCE WITH THE TERMS OF THE ATOMIC ENERGY ACT, THE SIGNED AGREEMENT  
MUST NOW LIE BEFORE CONGRESS FOR SIXTY DAYS AFTER WHICH IT MAY BE  
BROUGHT INTO FORCE BY AN EXCHANGE OF NOTES BETWEEN THE TWO GOVTS.

"THE USA AND CDA ARE ALREADY COOPERATING IN THE FIELD OF ATOMIC  
ENERGY UNDER TWO AGREEMENTS: ONE FOR EXCHANGE OF INFO FOR MUTUAL  
DEFENSE PURPOSES, AND THE OTHER FOR COOPERATION IN THE CIVIL USES--  
BOTH SIGNED JUN15, 1955." TEXT ENDS

FILE COPY

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21 MAY 1959

# TRANSMITTAL SLIP

TO Under Secretary of State for External Affairs, Ottawa

Security.....Unclassified.....

Attention: Defence Liaison (1)

Date.....May 20, 1959.....

FROM: Canadian Embassy,

Air or Surface.....Courier Bag.....

Washington, D.C.

No. of enclosures.....5.....

The documents described below are for your information.

Despatching Authority.....J.S. Nutt/jpt.....

50219-AK-46	
68	

Copies

Description

Also referred to:

White House Press Release dated May 19, 1959--  
Text of Agreement between the Government of the  
United States and the Government of the Republic  
of France for Cooperation in the Uses of Atomic  
Energy for Mutual Defence Purposes UK.

UK.

3 copies w/ none  
CCOS 26-5-59  
and with  
McLennan D.C. (V)

Copy in  
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25 MAY 1959  
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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.

1959 MAY 25 AM 11:05

FOR RELEASE AT 12:00 NOON (EDT)

MAY 19, 1959

CAUTION: The following message of the President scheduled for delivery to the Congress today, May 19, 1959, MUST BE HELD IN STRICT CONFIDENCE and no portion, synopsis or intimation of its contents may be given out or published UNTIL RELEASE TIME.

The same caution applies to all newspapers, radio and television commentators and news broadcasters, both in the United States and abroad.

PLEASE USE EXTREME CARE TO AVOID PREMATURE PUBLICATION OR ANNOUNCEMENT.

James C. Hagerty  
Press Secretary to the President

---

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy of an Amendment to the 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 on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958. The Amendment was signed at Washington on May 7, 1959.

The Agreement of July 3, 1958, for cooperation on the uses of atomic energy for military purposes provided for the exchange of information covering the design and use of atomic weapons and other military applications of atomic energy and for the sale to the United Kingdom of a nuclear submarine propulsion plant and necessary fuel. Numerous exchanges have been made under this Agreement, and both nations have benefited from these exchanges.

Under the provisions of the Agreement there have been discussions between representatives of the two nations concerning the nature and scope of equipment and materials exchanges which would best contribute to our common defense and security and further benefit our two nations. As a result of these discussions an Amendment to the Agreement has been developed to further the goal of our mutual defense. It is gratifying to note that this Amendment will also result in conservation of scientific and technical manpower and effort, and capital which would otherwise be required in providing duplicate facilities to meet our corresponding but separate requirements.

I am also transmitting a copy of the Secretary of State's letter accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending my approval of this Amendment, and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

May 19, 1959.

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The following is the text of the letter to the President from the Secretary of State:

May 7, 1959

The President:

The undersigned, the Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an amendment to the 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 on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington under date of July 3, 1958.

This Amendment was signed on May 7, 1959, on behalf of the United States pursuant to the authorization granted in your memorandum of May 5, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of that memorandum was received by the Secretary of State from the President.

Respectfully submitted,

CHRISTIAN A. HERTER

The President  
The White House

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- 3 -

Following is the text of the joint letter to the President from the Deputy Secretary of Defense and the Chairman of the Atomic Energy Commission:

May 2, 1959

Dear Mr. President:

The United States Atomic Energy Commission and the Secretary of Defense recommend that you approve the attached Amendment to the 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 on the Uses of Atomic Energy for Mutual Defense Purposes. It is further recommended that you authorize the execution of this proposed Amendment to the Agreement on behalf of the United States of America. The Secretary of State concurs in the recommendations herein.

You will recall that the present Agreement, which was executed on July 3, 1958, provided for increased cooperation with the United Kingdom under the authority of the Atomic Energy Act of 1954 as amended by Public Law 85-479. It provided the necessary framework for the exchange of certain classified information and the transfer of certain equipment and materials for military uses.

In the area of information, the Agreement provided for exchange of information with the limits imposed by Sections 144b and 144c of the Atomic Energy Act, as amended. Such information covered the development of defense plans; the training of personnel; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications; the development of delivery systems capable of carrying atomic weapons; design, development and fabrication of atomic weapons; and research, development, and design of military reactors. The Agreement continued in effect submarine reactor cooperation earlier undertaken and provided for broader cooperation in the military reactor field in the future.

In the area of equipment and materials, the Agreement provided for the transfer by sale to the United Kingdom of one complete submarine nuclear propulsion plant and fuel for operation of this plant for a period of ten years.

It is believed that this Agreement has resulted in significant advances to our mutual defense and security. Both governments have benefited extensively from the exchange of information under the provisions of this Agreement.

You will recall that although authorized by Public Law 85-479, the Agreement did not provide for the transfer of non-nuclear parts of atomic weapons or other non-nuclear parts of atomic weapons systems or of materials for research on, development of, or use in atomic weapons or of materials for research on, development of, or production of utilization facilities for military application. Until such time as discussions could be held with the United Kingdom under the authority of Public Law 85-479 and the new Agreement, it was not possible to determine the nature or scope of equipment and materials exchanges which would best contribute to our common defense and security. Such discussions have since been held, and the purpose of the attached Amendment to the Agreement is to provide for the transfer of such equipment and materials.

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As we stated when we submitted the Agreement for your approval, the United Kingdom is participating with the United States in international arrangements pursuant to which the United Kingdom is making substantial and material contributions to the mutual defense and security, and the United Kingdom has made substantial progress in the development of atomic weapons.

The Amendment provides for the transfer from the United States to the United Kingdom of (a) non-nuclear parts of atomic weapons and other non-nuclear parts of atomic weapons systems involving Restricted Data for the purpose of improving the United Kingdom's state of training and operational readiness; (b) special nuclear materials for research on, development of, production of, or use in utilization facilities for military applications; and (c) certain source, by-product, and special nuclear materials, and other materials for research on, development of, or use in atomic weapons necessary to improve the UK atomic weapon design, development or fabrication capabilities.

The Amendment provides for the transfer of similar materials and equipment from the United Kingdom to the United States.

The transfers are to take place from time to time during the period ending December 31, 1969. The quantities and other terms and conditions of the transfers will be as agreed by the Parties. In this connection, the maximum quantities of materials to be transferred by the United States prior to December 31, 1969, is contained in a supplementary classified letter. These quantities of materials can be made available for transfer during this period without adverse effect on our defense program. However, it is not possible to determine at this time all the types and the quantities of non-nuclear parts of atomic weapons and other non-nuclear parts of atomic weapons systems involving Restricted Data which should be transferred between the Parties prior to December 31, 1969, to improve our common defense.

The Amendment therefore, provides that the Parties will agree from time to time on types and quantities to be transferred. All such agreements will be submitted for your approval and, in accordance with the provisions of Section 91c of the Atomic Energy Act and Article I of the Agreement be subject to your determination that the proposed transfer will promote and will not constitute an unreasonable risk to the common defense and security. It is contemplated that transfers of equipment for use in manufacture of weapons will be by sale with the purchasing Party paying the cost of the other Party in providing the equipment. It is also contemplated that equipment transferred for other uses may be sold, leased or loaned by the United States. Materials will also be transferred by sale. In this connection, it is contemplated that highly enriched U-235 sold by the United States will be paid for with plutonium at the rate of 1 gr. of plutonium for 1.76 gr. of U-235.

While the quantities of equipment and materials which will be transferred by the United States will not adversely interfere with our defense program, they will be such as to add to the United Kingdom's defense capability, and will preclude unnecessary duplication of effort, facilities and funds and will provide for our greater collective security. The intended application of materials to the United Kingdom nuclear weapon production program as to types and time schedules for the next ten years is considered consistent with current and planned force structures and delivery capabilities and in consonance with the contribution the United Kingdom is expected to make to the defense of NATO and to the military strength and solidarity of the Western Alliance.

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Considering the progress to date on exchange of information within the limits imposed by Section 144b and 144c provided for in the Agreement, the expanded cooperation with the United Kingdom now proposed will contribute markedly to the development of practical and economical measures for applying the resources of both countries to the common defense and will serve as further evidence of the military, political and scientific bonds between the two nations.

In view of all the foregoing reasons the transfer of materials as proposed in the Amendment is necessary to improve the atomic weapon design, development or fabrication capability of the United Kingdom.

The Amendment recognizes that some materials and components which one Party may wish to procure from sources within the jurisdiction of the other Party may be procured without an Agreement for Cooperation, provided that classified information not involving atomic information involved in the procurement may properly be communicated to the purchasing Party. The Amendment, therefore, provides that the other Party will be informed of any such proposed procurement of materials or components for use in the manufacture of atomic weapons in order that it may insure compliance with its applicable laws and regulations.

The Amendment also revises the "Dissemination" article of the Agreement. This revision is intended to make more specific the meaning of the original article, namely, that information, materials or equipment received by one Party will not be communicated or transferred by that Party to a third nation or international organization unless the Party furnishing the information, material or equipment authorizes the communication or transfer after determining that it could effect the communication or transfer directly or, in the case of information, that it had previously communicated the information to such nation or organization. Special provision is made for materials which it is not practicable to keep separate from other materials of the receiving Party, such as materials which become intermingled, or scrap resulting from manufacturing processes. To avoid burdensome and costly administrative procedures, which would otherwise be necessary to trace and identify this material, the amendment provides that an equivalent amount of the material will be retained under the jurisdiction of the receiving Party.

The Amendment makes technical changes in the "Patents" article of the Agreement resulting from the additional cooperation provided in the Amendment and adds additional definitions. Finally the Amendment modifies the "Duration" article of the Agreement so that cooperation in the field of information will continue until December 31, 1969, the term of the materials and equipment cooperation under the Amendment.

Other provisions and conditions of the Agreement including those relating to security safeguards will apply to cooperation under the Amendment.

In accordance with the provisions of Section 91 of the Atomic Energy Act of 1954, as amended, the Agreement specifically provides in Article I that all cooperation under the Agreement will be undertaken only when the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security, while the United States and the United Kingdom are participating in an international arrangement for their mutual defense and security through substantial and material contributions thereto. Cooperation under Article III bis, which will be added to the Agreement by the Amendment, would be undertaken only when these conditions prevail.

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It is the considered opinion of the Atomic Energy Commission and the Department of Defense that the performance of this Amendment to the Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you (1) approve the program for the transfer of material and equipment as set forth herein and in the attached Amendment to the Agreement; (2) determine that the performance of this Amendment to the Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; (3) approve the proposed Amendment to the Agreement for Cooperation; and (4) authorize the execution of the proposed Amendment to the Agreement for the Government of the United States by the Secretary of State.

Respectfully yours,

John A. McCone  
Chairman  
Atomic Energy Commission

Donald A. Quarles  
Secretary of Defense  
(Deputy)

The President  
The White House

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THE WHITE HOUSE

Washington

May 5, 1959

MEMORANDUM FOR

The Secretary of Defense  
The Chairman, Atomic Energy Commission

In your joint letter of May 2, 1959, the Chairman of the Atomic Energy Commission and the Secretary of Defense recommended that I approve a proposed Amendment to the Agreement of July 3, 1958 between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The United Kingdom is participating with the United States in international arrangements pursuant to which it is making substantial and material contributions to the mutual defense and security, and the United Kingdom has made substantial progress in the development of atomic weapons. The proposed Amendment will permit cooperation necessary to improve capabilities of the United States, and the United Kingdom, in the application of atomic energy for mutual defense purposes, subject to provisions, conditions, guaranties, terms, and special determinations, which are most appropriate in this important area of mutual assistance.

Having considered the cooperation provided for in the Amendment, including your joint recommendation, the security safeguards and other terms and conditions of the Agreement and the Amendment, I hereby

- a. Approve the program for transfer prior to December 31, 1969 of:

(i) non-nuclear parts of atomic weapons and other non-nuclear parts of atomic weapons systems involving Restricted Data, and

(ii) source, by-product, special nuclear and other material

in the types and quantities and under the terms and conditions provided in the joint letters dated May 2, 1959, to me from the Chairman, United States Atomic Energy Commission, and the Secretary of Defense, and the proposed Amendment to the Agreement of July 3, 1958 between the Government of the United States and the Government of the United Kingdom for cooperation on the uses of atomic energy for mutual defense purposes; however, types, quantities and conditions of transfer not so provided are subject to my further approval.

- b. Determine that the performance of this Amendment to the Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States;
- c. Approve the proposed Amendment to the Agreement for Cooperation; and
- d. Authorize the execution of the proposed Amendment to the Agreement for the Government of the United States by the Secretary of State.

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In taking these actions, I have noted the supplementary classified information regarding the Amendment to the Agreement, also jointly submitted to me.

After execution of the Agreement, I shall submit it to the Congress of the United States.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER

#####

PLEASE RETURN CLIPPING SERVICE

Subject..... A' Bombs.....

Date.....**MAY 20 1959**

Publication.....NEW YORK TIMES

30219-AK-40

## TWO ATOMIC PACTS SENT TO CONGRESS

# President Says Agreements With Britain and France Will Help Defense

WASHINGTON, May 19—President Eisenhower submitted to Congress today agreements to help Britain produce atomic weapons and to help France develop an atomic sub- e.

In brief messages, President said the agreement would advance the goal of maintaining defense and result in combining scientific manpower and efforts.

The agreements were signed with the two nations on May 7. They will go into effect automatically in sixty days unless vetoed by both the House and Senate. No substantial congressional opposition is expected.

The more sweeping agreement with Britain provides for close cooperation in the development and production of atomic warheads and the weapons to deliver them.

## U. S. to Supply Parts

Under the agreement, the United States will supply Britain with the non-nuclear parts of atomic weapons "for the purpose of improving the United Kingdom's state of training and operational readiness."

The agreement stipulates that the United States will provide Britain with nuclear materials, such as enriched uranium, for use in the manufacture of atomic weapons.

Under a barter arrangement, the United States will trade enriched uranium for plutonium produced in British atomic power plants. The two materials for nuclear weapons will be exchanged at the rate of one gram of plutonium for 1.76 grams of enriched uranium.

The British agreement is an amendment to one reached between the two nations last July. The original agreement covered only the exchange of weapons design information and the sale to Britain of an atomic power plant for a submarine.

### Provisions of French Pact

The agreement with France is designed to help the Paris government develop a long-based prototype of an atomic power plant for a submarine. Under the agreement the United States will sell up to 986 pounds of enriched uranium as fuel for the submarine reactor.

The French agreement does not provide for the U. S. to share any secret of atomic information, such as the design of a submarine reactor. The agreement further includes "appropriate safeguards" to make certain that the enriched uranium is used only for development of the submarine power plant.

The President also made public reports by John A. McCone, chairman of the Atomic Energy Commission, and the late Donald A. Quarles, former deputy secretary of defense, finding that the two agreements would not constitute "an unreasonable risk to the common defense and security of the United States." This is required by the atomic energy law.

File

50219- AK-40

May 19, 1959.

*192 WPM.  
May 22/59  
HBR*

MEMORANDUM FOR THE PRIME MINISTER

Instrument of Full Power to sign Canada-U.S.A.  
Agreement on the uses of atomic energy for  
mutual defence purposes.

Attached for your signature, if you agree,  
is Canada's Instrument of Full Power authorizing our  
Ambassador in Washington to sign an Agreement between  
the Government of Canada and the Government of the  
United States of America to provide for co-operation on  
the uses of atomic energy for mutual defence purposes.

Order in Council P.C. 1959-578 of May 13 was  
issued authorizing you to execute and issue this  
Instrument. Telegraphic authority for Mr. Heeney to  
sign this Agreement was sent to our Embassy on May 15,  
but the Agreement has not yet been signed. If this  
formal Instrument does not reach Washington before  
signature, it will be deposited with the State Department  
at a later date to complete the formalities.

*N.A.R.*  
N.A.R.

MINISTERS OFFICE	
<i>MF</i>	<i>C</i>
<i>R</i>	<i>W</i>
MAY 20 1959	
<i>S</i>	

I, JOHN GEORGE DUFFENBAKER,  
Prime Minister, and  
Acting Secretary of State for External Affairs  
in the Government of Canada,  
do hereby certify that  
ARNOLD DANFORD PATRICK LEENEY,  
Ambassador of Canada  
to the  
United States of America,  
is vested with Full Power and Authority  
to sign, on behalf of the Government of Canada,  
an Agreement between the Government of Canada and the  
Government of the United States of America to provide  
for co-operation on the uses of atomic energy for  
mutual defence purposes.

IN WITNESS WHEREOF I have signed and  
sealed these presents at Ottawa this 22<sup>nd</sup> day  
of May, 1959.

*sgd J.G. Diefenbaker*

Prime Minister,  
and  
Acting Secretary of State  
for External Affairs.



DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE

FILE COPY

100

FM: EXTERNAL	DATE	FILE		SECURITY	
	May 15, 1959	50219-AK-40		CONFID.	
TO: WASHINGTON, D.C.	XO		SD		COMCENTRE USE ONLY
	NUMBER		PRECEDENCE		
	DL-411		OPIMMEDIATE		
INFO:					

Ref.: OUR TEL 409 OF MAY 15.

Subject: DRAFT BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

FOLLOWING IS THE DEPARTMENTAL DRAFT OF THE STATEMENT FOR POSSIBLE USE BY THE PRIME MINISTER WHEN TABLING THE ABOVE AGREEMENT. BEGINS

(COMMUNICATIONS PLEASE QUOTE ATTACHED TEXT).

LOCAL DISTRIBUTION

Legal Division. No standard.

ORIGINATOR	DIVISION	PHONE	APPROVED BY
SIG..... NAME..... F.M. Tovell	D.L. (1)	2-3402	SIG..... NAME.....

000798

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE

FILE 377Y  
101

	DATE	FILE	SECURITY
FM: EXTERNAL OTT	MAY 14/59	30219-AK-40	CONF
	70	52	
TO: WASHINGTON	NUMBER	PRECEDENCE	COMCENTRE USE ONLY
	DL-410	OP IMMEDIATE	
INFO:			

Ref.: OURTEL DL-409 OF MAY 15  
Subject: DRAFT BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.  
FOLLOWING FOR ARNOLD D.P. HEENEY, CANADIAN AMBASSADOR TO THE UNITED STATES OF AMERICA.

YOU ARE HEREBY AUTHORIZED TO SIGN ON BEHALF OF THE GOVERNMENT OF CANADA AN AGREEMENT BETWEEN CANADA AND THE USA TO PROVIDE FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

2. FORMAL INSTRUMENT OF FULL POWER BEING MAILED TO YOU.
3. PLEASE PRESENT THIS TELEGRAM TO THE APPROPRIATE AUTHORITIES IN WASHINGTON AS EVIDENCE OF YOUR AUTHORITY TO SIGN THE ABOVE MENTIONED AGREEMENT.

JOHN G. DIEFENBAKER  
PRIME MINISTER AND  
ACTING SECRETARY OF STATE FOR EXTERNAL AFFAIRS

LOCAL DISTRIBUTION

Legal Division. No standard.

ORIGINATOR	DIVISION	PHONE	APPROVED BY
SIG.. P.A. Bissonnette/cl NAME.....	Legal		SIG..... NAME.....

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

FILE COPY

OUTGOING MESSAGE

102

44 FM: EXTERNAL	DATE	FILE		SECURITY
	15.5.59	50219-AK-40		confidential
TO: WASHINGTON	70		50	COMCENTRE USE ONLY
	NUMBER		PRECEDENCE	
		DL 409	opimmediate	
INFO: CCOS				

Ref.:  
Subject: DRAFT BILATERAL AGREEMENT FOR COOPERATION ON THE  
USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

MY IMMEDIATELY FOLLOWING TELEGRAM  
PROVIDES YOU WITH THE NECESSARY AUTHORITY TO SIGN  
THE ABOVE AGREEMENT ON BEHALF OF THE GOVERNMENT  
OF CANADA AND YOU MAY PRESENT IT TO THE STATE  
DEPARTMENT AS YOUR AUTHORITY IN THE EVENT YOUR  
FULL POWERS DO NOT REACH YOU IN SUFFICIENT TIME.

2. WITH REGARD TO PUBLICATION  
OF THE AGREEMENT, THIS WILL CONFIRM OUR UNDERSTANDING  
THAT THE STATE DEPARTMENT WILL BE MAKING AN ANNOUNCE-  
MENT ON THE DAY THE AGREEMENT IS SIGNED BUT THAT  
THE TEXT OF THE AGREEMENT WILL NOT BE MADE PUBLIC  
IN WASHINGTON UNTIL IT IS PUBLISHED IN <sup>THE</sup> CON-  
GRESSIONAL RECORD. WE ALSO UNDERSTAND THAT THE  
STATE DEPARTMENT WILL HAVE NO OBJECTION IF THE

LOCAL  
DISTRIBUTION

ORIGINATOR	DIVISION	PHONE	APPROVED BY
FM TOVELL:HDH	Defence Liaison 1	67509	
SIG.....			SIG.....
NAME.....			NAME.....

000800

- 2 -

TEXT OF THE AGREEMENT WILL BE MADE PUBLIC IN OTTAWA BEFORE IT APPEARS IN THE CONGRESSIONAL RECORD. THE PRIME MINISTER WOULD LIKE TO ANNOUNCE THIS AGREEMENT IN THE HOUSE AND AT THE SAME TIME TABLE THE TEXT AS SOON AS POSSIBLE AFTER SIGNATURE. ARRANGEMENTS TO THIS END ARE WELL IN HAND.

3. WITH REGARD TO THE PRECISE TIME FOR THE SIMULTANEOUS ANNOUNCEMENT IN BOTH CAPITALS AND TABLING HERE, THE MOST SUITABLE TIME FROM OUR POINT OF VIEW WOULD BE 2:30 PM WHEN THE HOUSE NORMALLY MEETS. IF SIGNATURE SHOULD TAKE PLACE ON TUESDAY WEDNESDAY OR THURSDAY MORNING THE PRIME MINISTER WOULD BE PREPARED TO TABLE THE TEXT THAT AFTERNOON AT 2:30. IF THE SIGNATURE SHOULD TAKE PLACE IN THE AFTERNOON THEN THE TABLING COULD ONLY TAKE PLACE THE FOLLOWING DAY. IN MAKING THESE ARRANGEMENT YOU WILL WISH TO BEAR IN MIND THAT ON FRIDAY THE HOUSE MEETS AT 11:00 AM.

4. WE HAVE ~~BE~~ PREPARED A DRAFT STATEMENT FOR THE PRIME MINISTER'S POSSIBLE USE AND THIS WILL BE FOUND IN MY SECOND IMMEDIATELY FOLLOWING TELEGRAM. THIS TEXT HAS NOT YET BEEN CLEARED WITH NATIONAL DEFENCE OR THE SECRETARY TO CABINET. IT IS NOT THEREFORE TO BE CONSIDERED A FIRM TEXT. IN ITS PRESENT FORM, HOWEVER, IT MAY BE USEFUL TO YOU AS AN INDICATION OF THE LINE THE PRIME MINISTER <sup>will</sup> ~~will~~ BE TAKING. ~~LEAVE IT TO YOUR DISCRETION WHETHER YOU SHOULD~~

- 3 -

WE SHALL LET YOU HAVE AS PROMPTLY AS  
POSSIBLE A FIRMER TEXT WHICH YOU COULD  
SHOW TO THE STATE DEPARTMENT.

CONFIDENTIAL



DEPARTMENT OF NATIONAL DEFENCE

OFFICE OF THE CHAIRMAN, CHIEFS OF STAFF  
OTTAWA

15 May, 1959.

50219-AK-40	
70	50

Dear Mr. Robertson:

Draft Bilateral Agreement with the United States  
for Cooperation in the uses of Atomic Energy for  
Mutual Defence Purposes

With reference to your letter of 14 May, in which you inform me that the bilateral agreement will be signed on Saturday, 16 May, and that you assume the Prime Minister will wish to table this document in the House and make an appropriate statement. I have read the attached statement and have no comments to make regarding the statement itself.

However in regard to the Supplementary Questions, I would like to make a comment regarding the third question dealing with the acquisition of nuclear warheads for BOMARC and other defensive weapons. In the last part of question 3 you say, "So far as the acquisition of nuclear warheads for BOMARC and other defensive weapons for use by the Canadian forces is concerned, my statement to the House on February 20 covers the situation". We could perhaps be a little more precise and say that the acquisition of nuclear warheads for BOMARC and other defensive weapons will require a further exchange of notes and the general terms and conditions will, as previously stated, be made available to the House.

Yours sincerely,

*Charles Foulkes*  
(Charles Foulkes)

General,  
Chairman, Chiefs of Staff.

Mr. N.A. Robertson,  
Under-Secretary of State for External Affairs,  
Ottawa, Ontario.

15.5.20(US)

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50219-AK-40	
70	50
<u>CONFIDENTIAL</u>	

Ottawa, May 15, 1959.

Dear Jules,

You will recall our conversation in Paris regarding our new Bilateral Agreement with the United States for cooperation on the uses of atomic energy for mutual defence purposes.

Attached are some papers on this subject which may be useful to you for background purposes. Also attached is a copy of the main Agreement, the negotiation of which has now been concluded. The Agreement, however, will not be signed until early next week. The text will be made public very shortly after signature. Copies of the Technical Annex and of the Security Annex will be sent to you as soon as they have been run off. These two Annexes will remain classified.

Under separate cover we are sending you a copy of an Aide-Memoire handed us recently by the United States Embassy and a copy of our reply thereto agreeing to the U.S. proposal that negotiation should be undertaken at NATO Headquarters in Paris for a new NATO Multilateral Atomic Energy Agreement to take advantage of the liberalized provisions of the United States Atomic Energy Act with regard to the exchange of information between the United States and NATO Military Commands. The papers attached to this letter will be useful to you as background in this connection as well.

(Signed) PAUL TREMBLAY

Jules Leger, Esq.,  
Canadian Representative to  
the North Atlantic Council,  
PARIS.



DEPARTMENT OF EXTERNAL AFFAIRS  
MEMORANDUM

TO: ..... Translation Bureau .....

Security UNCLASSIFIED.....

Date ..... May. 15., 1959.....

FROM: ..... Legal Division .....

File No.

50219. AK-40

REFERENCE: .....

SUBJECT: ..... Translation of Canada-U.S.A. Atomic Energy Agreement. ....

— Attached is the English text of an Agreement  
between Canada and the USA concerning the uses of  
atomic energy for mutual defence purposes. I would  
be grateful if you would provide a translation to  
French of this Agreement. It is to be signed May 16  
and tabled in Parliament at the earliest possible  
occasion; I would be grateful, therefore, if priority  
could be given to its translation. For the assistance  
— of the translator I attach copies of two earlier atomic  
energy agreements between Canada and the U.S.A.

Legal Division.

CIRCULATION

D.L.(1)  
(Mr. Tovell)

*Let  
L.*

50219-AK-40	
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CONFIDENTIAL

May 14, 1959.

Dear General Foulkes,

Draft Bilateral Agreement with the  
United States for Cooperation in the  
uses of Atomic Energy for Mutual  
Defence Purposes.

We have been informed by the Embassy in Washington that the agreement on the above subject may be signed on Saturday, May 16. The United States authorities, we understand, will be submitting it immediately to the Joint Committee on Atomic Energy of the Congress and as a consequence the question of simultaneous public release of the main agreement will have to be considered.

On the assumption that the Prime Minister would feel that the most suitable way in which this could be done in Ottawa would be for him to table the text in the House of Commons, I have drafted the attached statement for his use on which I should be grateful to have your comments as quickly as possible.

The final arrangements regarding signature and publication are, of course, not yet firm and I shall endeavour to keep you informed. This Department, in the

. . /2

General C. Foulkes, CB, CBE, DSO, CD,  
Chairman, Chiefs of Staff,  
Department of National Defence,  
O T T A W A.

- 2 -

meantime, is undertaking the preparation of the copies of the agreement for tabling and will also arrange for the translation into French. Copies of the agreement will be sent to you as soon as possible.

Yours Sincerely,

N. A. ROBERTSON

Under-Secretary of State  
for External Affairs.

bcc: Secretary to the Cabinet

2ND  
D R A F T

May 14, 1959.

DRAFT STATEMENT FOR THE PRIME MINISTER'S  
USE WHEN TABLING THE AGREEMENT WITH THE  
UNITED STATES FOR COOPERATION ON THE USES  
OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

Mr. Speaker, with the leave of the House I should like to table copies of an agreement signed on \_\_\_\_\_ in Washington between the Canadian and United States Governments providing for cooperation between the two countries on the uses of atomic energy for mutual defence purposes. Public release of this agreement is being made simultaneously in Washington. Copies of this agreement will be available in the Joint Parliamentary Distribution Branch. The French text will be available shortly.

This agreement will enable Canada to take advantage of the amendments made last year to the U.S. Atomic Energy Act. It will, therefore, continue and extend the degree to which cooperation in this field could be carried out under the agreement for Cooperation Regarding Atomic Information for Mutual Defence Purposes signed in Washington on June 15, 1955 and the Amendment to this agreement signed in Washington on June 26, 1956.

Under the terms of the United States Act, agreements for cooperation on the uses of atomic energy for mutual defence purposes must lie on the table of the Joint Committee on Atomic Energy of the U.S. Congress for a period of sixty days after signature. It is expected, therefore, that this agreement will come into force in approximately two months.

It might be helpful if I were to draw the attention of the House to the main features of this agreement. It will permit the exchange of information necessary to,

- (1) the development of defence plans;
- (2) the training of personnel in the employment of  
and defence against atomic weapons and other

military applications of atomic energy;

- (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons;
- (4) the development of delivery systems compatible with the atomic weapons which they carry;
- (5) research, development and design of military reactors to the extent and by such means as may be agreed.

Provision is made for the transfer to Canada under mutually agreeable conditions of such nonnuclear parts of atomic weapons systems involving Restricted Data as are jointly determined to be necessary to improve the state of training of Canada's armed forces and their operational readiness.

Finally, the way will be opened for the transfer at some future time to Canada of military reactors and any special nuclear materials required for them. Because of the sensitive nature of the information and materials which will be exchanged and transferred under this agreement certain appropriate safeguard provisions have been included.

I feel certain that the cooperation which will be carried out under this agreement will be of substantial benefit to Canada, not only in the training of our armed forces, in the development of defence plans and in the improvement in our military state of readiness and equipment, but also to enable our armed forces better to play their full part in the defence of North America and the free world. I am equally certain that this agreement will be carried out in the same spirit which has marked the close and harmonious relations which have always existed between Canada and the United States on atomic energy matters.

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: ..... The Under-Secretary ✓ *A.V.L.P.* .....

Security CONFIDENTIAL .....

Date ..... May 14, 1959. ....

FROM: ..... Defence Liaison (1) Division .....

File No.

*502 19-AK-40*

REFERENCE: .....  
.....

*70*

SUBJECT: ..... CANADA-UNITED STATES ATOMIC ENERGY AGREEMENT .....

*OK*

I attach for your signature, if you agree, a letter to General Foulkes seeking his comments on a draft statement for possible use by the Prime Minister in tabling the Canada-United States Atomic Energy Agreement.

2. There is still some uncertainty as to the exact time of signature of the Agreement and, consequently, its publication. We have, as you are aware, brought the question of public presentation of the Agreement in Canada to the Prime Minister's attention. We are acting on the assumption that he will wish to table the Agreement himself in the House as soon after signature as possible. Since Monday is a Government holiday, I think it would be wise to get the concurrence of the Department of National Defence before the weekend to the line which we are proposing to recommend to the Prime Minister.

CIRCULATION

3. While it is impossible to guess what exact questions might be asked of the Prime Minister, we have included in the attachment three possible supplementary questions and proposed replies.

*J.J. McCardle*  
Defence Liaison (1)

CONFIDENTIAL

50219-AK	40
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May 14, 1959.

MEMORANDUM FOR THE PRIME MINISTER

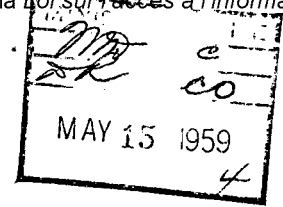
BILATERAL AGREEMENT WITH THE UNITED STATES  
FOR COOPERATION ON THE USES OF ATOMIC  
ENERGY FOR MUTUAL DEFENCE PURPOSES.

Subsequent to the approval by the Cabinet on May 13 of this agreement, arrangements have been put in hand for signature and simultaneous public release. It is possible that signature could take place on Saturday, May 16, or on Monday, May 18.

The signature of the 1955 agreement, which this new agreement will replace, was announced in the House on the day it was signed by the Secretary of State for External Affairs, and the text was tabled a few days later. I should be grateful to know what procedure you would wish to follow on this occasion. You have made reference in the House, on April 21 and May 8, to the negotiation of the agreement in answer to questions.

*James Hunsaker  
brother to table  
agreement in the  
house as soon as  
possible after  
it has been  
signed  
14.5.59  
May 14/59*





2.

I would draw your attention to one further point. The United States Atomic Energy Act requires that agreements such as this lie before the Joint Committee on Atomic Energy for sixty days. You may wish to consider whether an opportunity for Parliamentary discussion of the agreement should be provided. This is an important agreement, but perhaps not of the same significance as the North Atlantic Treaty or the NORAD Agreement, which were discussed in the House.

Public release of the agreement will have to take place simultaneously in Ottawa and Washington. On the basis of the information we now have, Monday might be a suitable date, but this remains to be confirmed. If you do decide to table the agreement, we will have the English copies available by Monday, and I can provide you with a draft statement which might be of assistance to you. Because

... 3

*P.M. took note  
of this*

*P.M.  
would  
like this*

3.

of the press of time, the French translation  
will not be available until later in the  
week.



N. A. R.

ACCESS SECTION / SECTION DE L'ACCES

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RC 25      Vol  
Accession 5957      Box      File/ 50219-AK-40 pt. 4  
Dossier

Nature of document/ External Telex # DL 393  
Description du document

No. of Pages/ 3pgs  
Nbre de pages

Date Inf/sep 13/59

Exempt/Exception, 15(1)

Access To Information Act/

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

Review Officer/  
Agent(e) d'examen

CB / MPAIT



P.C. 1959-578

30217-AR-40

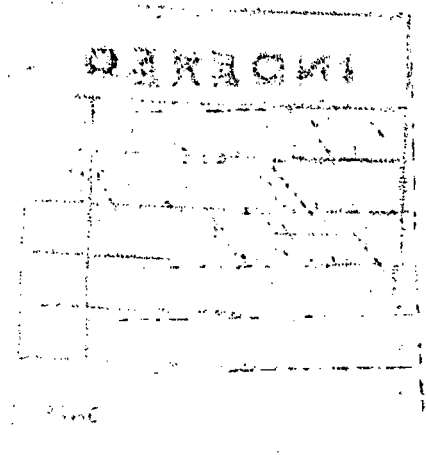
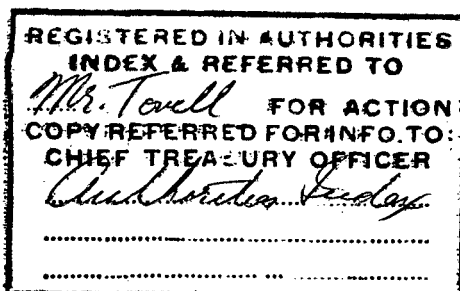
20

Certified to be a true copy of a Minute of a ~~Meeting of the Committee~~  
of the Privy Council, approved by His Excellency the Governor  
General on the 13th May, 1959.

The Committee of the Privy Council advise  
that the Secretary of State for External Affairs be  
authorized to execute and issue an Instrument of Full  
Power authorizing Arnold D. P. Heeney, Canadian  
Ambassador to the United States of America, to sign,  
on behalf of the Government of Canada, an Agreement  
between the Government of Canada and the Government  
of the United States of America to provide for  
co-operation on the uses of atomic energy for mutual  
defence purposes.

*R. B. Bryce*

Clerk of the Privy Council.



THE SECRETARY OF STATE  
FOR EXTERNAL AFFAIRS

SECRET  
CONFIDENTIAL  
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*R. B. [Signature]*

Clerk of the Privy Council

<b>INDEXED</b>	
<i>Atomic Energy</i>	
<i>Peaceful Uses</i>	
<i>Pakistan</i>	
DATE	

REGISTERED IN AUTHORITIES
INDEX & REFERRED TO
FOR ACTION
COPY REFERRED TO
CHIEF TREASURY OFFICER

THE SECRETARY OF STATE  
FOR EXTERNAL AFFAIRS

20219-AK-40  
b/c

TO: HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

The undersigned has the honour to report

That an agreement between the Governments of Canada and the United States of America to provide for co-operation in the uses of atomic energy for mutual defence purposes has been proposed by the Government of the United States;

That negotiations for such an agreement have been concluded satisfactorily;

That it is expedient for Canada to enter into such an agreement with the United States of America.

The undersigned, therefore, with the concurrence of the Minister of National Defence, has the honour to recommend that the Acting Secretary of State for External Affairs be authorized to execute and issue an Instrument of Full Power authorizing Arnold D.P. Heeney, Canadian Ambassador to the United States of America, to sign, on behalf of the Government of Canada, an Agreement between the Government of Canada and the Government of the United States of America to provide for co-operation in the use of atomic energy for mutual defence purposes.

Respectfully submitted,

Prime Minister  
and  
Acting Secretary of State  
for External Affairs.

13  
Ottawa, May 8, 1959.



CONFIDENTIAL

May 13, 1959.

MEMORANDUM FOR THE PRIME MINISTER

Draft Bilateral Agreement with the  
United States for Cooperation in  
the uses of Atomic Energy for Mutual  
Defence Purposes.

50219-AK-40	
J.P.	—

I understand that Mr. Pearkes will be seeking in Cabinet today general approval of the draft agreement with the United States on the above subject. As stated in his memorandum to the Cabinet, the negotiation of the amendments approved by the Cabinet Defence Committee has been completed and we are now satisfied that the revised draft is acceptable.

I would, however, draw your attention to Paragraph 11 of Appendix A of the Security Annex. The original U.S. draft contained the words "Testify before a court or Congressional or Parliamentary Committee regarding charges of his alleged disloyalty or other misconduct". We had suggested the deletion of the words "or Parliamentary Committee" and the substitution of "Committee or other competent body" to make it clear that Canadian Parliamentary Committees do not have investigative powers. The Americans have suggested as an alternative the words "or, in Canada, before other competent bodies". In our view, these words

-2-

are not required and it would be sufficient if the sentence were to read "To testify before a court or Congressional Committee regarding charges ...". On the other hand, you may feel that since the Security Annex will not be made public and that as time is of some importance, we need not insist on this point.

Our agreement, as you know, is somewhat more limited in scope than the agreement reached between the United States and the United Kingdom last fall. The principal reason for this is that Canada, unlike the United Kingdom, is unable to satisfy the requirement of the United States Atomic Energy Act regarding "substantial progress in the development of atomic weapons" to receive certain information and equipment which can only be given to Allies of the United States which have a weapons programme. We assume that the agreements which were recently the subject of discussion in the NATO Council with Turkey, Greece, the Netherlands and Germany and which will be going before the Joint Committee of the United States Congress at about the same time as ours, are similar to that which the United States have proposed to us.

I am satisfied that the proposed agreement is in line with our policy which, as you have stated in Parliament, is not to undertake the production of nuclear weapons

/3

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-3-

and to limit the spread of nuclear weapons at the independent disposal of national governments. I am also satisfied that in the preparation of this agreement the United States authorities have gone to the full extent of their law for the transmission of information and equipment for which Canada is eligible under the terms of the 1958 amendments to the United States Atomic Energy Act.

As I believe you are already aware, the Technical Annex and the Security Annex will remain classified. The main agreement will probably be made public shortly after it goes to the Joint Committee of the United States Congress. We have already arranged with the State Department to ensure that release will be made simultaneously in both Capitals.

N. A. ROBERTSON

N. A. R.



ACCESS SECTION / SECTION DE L'ACCES

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RC 25      Vol  
Accession 5952      Box      File/ 50219-AK-40 pl. 4  
Dossier

Nature of document/ Security Annex to the Agreement  
Description du document  
Between the Government of the United Kingdom and the  
Republic of the Philippines

No. of Pages/ 11 pgs.  
Nbre de pages

Date 2/11/59

Exempt/Exception, 15(1)  
Access To Information Act/  
Reason for Removal/ Loi sur l'accès à l'information  
Retrait en vertu de

Review Officer/ CS / DAIT  
Agent(e) d'examen

ATOMIC ENERGY



United States No. 2 (1959)

## Amendment

to the Agreement between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America  
for Co-operation on the Uses of Atomic  
Energy for Mutual Defence Purposes  
of July 3, 1958

Washington, May 7, 1959

[The Amendment has not entered into force]

*Presented to Parliament by the Secretary of State for Foreign Affairs  
by Command of Her Majesty  
May 1959*

LONDON  
HER MAJESTY'S STATIONERY OFFICE  
SIXPENCE NET

Cmnd 733

000823

**AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES OF JULY 3 1958**

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on its own behalf and on behalf of the United Kingdom Atomic Energy Authority;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as the Agreement for Cooperation) signed at Washington on the Third day of July, 1958;<sup>(1)</sup>

Have agreed as follows:

**ARTICLE 1**

The following new Article shall be inserted after Article III of the Agreement for Cooperation:

**"ARTICLE III *bis***

**Transfer of Materials and Equipment**

A.—The Government of the United States shall transfer to the Government of the United Kingdom the following in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed:

1. non-nuclear parts of atomic weapons which parts are for the purpose of improving the United Kingdom's state of training and operational readiness;
2. other non-nuclear parts of atomic weapons systems involving Restricted Data which parts are for the purpose of improving the United Kingdom's state of training and operational readiness when in accordance with appropriate requirements of applicable laws;
3. special nuclear material for research on, development of, production of, or use in utilisation facilities for military applications; and
4. source, by-product and special nuclear material, and other material, for research on, development of, or use in atomic weapons when, after consultation with the Government of the United Kingdom, the Government of the United States determines that the transfer of such material is necessary to improve the United Kingdom's atomic weapon design, development or fabrication capability.

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<sup>(1)</sup> "Treaty Series No. 41 (1958)," Cmnd. 537.

B.—The Government of the United Kingdom shall transfer to the Government of the United States for military purposes such ~~so~~ by-product and special nuclear material, and equipment of such types, in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed.

C.—1. With respect to by-product, special nuclear material and other material transferred from one Party to the other under this Article, the recipient Party agrees not to use any such material for purposes other than those for which it was received, provided that material which has lost its identity as a result of commingling with other material of the recipient Party may be put to other uses if the recipient Party retains an equivalent amount of its own material for the purpose for which the other Party's material was received.

2. For material or equipment transferred from one Party to the other Party, the recipient Party shall pay or reimburse, as may be agreed, all packaging, transportation and related costs. Packaging, shipping containers and methods of shipment shall be as may be agreed.

3. Should either Party desire to acquire materials or components for use in the manufacture or in preparation for manufacture of atomic weapons from any source within the jurisdiction of the other Party, the procuring Party shall inform the other Party of the proposed procurement in order that such other Party may determine whether the proposed procurement involves classified information and if so whether the proposed procurement is in compliance with its applicable laws and regulations."

## ARTICLE 2

Article VII of the Agreement for Cooperation shall be amended to read as follows:

### "ARTICLE VII

#### **Dissemination**

Nothing in this Agreement shall be interpreted or shall operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organisations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement to any nation or international organisation unless:

A.—it is notified by the other Party that all appropriate provisions and requirements of such other Party's applicable laws, including authorisation by competent bodies of such other Party, have been complied with as necessary to authorise such other Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organisation; and further that such other Party authorises the recipient Party so as to communicate to, transfer to or permit access to or use by such other nation or international organisation; or

B.—in the case of communication of classified information and access to materials or equipment, such other Party has informed the recipient



Party that such other Party has so communicated such classified information to, or permitted access to such materials or equipment by, such other nation or international organisation; or

C.—in the case of material which has lost its identity as a result of commingling with other material of the recipient Party, the recipient Party retains an amount under its jurisdiction equivalent to that made available to it by the other Party under this Agreement.”

### ARTICLE 3

Article IX of the Agreement for Cooperation shall be amended as follows:

- (1) The words “Article III” shall be *deleted* from paragraph A, sub-paragraph 2 of paragraph B, and sub-paragraph 1 of paragraph D, and the words “Articles III or III *bis*” shall be *substituted* therefor.
- (2) The words “submarine propulsion plant and spare parts transferred pursuant to paragraph A of Article III” shall be *deleted* from sub-paragraph 1 of paragraph B, and the words “submarine propulsion plant, spare parts or equipment transferred pursuant to paragraph A of Article III or paragraph A or paragraph B of Article III *bis*” shall be *substituted* therefor.

### ARTICLE 4

Article XI of the Agreement for Cooperation shall be amended as follows:

- (1) Paragraph C shall be amended by adding at the end thereof the following:

“‘Equipment’ also includes non-nuclear parts of atomic weapons and non-nuclear parts of atomic weapons systems involving Restricted Data.”

- (2) After paragraph H add the following:

“I. ‘Non-nuclear parts of atomic weapons’ means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear material; and ‘other non-nuclear parts of atomic weapons systems involving Restricted Data’ means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

J. ‘Atomic information’ means information designated ‘Restricted Data’ or ‘Formerly Restricted Data’ by the Government of the United States and information designated ‘ATOMIC’ by the Government of the United Kingdom.”

### ARTICLE 5

Article XII of the Agreement for Cooperation shall be amended as follows:

The words “to take effect at the end of a term of ten years” shall be *deleted* and the words “to take effect on December 31, 1969,” shall be *substituted* therefor.

ARTICLE 6

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.

In witness whereof the undersigned, duly authorised, have signed this Amendment.

Done at Washington this 7th day of May, 1959, in two original texts.

For the Government of the United Kingdom of Great Britain and  
Northern Ireland:

HAROLD CACCIA.

For the Government of the United States of America:  
CHRISTIAN A. HERTER.

Printed and published by  
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13 MAY 1959

50219-AK-40

FM WASHDC MAY12/59 UNCLAS

TO EXTERNAL 1144 PRIORITY

REF OURTEL 1122 MAY8

USA - UK AGREEMENT ON MILITARY USES OF ATOMIC ENERGY

THE FOLLOWING IS THE TEXT OF A STATE DEPT PRESS RELEASE DATED MAY8  
REGARDING THIS AGREEMENT: TEXT BEGINS

THE GOVTS OF THE UK AND THE USA TODAY SIGNED AN AMENDMENT TO  
THE AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR  
MUTUAL DEFENSE PURPOSES. THE AGREEMENT HAS BEEN IN EFFECT SINCE  
AUG4/58. SECRETARY OF STATE CHRISTIAN A. HERTER SIGNED THE AMENDMENT  
FOR THE USA. BRITISH AMBASSADOR SIR HAROLD CACCIA SIGNED FOR THE  
BRITISH GOVT.

THIS AMENDMENT, BY MAKING POSSIBLE ADDITIONAL EXCHANGES OF  
EQUIPMENT AND MATERIALS, BROADENS THE SCOPE OF USA COOPERATION  
WITH THE UK AND FURTHER SERVES THE COMMON DEFENSE ARRANGEMENTS  
IN WHICH THE TWO NATIONS JOINTLY PARTICIPATE.

THE AMENDMENT PROVIDES FOR THE TRANSFER TO THE UK OF NON-  
NUCLEAR PARTS OF ATOMIC WEAPONS AND WEAPONS SYSTEMS FOR THE  
PURPOSE OF IMPROVING THE UK'S STATE OF TRAINING AND OPERATIONAL  
READINESS. IT FURTHER PROVIDES FOR THE INTERCHANGE OF CERTAIN  
TYPES OF MATERIALS FOR RESEARCH ON, DEVELOPMENT OF, OR USE IN  
THE DEFENSE PROGRAMS OF BOTH COUNTRIES.

THIS AMENDMENT WILL BECOME EFFECTIVE AFTER ALL OF THE  
STATUTORY AND PARLIAMENTARY REQUIREMENTS OF BOTH NATIONS HAVE  
BEEN FULFILLED. TEXT ENDS.

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FILE COPY

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FM WASHDC MAY12/59 CONFD  
TO EXTERNAL 1139 PRIORITY

REF COMCENTRE SVC365 MAY11 AND OURTEL 1127 MAY8

LAST FOUR LINES OUR PARA5 SHOULD HAVE BEEN SEPARATE PARA. QUOTE  
PARA VIII UNQUOTE SHOULD HAVE READ QUOTE PARA8 UNQUOTE AND REFERS  
TO THE PARA NUMBERED 4 ON PAGE 3 OF DL355 WHICH SHOULD HAVE BEEN  
NUMBERED PARA8.

2. NOTE ALSO THAT THE ADDITION REFERRED TO IN PARA6(B) OF OURTEL  
1127 SHOULD READ QUOTE OR (INSTEAD OF QUOTE OF UNQUOTE) NON-NUCLEAR  
PARTS OF ATOMIC WEAPONS UNQUOTE.

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19 MAY 1959

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

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

FROM: THE OFFICE OF THE HIGH COMMISSIONER  
FOR CANADA, LONDON.

Reference:.....

Subject: U.K.-U.S.A. CO-OPERATION ON THE  
USES OF ATOMIC ENERGY FOR MUTUAL  
DEFENCE PURPOSES.

Security:.....UNCLASSIFIED.....

No:.....936.....

Date:.....MAY 12, 1959.....

Enclosures:.....1.....

Air or Surface Mail:.....AIR BAG.....

Post File No:.....

Ottawa File No.

50219-AK-40

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References

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18 MAY 1959

Internal  
Circulation

D

Distribution  
to Posts

*Sub 5*

Enclosed is a copy of Cmnd. Paper  
733 containing the text of the amendment,  
signed in Washington on May 7, 1959, to the  
U.K.-U.S.A. Agreement of July 3, 1958 on  
this subject.

*P. J. Prain*  
CANADA HOUSE.

*P.S. Further copies of Cmnd. Paper follow*

1959 MAY 13 02 11:13

1959 MAY 13 02 11:13

1959 MAY 13 02 11:13



ATOMIC ENERGY



United States No. 2 (1959)

## Amendment

to the Agreement between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the United States of America  
for Co-operation on the Uses of Atomic  
Energy for Mutual Defence Purposes  
of July 3, 1958

Washington, May 7, 1959

[The Amendment has not entered into force]

*Presented to Parliament by the Secretary of State for Foreign Affairs  
by Command of Her Majesty  
May 1959*

LONDON

HER MAJESTY'S STATIONERY OFFICE

SIXPENCE NET

Cmnd 733

000833

**AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES OF JULY 3 1958**

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on its own behalf and on behalf of the United Kingdom Atomic Energy Authority;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as the Agreement for Cooperation) signed at Washington on the Third day of July, 1958;<sup>(1)</sup>

Have agreed as follows:

**ARTICLE 1**

The following new Article shall be inserted after Article III of the Agreement for Cooperation:

**"ARTICLE III *bis***

**Transfer of Materials and Equipment**

A.—The Government of the United States shall transfer to the Government of the United Kingdom the following in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed:

1. non-nuclear parts of atomic weapons which parts are for the purpose of improving the United Kingdom's state of training and operational readiness; 91 c (1)
2. other non-nuclear parts of atomic weapons systems involving Restricted Data which parts are for the purpose of improving the United Kingdom's state of training and operational readiness when in accordance with appropriate requirements of applicable laws; 91 c (1)
3. special nuclear material for research on, development of, production of, or use in utilisation facilities for military applications; and 91 c 3
4. source, by-product and special nuclear material, and other material, for research on, development of, or use in atomic weapons when, after consultation with the Government of the United Kingdom, the Government of the United States determines that the transfer of such material is necessary to improve the United Kingdom's atomic weapon design, development or fabrication capability. 91 c 4

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<sup>(1)</sup> "Treaty Series No. 41 (1958)," Cmnd. 537.

B.—The Government of the United Kingdom shall transfer to the Government of the United States for military purposes such by-product and special nuclear material, and equipment of such types, — such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed.

C.—1. With respect to by-product, special nuclear material and other material transferred from one Party to the other under this Article, the recipient Party agrees not to use any such material for purposes other than those for which it was received, provided that material which has lost its identity as a result of commingling with other material of the recipient Party may be put to other uses if the recipient Party retains an equivalent amount of its own material for the purpose for which the other Party's material was received.

2. For material or equipment transferred from one Party to the other Party, the recipient Party shall pay or reimburse, as may be agreed, all packaging, transportation and related costs. Packaging, shipping containers and methods of shipment shall be as may be agreed.

3. Should either Party desire to acquire materials or components for use in the manufacture or in preparation for manufacture of atomic weapons from any source within the jurisdiction of the other Party, the procuring Party shall inform the other Party of the proposed procurement in order that such other Party may determine whether the proposed procurement involves classified information and if so whether the proposed procurement is in compliance with its applicable laws and regulations."

## ARTICLE 2

Article VII of the Agreement for Cooperation shall be amended to read as follows:

### "ARTICLE VII

#### **Dissemination**

Nothing in this Agreement shall be interpreted or shall operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organisations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement to any nation or international organisation unless:

A.—it is notified by the other Party that all appropriate provisions and requirements of such other Party's applicable laws, including authorisation by competent bodies of such other Party, have been complied with as necessary to authorise such other Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organisation; and further that such other Party authorises the recipient Party so as to communicate to, transfer to or permit access to or use by such other nation or international organisation; or

B.—in the case of communication of classified information and access to materials or equipment, such other Party has informed the recipient

Party that such other Party has so communicated such classified information to, or permitted access to such materials or equipment by, such other Party or international organisation; or

C.—in the case of material which has lost its identity as a result of commingling with other material of the recipient Party, the recipient Party retains an amount under its jurisdiction equivalent to that made available to it by the other Party under this Agreement.”

### ARTICLE 3

Article IX of the Agreement for Cooperation shall be amended as follows:

- (1) The words “Article III” shall be *deleted* from paragraph A, sub-paragraph 2 of paragraph B, and sub-paragraph 1 of paragraph D, and the words “Articles III or III *bis*” shall be *substituted* therefor.
- (2) The words “submarine propulsion plant and spare parts transferred pursuant to paragraph A of Article III” shall be *deleted* from sub-paragraph 1 of paragraph B, and the words “submarine propulsion plant, spare parts or equipment transferred pursuant to paragraph A of Article III or paragraph A or paragraph B of Article III *bis*” shall be *substituted* therefor.

### ARTICLE 4

Article XI of the Agreement for Cooperation shall be amended as follows:

- (1) Paragraph C shall be amended by adding at the end thereof the following:

“‘Equipment’ also includes non-nuclear parts of atomic weapons and non-nuclear parts of atomic weapons systems involving Restricted Data.”

- (2) After paragraph H add the following:

“I. ‘Non-nuclear parts of atomic weapons’ means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear material; and ‘other non-nuclear parts of atomic weapons systems involving Restricted Data’ means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

J. ‘Atomic information’ means information designated ‘Restricted Data’ or ‘Formerly Restricted Data’ by the Government of the United States and information designated ‘ATOMIC’ by the Government of the United Kingdom.”

### ARTICLE 5

Article XII of the Agreement for Cooperation shall be amended as follows:

The words “to take effect at the end of a term of ten years” shall be *deleted* and the words “to take effect on December 31, 1969,” shall be *substituted* therefor.

# ARTICLE 6

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.

In witness whereof the undersigned, duly authorised, have signed this Amendment.

Done at Washington this 7th day of May, 1959, in two original texts.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HAROLD CACCIA.

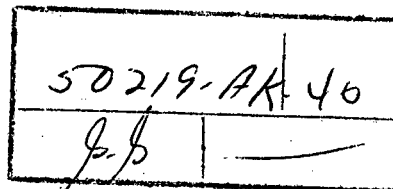
For the Government of the United States of America:

CHRISTIAN A. HERTER.

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*Printed in Great Britain*



SECRET

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

MEMORANDUM TO CABINET:

Agreement between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defence Purposes

1. At a meeting of the Cabinet Defence Committee on 22 April the Minister of National Defence submitted a new bilateral agreement between Canada and the United States to replace the 1955 agreement for the exchange of atomic information for mutual defence purposes. This new draft agreement provides for the exchange of information on atomic weapons, related equipment and other military applications of atomic energy for use by the Canadian forces.

2. The Cabinet Defence Committee have considered the new draft agreement but deferred a decision pending an examination to be made of the provisions of the United Kingdom - United States bilateral agreement to ensure that similar arrangements were being made for the release of information to Canada to those being made for the release of information to the United Kingdom. Subsequently this examination was carried out and it was agreed that our Ambassador to the United States should negotiate the draft agreement with the United States authorities. This negotiation has been completed and the revised draft agreement is acceptable to the departments of the Canadian Government concerned.

Recommendation

3. The Chiefs of Staff recommend, and I concur, that the Canadian Government express its general approval with the revised draft "Agreement between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defence Purposes", attached as Appendix "A".

4. If general approval is given, I recommend that immediate action be taken to conclude this Agreement with the United States.

Minister of National Defence

Department of National Defence  
12 May, 1959



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DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RC 35      Vol  
Accession 5957      Box      File/ 50219-A17-40 pt. 4  
Dossier

Nature of document/ DL(1) memo  
Description du document

No. of Pages/ 3 pgs  
Nbre de pages

Date May 12/59

Exempt/Exception, 15(1)  
Access To Information Act/  
Reason for Removal/ Loi sur l'accès à l'information  
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Review Officer/ CB / DPAIT  
Agent(e) d'examen

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Dossier

Nature of document/ WSH DC Telay #1135  
Description du document

No. of Pages/  
Nbre de pages

1 pg

Date

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Exempt/Exception, 15(1)

Access To Information Act/

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

Review Officer/  
Agent(e) d'examen

CS / DEAIT

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

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

FROM: ..... CANADIAN EMBASSY,  
..... WASHINGTON, D.C. ....

Reference: Our telegram No. 1127 of May 8, 1959. ....

Subject: ... DRAFT BILATERAL AGREEMENT WITH UNITED STATES  
FOR COOPERATION IN THE USES OF ATOMIC ENERGY FOR ....  
MUTUAL DEFENCE PURPOSES. ....

Security: ... S.E.C.R.E.T. ....

No: 725 .....

Date: ... May 11, 1959. ....

Enclosures: ... 3. ....

Air or Surface Mail: Courier Bag .....

Post File No: .....

Ottawa File No.

50219-AK-40

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References

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12 MAY 1959

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We attach a revised copy of the Bilateral  
Agreement for Cooperation on the Uses of Atomic  
Energy for Mutual Defence Purposes and annexes.

*[Signature]*  
The Embassy

Internal  
Circulation

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to Posts

1959 MAY 12 AM 10:50

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Revised 8 May 1959  
JAN 14 1959

AGREEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF CANADA  
FOR COOPERATION ON THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENSE PURPOSES



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

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in <sup>an</sup> international arrangements pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country;

Contemplating that their common defense and security may be advanced by the transfer at some future time of other types of equipment and materials for use therein; and

Taking into consideration that the United States Atomic Energy Act of 1954, as amended, and the Canadian Atomic Energy Control Act and Atomic Energy Regulations were enacted or prepared with these purposes in mind,

Have agreed as follows:

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CONFIDENTIAL

# CONFIDENTIAL

## ARTICLE I

### GENERAL PROVISION

While the United States and Canada are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other Party information, and transfer materials and equipment to the other Party, in accordance with the provisions of this Agreement provided that the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

## ARTICLE II

### EXCHANGE OF INFORMATION

Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy;
- D. the development of delivery systems compatible with the atomic weapons which they carry; and
- E. research, development and design of military reactors to the extent and by such means as may be agreed.

CONFIDENTIAL

**CONFIDENTIAL**

**ARTICLE III**

**TRANSFER OF NONNUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS**

The Government of the United States will transfer to the Government of Canada, subject to terms and conditions mutually agreed upon between the Parties and all appropriate provisions and requirements of applicable United States laws, nonnuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving Canada's state of training and operational readiness.

**ARTICLE IV**

**TRANSFER OF MILITARY REACTORS AND MATERIALS**

The Government of the United States, by amendment to this Agreement and subject to the terms and conditions mutually agreed upon between the Parties,

A. may agree to transfer, or authorize any person to transfer, to the Government of Canada, military reactors and/or parts thereof for military applications; and

B. may agree to transfer to the Government of Canada special nuclear material for research on, development of, production of, and use in military reactors for military applications.

**CONFIDENTIAL**

# CONFIDENTIAL

## ARTICLE V

### RESPONSIBILITY FOR USE OF INFORMATION, MATERIAL, /EQUIPMENT ~~AND WEAPONS~~ AND

The application or use of any information (including design drawings and specifications), material or equipment communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity, and does not warrant the accuracy or completeness of such information and does not warrant the suitability or completeness of such information, material or equipment for any particular use or application.

## ARTICLE VI

### CONDITIONS

- A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.
- B. Under this Agreement there will be no transfer by either Party of atomic weapons, or nonnuclear parts of atomic weapons.
- C. Except as may be otherwise agreed for civil uses, the information communicated or exchanged, or the materials or equipment transferred, by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.
- D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.

CONFIDENTIAL



# CONFIDENTIAL

## ARTICLE VII

### GUARANTEES

A. Classified information, materials and equipment communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, materials or equipment made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.

C. Classified information, communicated or exchanged, and any materials or equipment transferred, pursuant to this Agreement shall not be communicated, exchanged or transferred by the recipient Party or persons under its jurisdiction to any unauthorized persons, or, except as provided in Article VIII of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information, materials or equipment communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information, materials or equipment; and may impose such other restrictions on the dissemination or distribution of such information, materials or equipment as it deems necessary.

**CONFIDENTIAL**

**ARTICLE VIII**

**DISSEMINATION**

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement unless:

A. It is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organization; and further that the originating Party authorizes the recipient Party so to communicate to, transfer to or permit access to or use by such other nation or international organization; or

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

**ARTICLE IX**

**CLASSIFICATION POLICIES**

Agreed classification policies shall be maintained with respect to all classified information, materials or equipment communicated, exchanged or transferred under this Agreement. The Parties intend to continue the present practice of consultation with each other on the classification of these matters.

**CONFIDENTIAL**

**ARTICLE X**

**PATENTS**

A. With respect to any invention or discovery:

1. either employing information which has been communicated or exchanged pursuant to Article II, or derived from any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV, and made or conceived after the date of such communication, exchange or transfer but during the period of this Agreement, by the recipient Party, or any agency or corporation owned or controlled thereby, or any of their agents or contractors, or any employee of any of the foregoing; or

2. not covered in subparagraph 1 above and made or conceived by any person representing, employed by, or acting for or on behalf of one Party (hereinafter referred to as the "sponsoring Party") or its contractor, while in the country of the other Party and assigned to an installation, plant, laboratory, institution or similar facility in the country of the other Party pursuant to this Agreement,

the recipient or sponsoring Party (as the case may be) shall:

1'. be entitled to all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of the recipient or sponsoring Party (as the case may be) and in third countries; and

2'. obtain, by appropriate means, sufficient right, title and interest in and to the invention or discovery, or patents application <sup>5?</sup> or patent thereon, as may be necessary to fulfill its obligations under the following two subparagraphs; and

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3! transfer and assign to the other Party all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of that other Party, subject to the retention by the recipient or sponsoring Party (as the case may be) of a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes; and

4! grant to the other Party a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes in the country of the recipient or sponsoring Party (as the case may be) and in third countries.

B 1. Each Party shall, to the extent owned by it, or any agency or corporation owned or controlled thereby, grant to the other Party a royalty-free, non-exclusive, irrevocable license to manufacture and use the subject matter covered by any patent and incorporated in any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV for use by the licensed Party for the purposes set forth in paragraph C of Article VI.

2. The transferring Party neither warrants nor represents that any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV do not infringe any patent owned or controlled by other persons and assumes no liability or obligation with respect thereto, and the recipient Party agrees to indemnify and hold harmless the transferring Party from any and all liability arising out of any infringement of any such patent.

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**C. With respect to any invention or discovery, or patent application or patent thereon, or license or sublicense therein covered by paragraph A of this Article, each Party:**

**1. may, to the extent of its right, title and interest therein, deal with the same in its own and third countries as it may desire, but shall in no event discriminate against citizens of the other Party in respect of granting any license or sublicense under the patents owned by it in its own or any other country;**

**2. hereby waives any and all claims against the other Party for compensation, royalty or award, and hereby releases the other Party with respect to any and all such claims.**

**D. 1. No patent application with respect to any classified invention or discovery employing classified information which has been communicated or exchanged pursuant to Article II, or derived from the reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III or IV, may be filed:**

**a. by either Party or any person in the country of the other Party except in accordance with agreed conditions and procedures; or**

**b. in any country not a party to this Agreement except as may be agreed and subject to Articles VII and VIII.**

**2. Appropriate secrecy or prohibition orders shall be issued for the purpose of giving effect to this paragraph.**

**E. Detailed procedures shall be jointly established to effectuate the foregoing provisions, and all situations not specifically covered shall be settled by mutual agreement governed by the basic principle of equivalent benefits to both Parties.**

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**ARTICLE XI**

**PREVIOUS AGREEMENTS FOR COOPERATION**

Effective from the date on which the present Agreement enters into force, the cooperation between the Parties being carried out under or envisaged by the Agreement for Cooperation Regarding Atomic Information for Mutual Defense Purposes, which was signed at Washington on June 15, 1955, and by paragraph B of Article II bis of the Agreement for Cooperation concerning Civil Uses of Atomic Energy, which was signed at Washington on June 15, 1955, as amended by the Amendment signed at Washington on June 26, 1956, shall be carried out in accordance with the provisions of the present Agreement.

**ARTICLE XII**

**DEFINITIONS**

For the purposes of this Agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or Canada, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of Canada as "classified information".

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**C. "Equipment" means:**

(1) any instrument, apparatus or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof, and includes reactor and military reactor; and

(2) nonnuclear parts of atomic weapons systems involving Restricted Data.

✓ **D. "Non-nuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear material; and "other non-nuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.**

✓ **E. "Atomic information" means:**

(1) so far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

(2) so far as concerns information provided by the Government of Canada, information which is designated "zed information". ✓

**F. "Military reactor" means a reactor for the propulsion of naval vessels, aircraft or land vehicles and military package power reactors.**

**CONFIDENTIAL**

**CONFIDENTIAL**

G. "Reactor" means an apparatus, other than an atomic weapon, in which a controlled self-supporting fission chain reaction is maintained by utilizing uranium, plutonium or thorium, or any combination of uranium, plutonium or thorium.

H. "Persons" means:

(1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency or government corporation other than the United States Atomic Energy Commission and Atomic Energy of Canada Limited; and

(2) any legal successor, representative, agent or agency of the foregoing.

I. References in this Agreement to the Government of Canada include the Atomic Energy of Canada Limited.

### ARTICLE XIII

#### DURATION

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements

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# CONFIDENTIAL

for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties, except that, if not so terminated, Articles II and III may be terminated by agreement of both Parties, or by either Party on one year's notice to the other to take effect at the end of a term of ten years, or thereafter on one year's notice to take effect at the end of any succeeding term of five years.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Agreement.

DONE at Washington this \_\_\_\_\_ day of \_\_\_\_\_, in two original texts.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF CANADA:

# CONFIDENTIAL

ACCESS SECTION / SECTION DE L'ACCES

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RC 75      Vol.      Accession 5957      Box      File/ 50219-AK-40 pl. 4  
Dossier

Nature of document/ Technical ANNEX & Security plus  
Description du document

Appendices

No. of Pages/ 15 pgs  
Nbre de pages

Date May 11/59

Exempt/Exception, 15(1.)  
Access To Information Act/

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

Review Officer/ C.B. / DEALT  
Agent(e) d'examen

ACCESS SECTION / SECTION DE L'ACCES

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RC 25      Vol. Accession 5957      Box \_\_\_\_\_      File/ 50219-AK-40pt-4.  
Dossier

Nature of document/ WSHOC Tekex.  
Description du document

No. of Pages/ 3 pgs  
Nb de pages

Date 2/04/8/59.

Exempt/Exception, 15(1)  
Access To Information Act/  
Reason for Removal/ Loi sur l'accès à l'information  
Retrait en vertu de

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

FM WASHDC MAY8/59 RESTD

TO EXTERNAL 1122 PRIORITY

INFO LDN NATOPARIS PRIORITY

FILE COPY

50219-AK-40	
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USA-UK AGREEMENT ON MILITARY USES OF ATOMIC ENERGY

YOU WILL NO RPT NOT DOUBT KNOW FROM PRESS AND RADIO REPORTS THAT THE USA AND UK HAVE CONCLUDED AN AGREEMENT ON MILITARY USES OF ATOMIC ENERGY WHICH IS SUPPLEMENTARY TO LAST YEAR S GENERAL AGREEMENT. ACCORDING TO THE NY TIMES OF MAY7 THE AGREEMENT WAS REPORTED TO PROVIDE AS FOLLOWS:

"AN EXCHANGE OF ENRICHED USA URANIUM FOR PLUTONIUM PRODUCED IN BRITISH REACTORS.THE MATERIALS WOULD BE USED FOR MAKING ATOMIC WEAPONS IN THE USA AND BRITAIN.

FURNISHING OF DESIGN INFO ON THE CONSTRUCTION OF A NUCLEAR POWERED SUBMARINE.THE USA ALREADY HAS AGREED TO PROVIDE A REACTOR FOR A BRITISH NUCLEAR-POWERED SUBMARINE.

DETAILING OF THE WEAPONS DESIGN INFO THAT THE USA WILL PROVIDE BRITAIN UNDER LAST YEAR S GENERAL AGREEMENT."

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11 MAY 1959

2.WE HAVE SPOKEN TO ROPER(UK EMBASSY)WHO HAS SAID THAT THIS REPORT IS SOMEWHAT MISLEADING.HE INFORMED US THAT THE AGREEMENT IN QUESTION CONCERNS THE EXCHANGE OF MATERIAL(EG UK PLUTONIUM FOR USA ENRICHED URANIUM)AND WEAPON COMPONENTS WITHIN THE LIMITS OF THE MCMAHON ACT. NO RPT NO DECISION HAS YET BEEN TAKEN CONCERNING EXACTLY WHAT COMPONENTS WILL BE EXCHANGED.ROPER SAID THE AGREEMENT HAS BEEN LAID BEFORE CONGRESS AND HE EXPECTED THE TEXT WOULD BE PUBLISHED WITHIN A DAY OR TWO IN THE CONGRESSIONAL RECORD.IT WAS PUBLISHED AS A WHITE PAPER IN LDN YESTERDAY.

3.ROPER SAID THAT THE AGREEMENT WAS NOT RPT NOT CONCERNED WITH THE NUCLEAR-POWERED SUBMARINE.THIS WAS DEALT WITH IN AN EXISTING AMENDMENT TO THE BILATERAL AGREEMENT ON CIVIL USES OF ATOMIC ENERGY.UNDER THIS AMENDMENT,A CONTRACT HAS RECENTLY BEEN SIGNED FOR THE PROVISION TO THE UK OF "A REACTOR FOR A PROPULSION PLANT." REGARDING THE THIRD POINT MADE BY THE TIMES,ROPER SAID THAT THIS WAS ACTUALLY PROVIDED FOR UNDER THE GENERAL AGREEMENT CONCLUDED LAST YEAR.°

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE

4/4/59 34

FM: EXTERNAL	DATE	FILE		SECURITY	
	May 8, 1959	50219-AK-40		RESTRICTED	
TO: WASHINGTON	NUMBER	PRECEDENCE	COMCENTRE USE ONLY		
	DL-382	OPIMMEDIATE			
INFO:					

Ref.:

Subject: DRAFT BILATERAL AGREEMENT REGARDING CO-OPERATION IN THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

THE PRIME MINISTER MADE THE FOLLOWING STATEMENT  
IN THE HOUSE THIS MORNING IN ANSWER TO A QUESTION PUT TO HIM ~~BY~~  
YESTERDAY BY THE LEADER OF THE OPPOSITION:

(COMMUNICATIONS PLEASE QUOTE ATTACHED  
TEXT AS MARKED)

2. THE FOREGOING HAS BEEN TAKEN FROM THE HANSARD "BLUES" AND IS NOT THEREFORE THE OFFICIAL TEXT. FOR THIS WE SHALL HAVE TO AWAIT THE PRINTED HANSARD.
3. IF YOU FEEL THAT THE PRIME MINISTER'S STATEMENT SHOULD BE DRAWN TO THE ATTENTION OF THE STATE DEPARTMENT YOU MAY EXPRESS OUR REGRET THAT TIME DID NOT PERMIT CONSULTATION WITH THEM REGARDING THE NATURE OF THE PRIME MINISTER'S REPLY.

LOCAL Standard  
DISTRIBUTION

ORIGINATOR	DIVISION	PHONE	APPROVED BY
SIG..... F.M. Tovell NAME.....	D.L.(1)	2-3402	SIG..... J.J. MCCARDLE NAME.....

DEPARTMENT OF EXTERNAL AFFAIRS

PLEASE RETURN CLIPPING SERVICE

Subject..... *U.S. - Defense*

Date..... Publication..... *July 6*

# Anglo-US Atom Pact Expanded

Washington, May 7— (AP) —The United States today signed an agreement for transfer to Britain of non-nuclear parts of atomic weapons and for British purchase of fuel for its atomic submarine.

A more limited military atomic agreement was reached with France. Under it, the United States agrees to supply enriched uranium for a development reactor the French are working on. The French also are trying to build an atomic sub.

The Anglo - American agreement expands an atomic pact formed last August. The new amendment will go into effect unless Congress vetoes it within 60 days.

The basic Aug. 4, 1958, agreement with Britain provided for exchange of information and for sale of a reactor to drive a submarine.

## Other Countries Considered

U.S. law forbids peacetime release of atomic warheads from American custody but officials noted as a hypothetical example that an atomic bomb has mechanisms such as fuse, firing control and safety devices which would not be part of the atomic core.

U.S. officials said discussions are under way for possibly supplying an atomic submarine reactor to France. They said other NATO allies also have been invited to consider the matter.

Meanwhile, in Paris NATO disclosed the U.S. has concluded treaties with the Netherlands, West Germany, Greece and Turkey to supply them military nuclear information and to help train their armies in the use of nuclear missiles and other such weapons.

A spokesman for the North Atlantic Alliance said the treaties, concluded since May 1, are expected to be submitted to the U.S. Congress next week for ratification.

These treaties do not cover the establishment of missile bases. Missile bases are the subject of separate negotiations.

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DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: LEGAL DIVISION  
ATT: MR. BISSONNETTE  
FROM: DEFENCE LIAISON (1) DIVISION  
REFERENCE: YOUR MEMORANDUM OF MARCH 11

Security CONFIDENTIAL  
Date May 6, 1959.

File No.		
50219-AK-40		

SUBJECT: DRAFT BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION  
IN THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

Attached is file 50219-AK-40 on which you will find, flagged, the draft agreement on the above subject which is now under formal negotiation in Washington. The Department of National Defence has undertaken the collation of the views of interested Departments and Agencies of the Government on the draft as submitted to us earlier this year through the State Department. Your own views, contained in your memorandum under reference, were included with those submitted by Defence Liaison (2) and this Division. The Department of National Defence have also cleared this agreement with the Chiefs of Staff Committee and the Cabinet Defence Committee and obtained their approval for the Embassy in Washington to seek certain changes in the draft. The changes we would like to see will be found underlined in red in the flagged copy of the draft.

2. The specific instructions sent to the Embassy will be found in our telegrams DL-355 and DL-356 of April 29 to Washington and from Washington telegram 1065 of May 1 you will see that the State Department have undertaken to seek U.S. concurrence in the changes we propose.

3. We should be grateful if you could take a look at the agreement as it stands, in the light of the telegrams exchanged with Washington referred to above, and let us know as quickly as possible if you have any further observations to make. As you will note, there is some urgency to this matter inasmuch as the State Department have set a deadline of May 15 for submitting this agreement to the Joint Committee on Atomic Energy of the United States Congress. Also, it will be necessary for the Department of National Defence to obtain Cabinet approval for the agreement once we know which of the changes we have proposed the Americans will accept, and prepare the necessary full powers for Mr. Heeney to sign the agreement on behalf of the Canadian Government, all of which has to be accomplished before May 15.

4. Also attached for your comments is a draft Submission to Council which would seek the authority for the Canadian Ambassador in Washington to sign the agreement on behalf of the Canadian Government.

*Fullard*  
Defence Liaison (1) Division.


May 5, 1959.

NOTE FOR FILE 50219-AK-40

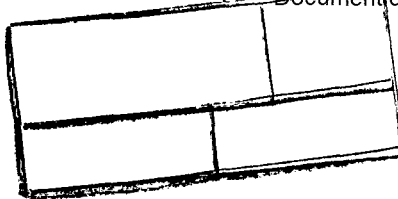
Draft Bilateral Agreement with the  
United States for Co-operation in  
the uses of Atomic Energy for  
Mutual Defence Purposes.

Reference paragraph 4 of Washington telegram 1065, May1/59.

After consulting with Legal Division I telephoned Mr. Williamson at the Embassy in Washington to say that it would be satisfactory to us if the Embassy were to initial the agreement if the State Department wished to follow this procedure but that, when initialling, the Embassy should make it clear that the draft agreement is still subject to approval by the Canadian Government. I explained to Williamson that we wished to protect ourselves in the event that the Cabinet should wish to make any further changes before giving its formal approval and authorizing the Ambassador to sign.

  
F.M. Tovell.





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FM WASHDC MAY11/59 CONFID

TO EXTERNAL 1065 OPIMMEDIATE

INFO TT CCOS OTT FM OTT

REF YOURTEL DL355 DL356 APR29

DRAFT BILATERAL AGREEMENT WITH THE USA FOR COOPERATION IN THE  
USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

AN AIDE-MEMOIRE EMBODYING THE PROPOSED AMENDMENTS TO THE  
BILATERAL CONTAINED IN YOURREFTELS WAS SUBMITTED TO THE STATE  
DEPT THIS MORNING. A COPY IS BEING FORWARDED TO YOU BY BAG.

2. AFTER A BRIEF EXAMINATION COURTNEY OBSERVED THAT HE BELIEVED  
THE MAJORITY OF THE POINTS WOULD CAUSE NO RPT NO DIFFICULTY. HE,  
HIMSELF, WAS UNCERTAIN OF THE STATUS OF THE PROPOSED REWORDING ON  
PATENTS OR THE POINT UNDER ART III, LINE 5, TO ENSURE THAT, LEGALLY,  
THE PHRASE REFERS TO QUOTE PARTS UNQUOTE AND NOT RPT NOT TO QUOTE  
SYSTEMS UNQUOTE.

3. HE THEN WENT ON TO SAY THAT HE WAS AFRAID THE REQUEST TO  
INCLUDE ROCKETS AND ASTRONAUTICAL VEHICLES IN ART XII(D) WOULD RUN  
INTO CONSIDERABLE OPPOSITION AS IT WAS A PARTICULARLY SENSITIVE  
AREA WITH THE AEC. WE ADVANCED REASONS FOR THIS INCLUSION AND THEN  
PENDER FROM THE LEGAL ADVISER S OFFICE OBSERVED THAT IT MIGHT BE  
POSSIBLE TO FORMULATE WORDS WHICH WOULD NOT RPT NOT PLACE ROCKETS  
AND ASTRONAUTICAL VEHICLES ON EXACTLY THE SAME LEVEL AS THE  
OTHERS BUT WOULD KEEP THE DOOR OPEN FOR FUTURE EXCHANGES OF INFO.  
IT WAS INDICATED THAT EVEN THIS SHOULD NOT RPT NOT BE COUNTED  
UPON. THE USA REPS THEN POINTED OUT THAT A GOOD DEAL OF TIME  
MIGHT BE REQUIRED TO EXAMINE THIS POINT BUT UNDERTOOK TO LOOK  
INTO THE QUESTION AND LET US KNOW.

4. THE PROCEDURE WILL BE TO HAVE AN AGREED TEXT INITIALLED AND  
SUBMITTED TO THE PRESIDENT (AND ON OUR SIDE TO CABINET) FOR APPRO-  
VAL. IT IS THEN RETURNED FOR FORMAL SIGNATURE AT WHICH TIME  
FULL POWERS WILL BE REQUIRED. THE AGREEMENT IS THEN PLACED BEFORE  
CONGRESS (THE JOINT COMMITTEE) AND THE TEXT OF THE AGREEMENT  
PUBLISHED IN THE CONGRESSIONAL RECORD A FEW DAYS LATER (THE  
ANNEXES AND APPENDICES REMAIN CLASSIFIED). THE STATE DEPT IS

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4 MAY 1959

PAGE TWO 0063

PREPARED TO CONCERT WITH US TO ENSURE SIMULTANEOUS ANNOUNCE-  
MENTS AND PUBLIC RELEASE AT THIS JUNCTURE WHICH IS MORE DESIR-  
ABLE FROM THEIR POINT OF VIEW THAN AT TIME OF SIGNATURE. THE  
INTENTION WOULD BE TO HAVE THE AGREEMENT SIGNED AND SUBMITTED TO  
JOINT CONGRESSIONAL COMMITTEE BY MAY 15

HEENEY<sup>7</sup>

ACCESS SECTION / SECTION DE L'ACCES

DOCUMENT REMOVED FROM FILE / DOCUMENT RETIRE DU DOSSIER

RC 25 Vol. Accession 5957 Box File 50219-AK-40 pt 4  
Dossier

Nature of document / Aide Memoire attached  
Description du document  
to WSHOC letter # 679 of May 1/59

No. of Pages / 6 pgs. Date May 1/59  
Nbre de pages

Exempt/Exception, 15(1)  
Access To Information Act/  
Reason for Removal / Loi sur l'accès à l'information  
Retrait en vertu de

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

National Archives  
of Canada

Archives nationales  
du Canada

Ottawa, Canada  
K1A 0N3

RG 25

Vol. 5957

File # 50219-AK-40 pt. 4

48 pgs

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

Canada

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Done  
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15 JUN 1959	

FM WASHDC JUN12/59 CONFD CDN EYES ONLY

TO EXTERNAL 1479 PRIORITY

INFO EMBPARIS NATOPARIS PRIORITY

BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENCE PURPOSES

WHEN WE WERE SEEING PARKER(CDN DESK)THIS AFTERNOON ABOUT ANOTHER  
MATTER,HE VOLUNTEERED THAT HE HAD SPENT MOST OF THE DAY SITTING  
IN ON THE EXECUTIVE SESSION OF THE CONGRESSIONAL JOINT COMMITTEE  
FOR COOPERATION ON ATOMIC ENERGY MATTERS.THE CDN AGREEMENT HAD  
BEEN APPROVED AS A MATTER OF COURSE.THE COMMITTEE HAD THEN GONE  
ON TO CONSIDER THE AGREEMENTS WITH OTHER NATO COUNTRIES INCLUDING  
THAT WITH FRANCE.PARKER SAID THAT THE COMMITTEE WAS DEVOTING  
MOST OF ITS ATTENTION TO THE AGREEMENT WITH FRANCE AND,AS HE  
DESCRIBED IT,QUOTE GIVING IT A ROUGH TIME UNQUOTE.THERE WAS CON-  
SIDERABLE RELUCTANCE MANIFEST IN THE DISCUSSION TO AGREE TO IT  
AS A RESULT OF RECENT STRICTURES PRESIDENT DEGAULLE HAS BEEN  
PLACING ON FRENCH PARTICIPATION IN NATO AND PARTICULARLY ON THE  
NATO STOCKPILING OF NUCLEAR WEAPONS WHICH WAS FORCING GENERAL  
NORSTAD TO REDEPLOY USAF FIGHTER BOMBERS NOW STATIONED IN FRANCE.

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18 JUN 1959

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FM WASHDC JUN11/59 SECRET

TO EXTERNAL 1451 PRIORITY  
INFO NATOPARIS JUN16/59  
REF YOURTEL DL473 JUN10

BILATERAL AGREEMENT FOR COOPERATION ON THE USES OF ATOMIC ENERGY  
FOR MUTUAL DEFENCE PURPOSES

WE SAW FESSENDEN (ACTING DIRECTOR OF THE OFFICE OF EUROPEAN REGIONAL  
AFFAIRS) THIS AFTERNOON AND INFORMED HIM OF YOUR DESIRE TO MAKE A  
SHORT STATEMENT TO THE NATO COUNCIL CONCERNING THIS AGREEMENT.

HE SAID THAT YOU WOULD BE HAPPY TO RECEIVE THE STATE DEPT S COMMENTS  
AND RAISED THE OTHER POINTS IN PARA 7 OF YOUR TEL CONCERNING CONSUL-  
TATION IN PARIS ON TIMING AND THE POSSIBILITY OF THE USA REP ALSO  
MAKING A STATEMENT TO COUNCIL.

2. FESSENDEN S INITIAL REACTION WAS THAT HE COULD SEE NO RPT NO  
OBJECTION IN PRINCIPLE TO OUR PROPOSED COURSE OF ACTION. HE PROMISED  
TO TAKE IT UP IMMEDIATELY WITH OTHERS CONCERNED AND TO LET US KNOW  
AS SOON AS POSSIBLE THE OFFICIAL USA REACTION."

# SECRET

## TECHNICAL ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The following implementing provisions are agreed between the Government of the United States and the Government of Canada in connection with Articles II, III and IV of the Agreement signed at Washington this day for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as "the Agreement"), of which this Annex is a part:

### SECTION I

With respect to Article II and subject to the terms and conditions of the Agreement:

A. The types of atomic information which will be transferred by either Government 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. Methods and procedures for analysis of the response of structures, equipment and personnel to the effects of atomic weapons.
4. Characteristics of atomic weapons required for attainment of delivery capability with specified atomic weapons.

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5. Information required for attainment of compatibility of specified atomic weapons with specified delivery vehicles.
6. Information regarding delivery systems, including tactics and techniques and duties of maintenance, assembly, delivery and launch crews required for attainment of delivery capability with specified nuclear weapons.
7. Safety features of specified atomic weapons and of the operational systems associated with such weapons, and such information necessary and appropriate for salvage and recovery operations incident to a weapon accident.
8. Planning for, and training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy, including information concerning (a) defense against radiological warfare, (b) military use of isotopes for medical purposes and (c) assembly, maintenance, operation or use of military reactors.
9. Information and estimates, including United States and Canada design information, in order to permit the evaluation of the capabilities of potential enemy nations for atomic warfare and other military applications of atomic energy.
10. Information regarding civil defense against atomic attacks.
11. Information regarding logistic aspects of cooperation between the two countries involving nuclear weapons or

SECRET

other military applications of atomic energy, including such information concerning the numbers, location, types, yields and fuzing options of atomic weapons as may be necessary for mutual defense planning and for the storage requirements for such weapons.

B. It is understood that other military applications of atomic energy include military reactors.

C. The exchange of atomic information may be carried out through such means as cooperation in tests, trials, exercises, training programs, combined defense operations, staff and operational research studies and intelligence activities.

## SECTION II

With respect to Article III and subject to the terms and conditions of the Agreement, the Government of the United States will transfer nonnuclear parts of atomic weapons systems involving atomic information only as such parts are necessary for:

- A. Attainment of compatibility of specified atomic weapons with specified delivery vehicles; and/or
- B. Attainment of effective delivery capability with specified atomic weapons; and/or
- C. Attainment of an effective operational readiness capability with specified atomic weapons and their specified delivery vehicles.

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DONE at Washington this \_\_\_\_\_ day of \_\_\_\_\_,  
in two original texts.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

*[Signature]* *gath.* *WW*

FOR THE GOVERNMENT OF CANADA:

*D. P. J.*

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OUTGOING MESSAGE

FM: EXTERNAL OTTAWA	13-5-59	50219-AK-40		SECURITY  CONFED.			
		70	50				
TO: M WASHINGTON	NUMBER		PRECEDENCE	COMCENTRE USE ONLY			
	DL 393		OPIMMEDIATE				
INFO: CCOS							

Ref.: YOUR LETTER 725 OF MAY 11

Subject: DRAFT BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION  
IN THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

CABINET HAS TODAY GIVEN ITS GENERAL APPROVAL TO THE  
FORWARDED  
TEXT OF THE DRAFT ENCLOSED UNDER COVER OF YOUR LETTER UNDER REF-  
ERENCE INCORPORATING THOSE SUGGESTIONS WE MADE EARLIER WHICH ARE  
ACCEPTABLE TO THE UNITED STATES AUTHORITIES AND SOME FURTHER CHANGES  
PROPOSED BY THEM WITH, HOWEVER, ONE EXCEPTION, NOTED IN PARAGRAPH TWO  
BELOW. YOU MAY, THEREFORE, INDICATE TO THE STATE DEPARTMENT THAT,  
WITH THIS EXCEPTION, THEIR SECOND DRAFT IS ACCEPTABLE TO US.  
SPECIFICALLY, YOU MAY SAY THAT WE CAN ACCEPT THE FOLLOWING:

PREAMBLE, PARAGRAPH 3:

"AN INTERNATIONAL ARRANGEMENT" INSTEAD OF "INTERNATIONAL  
ARRANGEMENTS".

ARTICLE VI, PARAGRAPH B:

ADD AFTER "ATOMIC WEAPONS;" "OR NON-NUCLEAR PARTS  
OF ATOMIC WEAPONS".

/2

LOCAL  
DISTRIBUTION

ORIGINATOR	DIVISION	PHONE	APPROVED BY
SIG..... F.M.Tovell/ih NAME.....	D.L.(1)	67509	Original Signed by SIG..... DOUGLAS LEPAN..... NAME.....000875

-2-

ARTICLE VIII, PARAGRAPH A:

INSERT AT BEGINNING "IT IS NOTIFIED BY THE  
ORIGINATING PARTY THAT", INSERT "THE ORIGINATING  
PARTY'S" BEFORE "APPLICABLE LAWS" AND THROUGHOUT  
THIS PARAGRAPH AND PARAGRAPH B FOR "SUCH OTHER"  
READ "THE ORIGINATING".

ARTICLE X, PARAGRAPH A 1:

<sup>REPLACE</sup>  
~~FOR~~ "THE AGREEMENT" <sup>IS</sup> READ "THIS AGREEMENT".

PARAGRAPH A 2-2':

<sup>REPLACE</sup>  
~~FOR~~ "PATENT APPLICATION" <sup>IS</sup> READ "PATENTS APPLICATION".

ARTICLE XII, NEW PARAGRAPH D:

As proposed by the STATE DEPARTMENT.

NEW PARAGRAPH E:

AS PROPOSED BY THE STATE DEPARTMENT.

NEW PARAGRAPH I:

AS PROPOSED BY THE STATE DEPARTMENT.

ARTICLE XIII:

AS REDRAFTED BY THE STATE DEPARTMENT.

2. THE ONE EXCEPTION REFERRED TO ABOVE RELATES TO  
PARAGRAPH 11 OF APPENDIX A TO THE SECURITY ANNEX. THE CABINET WAS  
UNABLE TO ACCEPT THE WORDS IN PARENTHESIS AND WOULD PREFER THEIR  
DELETION SO THAT THE PHRASE WOULD READ "TO TESTIFY BEFORE A COURT  
OR CONGRESSIONAL COMMITTEE REGARDING CHARGES OF ...". THE REASON  
FOR THIS IS THAT IN CANADA THE PRIVILEGE AGAINST SELF-INCRIMINATION  
MAY ONLY BE PLEADED BEFORE A COURT OF LAW AND OUR PARLIAMENTARY  
COMMITTEES DO NOT HAVE INVESTIGATIVE POWERS. THUS, THERE WOULD NOT  
BE ANY "OTHER COMPETENT BODIES". IF THE U.S. AUTHORITIES CANNOT  
ACCEPT THE DELETION OF THE WORDS IN PARENTHESIS, WE WOULD BE ABLE  
TO ACCEPT THESE WORDS LESS "IN CANADA".

3. AS YOU WILL HAVE INFERRED FROM THE FOREGOING, WE  
WILL NOT INSIST ON THE INCLUSION OF THE WORDS "ROCKETS, ASTRONAUTICAL"  
IN THE DEFINITION OF "MILITARY REACTOR" (NEW PARAGRAPH F) NOR ON  
THE INCLUSION OF OUR PROPOSED PARAGRAPH D TO SECTION II OF THE  
TECHNICAL ANNEX.

-3-

4. WE ASSUME THAT YOU WILL LET US KNOW AS QUICKLY AS POSSIBLE WHETHER THE U.S. AUTHORITIES WILL ACCEPT OUR VIEW WITH REGARD TO PARAGRAPH 11 OF APPENDIX A TO THE SECURITY ANNEX. PROVIDED THEY CAN AGREE TO EITHER OF THE TWO VERSIONS GIVEN ABOVE WE ALSO ASSUME THAT THE STATE DEPARTMENT WILL IMMEDIATELY UNDERTAKE THE PREPARATION OF THE AGREEMENT FOR INITIALLING. THE PREPARATION OF YOUR FULL POWERS IS NOW UNDER WAY AND IN THE EVENT THAT THEY MAY NOT REACH YOU IN SUFFICIENT TIME WE WILL SEND YOU A SEPARATE TELEGRAM WHICH YOU MAY SHOW TO THE STATE DEPARTMENT AS AUTHORITY FOR YOU TO SIGN.

5. WE HAVE NOTED FROM YOUR TELEGRAM 1065 OF MAY 1 THAT THE STATE DEPARTMENT IS PREPARED TO CONCERT WITH US TO ENSURE SIMULTANEOUS ANNOUNCEMENT AND PUBLIC RELEASE OF THE MAIN AGREEMENT. WE ALSO NOTE THAT THE TEXT OF THE AGREEMENT WOULD BE PUBLISHED IN THE CONGRESSIONAL RECORD AFTER IT HAS BEEN SUBMITTED TO THE JOINT COMMITTEE. PRESUMABLY THE PRESS RELEASE THE STATE DEPARTMENT HAVE IN MIND WOULD BE ISSUED THE SAME DAY THE AGREEMENT IS PUBLISHED IN THE CONGRESSIONAL RECORD. WE CAN FORESEE DIFFICULTIES IF THIS PROCEDURE IS FOLLOWED. WE WOULD PREFER THAT THE AGREEMENT BE MADE PUBLIC AT THE TIME OF SIGNATURE IN ORDER THAT IT COULD BE MADE AVAILABLE TO PARLIAMENT IF THE GOVERNMENT SO DECIDES, AT THE SAME TIME AS IT IS MADE AVAILABLE TO THE CONGRESS. YOU COULD RECALL TO THE STATE DEPARTMENT THAT THIS WAS THE PROCEDURE FOLLOWED IN THE CASE OF THE U.S.-U.K. AGREEMENT OF LAST SUMMER (STATE DEPARTMENT PRESS RELEASES NOS. 384 AND 384-A OF JULY 3).

**CONFIDENTIAL**

MAY 6—1959—

**SECURITY ANNEX TO THE AGREEMENT  
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF CANADA FOR COOPERATION ON THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES**

The following are the security arrangements between the Government of the United States and the Government of Canada for the protection of atomic information and materials exchanged pursuant to the Agreement signed at Washington on this date for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as "The Agreement"), of which this Annex is a part:

**I. PERSONNEL SECURITY**

A. No individual shall be entitled to access to atomic information solely by virtue of rank, appointment or security clearance. Access to atomic information shall be afforded only to those individuals whose official duties require such access and who have been cleared in accordance with the standards prescribed in this Annex. No individual shall be granted security clearance unless it is affirmatively determined that such clearance will not endanger the national security.

B. Prior to affording access to atomic information, a determination of eligibility (decision to grant security clearance) for each individual to be afforded such access shall be made by a responsible government authority.

C. The decision as to whether the granting of a clearance will not endanger the national security shall be a determination based on all available information. Prior to this determination, an investigation shall be conducted by a responsible government authority and the information thus developed will be reviewed in the light of criteria such as those set forth in Appendix A to this Annex. The Parties agree that these criteria may be revised from time to time by mutual consent as experience and circumstances may make desirable.

D. The minimum scope and extent of such investigation shall be related to the nature and significance of the access to be afforded in accordance with the standards set out in Appendix B to this Annex.

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E. 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 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 shall institute immediately the procedures necessary to satisfy the full clearance requirements set forth in the above paragraphs.

F. Each establishment handling atomic information shall maintain an appropriate record of the clearance of individuals authorized to have access to such information at that establishment. Each clearance shall be reviewed, as the occasion demands, to insure that it conforms with the current standards applicable to the individual's employment, and shall be re-examined as a matter of priority when new information is received which indicates that continued employment involving access to atomic information may no longer be consistent with the interests of security.

G. Effective liaison shall be maintained in each country between the national agencies responsible for national security and the agency responsible for the clearance determination and program execution to assure prompt notification of information with derogatory implications developed subsequently to the grant of security clearance.

## II. PHYSICAL SECURITY

A. Atomic information shall be protected physically against espionage, sabotage, unauthorized access or any other hostile activity. Such protection shall be commensurate with the importance of the security interest involved.

B. Programs for physical security of atomic information shall be established so as to assure:

1. Proper protection of properties and materials on hand for immediate use, in storage or in transit.
2. The establishment of security areas, with controlled access, when deemed necessary by reason of the sensitivity, character, volume and

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use of the classified properties and materials and the character and location of the building or buildings involved. Perimeter barriers (natural or structural) shall be established when considered necessary to prevent or impede access by unauthorized individuals because of the particular sensitivity or revealing characteristics of the properties or materials involved.

3. A system of controlled access which shall embody procedures for authorization by the competent authority concerned, accurate methods of personnel identification, and accountability for identification media, and a means of enforcing limitations on movement and access to security areas.

### III. CONTROL OF CLASSIFIED INFORMATION

A. Document and information control programs shall be maintained which will have for their basic purposes:

1. Classification in strict accord with the sensitivity of the information involved.
2. Control of access.
3. Ready accountability commensurate with the degree of sensitivity.
4. Continuous review for purposes of downgrading or declassification.
5. Destruction when no longer needed.

B. Information or material shall be classified strictly in accordance with agreed classification policies. The authority to classify atomic information shall be granted to the minimum number of individuals and at the highest administrative levels consistent with operational requirements and such individuals shall be charged with strict compliance with classification standards.

To promote uniformity, the following special rules shall be observed:

1. Documents shall be classified according to content and not necessarily according to relationship to other documents.
2. Classification of a file or group of documents physically connected shall be at least as high as that of the most highly classified document therein.
3. Each document shall bear only one classification, even though separate pages, paragraphs, sections or components thereof may bear different

CONFIDENTIAL

classifications and the over-all classification shall be at least as high as the highest classified portion of the document.

4. Documents and material shall be conspicuously marked so that current classifications are clearly visible and readily understandable.

5. When a document is reproduced, all original security markings thereon shall also be reproduced or shown on each reproduction.

C. Except when in authorized transit, the use of atomic information shall be limited to locations approved by the competent authority concerned. Except during the periods when such information is in use by authorized personnel, it shall be stored in repositories of approved design and construction.

D. Requirements for intra-nation transmission of atomic information made available by the other government shall be as follows:

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

2. Secret and Confidential atomic information by official courier or registered mail within the postal systems of the nation.

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

E. Top Secret atomic information shall be transmitted between the United States and Canada by means of diplomatic pouch, by military, diplomatic or other official courier.

F. Secret and Confidential atomic information shall be transmitted between the United States and Canada by official courier or by United States and Canadian Registered Mail with registered mail receipts.

G. Accountability procedures shall be established to control dissemination of documents containing Top Secret or Secret atomic information, including the assignment of accountability numbers to documents containing Top Secret atomic information. Top Secret control officers will be designated to maintain accountability registers for the receipt and dispatch of Top Secret documents. Receipts shall be used to evidence transfer of Top Secret, Secret, and, when appropriate, Confidential documents.

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H. Documents containing atomic information, when no longer needed, shall be destroyed by burning, shredding, pulping, or any other method which assures complete destruction of the information contained therein. Work sheets, carbon paper, stenographer notes, imperfect copies and similar material which warrants classification shall be safeguarded and destroyed in the manner prescribed for documents of the same classification. Destruction of Top Secret, Secret, and receipted Confidential documents shall be evidenced by appropriate entries in accountability records.

#### IV. GENERAL REQUIREMENTS

A. Security Assurances. It is recognized that exchange information shall cause individuals in the United States program to visit Canada and vice versa. In furtherance of this activity, the responsible authority of the sponsoring country shall furnish (in advance) to the responsible authority of the country to be visited, an assurance in writing, that the visitor has been found eligible for access to classified information in the sponsoring country. This assurance shall include the following data:

1. Full name (not initials) of the visitor;
2. Date and place of birth;
3. Citizenship;
4. Current residence address;
5. Official title or description of official position;
6. The kind of security clearance granted the individual and the scope of investigation upon which the clearance determination was based.

B. Security of Classified Contracts. Every classified contract, sub-contract, consultant agreement or other arrangement entered into by either Party to the Agreement, and relating to information exchanged under the Agreement, shall contain appropriate clauses imposing obligations to abide by the security arrangements set forth in this Annex.

C. Security Education. Responsibility for maintenance of adequate security shall rest at various executive and administrative levels and each individual

**CONFIDENTIAL**

shall be required to observe proper security measures. To assure that all individuals authorized access to atomic information are properly advised, the Parties to the Agreement agree to maintain an adequate program to inform all persons of their responsibilities under the Agreement, including a specific initial indoctrination and orientation, periodic re-emphasis of individual responsibilities and a termination interview, stressing the continuing responsibilities for protection of atomic information.

D. Loss or Compromise. In event of loss or possible compromise of atomic information exchanged under the Agreement, any individual having knowledge of such loss or compromise is charged with responsibility for promptly reporting such loss or compromise to the appropriate official of his Government. The Government shall undertake an immediate investigation into the circumstances surrounding the incident. The Government which initiated the information shall be notified promptly of the loss or compromise and the findings of the investigation.

E. Reports. Each Government shall from time to time submit such reports as are requested concerning the information transmitted under the Agreement and the dissemination of information on which particular restrictions have been placed by the other Government.

F. Facility Index. Appropriate records of approved non-Government facilities shall be maintained.

V. CONTINUING REVIEW OF SECURITY SYSTEM.

It is recognized that effective and prompt implementation of the security policies can be materially advanced through reciprocal visits of security personnel. Accordingly, it is agreed to continue thorough exchange of views relative to security policies, standards and procedures and to permit respective security working groups to examine and view at first hand the implementing procedures of the agencies responsible for the administration of the atomic energy programs, such action to be undertaken with a view to achieving an understanding of adequacy and reasonable comparability of the respective systems.

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**VI. DEFINITION**

As used in this Annex the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" or "Formerly Restricted Data";

2. So far as concerns information provided by the Government of Canada, information which is designated "ZED Information".

Done at Washington this \_\_\_\_\_ day of \_\_\_\_\_, 1959, in two original texts.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

*[Signature]* *gall* *NW*

FOR THE GOVERNMENT OF CANADA:

*A. J. P. I.*

**CONFIDENTIAL**

APPENDIX A TO SECURITY ANNEX TO THE AGREEMENT  
BETWEEN THE GOVERNMENTS OF THE UNITED STATES  
AND CANADA FOR COOPERATION ON THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

CRITERIA USED FOR DETERMINING  
ELIGIBILITY FOR SECURITY CLEARANCE

The acts, activities and associations listed below contain the principal types of derogatory information which create a question as to the individual's eligibility for security clearance. This listing is not all inclusive but may be supplemented from time to time as the occasion warrants.

Concerning the individual or his/her spouse.

1. Commission of any act of sabotage, espionage, treason or sedition, or attempts thereat or preparation therefor, or conspiring with or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason or sedition.
2. Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests are inimical to the interests of the parties, or with any person who advocates the use of force or violence to overthrow the governments of the parties or the alteration of the form of government of the parties by unconstitutional means.
3. Publicly or privately advocated revolution by force or violence to overthrow the governments of the parties or the alteration of the form of government of the parties by unconstitutional means.
4. Held membership in, or affiliation or sympathetic association with any organization or group which has in the United States been declared by the Attorney General, or in Canada has been determined by competent Government authority to be Totalitarian, Fascist, Communist, subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the constitutions of the parties, or as seeking to alter the form of the government of the parties by

**CONFIDENTIAL**

Constitutional means, provided the individual did not withdraw from such membership when the organization was so identified, or otherwise establish his rejection of its subversive aims; or prior to such declaration or determination, participated in the activities of such an organization in a capacity where he should reasonably have had knowledge as to the subversive aims or purposes of the organization.

5. Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of national security.

Concerning the Individual:

6. Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

7. Any deliberate misrepresentations, falsifications, or omissions of material fact.

8. Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

9. Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the individual with due regard to the transient or continuing effect of the illness and the medical findings in such case.

10. Intentional unauthorized disclosure to any person of classified information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

11. Refused, upon the grounds of constitutional or statutory privilege against self-incrimination, to testify before a court or Congressional Committee regarding charges of his alleged disloyalty or other misconduct.

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## CONFIDENTIAL

### APPENDIX "B" TO SECURITY ANNEX TO AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

#### STANDARDS FOR SCOPE AND EXTENT OF INVESTIGATION

1. Each party may have more than one kind of security clearance for access to atomic information. If more than one kind is established and used, each kind must be identified as to:

- a. Limitations of access; and
- b. Scope of investigation for determining eligibility.

2. Access to atomic information classified no higher than "Confidential" may be afforded an individual following a clearance determination based on the results of a national agency check or a check of records held by governmental departments, agencies, or military units. Additionally, on the basis of a clearance determination of this same kind, visual access to buildings and equipment classified "Secret" may be afforded craft or manual workers, community management or service workers, nurses, medical technicians, cafeteria workers, health and safety workers, purchasing and accounting workers and the like who are employed in classified construction or operations areas. Any other individual afforded access to atomic information classified higher than "Confidential" shall have been granted security clearance following the conduct of a full field investigation. Notwithstanding the foregoing provisions of this paragraph, access to Top Secret atomic information may be afforded to military personnel of the parties on the basis of a suitable background investigation, including a national agency check; and access to Secret atomic information may be afforded to military, civilian, and contractor personnel of the military establishments of the Parties on the basis of a national agency check.

#### 3. Definitions

a. National Agency Check means inquiry relative to an individual's character, associations, loyalty and trustworthiness through:

- (1) check of arrest or criminal records (through medium of fingerprints or other adequate procedure), and



CONFIDENTIAL

(2) check of appropriate national agency investigative, criminal, intelligence, and subversive files.

b. Full Field Investigation consists of inquiry relative to an individual's character, associations, loyalty and trustworthiness through:

- (1) a national agency check as above described, and
- (2) open inquiry into the background of the individual.

The open inquiry shall be conducted in person and shall include interviews with persons acquainted with the individual's character and where appropriate interviews in the neighborhood in which the individual resides and has resided. The open inquiry shall cover a sufficient period of the life span of the individual and shall develop material facts relative to education; experience; periods of unemployment; self-employment; foreign employment; dismissals from employment; mental and emotional stability (when appropriate), character, habits, morals; arrests and convictions; marital status, citizenship; military service, date and place of birth; and organization membership.

4. In the event that further information is considered necessary, or in the event that derogatory or questionable information is disclosed, the inquiry will be extended as necessary to obtain such additional information as may be required to provide a sound basis for determining whether or not the security clearance should be granted.

CONFIDENTIAL

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

file  
2

TO: THE UNDER-SECRETARY *D.I.P.*

CONFIDENTIAL  
Security .....

Date May 12, 1959.

FROM: DEFENCE LIAISON (1) DIVISION

File No.

REFERENCE: *I think this letter might still go to Gen. Foulkes in*

*50219-AK-40*  
*L.H.*  
*in spite of his call to*

SUBJECT: DRAFT BILATERAL AGREEMENT WITH THE UNITED STATES FOR COOPERATION  
IN THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES. *you then morning. H/d*

As you know, the Cabinet Defence Committee has given its general approval to a draft agreement submitted to us by the United States on the above subject and authorized the Embassy in Washington to negotiate certain changes which the Departments and Agencies of the Canadian Government concerned would like to see. These suggestions were put to the State Department who, after consulting with the Department of Defence and Atomic Energy Commission, have informed us that they are all acceptable except for the following (attached is a copy of the proposed agreement with underlinings and marginal notations for ready reference):

(a) Article XII, Paragraph D.

The United States authorities will not accept the expansion of the definition of military reactors to include reactors for the propulsion of rockets and astronautical vehicles. The reason they have given for their reluctance to do so is that the Atomic Energy Commission has not yet reached the stage of a programme in which they could make a commitment. They are not precluding indefinitely any exchange of information on these types of vehicles, however, as they feel that at a suitable time an amendment could be made to the agreement. We understand that the Department of National Defence are not likely to press this point, particularly as to do so would only delay reaching final agreement. In any event, we should perhaps defer to their judgment.

(b) Article XIII.

The United States authorities prefer their original wording of the first four lines of this clause but to meet our point suggest that line three be revised as follows: "That it has complied with all legal requirements for the entering into force of this agreement". This wording is satisfactory to Legal Division.

(c) Technical Annex, Section II, Paragraph D.

The United States do not feel able to accept this suggested paragraph on the grounds that the provision would have no meaning since there would be no way of fulfilling a commitment in connection with which information has already been made available or can be made available independently of the agreement. Although this is primarily a matter of interest to National Defence it is our understanding that the point of issue here is not so much the question of information (which would be covered by Paragraph 7, Section I, of the Technical Annex) as of "hardware" which might be involved. Whether or not we should insist on inclusion of this paragraph is also,

CIRCULATION

think, a matter on which we should defer to National Defence.

(d) Security Annex, Appendix A, Paragraph 2.

The United States have suggested that instead of inserting the words "Committee or other competent body" in the place of "or Parliamentary Committee" there be inserted the phrase "Committee or, in Canada, before other competent bodies". As this is not really much of an improvement and as the only "competent body" in Canada would be a court of law, we would suggest deleting the words "or, in Canada, before other competent bodies" so that the phrase would read "Testify before a court or Congressional Committee regarding charges ...". Mr. Bryce has made this suggestion and we agree with it.

2. In addition to the foregoing, the United States authorities have proposed the following changes to their own draft.

(a) Preamble, Paragraph 3.

They suggest the words "An international arrangement" instead of "International arrangements". Although we could claim that this phrase should be left in the plural inasmuch as we are members of two defence arrangements with the United States, NATO and NORAD, the definition of the term in the United States Atomic Energy Act ("The term 'international arrangement' means any international arrangement hereafter approved by the Congress or any treaty during the time such agreement or treaty is in full force and effect, but does not include any agreement for co-operation") would cover only NATO since NORAD was never formally approved by Congress. We should perhaps, therefore, accept this change.

(b) Article VI, Paragraph B.

The Americans would like to add the following words after "Atomic weapons": "And of non-nuclear parts of atomic weapons". We should probably have to accept this since Section 91 C (1) of the Atomic Energy Act provides that such parts may only be transferred to a nation which has made "substantial progress in the development of atomic weapons".

(c) Article VIII.

The changes the Americans would like to make in this Article are for clarification purposes and seem acceptable.

(d) Article XII.


In order to clarify any possible ambiguity in the latter phrase of Article III the Americans propose a new definition for Article XII which would be numbered "D" and which would read: "Non-nuclear parts of atomic weapons means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear material; and other non-nuclear parts of atomic weapons systems involving restricted data means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material". Here again we should perhaps defer to National Defence. They also propose the removal from the Technical Annex of the definition of the term "atomic ~~energy~~" and placing it in Article XII. We can see no objection to this. They also propose, instead of our suggestion for a definition of "parties" so as to make it clear that on the Canadian side Atomic Energy of Canada Limited would be involved, a simple statement that "references in this agreement to the

infor-  
mation

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Government of Canada include the Atomic Energy of Canada Limited". This, too, would appear satisfactory.

3. Attached for your consideration is a letter to the Chairman, Chiefs of Staff, informing him both that, with one exception, the suggestions and counter-proposals put forward by the Americans are agreeable to us and that we are prepared to defer to his judgment as to whether we should insist on the inclusion of Paragraph D of Section II of the Technical Annex and the inclusion of the words "Rockets, astronautical" in the definition of "military reactor" in Article XII. We also ask the CCOS for his views as to whether the proposed definition of non-nuclear parts of atomic weapons and non-nuclear parts of atomic weapons systems is agreeable to him. On the assumption that the Department of National Defence would be agreeable to these changes and would not insist on the inclusion of Paragraph 11 D of the Technical Annex and the words "Rockets, astronautical" in the definition of military reactors, we are also asking General Foulkes if, in the interests of time, he would concur in our view that the agreement should go to the Cabinet before the Embassy in Washington is instructed to express the Government's concurrence with the agreement as a whole, including the United States' further proposals (with the exception of Paragraph 11 of Appendix A of the Security Annex).

  
Defence Liaison (1) Division.

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FM WASHDC MAY11/59 CCNFD

TO EXTERNAL 1135 0PIMMEDIATE

REF OURTEL 1127 MAY8

DRAFT BILATERAL AGREEMENT WITH USA FOR COOPERATION IN THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES.

WE SPOKE TO COURTNEY(OFFICE OF SPECIAL ASSISTANT TO THE SECRE-  
TARY FOR DISARMAMENT AND ATOMIC ENERGY)THIS AFTERNOON CONCERNING  
THE REASON WHY THE USA AUTHORITIES PREFERRED NOT RPT NOT TO INCLUDE  
YOUR SUGGESTED ADDITIONAL PARA TO THE TECHNICAL ANNEX,SECTION  
2(D):QUOTE ATTAINMENT OF AN EFFECTIVE RENDER-SAFE CAPABILITY  
WITH SPECIFIC ATOMIC WEAPONS AND THEIR SPECIFIC DELIVERY

SYSTEM UNQUOTE.(PARA3(G)OF OURTEL:COURTNEY SAID HE UNDERSTOOD  
THAT THE EXPLANATION WAS THAT THE INFO REQUIRED HAS ALREADY BEEN  
MADE AVAILABLE BY OTHER MEANS AND THE DEPT OF DEFENCE WOULD GIVE  
IN THE FUTURE WHATEVER INFO THEY COULD PROVIDE.COURTNEY UNDER-  
STOOD THEREFORE THAT THE PROVISION WOULD HAVE NO RPT NO MEAN-  
ING SINCE THERE WOULD BE NO RPT NO WAY OF FULFIYLING A COMMIT-  
MENT IN CONNECTION WITH WHICH INFO HAS ALREADY BEEN MADE  
AVAILABLE OR CAN BE MADE AVAILABLE INDEPENDENTLY OF THE AGREEMENT.

2.IN DISCUSSIONS WE HAVE HAD WITH OFFICERS OF CJS OUR UNDER-  
STANDING IS THAT IT IS NOT RPT NOT SO MUCH A QUESTION OF INFO  
THAT THIS PARTICULAR SECTION OF THE ANNEX IS CONCERNED WITH BUT  
RATHER AS THE SECTION SPECIFIES;QUOTE PARTS OF ATOMIC WEAPONS  
SYSTEM INVOLVING ATOMIC INFO...UNQUOTE OUR UNDERSTANDING IS  
THAT IN ANY (EVENT) SECTION 2(A)(7)COVERS THE POINT OF INFO IN THAT  
IT INDICATES THAT ATOMIC INFO WOULD BE FORTHCOMING ON QUOTE  
SAFETY FEATURES OF SPECIFIED ATOMIC WEAPONS AND OPERATIONAL  
SYSTEMS ASSOCIATED WITH SUCH WEAPONS,AND SUCH INFO NECESSARY AND  
APPROPRIATE FOR SALVAGE AND RECOVERY OPERATIONS INCIDENT TO A  
WEAPON ACCIDENT:UNQUOTE

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12 MAY 1959

**SECRET**

Revised 8 May 1959

This document consists of 4 pages

Copy No. 18 of 25, Series B

**TECHNICAL ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR  
COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL  
DEFENSE PURPOSES**

The following implementing provisions are agreed between the Government of the United States and the Government of Canada in connection with Articles II, III and IV of the Agreement signed at Washington this day for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as "the Agreement"), of which this Annex is a part:

**SECTION I**

With respect to Article II and subject to the terms and conditions of the Agreement:

A. The types of atomic information which will be transferred by either Government 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. Methods and procedures for analysis of the response of structures, equipment and personnel to the effects of atomic weapons.
4. Characteristics of atomic weapons required for attainment of delivery capability with specified atomic weapons.

**SECRET**

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## SECRET

5. Information required for attainment of compatibility of specified atomic weapons with specified delivery vehicles.
6. Information regarding delivery systems, including tactics and techniques and duties of maintenance, assembly, delivery and launch crews required for attainment of delivery capability with specified nuclear weapons.
7. Safety features of specified atomic weapons and of the operational systems associated with such weapons, and such information necessary and appropriate for salvage and recovery operations incident to a weapon accident.
8. Planning for, and training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy, including information concerning (a) defense against radiological warfare, (b) military use of isotopes for medical purposes and (c) assembly, maintenance, operation or use of military reactors.
9. Information and estimates, including United States and Canada design information, in order to permit the evaluation of the capabilities of potential enemy nations for atomic warfare and other military applications of atomic energy.
10. Information regarding civil defense against atomic attacks.
11. Information regarding logistic aspects of cooperation between the two countries involving nuclear weapons or



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other military applications of atomic energy, including such information concerning the numbers, location, types, yields and fuzing options of atomic weapons as may be necessary for mutual defense planning and for the storage requirements for such weapons.

B. It is understood that other military applications of atomic energy include military reactors.

C. The exchange of atomic information may be carried out through such means as cooperation in tests, trials, exercises, training programs, combined defense operations, staff and operational research studies and intelligence activities.

## SECTION II

With respect to Article III and subject to the terms and conditions of the Agreement, the Government of the United States will transfer non-nuclear parts of atomic weapons systems involving atomic information only as such parts are necessary for:

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- A. Attainment of compatibility of specified atomic weapons with specified delivery vehicles; and/or
- B. Attainment of effective delivery capability with specified atomic weapons; and/or
- C. Attainment of an effective operational readiness capability with specified atomic weapons and their specified delivery vehicles.

DONE at Washington this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in two original texts.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF CANADA:

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## SECURITY ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The following are the security arrangements between the Government of the United States and the Government of Canada for the protection of atomic information and materials exchanged pursuant to the Agreement signed at Washington on this date for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as "The Agreement"), of which this Annex is a part:

### I. PERSONNEL SECURITY

A. No individual shall be entitled to access to atomic information solely by virtue of rank, appointment or security clearance. Access to atomic information shall be afforded only to those individuals whose official duties require such access and who have been cleared in accordance with the standards prescribed in this Annex. No individual shall be granted security clearance unless it is affirmatively determined that such clearance will not endanger the national security.

B. Prior to affording access to atomic information, a determination of eligibility (decision to grant security clearance) for each individual to be afforded such access shall be made by a responsible government authority.

C. The decision as to whether the granting of a clearance will not endanger the national security shall be a determination based on all available information. Prior to this determination, an investigation shall be conducted by a responsible government authority and the information thus developed will be reviewed in the light of criteria such as those set forth in Appendix A to this Annex. The Parties agree that these criteria may be revised from time to time by mutual consent as experience and circumstances may make desirable.

D. The minimum scope and extent of such investigation shall be related to the nature and significance of the access to be afforded in accordance with the standards set out in Appendix B to this Annex.

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E. 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 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 shall institute immediately the procedures necessary to satisfy the full clearance requirements set forth in the above paragraphs.

F. Each establishment handling atomic information shall maintain an appropriate record of the clearance of individuals authorized to have access to such information at that establishment. Each clearance shall be reviewed, as the occasion demands, to insure that it conforms with the current standards applicable to the individual's employment, and shall be re-examined as a matter of priority when new information is received which indicates that continued employment involving access to atomic information may no longer be consistent with the interests of security.

G. Effective liaison shall be maintained in each country between the national agencies responsible for national security and the agency responsible for the clearance determination and program execution to assure prompt notification of information with derogatory implications developed subsequently to the grant of security clearance.

## II. PHYSICAL SECURITY

A. Atomic information shall be protected physically against espionage, sabotage, unauthorized access or any other hostile activity. Such protection shall be commensurate with the importance of the security interest involved.

B. Programs for physical security of atomic information shall be established so as to assure:

1. Proper protection of properties and materials on hand for immediate use, in storage or in transit.
2. The establishment of security areas, with controlled access, when deemed necessary by reason of the sensitivity, character, volume and

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use of the classified properties and materials and the character and location of the building or buildings involved. Perimeter barriers (natural or structural) shall be established when considered necessary to prevent or impede access by unauthorized individuals because of the particular sensitivity or revealing characteristics of the properties or materials involved.

3. A system of controlled access which shall embody procedures for authorization by the competent authority concerned, accurate methods of personnel identification, and accountability for identification media, and a means of enforcing limitations on movement and access to security areas.

### III. CONTROL OF CLASSIFIED INFORMATION

A. Document and information control programs shall be maintained which will have for their basic purposes:

1. Classification in strict accord with the sensitivity of the information involved.
2. Control of access.
3. Ready accountability commensurate with the degree of sensitivity.
4. Continuous review for purposes of downgrading or declassification.
5. Destruction when no longer needed.

B. Information or material shall be classified strictly in accordance with agreed classification policies. The authority to classify atomic information shall be granted to the minimum number of individuals and at the highest administrative levels consistent with operational requirements and such individuals shall be charged with strict compliance with classification standards.

To promote uniformity, the following special rules shall be observed:

1. Documents shall be classified according to content and not necessarily according to relationship to other documents.
2. Classification of a file or group of documents physically connected shall be at least as high as that of the most highly classified document therein.
3. Each document shall bear only one classification, even though separate pages, paragraphs, sections or components thereof may bear different

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classifications and the over-all classification shall be at least as high as the highest classified portion of the document.

4. Documents and material shall be conspicuously marked so that current classifications are clearly visible and readily understandable.

5. When a document is reproduced, all original security markings thereon shall also be reproduced or shown on each reproduction.

C. Except when in authorized transit, the use of atomic information shall be limited to locations approved by the competent authority concerned. Except during the periods when such information is in use by authorized personnel, it shall be stored in repositories of approved design and construction.

D. Requirements for intra-nation transmission of atomic information made available by the other government shall be as follows:

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

2. Secret and Confidential atomic information by official courier or registered mail within the postal systems of the nation.

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

E. Top Secret atomic information shall be transmitted between the United States and Canada by means of diplomatic pouch, by military, diplomatic or other official courier.

F. Secret and Confidential atomic information shall be transmitted between the United States and Canada by official courier or by United States and Canadian Registered Mail with registered mail receipts.

G. Accountability procedures shall be established to control dissemination of documents containing Top Secret or Secret atomic information, including the assignment of accountability numbers to documents containing Top Secret atomic information. Top Secret control officers will be designated to maintain accountability registers for the receipt and dispatch of Top Secret documents. Receipts shall be used to evidence transfer of Top Secret, Secret, and, when appropriate, Confidential documents.

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H. Documents containing atomic information, when no longer needed, shall be destroyed by burning, shredding, pulping, or any other method which assures complete destruction of the information contained therein. Work sheets, carbon paper, stenographer notes, imperfect copies and similar material which warrants classification shall be safeguarded and destroyed in the manner prescribed for documents of the same classification. Destruction of Top Secret, Secret, and receipted Confidential documents shall be evidenced by appropriate entries in accountability records.

#### IV. GENERAL REQUIREMENTS

A. Security Assurances. It is recognized that exchange information shall cause individuals in the United States program to visit Canada and vice versa. In furtherance of this activity, the responsible authority of the sponsoring country shall furnish (in advance) to the responsible authority of the country to be visited, an assurance in writing, that the visitor has been found eligible for access to classified information in the sponsoring country. This assurance shall include the following data:

1. Full name (not initials) of the visitor;
2. Date and place of birth;
3. Citizenship;
4. Current residence address;
5. Official title or description of official position;
6. The kind of security clearance granted the individual and the scope of investigation upon which the clearance determination was based.

B. Security of Classified Contracts. Every classified contract, sub-contract, consultant agreement or other arrangement entered into by either Party to the Agreement, and relating to information exchanged under the Agreement, shall contain appropriate clauses imposing obligations to abide by the security arrangements set forth in this Annex.

C. Security Education. Responsibility for maintenance of adequate security shall rest at various executive and administrative levels and each individual

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shall be required to observe proper security measures. To assure that all individuals authorized access to atomic information are properly advised, the Parties to the Agreement agree to maintain an adequate program to inform all persons of their responsibilities under the Agreement, including a specific initial indoctrination and orientation, periodic re-emphasis of individual responsibilities and a termination interview, stressing the continuing responsibilities for protection of atomic information.

D. Loss or Compromise. In event of loss or possible compromise of atomic information exchanged under the Agreement, any individual having knowledge of such loss or compromise is charged with responsibility for promptly reporting such loss or compromise to the appropriate official of his Government. The Government shall undertake an immediate investigation into the circumstances surrounding the incident. The Government which initiated the information shall be notified promptly of the loss or compromise and the findings of the investigation.

E. Reports. Each Government shall from time to time submit such reports as are requested concerning the information transmitted under the Agreement and the dissemination of information on which particular restrictions have been placed by the other Government.

F. Facility Index. Appropriate records of approved non-Government facilities shall be maintained.

V. CONTINUING REVIEW OF SECURITY SYSTEM.

It is recognized that effective and prompt implementation of the security policies can be materially advanced through reciprocal visits of security personnel. Accordingly, it is agreed to continue thorough exchange of views relative to security policies, standards and procedures and to permit respective security working groups to examine and view at first hand the implementing procedures of the agencies responsible for the administration of the atomic energy programs, such action to be undertaken with a view to achieving an understanding of adequacy and reasonable comparability of the respective systems.

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VI. DEFINITION

As used in this Annex the term "atomic information" means:

1. so far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" or "Formerly Restricted Data";
2. so far as concerns information provided by the Government of Canada, information which is designated "zed information".

Done at Washington this \_\_\_\_\_ day of \_\_\_\_\_, 1959.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOR THE GOVERNMENT OF CANADA

\_\_\_\_\_  
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APPENDIX A TO SECURITY ANNEX TO THE AGREEMENT  
BETWEEN THE GOVERNMENTS OF THE UNITED STATES  
AND CANADA FOR COOPERATION ON THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

CRITERIA USED FOR DETERMINING  
ELIGIBILITY FOR SECURITY CLEARANCE

The acts, activities and associations listed below contain the principal types of derogatory information which create a question as to the individual's eligibility for security clearance. This listing is not all inclusive but may be supplemented from time to time as the occasion warrants.

Concerning the individual or his/her spouse.

1. Commission of any act of sabotage, espionage, treason or sedition, or attempts thereat or preparation therefor, or conspiring with or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason or sedition.
2. Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests are inimical to the interests of the parties, or with any person who advocates the use of force or violence to overthrow the governments of the parties or the alteration of the form of government of the parties by unconstitutional means.
3. Publicly or privately advocated revolution by force or violence to overthrow the governments of the parties or the alteration of the form of government of the parties by unconstitutional means.
4. Held membership in, or affiliation or sympathetic association with any organization or group which has in the United States been declared by the Attorney General, or in Canada has been determined by competent Government authority to be Totalitarian, Fascist, Communist, subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the constitutions of the parties, or as seeking to alter the form of the government of the parties by

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unconstitutional means, provided the individual did not withdraw from such membership when the organization was so identified, or otherwise establish his rejection of its subversive aims; or prior to such declaration or determination, participated in the activities of such an organization in a capacity where he should reasonably have had knowledge as to the subversive aims or purposes of the organization.

5. Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of national security.

Concerning the Individual:

6. Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

7. Any deliberate misrepresentations, falsifications, or omissions of material fact.

8. Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

9. Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the individual with due regard to the transient or continuing effect of the illness and the medical findings in such case.

10. Intentional unauthorized disclosure to any person of classified information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

11. Refused, upon the grounds of constitutional or statutory privilege against self-incrimination, to testify before a court or Congressional Committee (or in Canada before other competent bodies) regarding charges of his alleged disloyalty or other misconduct.

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### APPENDIX "B" TO SECURITY ANNEX TO AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

#### STANDARDS FOR SCOPE AND EXTENT OF INVESTIGATION

1. Each party may have more than one kind of security clearance for access to atomic information. If more than one kind is established and used, each kind must be identified as to:
  - a. Limitations of access; and
  - b. Scope of investigation for determining eligibility.
2. Access to atomic information classified no higher than "Confidential" may be afforded an individual following a clearance determination based on the results of a national agency check or a check of records held by governmental departments, agencies, or military units. Additionally, on the basis of a clearance determination of this same kind, visual access to buildings and equipment classified "Secret" may be afforded craft or manual workers, community management or service workers, nurses, medical technicians, cafeteria workers, health and safety workers, purchasing and accounting workers and the like who are employed in classified construction or operations areas. Any other individual afforded access to atomic information classified higher than "Confidential" shall have been granted security clearance following the conduct of a full field investigation. Notwithstanding the foregoing provisions of this paragraph, access to Top Secret atomic information may be afforded to military personnel of the parties on the basis of a suitable background investigation, including a national agency check; and access to Secret atomic information may be afforded to military, civilian, and contractor personnel of the military establishments of the Parties on the basis of a national agency check.
3. Definitions
  - a. National Agency Check means inquiry relative to an individual's character, associations, loyalty and trustworthiness through:
    - (1) check of arrest or criminal records (through medium of fingerprints or other adequate procedure), and

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(2) check of appropriate national agency investigative, criminal, intelligence, and subversive files.

b. Full Field Investigation consists of inquiry relative to an individual's character, associations, loyalty and trustworthiness through:

- (1) a national agency check as above described, and
- (2) open inquiry into the background of the individual.

The open inquiry shall be conducted in person and shall include interviews with persons acquainted with the individual's character and where appropriate interviews in the neighborhood in which the individual resides and has resided. The open inquiry shall cover a sufficient period of the life span of the individual and shall develop material facts relative to education; experience; periods of unemployment; self-employment; foreign employment; dismissals from employment; mental and emotional stability (when appropriate), character, habits, morals; arrests and convictions; marital status, citizenship; military service, date and place of birth; and organization membership.

4. In the event that further information is considered necessary, or in the event that derogatory or questionable information is disclosed, the inquiry will be extended as necessary to obtain such additional information as may be required to provide a sound basis for determining whether or not the security clearance should be granted.

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DRAFT BILATERAL AGREEMENT WITH USA FOR COOPERATION IN THE USES OF  
ATOMIC ENERGY FOR MUTUAL DEFENCE PURPOSES

THIS EVENING COURTNEY (DISARMAMENT SECTION) PASSED TO US A REVISED TEXT  
OF THIS AGREEMENT AND ANNEXES, ON THE UNDERSTANDING THAT IT HAD NOT  
RPT NOT YET BEEN APPROVED BY THE SECRETARY OF STATE, THE SECRETARY  
OF DEFENCE OR THE COMMISSIONERS OF THE AEC. HE THOUGHT HOWEVER THAT  
THIS TEXT WOULD STAND. OUR INTERVIEW WAS NOT RPT NOT COMPLETELY  
SATISFACTORY SINCE COURTNEY HIMSELF WAS NOT RPT NOT ABSOLUTELY  
CERTAIN OF THE REASONS FOR CERTAIN CHANGES WHICH HAVE BEEN MADE IN  
THE TEXT. IF, THEREFORE, YOU HAVE ANY COMMENTS CONCERNING THESE CHANGES,  
WOULD YOU LET US KNOW AS SOON AS POSSIBLE AND WE SHALL TAKE THEM UP  
WITH COURTNEY EARLY NEXT WEEK.

2. COURTNEY SAID THAT OUR REQUEST TO EXPAND THE DEFINITION OF MILITARY  
REACTORS TO INCLUDE REACTORS FOR THE PROPULSION OF ROCKETS AND  
ASTRONAUTICAL VEHICLES HAD NOT RPT NOT BEEN ACCEPTED BY THE AEC.  
(HE INTIMATED THAT IT HAD BEEN ACCEPTABLE TO THE DEPTS OF STATE  
AND DEFENCE). RELUCTANCE TO INCLUDE ROCKETS AND ASTRONAUTICAL VEHICLES  
WAS SAID TO STEM FROM THE FACT THAT AEC HAD NOT RPT NOT YET REACHED  
THE STAGE OF A PROGRAMME IN WHICH THEY COULD MAKE A COMMITMENT.  
COURTNEY WENT ON TO SAY, HOWEVER, THAT THIS DID NOT RPT NOT MEAN THEY  
WERE PRECLUDING INDEFINITELY THE EXCHANGE OF INFO ON REACTORS OF  
ROCKETS AND ASTRONAUTICAL VEHICLES; AT A SUITABLE TIME AN AMENDMENT  
COULD BE MADE TO THE AGREEMENT. HE FELT THAT ANY ATTEMPT TO ALTER  
AEC'S ATTITUDE WOULD TAKE A GREAT DEAL OF TIME AND THEN MIGHT NOT  
RPT NOT BE SUCCESSFUL.

3. OF THE REVISIONS SUGGESTED IN PARA 4 OF YOURTEL, ALL BUT THREE HAVE  
BEEN ACCEPTED. THESE ARE E, G AND L.

E ARTICLE XIII: THE FOLLOWING IS A COUNTER-PROPOSAL FOR THE TEXT OF  
THIS ARTICLE: "THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE ON  
WHICH EACH GOVT SHALL HAVE RECEIVED FROM THE OTHER GOVT WRITTEN  
NOTIFICATION THAT IT HAS COMPLIED WITH ALL LEGAL REQUIREMENTS FOR  
THE ENTERING INTO FORCE OF THIS AGREEMENT..." COURTNEY SAID THAT THE



PAGE TWO 1227

USA LEGISLATION DID NOT RPT NOT ACTUALLY REQUIRE THIS PROVISION BUT IN VIEW OF THE STRINGENCY OF THE LEGISLATION THE ADMINISTRATION S LAWYERS FELT THAT A PROVISION ALONG THESE LINES WAS REQUIRED. TO THE EXTENT THAT THE UK AND CDA CONSTITUTIONAL SYSTEMS ARE SIMILAR, YOU MAY WISH TO NOTE THAT IN THE UK-USA AGREEMENT, A PROVISION IDENTICAL TO THE ORIGINAL USA DRAFT OF THIS ARTICLE WAS AGREED TO BY THE UK.

G THE USA AUTHORITIES PREFER NOT RPT NOT TO INCLUDE YOUR SUGGESTED ADDITIONAL PARA TO THE TECHNICAL ANNEX, SECTION 2(D), THAT IS, "ATTAINMENT OF AN EFFECTIVE RENDER-SAFE CAPABILITY WITH SPECIFIC ATOMIC WEAPONS AND THEIR SPECIFIC DELIVERY VEHICLES". COURTNEY HIMSELF WAS NOT RPT NOT CLEAR CONCERNING THE RELUCTANCE TO INCLUDE THIS PROVISION BUT UNDERTOOK TO FIND OUT AND LET US KNOW ON MON.

L SECURITY ANNEX, APPENDIX A, PARA 11, LINE 3: "PARLIAMENTARY COMMITTEE" HAS BEEN DELETED AND THE FOLLOWING ADDED IN BRACKETS AFTER CONGRESSIONAL COMMITTEE, "OR IN CDA BEFORE OTHER COMPETENT BODIES".

4. WITH REGARD TO THE SUGGESTIONS IN YOUR PARA 5:

(A) ARTICLE III HAS NOT RPT NOT BEEN MODIFIED BUT IN ARTICLE XII NEW DEFINITIONS HAVE BEEN ADDED WHICH APPEAR TO BE INTENDED TO TAKE ACCOUNT OF YOUR SUGGESTION. (SEE BELOW PARA 6(D))

(B) IN ARTICLE V THE WORD "DEVICES" HAS BEEN DELETED FROM THE TITLE.

(C) IN ARTICLE XII, YOUR SUGGESTION TO INCLUDE "ATOMIC ENERGY OF CDA LTD" AS A PARTY HAS BEEN INCORPORATED AS SUBSECTION I AS FOLLOWS:

"REFS IN THIS AGREEMENT TO THE GOVT OF CDA INCLUDE THE ATOMIC ENERGY OF CDA LTD"

5. WITH REGARD TO THE SUGGESTED REVISION OF ARTICLE X, THIS APPEARS TO HAVE BEEN ACCEPTED IN TOTO WITH THE EXCEPTION OF TWO MINOR ALTERATIONS:

(1) IN PARA A(1) FOR "THE PERIOD OF THE AGREEMENT" READ "THE PERIOD OF THIS AGREEMENT".

(2) IN PARA II(2) FOR "PATENT APPLICATION" READ "PATENTS APPLICATIONS".

P THE SUGGESTIONS IN YOUR PARA ~~VII~~<sup>8</sup> HAVE BEEN ACCEPTED. HOWEVER, PARA D OF SECTION I OF THE TECHNICAL ANNEX HAS BEEN TRANSFERRED TO THE DEFINITIONS, ARTICLE XII, AS SUBPARA E, AND THE WORDS "AS USED IN THIS TECHNICAL ANNEX THE TERM "DELETED.

6. THE FOLLOWING ARE CHANGES WHICH HAVE BEEN MADE BY USA DRAFTERS OVER AND ABOVE THOSE SUGGESTED BY US:

PAGE THREE 1127

(A)IN PARA 3 OF THE PREAMBLE, FOR "IN INTERNATIONAL ARRANGEMENTS" SUBSTITUTE "IN AN INTERNATIONAL ARRANGEMENT".

(B)ARTICLE VI(B): AFTER "ATOMIC WEAPONS" ADD "OF NON-NUCLEAR PARTS OF ATOMIC WEAPONS".

(C)ARTICLE VIII(A): INSERT AT THE BEGINNING, "IT IS NOTIFIED BY THE ORIGINATING PARTY THAT". INSERT BEFORE "APPLICABLE LAWS", "THE ORIGINATING PARTY'S". THROUGHOUT THE ARTICLE SUBSTITUTE "THE ORIGINATING" FOR "SUCH OTHER" BEFORE "PARTY".

(D)ARTICLE XII:

(I) INSERT NEW PARA D: "NON-NUCLEAR PARTS OF ATOMIC WEAPONS MEANS PARTS OF ATOMIC WEAPONS WHICH ARE SPECIALLY DESIGNED FOR THEM AND

ARE NOT REPRODUCED IN GENERAL USE IN OTHER END PRODUCTS AND WHICH ARE NOT REPRODUCED MADE, IN WHOLE OR IN PART, OF SPECIAL NUCLEAR MATERIAL; AND OTHER NON-NUCLEAR PARTS OF ATOMIC WEAPONS SYSTEMS INVOLVING RESTRICTED DATA MEANS PARTS OF ATOMIC WEAPONS SYSTEMS, OTHER THAN NON-NUCLEAR PARTS OF ATOMIC WEAPONS, WHICH CONTAIN OR REVEAL ATOMIC INFO AND WHICH ARE NOT REPRODUCED MADE, IN WHOLE OR IN PART, OF SPECIAL NUCLEAR MATERIAL."

(II) INSERT NEW PARA E (SEE PARA 5 ABOVE).

(III) OLD PARA "D" SHOULD BE RELETTERED "F".

(IV) OLD PARA "F" SHOULD BE RELETTERED "G".

(V) OLD PARA "E" AS AMENDED, SHOULD BE RELETTERED "H".

(VI) ADD NEW PARA "I" AS OUTLINED IN PARA 4C ABOVE.

7. WE SHALL SEND A REVISED DRAFT OF THE AGREEMENT AND ANNEXES BY MON'S COURIER.

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 Telegram No. 1065 of May 1, 1959.

Subject: Draft Bilateral Agreement With  
the USA for Cooperation in the Uses of  
Atomic Energy for Mutual Defence Purposes...

Security: S E C R E T .....

No: ..... 679 .....

Date: ... May 1, 1959. ....

Enclosures: ... 1 ✓ .....

Air or Surface Mail: .....

Post File No: .....

Ottawa File No.

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References

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5 MAY 1959

Enclosed is a copy of the  
aide-memoire submitted to the Department of  
State on May 1, 1959.

H. Williamson

for The Embassy.

for  
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Internal  
Circulation

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Distribution  
to Posts



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A I D E - M E M O I R E

The Canadian Embassy refers to the Department of State's aide-memoire of February 7, 1959, in which it was proposed that the Governments of the United States and of Canada negotiate a new bilateral agreement for the military uses of atomic energy, designed to take full advantage of the 1958 revision of the United States Atomic Energy Act of 1954. It is the desire of the Government of Canada to enter into such an agreement.

2. The original United States draft of the agreement is in general acceptable to the Canadian authorities but it is desired to have certain modifications incorporated as set out below:

- (A) Article III, lines 2 and 3: Replace "acceptable to the Government of the United States" by "mutually agreed upon between the parties".
- (B) Article IV, lines 2 and 3: Replace "acceptable to the Government of the United States" with "mutually agreed upon between the parties".
- (C) Article XI, line 6: Replace "herein" by "of the present agreement".
- (D) Article XII E(1), line 4: Add after "United States Atomic Energy Commission", "and Atomic Energy of Canada Limited".
- (E) Article XIII, lines 1, 2, 3 and 4: Replace "This agreement shall enter into force ... of this agreement" by "This agreement shall be brought into force through an exchange of notes to that effect between the contracting parties."
- (F) Technical Annex, Section I(C), line 2: Insert "such means as" between "through" and "cooperation".

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- (G) Technical Annex, Section II(D): Add additional paragraph which would read, "Attainment of an effective render-safe capability with specific atomic weapons and their specific delivery vehicles."
- (H) Security Annex, Section I(G), line 1: Insert "in each country" after "maintained".
- (I) Security Annex, Section II(B)(3), line 2: Insert "the" between "by" and "competent" and "concerned" after "authority".
- (J) Security Annex, Section III(C), line 2: Replace "approved locations" by "locations approved by the competent authority concerned".
- (K) Security Annex, Section VI(2), line 2: Replace "atomic energy" by "zed information".
- (L) Security Annex, Appendix(Paragraph 11), line 3: Replace "parliamentary committee" by "committee or other competent body".

3. It is also desired to propose the following clarifications be made to the draft agreement:

- (A) In Article III, line 5: Reword "non-nuclear parts ... restricted data" to ensure that, legally, the latter phrase refers to "parts" and not to "systems".
- (B) In Article V, title and line 2: Either delete "devices" from title or insert "and devices" in line 2. The latter is considered preferable.
- (C) In Article XII: Add a definition of the word "parties". The Canadian authorities will be satisfied with any reasonable wording that includes "Atomic Energy of Canada Limited" as a party.

4. The Canadian authorities would prefer the revised version of Article I set out in Annex "A" to this aide-memoire which was drafted jointly by Canadian and United States officials.

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5. The Canadian authorities wish to have the definition "military reactors" in Article XII (D) expanded to include reactors for the propulsion of rockets and astronautical vehicles.

6. In Article XII (B) the words "zed information" should be inserted in the blank space. The same words should be inserted in the blank space of paragraph D (2) of Section I of the Technical Annex.

THE CANADIAN EMBASSY,  
Washington, D.C.

April 30, 1959.

Annex "A"

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

NEW TEXT OF ARTICLE X

PATENTS

A. WITH RESPECT TO ANY INVENTION OR DISCOVERY:

1. Either employing information which has been communicated or exchanged pursuant to Article II, or derived from any reactors and/or parts thereof or material or non-nuclear parts of atomic weapons systems transferred pursuant to Article III and IV, and made or conceived after the date of such communication, exchange or transfer but during the period of the agreement, by the recipient party, or any agency or corporation owned or controlled thereby, or any of their agents or contractors, or any employee of any of the foregoing; or

2. Not covered in sub-paragraph 1 above and made or conceived by any person representing, employed by, or acting for or on behalf of one party (hereinafter referred to as the "sponsoring party") or its contractor, while in the country of the other party and assigned to an installation, plant, laboratory, institution or similar facility in the country of the other party pursuant to this agreement, the recipient or sponsoring party (as the case may be) shall:

- 1' be entitled to all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of the recipient or sponsoring party (as the case may be) and in third countries; and
- 2' obtain, by appropriate means, sufficient right, title and interest in and to the invention or discovery, or patent application or patent thereon, as may be necessary to fulfill its obligations under the following two sub-paragraphs; and
- 3' transfer and assign to the other party all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of that other party, subject to the retention by the recipient or sponsoring party (as the case may be) of a royalty-free, non-exclusive, irrevocable license, with the right to grant sub-licenses, for all purposes; and
- 4' grant to the other party a royalty-free, non-exclusive, irrevocable license, with the right to grant sub-licenses, for all purposes in the country of the recipient or sponsoring party (as the case may be) and in third countries.

B.

1. Each party shall, to the extent owned by it, or any agency or corporation owned or controlled thereby, grant to the other party a royalty-free, non-exclusive, irrevocable license to manufacture and use the subject matter covered by any patent and incorporated in any reactors and/or parts thereof or material or non-nuclear parts of atomic weapons systems transferred pursuant to Articles III and IV for use by the licensed party for the purposes set forth in paragraph C of Article VI.



CONFIDENTIAL

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2. The transferring party neither warrants nor represents that any reactors and/or parts thereof or material or non-nuclear parts of atomic weapons systems transferred pursuant to Articles III and IV do not infringe any patent owned or controlled by other persons and assumes no liability or obligation with respect thereto, and the recipient party agrees to indemnify and hold harmless the transferring party from any and all liability arising out of any infringement of any such patent.

C. With respect to any invention or discovery, or patent application or patent thereon, or license or sub-license therein covered by paragraph A of this article, each party:

1. may, to the extent of its right, title and interest therein, deal with the same in its own and third countries as it may desire, but shall in no event discriminate against citizens of the other party in respect of granting any license or sub-license under the patents owned by it in its own or any other country;

2. hereby waives any and all claims against the other party for compensation, royalty or award, and hereby releases the other party with respect to any and all such claims.

D.

1. No patent application with respect to any classified invention or discovery employing classified information which has been communicated or exchanged pursuant to Article II, or derived from the reactors and/or parts thereof or material or non-nuclear parts of atomic weapons systems transferred pursuant to Articles III or IV may be filed:

a. by either party or any person in the country of the other party except in accordance with agreed conditions and procedures; or

b. in any country not a party to this agreement except as may be agreed and subject to Articles VII and VIII.

2. Appropriate secrecy or prohibition orders shall be issued for the purpose of giving effect to this paragraph.

E. Detailed procedures shall be jointly established to effectuate the foregoing provisions, and all situations not specifically covered shall be settled by mutual agreement governed by the basic principle of equivalent benefits to both parties.