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AGREEMENT FOR COOPERATION FOR
MUTUAL DEFENSE PURPOSES WITH
THE REPUBLIC OF FRANCE

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HEARING
BEFORE THE
JOINT COMMITTEE ON ATOMIC ENERGY
CONGRESS OF THE UNITED STATES
EIGHTY-SEVENTH CONGRESS
FIRST SESSION
ON THE
PROPOSED AGREEMENT FOR COOPERATION FOR MUTUAL
DEFENSE PURPOSES BETWEEN THE GOVERNMENT OF
THE UNITED STATES AND THE REPUBLIC OF FRANCE

SEPTEMBER 12, 1961

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HEARING

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AGREEMENT FOR COOPERATION FOR MUTUAL DEFENSE PURPOSES WITH THE REPUBLIC OF FRANCE

TUESDAY, SEPTEMBER 12, 1961

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
Washington, D.C.

The Joint Committee met at 10 a.m., pursuant to recess, in room P-63, the Capitol, Representative Chet Holifield (chairman of the Joint Committee) presiding.

Present: Representatives Holifield, Price, Van Zandt, Aspinall, and Senators Pastore (vice chairman), Dworshak, Bennett, and Gore.

Also present: James T. Ramey, executive director; John T. Conway, assistant director; George F. Murphy, Jr., professional staff member; and Richard T. Lunger, staff consultant, Joint Committee on Atomic Energy.

Chairman HOLIFIELD. The Joint Committee on Atomic Energy meets today in open session to receive testimony concerning a proposed agreement for cooperation between the Government of the United States and the Government of the French Republic which was submitted to the Congress on September 7 by the President of the United States. The proposed agreement is similar to previous agreements for cooperation entered into between the United States and the other NATO allies, such as the Federal Republic of Germany, the Kingdom of the Netherlands, the Government of Turkey, and the Government of Greece in 1959, and the Government of Italy early this year.

The submission of the proposed agreement with France to the Congress and its referral to the Joint Committee on Atomic Energy is in compliance with the Atomic Energy Act of 1954, as amended in 1958 by Public Law 85-479.

Subsection 123d of the Atomic Energy Act of 1954 requires that the proposed agreement for cooperation together with the approval and determination of the President cannot become effective until it has been submitted to the Congress and referred to the Joint Committee and a period of 60 days has elapsed while Congress is in session. Subsection 123d also stipulates that such proposed agreement for cooperation shall not become effective if during this 60-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation.

In submitting the proposed agreement for cooperation with France, the President—in his message to the Congress—made reference to the current critical international situation and stated his belief that the gravity of the situation compels special action to permit the agree-

ment to come into effect promptly. In his message the President requested action by the Congress to permit the agreement to take effect during the current session of the Congress.

Without objection, I will at this point place in the record a copy of the proposed agreement with France along with the message of the Congress from the President and the accompanying papers, including the recommendations of the Department of State, the Department of Defense, and the Atomic Energy Commission. Also, at this point, and without objection, I will place in the record a copy of the statement made by Senator Gore, chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee, on the floor of the Senate September 8, in which he placed a copy of the proposed agreement in the record and announced the planned hearing for today. (The material referred to follows:)

PROPOSED AGREEMENT WITH FRANCE AND ACCOMPANYING CORRESPONDENCE

To the Congress of the United States:

For some time members of the North Atlantic Treaty Organization have been taking steps toward the introduction of the most modern weapons into NATO forces. Among these measures is the introduction into forces of our NATO allies of weapons capable of delivering nuclear warheads. Such steps have been proceeding for some time following the considered judgment and agreement of the NATO governments. The objectives is to achieve the most effective pattern of NATO military defensive strength. In view of the well-known purely defensive purposes of the alliance, the introduction of modern weapons into NATO forces to take account of technological developments is in no way a cause for legitimate concern on the part of other countries.

Article III of the North Atlantic Treaty calls upon the members of the alliance to maintain their capacities to resist armed attack through effective self-help and mutual aid. As part of its contribution to the strength of the alliance, the United States has entered into a number of agreements through which we cooperate with NATO allies in the uses of atomic energy for mutual defense purposes. These agreements have been concluded pursuant to the Atomic Energy Act of 1954, as amended. All of these agreements are designed to implement the NATO objectives for maintaining the most modern weapons and techniques in NATO forces.

We have just concluded an agreement with the Government of France which is essentially the same as agreements previously concluded with a number of other NATO allies for cooperation in the uses of atomic energy for mutual defense purposes. This agreement will make possible effective cooperation with France in NATO mutual defense planning and in the training of French NATO forces. Training of certain French NATO forces which play a significant role in European defense cannot proceed to conclusion until this agreement becomes effective. This agreement should be brought into effect as quickly as possible, in order that we can promptly and fully utilize the potential of French military forces in the development of our NATO defensive strength. In light of the probable time remaining for this session of the Congress and in view of the provisions of section 123d of the Atomic Energy Act of 1954, as amended, it appears that normally it would not be possible to bring this agreement into effect until the next session of the Congress. Accordingly, I would appreciate action by the Congress during the current session which would permit the agreement to come into force promptly.

I understand and respect the importance of mature consideration in the Congress of agreements of this sort, but I believe that in the present case there are compelling reasons for rapid action. The gravity of the international situation, and in particular the Soviet threat to the freedom of West Berlin, have made it a matter of first importance that the unity of the North Atlantic nations should be sustained. The Government of France, in this crisis, has behaved with great firmness, and the stanch and determined position of President de Gaulle, in particular, has reinforced the West. In these circumstances, I deem it of great importance that we should proceed promptly with such a joint undertaking as

this one, carefully matured in prolonged negotiation. As has already been explained in informal discussions with interested Members of the Congress, the present agreement provides for a limited release of information to carefully selected personnel. Careful arrangements have been made to insure that all necessary security requirements are met, and the inclusion of France among NATO countries participating in this general undertaking is an important step forward at a moment in which such a step has a wider significance than usual. It is for these reasons that I urge upon the Congress appropriate special actions to permit the agreement to come into force.

In accordance with the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of the agreement with the Government of France. I am transmitting also a copy of the letter from the Secretary of State which forwarded to me an authoritative copy of the agreement, a copy of the joint letter from the Deputy Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of the agreement, and a copy of my memorandum in reply thereto which contained my approval.

JOHN F. KENNEDY.

THE WHITE HOUSE, September 7, 1961.

THE SECRETARY OF STATE,
Washington, August 3, 1961.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I have the honor to lay before you with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an authoritative copy of an agreement between the Government of the United States of America and the Government of the French Republic for cooperation in the operation of atomic weapons systems for mutual defense purposes, signed at Paris on July 27, 1961.

This agreement was signed on behalf of the United States pursuant to the authorization granted in your memorandum of July 21, 1961, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of this memorandum was transmitted to the Department of State.

Faithfully yours,

DEAN RUSK.

(Enclosures.)

THE SECRETARY OF DEFENSE,
Washington, July 20, 1961.

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 France 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 France. 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 interest, 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 France. 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 France 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.

France is now participating with the United States in an international arrangement pursuant to which France 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.

Sincerely,

GLENN T. SEABORG,
Chairman, Atomic Energy Commission.
ROSSELL L. GILPATRICK,
Deputy Secretary of Defense.

(Enclosure: Proposed agreement.)

THE WHITE HOUSE,
Washington, July 21, 1961.

Memorandum for the Secretary of Defense, the Chairman, Atomic Energy Commission.

In your joint letter to me of July 20, 1961, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of France for cooperation on the uses of atomic energy for mutual defense purposes.

France 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 France, subject to provisions, conditions, guarantees, terms and special determinations, which are most appropriate in this important area of mutual assistance, in according 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.

JOHN F. KENNEDY.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE GOVERNMENT OF THE FRENCH REPUBLIC FOR COOPERATION IN THE OPERA-
TION OF ATOMIC WEAPONS SYSTEMS FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the French Republic,

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 France, which were enacted or prepared with these purposes in mind.

Have agreed as follows:

ARTICLE I

General provisions

While the United States and France 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 non-nuclear parts of atomic weapons systems

The Government of the United States will transfer to the Government of the French Republic, 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 French 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 non-nuclear 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 non-nuclear 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 non-nuclear 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 non-nuclear 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 non-nuclear 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

non-nuclear 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 non-nuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility for use of information and non-nuclear parts of atomic weapons systems

The application or use of any information (including design drawings and specifications) or non-nuclear 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 purpose 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 France, 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 French Republic as "Atomic."

C. "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 of, in whole or in part, special nuclear material; and "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 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 French Republic, 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.

Done at Paris, in duplicate, in the English and French languages, both texts being equally authentic, this 27th day of July 1961.

For the Government of the United States of America :

CECIL B. LYON.

For the Government of the French Republic :

ERIC DE CANNONNEL.

Certified to be a true copy of the original.

ELEANOR C. McDOWELL.

Office of the Assistant Legal Adviser for Treaty Affairs, Department of State.

STATEMENT BY SENATOR GORE ON THE FLOOR OF THE SENATE, SEPTEMBER 8, 1961

Mr. GORE. Mr. President, yesterday President Kennedy forwarded to the Congress a proposed agreement for cooperation between the Government of the United States and the Government of the French Republic for cooperation in the operation of atomic weapons systems. The proposed agreement is similar to a number of agreements previously entered into between the United States and individual NATO allies. It is similar, for example, with agreements for cooperation which the United States entered into in 1959 with the Federal Republic of Germany, the Kingdom of the Netherlands, the Government of Turkey, and the Government of Greece and through which we have been cooperating during the past 2 years with those nations for mutual defense purposes. It is likewise similar to the agreement for cooperation with the Government of Italy which the President submitted to the Congress in January of this year and which is now in the process of being implemented.

These agreements provide that the United States will exchange with each country classified information 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; and the development of delivery systems capable to carry atomic weapons. In addition the proposed agreements permit the United States to transfer to each country nonnuclear parts of atomic weapons systems.

Article IV of the proposed agreement with France, similar to the other mentioned agreements, makes clear that under the agreement there will be no transfer of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

The proposed agreement with France, in accordance with section 123 of the Atomic Energy Act of 1954, as amended, together with the approval and determination of the President, has been referred to the Joint Committee on Atomic Energy. Under section 123 the proposed agreement cannot become effective until a period of 60 days has elapsed while Congress is in session, during which period the Congress, by concurrent resolution, may disapprove it.

In his message to the Congress, forwarding the proposed agreement for cooperation with France, the President stated that he believes that the gravity of the current international situation compels special action to permit this agreement to come into effect promptly. He, accordingly, has requested appropriate action by the Congress to permit the agreement to take effect during the current session of the Congress.

The Joint Committee on Atomic Energy will hold an open public hearing beginning at 10 a.m., Tuesday, September 12, in room P-63, the Old Supreme Court Chamber, U.S. Capitol, to receive testimony from representatives of the State Department, Department of Defense, and the Atomic Energy Commission concerning this proposed agreement. In order that all members of the Congress

and the public may have knowledge of the details of the proposed agreement, I ask unanimous consent to enter into the Record, at the conclusion of my remarks, a copy of the proposed agreement along with the accompanying correspondence and message from the President. Subsequent to the public hearings, I would expect that the Joint Committee will issue a report as to its recommendations concerning the proposed agreement and as to any action on the part of the Congress to expedite implementation of the proposed agreement.

Chairman HOLIFIELD. Our hearing today in open session is in furtherance of this committee's expressed desire and intention of keeping the public informed to the maximum extent possible of matters coming within the jurisdiction of the Joint Committee and particularly in agreements for cooperation of this nature. Of necessity, an agreement for cooperation for mutual defense purposes will include in its implementation classified details which for security reasons cannot be discussed in public. I would like to say that prior to this agreement being submitted to the Congress, the Joint Committee was briefed in executive session on August 17 and 22 by representatives of the State Department, the Defense Department, and the AEC. During these executive session hearings the committee reviewed with the executive branch the background and proposed implementation of the agreement. In addition, I might also say that a special ad hoc subcommittee of this committee in November and December of last year visited United States and NATO bases in seven foreign countries at which time we received first hand knowledge and on-the-spot information as to how our agreements for cooperation are being implemented. A top secret report by the ad hoc subcommittee was made available to the President and other high-ranking officials of the executive branch in February 1961. This report set forth a number of conclusions and made a number of recommendations.

I cannot go into the details of the report and the committee's conclusions and recommendations because of security reasons. I mention them, however, at this time in order that the public may realize that members of this committee are closely following these agreements for cooperation for mutual defense purposes and are most conscientious in assuming their responsibilities of keeping currently and fully informed on these matters in order that we may properly advise and make recommendations to the Congress and to the public.

In addition to an explanation of the proposed agreement for cooperation with the Government of France, the committee, this morning, expects to receive testimony concerning a joint resolution that would make possible the implementation of this agreement at an early date without the full running of the 60-day period. On September 11, Senator Gore introduced a joint resolution in the Senate. I expect, today, to introduce a similar resolution in the House.

Without objection, I will place in the record at this point this proposed joint resolution along with a letter from the Department of State recommending it.

(The material referred to follows:)

[H. J. Res. 569 (S.J. Res. 135), 85th Cong., 1st sess.]

JOINT RESOLUTION To waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective

Whereas on September 7, 1961, the President submitted to the Congress pursuant to section 123 d. of the Atomic Energy Act of 1954, a proposed agreement for cooperation between the Government of the United States of America and the Government of the French Republic, signed at Paris, July 27, 1961; and

Whereas section 123 d. of the Atomic Energy Act of 1954 provides in effect that such an agreement may not enter into force for the United States until sixty days have expired while the Congress is in session after the submission of the agreement, without adverse action thereon by the Congress; and

Whereas it appears that the full sixty-day period will not have expired during this session of the Congress and that the proposed agreement, therefore, would not in the ordinary course of events be brought into force until Congress reconvenes; and

Whereas the Congress is satisfied that the proposed agreement is within the scope of the Atomic Energy Act of 1954, particularly sections 91 c. (1) and 144 b.; and

Whereas the proposed agreement is similar to the agreements for cooperation already in effect with the Federal Republic of Germany, Greece, Italy, the Netherlands, and Turkey; and

Whereas recent international developments warrant proceeding with such cooperation with France as expeditiously as possible and

Whereas the Congress recognizes that the early entry into force of this proposed agreement would contribute to the strength of the free world and thus enhance the common defense and security: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 123 d. of the Atomic Energy Act of 1954, which provides for a sixty-day waiting period before agreements for cooperation for mutual defense purposes may be made effective, the proposed agreement for cooperation between the Government of the United States of America and the Government of the French Republic, submitted on September 7, 1961, by the President to the Congress, may be made effective at any time after the approval of this resolution.

DEPARTMENT OF STATE,
Washington, September 11, 1961.

MR. JAMES T. RAMEY,
*Executive Director, Joint Committee on Atomic Energy,
Congress of the United States.*

DEAR MR. RAMEY: You will recall that in transmitting the atomic energy agreement for cooperation with France, the President requested the Congress to take special action to enable the agreement to be brought into force before the Congress adjourns.

In the light of our discussions with the committee on how this might best be achieved, I am forwarding the enclosed draft of a proposed joint resolution which was developed in consultation with the Joint Committee staff with a view to achieving the objective desired by the President.

Sincerely yours,

BROOKS HAYS, *Assistant Secretary.*

Chairman HOLIFIELD. The committee will now proceed to receive testimony from the Department of State. Mr. U. Alexis Johnson, Deputy Under Secretary of State, is with us this morning to present testimony from the Department of State. Mr. U. Alexis Johnson, you may proceed.

STATEMENT OF HON. U. ALEXIS JOHNSON, DEPUTY UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS

MR. JOHNSON. Thank you, Mr. Chairman. If I may, I will read a prepared statement. Of course, I am prepared to answer any questions which may arise during the course of my statement.

I am very pleased to meet with the Joint Committee today to discuss the military atomic cooperation agreement signed by France and the United States on July 27, 1961. The President, in his letter transmitting this agreement to the Congress, has requested special congressional action during the current session to permit the agreement

to come into force promptly. I hope that our statements today will help the committee to facilitate such prompt congressional action. In my opening remarks, I would like to describe briefly the background of this agreement and its general purposes.

The atomic cooperation agreement concluded with France is essentially the same as agreements previously signed with Germany, Greece, Italy, the Netherlands, and Turkey which have been reviewed by the Joint Committee. All of these agreements are designed to implement agreed NATO programs for maintaining the most modern weapons and techniques in NATO forces.

As the President pointed out in his address to the Canadian Parliament on May 17, if we are to meet the defense requirements of the 1960's, the NATO countries must push forward simultaneously along two lines:

First, we must strengthen the conventional capability of the alliance as a matter of the highest priority.

Second, we must make certain that nuclear weapons will continue to be available for the defense of the entire treaty area.

This agreement, for which negotiations were initiated last year, will further this second task of maintaining the nuclear capabilities of the NATO forces. The French, of course, have aircraft and other weapons which are capable of using nuclear weapons. This agreement will make possible U.S. cooperation with France necessary for effective training of French NATO forces in the use of such weapons in the unhappy event NATO is forced to employ them.

Information transmitted under this agreement may be used for training any French forces which are assigned to or earmarked for NATO and have atomic capable delivery systems. Since this training cannot be completed until this agreement becomes effective, the agreement should be brought into force as quickly as possible in order that the potential of French military forces can be fully utilized in NATO.

Bringing the agreement into force promptly will strengthen NATO militarily during this period of increasing tension over Berlin. By implementing this agreement at an early date, the allied deterrence to aggressive Soviet actions will be strengthened.

As set forth in the agreement, the United States will be able, in accordance with section 144 b. of the Atomic Energy Act, to provide information to France which among other purposes is determined to be necessary for the development of NATO defense plans and the training of personnel in the employment of and defense against atomic weapons. The United States will also be able, in accordance with section 91 c. of the Atomic Energy Act, to transfer to France nonnuclear parts of atomic weapon systems (as opposed to parts of atomic weapons) as determined to be necessary for the purpose of improving the state of training and operational readiness of French armed forces.

I want to emphasize that the agreement does not provide for exchange of information for the purposes of designing, developing, or fabricating atomic weapons. The agreement expressly states (art. IV-B) that there will be no transfer of atomic weapons, nonnuclear parts of atomic weapons, or special nuclear materials. Thus, the agreement will not contribute to the further development of independent national nuclear weapons capabilities.

The French have given unswerving support to a firm NATO stand on key East-West issues. At the abortive summit meeting in May

1960, President de Gaulle gave strong personal support to President Eisenhower. In the current Berlin crisis the French Government has undertaken a strong position against threatening bloc actions toward West Berlin. These French actions have contributed to the President's finding, pursuant to the Atomic Energy Act, that France continues to make substantial and material contributions to the mutual defense and security.

In accordance with requirements of the Atomic Energy Act, the President has also determined that performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States. The agreement itself provides that the parties will maintain agreed security safeguards and standards.

In closing I want to stress what we feel is the military and political urgency of bringing this agreement into effect as soon as possible. We recognize that this session of the Congress may come to a close before it has been possible for this agreement to lie before the Congress for 60 days in accordance with provisions of the Atomic Energy Act. At the same time we believe that early implementation of this agreement would constitute a highly desirable measure toward improving the readiness of NATO forces in light of the Berlin situation. Accordingly, as the President urged in his transmittal letter, we would appreciate special congressional action during the current session to permit this agreement to come into force promptly.

Chairman HOLIFIELD. Thank you, Mr. Secretary.

Senator PASTORE. Does this agreement include the transfer of nuclear weapons to the French or information which would assist the French in advancing the design or fabrication of their own weapons?

Mr. JOHNSON. No, the agreement does not. The agreement expressly provides that it does not include the transfer of nuclear weapons. Under the agreement information would not be passed that would substantially assist in the design or fabrication of nuclear weapons.

Senator PASTORE. Has the United States changed its policy of trying to discourage our NATO allies from developing independent nuclear capability?

Mr. JOHNSON. Our policy remains the same.

Senator PASTORE. Does this proposed agreement in any way alter the U.S. policy of not assisting France in the development and testing of nuclear weapons?

Mr. JOHNSON. No; it does not alter it in any way.

Senator PASTORE. Are you satisfied that the information that will be communicated and the parts that will be transferred will not appreciably assist the French in advancing their independent nuclear weapon capability?

Mr. JOHNSON. I am satisfied.

Senator PASTORE. Will it be adequately safeguarded to prevent them from falling into the hands of persons not authorized to receive them?

Mr. JOHNSON. We are satisfied that security arrangements will accomplish that purpose.

Senator PASTORE. Does this agreement in any way alter or change the French policy under General de Gaulle not to permit U.S. nuclear weapons to be stored on French soil?

Mr. JOHNSON. No; it does not affect that.

Senator PASTORE. On page 1 of your prepared statement you state:

The atomic cooperation agreement concluded with France is essentially the same as agreements previously signed with Germany, Greece, Italy, the Netherlands, and Turkey * * *.

Is that correct?

Mr. JOHNSON. That is right.

Senator PASTORE. Will you for the record advise to what extent it may differ from the other agreements and the reason for the difference?

Mr. JOHNSON. I would be glad to do so for the record. The differences are very minor. They are the differences that usually arise in translation of words and negotiating.

I might point out that one of the examples of the difference is in the title. For example the title of the agreement with Italy is "Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes." The French suggested and we agreed that a much more appropriate title for this agreement would be "Cooperation in the Operation of Atomic Weapons Systems for Mutual Defense Purposes." That is the type of difference that exists.

Senator PASTORE. In 1959 the United States entered into similar agreements with the Netherlands, Turkey, Greece, and West Germany. Early this year, we also entered into a similar agreement with Italy. Why have we waited until late in this session to conclude an agreement with the French?

Mr. JOHNSON. There were only the normal delays in beginning negotiations on this; negotiations, for one reason or another, both French and our own, were not undertaken until a later date with France. As far as the agreement itself is concerned, it went through the normal negotiation procedures and there were no particular problems in the negotiations.

Senator PASTORE. I think for the purposes of the record it ought to indicate here that all of these questions were resolved in executive session, and we are merely stating the same questions in order to adduce the answers for the purposes of the public record, that this administration is most anxious that this bilateral agreement be concluded?

Mr. JOHNSON. That is right.

Senator PASTORE. And it is being done in the interests of American security?

Mr. JOHNSON. American security; that is right.

Representative VAN ZANDT. Mr. Johnson, over a period of years we have been concerned about the security of the French Government. Has it improved over the period of years to the point now where we can accept it?

Mr. JOHNSON. We have discussed and considered this matter in detail and without going into those details, I can say that we and the other executive agencies concerned and the President are satisfied that security measures provided for under this agreement are satisfactory.

Representative VAN ZANDT. A moment ago you mentioned that information would be transferred concerning weapons systems. Did I understand you correctly on that? I believe you answered the

Senator from Rhode Island on that question that information would be made available to them concerning weapons systems.

Mr. JOHNSON. Yes, and the means of using atomic weapons in such weapons systems.

Representative VAN ZANDT. In other words, they will not be given information on the construction of the bomb and its operation?

Mr. JOHNSON. No.

Representative VAN ZANDT. But they will be given information as to how to use it practically, and so forth?

Mr. JOHNSON. Yes, how to use it and how to defend themselves against it.

Representative VAN ZANDT. In your consideration with the French Government, was any mention made of possible permitting of the United States to return to France and particular units that were evacuated here a year or more ago?

Mr. JOHNSON. This matter was not discussed in the negotiations of this agreement.

Representative VAN ZANDT. Was there anything said about the restoration of Naval units to NATO command in the Mediterranean?

Mr. JOHNSON. That matter also was not discussed in connection with this agreement.

Representative VAN ZANDT. Will any information that is made available to the French assist them in the construction of a nuclear powered submarine?

Mr. JOHNSON. It will not. It does not cover that matter at all.

Chairman HOLIFIELD. Mr. Secretary, you have before you Senate Joint Resolution 135, introduced by Mr. Gore. Due to the early adjournment of the House I was unable to introduce a similar or identical resolution in the House yesterday. I intend to do so today. Your staff has collaborated with the staff of the Joint Committee with the language concerned in Senate Joint Resolution 135 and its companion House resolution. Are you aware of the provisions of this resolution and are you authorized to accept it for the Secretary of State?

Mr. JOHNSON. Yes, I am aware of the provisions and I am authorized to accept and support this resolution.

Chairman HOLIFIELD. Thank you very much. If there are no other questions, we will excuse you, sir. Thank you very much.

Our next witness will be Dr. Gerald W. Johnson, Assistant to the Secretary of Defense (Atomic Energy). Dr. Johnson, will you please come forward?

Dr. Johnson, we are happy to have you with us this morning. You have also seen a copy of Senate Joint Resolution 135, have you not?

STATEMENT OF DR. GERALD W. JOHNSON, ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY

Dr. JOHNSON. Yes, sir.

Chairman HOLIFIELD. Do you have a prepared statement?

Dr. JOHNSON. Yes, I do, and with your permission I should like to read it.

Chairman HOLIFIELD. Will you please give it and state the Defense Department position on the resolution?

Dr. JOHNSON. I have a statement today in appearing before you on behalf of the Department of Defense in support of the agreement between the United States and the Government of France in accordance with the provisions of sections 91c and 144b of the Atomic Energy Act of 1954. This agreement is essentially the same as the agreements for cooperation our Government has previously entered into with the following member states of NATO: the Netherlands, Turkey, Greece, the Federal Republic of Germany, and Italy.

The implementation of the NATO stockpile concept other than the actual stockpiling of the weapons requires three steps to insure the attainment of a satisfactory atomic capability for the Allied forces.

The first is the exchange of atomic information with NATO planners. This has in general been met by the atomic agreement with NATO authorized by the Atomic Energy Act of 1954. This agreement was ratified by each of the member countries and came into force in March 1956. It has permitted the NATO planners to develop theater defense plans and the essential force goals to support these plans.

The second is the identification of the force goals with the individual member countries. This identification is contained in the current NATO plans which give the overall force goals for the countries. Those forces of all the countries which are earmarked for NATO are integrated into the overall plans of SACEUR and SACLANT for the defense of the alliance.

Now, the third step is the equipping and training of the non-U.S. NATO country with the specific atomic delivery units. In the case of France, the proposed atomic delivery units included in the French goals are systems for land, air, and naval forces. A number of these systems have been delivered under the military assistance program.

The training requirement of this third step leads us to the agreement before the committee today. The French forces can conduct basic training on those systems now in their hands. However, the final training to insure that the French forces are capable of performing a satisfactory atomic mission with the aircraft delivery system, for example, cannot be completed until we are authorized to transmit information on loading, appropriate testing, including the postload test, inflight monitoring, and possibly information on ground handling. Of course, the French military staff other than those assigned to major NATO commands needs the kind of information permitted in the agreement in the development of their defense plans, training of personnel, and the evaluation of the atomic capability of a potential enemy. In this connection, the training of NATO earmarked forces continues to be a national responsibility.

Senator PASTORE. Dr. Johnson, of course this agreement is to be implemented from time to time; isn't that right?

Dr. JOHNSON. Yes, sir.

Senator PASTORE. And the implementation of this agreement is the exclusive unilateral decision to be made by the U.S. Government; is that right?

Dr. JOHNSON. Yes, sir.

Senator PASTORE. Am I correct in that statement?

Dr. JOHNSON. I believe so.

Senator PASTORE. Therefore, whatever information we give that may be contingent upon the security situation will depend as to what the security situation is at the time that we decide to implement this agreement; is that right?

Dr. JOHNSON. Yes, sir.

Senator PASTORE. Is it fair for me to assume that this is more or less a day-to-day, cautious supervision that we might have over the information that we might impart to the French from time to time?

Dr. JOHNSON. Yes, that is right.

Senator PASTORE. Of course, once the information is given then it has been released and that is it, but I am speaking about the decision to implement this in the future.

Dr. JOHNSON. Yes, sir; that is correct.

Representative VAN ZANDT. Dr. Johnson, on page 2 of your prepared statement you say, "In the case of France, the proposed atomic delivery units included in the French goals are systems for land, air, and naval forces."

Is it not true that the French Navy has been withdrawn from the NATO forces?

Dr. JOHNSON. I do not have the answer to that.

Representative VAN ZANDT. I am confused. I find it difficult to accept the fact that we are going to make this information available to the French Navy when the French Navy has withdrawn from the NATO forces.

I am speaking especially now of the Mediterranean.

Dr. JOHNSON. I would have to ask someone on the staff to answer that.

STATEMENT OF COL. PHILIP L. HOOPER, MILITARY ASSISTANT TO ASSISTANT SECRETARY OF DEFENSE (ATOMIC ENERGY)

Colonel HOOPER. I am Colonel Hooper on Dr. Johnson's staff.

Insofar as this kind of an agreement goes in planning, the French Navy certainly is included for the planning.

Now, as to the present status of the French Navy insofar as whether it is earmarked at this moment in support of NATO is not germane directly to the agreement. But for planning purposes, for the French to look forward to 3 or 4 years from today, they certainly need this information.

Representative VAN ZANDT. Would it be proper to say that probably in the planning there will be an effort made to have France reassign its naval units to the NATO forces?

Colonel HOOPER. This is a continuous effort.

Representative VAN ZANDT. With a little encouragement?

Colonel HOOPER. Yes, sir.

Senator PASTORE. Does that not go actually to implementation with regard to the French Navy?

Dr. JOHNSON. I think that would go to implementation.

Senator PASTORE. I am addressing the question to you, Colonel. This is an overall agreement with the French Government; however it goes to land and air forces will depend entirely upon the implementation that takes place once the agreement is concluded?

Colonel HOOPER. Yes, sir; and as you brought out a moment ago, as the situation exists from day to day.

Senator PASTORE. This is the overall authority for the implementation that is to follow in the future?

Colonel HOOPER. Yes, sir.

Representative VAN ZANDT. Mr. Chairman, may I make this observation?

Senator PASTORE. I am not being critical; I am clarifying the record.

Representative VAN ZANDT. I hope the implementation will make possible the return of U.S. tactical air units to France so we can strengthen our barrier against communism on the Continent of Europe.

Dr. JOHNSON. The basic weapon system as furnished by the Military Assistance Program may not in all cases include certain non-nuclear parts of the system which are those necessary accessories for handling the weapons, for attaching weapons to delivery vehicles, and for monitoring and checkout of a weapon to insure that it is safe and in proper operating condition to the mission.

Nonnuclear parts of a system may include the control mechanisms, which are parts of aircraft or missile launching devices associated with the bomb or warhead, lugs, pylons, and other devices for attaching the bomb to its carrier and the like.

Of course, these do not include any part of the bomb or warhead itself, but may include training shapes or simulators to assist in the attainment of an effective delivery capability.

Since these items are components of the delivery system rather than of the warhead or bomb, it is desirable that arrangements exist for their transfer under the Military Assistance Program, thus making it unnecessary for France to establish special production facilities for the limited quantities involved.

I know of no plans for transfers at this time but they may be appropriate in the future.

I would like to go over in some detail the agreement itself. The agreement will permit under the authority of sections 91 c. and 144 b. 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 France in the context which I have described above.

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; 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 France.

However, in view of section 91 c. 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.

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 91 c. and 144 b. 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 France 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. Because of previously established relationships with France in the area of mutual defense, it has been possible to develop these mutually agreed security standards and practices.

There are additional safeguards built into this 144 b. agreement with the French and stringent controls are placed on information and materials made available under the agreement.

Specifically, these include personnel clearances, physical security of atomic information, special controls on atomic information, the requirements for written security assurances on personnel participating in visits and conferences, and the provision for continuing review of the security system of France.

It is the considered opinion of the Department of Defense that the criteria, standards, practices, and procedures provided assure security protection of the information governed by the agreement in the responsible and comprehensive manner which is dictated by considerations of our own common defense and security.

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. I want to make it clear that the agreement does not provide for—

(a) The transfer of special nuclear material;

- (b) The transfer of nonnuclear parts of atomic weapons;
- (c) The transmission of any information that would significantly assist France in the design, development, or fabrication of atomic weapons.

France is now participating with the United States in an international arrangement pursuant to which France is making substantial and material contributions to the mutual defense and security.

It is the view of the Department of Defense 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 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.

That completes the prepared statement.

Representative PRICE. Dr. JOHNSON, testimony has been given to the effect that this agreement does not permit the transfer of atomic weapons or any parts of weapons to the French Government.

In order that there be no misunderstanding and as the representative of the Department of Defense, will you reaffirm that statement?

Dr. JOHNSON. Yes, sir; I will.

Representative PRICE. It is clear?

Dr. JOHNSON. It is clear and there is no chance of misunderstanding.

Representative PRICE. In 1959, the United States entered into an agreement for cooperation with France for mutual defense purposes wherein the United States agreed to make available nuclear material to France for use in a land-based prototype of a nuclear submarine.

Does this proposed agreement before us today in any way modify or affect that earlier agreement?

Dr. JOHNSON. No, sir; it has no effect at all. It does not bear on that agreement.

Representative PRICE. Does this proposed agreement in any way pertain to an exchange of information or transfer of material for military reactors?

Dr. JOHNSON. No, sir; it does not.

Representative PRICE. Is the Department of Defense satisfied that the arrangements entered into with the French Government for the protection of classified information to be communicated to the French will be adequately protected?

Dr. JOHNSON. Yes, sir. As I pointed out in my statement, that is so.

Representative PRICE. I know you covered that in your statement, but I wanted it specifically reaffirmed at this point.

Dr. JOHNSON. Yes, sir; and you can be sure this will be under continuous surveillance and review.

Representative PRICE. Prior to the communication of any classified information under this agreement, will the Defense Department notify the Joint Committee in accordance with the requirement of the Atomic Energy Act that the Joint Committee be kept currently and fully informed?

Dr. JOHNSON. Yes, sir.

Representative PRICE. Will the Defense Department similarly inform the Joint Committee prior to the transfer of any nonnuclear parts of the weapons system?

Dr. JOHNSON. The transfer of nonnuclear parts which contain restricted data?

Representative PRICE. Yes.

Dr. JOHNSON. Yes, sir.

Representative PRICE. As far as the Department of Defense is concerned, do you look upon this agreement with France as being any different from the other agreements entered into with our NATO allies with respect to the kind of information and type of nonnuclear parts of weapons systems that may be transferred or exchanged?

Dr. JOHNSON. No, sir.

Chairman HOLIFIELD. Mr. Van Zandt.

Representative VAN ZANDT. Doctor, did you sit in on the conferences when this agreement was discussed with the representatives of the French Government?

Dr. JOHNSON. No, sir; I did not.

Representative VAN ZANDT. Are you familiar with the U.S. Air Force tactical units that were stationed in France about a year or so ago?

Dr. JOHNSON. No, sir; I am not.

Chairman HOLIFIELD. I think the record should show that Dr. Johnson has just recently been appointed to this position and, therefore, these preliminary negotiations and conferences would not be within the scope of his knowledge.

Representative VAN ZANDT. Let me direct the question to Colonel Hooper.

I understand you were at SHAPE in Paris at the time these units were withdrawn.

Colonel HOOPER. Yes, sir; I had just left.

Representative VAN ZANDT. Is it not true that the withdrawal of these tactical units certainly affected our strike capability?

Colonel HOOPER. To put it another way, if I may, General Norstad felt that his posture was better by the units being in France at the time.

Representative VAN ZANDT. Yes. They were closer to their target to do a job of intercept and so forth while now they are distributed in other countries than France.

My questions are based on what you said, Doctor, on page 5 of your prepared statement:

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 France are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto.

I think when you use the word "mutual" and you mention "material contributions" that it would be a material contribution to our defense if we had our tactical units back on French soil, and strengthen the posture mentioned by General Norstad.

Chairman HOLIFIELD. Senator Pastore?

Senator PASTORE. I feel as my colleague, Mr. Van Zandt, does.

It was my understanding that the position that was taken by France with regard to not allowing atomic weapons upon French soil except-

ing under complete French control was not a matter discussed during these negotiations; is that correct?

Colonel HOOPER. That is correct, it was not discussed.

Senator PASTORE. You feel the discussions that took place, while it does not give us the 100 percent we would like to obtain, is to the advantage of the NATO security and the security of the U.S. Government; is that correct?

Dr. JOHNSTON. Yes, sir.

Senator PASTORE. This is the best we could do for the time being and in substance, that is what it amounts to?

Dr. JOHNSON. Yes, sir.

Senator PASTORE. Also hoping to bring the French position around again to when we could maintain some of these forces in French soil as we did before De Gaulle was made the leader of France?

Dr. JOHNSON. Yes, sir; we would hope so.

Chairman HOLIFIELD. Senator Dworshak?

Senator DWORSHAK. I am a little hazy about making available some of these nuclear parts and information. We have been reading about sending thousands of American military personnel to strengthen and beef-up our NATO forces.

Will France provide the military manpower to cooperate with us under this mutual security program or do we have to send our own American military personnel over there to handle this?

Colonel HOOPER. No, sir.

Senator DWORSHAK. Have you been able to get that concession from France?

Colonel HOOPER. Yes, sir; and the purpose of this, as has been brought out this morning, is for the French to be capable from the education standpoint and training to do the mission.

Senator DWORSHAK. Do they have military personnel available for training? You cannot train personnel that are not available.

Colonel HOOPER. They do.

Senator DWORSHAK. They are willing to go that far in cooperating with us?

Colonel HOOPER. Yes, sir.

Senator PASTORE. If I may follow that up, and I think it is a fine point raised by Mr. Dworshak, what the French are going to do is what we would have to do with our own personnel if they did not agree to that, is that correct?

Dr. JOHNSON. That is correct.

Chairman HOLIFIELD. Thank you very much, Dr. Johnson.

The next witness is Commissioner John S. Graham, Commissioner of the Atomic Energy Commission.

Will you please come forward, Mr. Graham?

STATEMENT OF JOHN S. GRAHAM, COMMISSIONER, ATOMIC ENERGY COMMISSION

Mr. GRAHAM. Mr. Chairman, I have a prepared statement. May I proceed?

Chairman HOLIFIELD. You may.

Mr. GRAHAM. I have a statement today in support of the Agreement for Cooperation for Mutual Defense Purposes with France which has

recently been submitted to the Congress in accordance with section 123d of the Atomic Energy Act of 1954, as amended.

Representatives of the Departments of State and Defense here today have discussed with the committee the background, principal provisions, and contemplated cooperation envisioned under the Mutual Defense Agreement with France.

This agreement is similar in all of its major provisions to the agreements entered into earlier with the Netherlands, Germany, Greece, Turkey, and Italy. Like these earlier agreements, it is designed to strengthen NATO by making restricted data available for the training of forces assigned to or earmarked for NATO in the use of atomic capable weapons systems.

This agreement covers the transmission of information relating to defense plans, the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy as authorized under the 1958 amendments to section 144b of the Atomic Energy Act.

It also covers the transfer of nonnuclear parts for atomic weapons systems necessary for improving the French state of training and operational readiness. It does not cover the deployment of atomic weapons, or communication of information concerning military reactors.

I should like to emphasize also that the agreement does not provide for the exchange of any restricted data for the purpose of assisting the French atomic weapon development program since the French and U.S. atomic weapons programs are completely separate and have developed independently.

The Commission's role in the conclusion of the mutual defense agreement with France has been limited to assisting the Department of Defense since that Department has primary responsibility for agreements negotiated pursuant to section 144b of the Atomic Energy Act.

The Commission does, however, support this agreement and joined the Department of Defense in recommending to the President that its performance would promote and would not constitute an unreasonable risk to the common defense and security.

Before joining in this recommendation, the Commission together with the other agencies involved, satisfied itself that adequate security procedures would be employed to protect information of the kind to be transmitted under this agreement.

The President has identified the urgency attached to bringing this agreement into effect as promptly as possible in his request to the Congress to waive the 60-day waiting period provided by section 123d of the Atomic Energy Act. As the committee is aware, certain additional measures must be undertaken before information may be communicated under such an agreement following its coming into force.

These measures include joint determination by the Department of Defense and the Commission as delegated by the President under Executive Order 10841,¹ that information to be communicated will promote and will not constitute an unreasonable risk to the common defense and security.

¹ See appendix 1.

The Commission intends to participate fully in the timely completion of these steps so that the contribution which this agreement will make to NATO's defensive strength may be realized as promptly as possible.

I should also like to note with respect to the matter of joint determinations, that President Kennedy's recent modification of the delegation to the Department of Defense and the Commission requires that all joint determinations concerning cooperation under section 144b, agreements for cooperation, be submitted to the President for a period of 15 days before they may become effective.²

Members of the Commission staff are present and would, of course, be happy to answer any questions the committee may have concerning the details of action which the Commission has taken with respect to this agreement.

That concludes my formal statement, Mr. Chairman.

Chairman HOLIFIELD. Is the Atomic Energy Commission satisfied that procedures and arrangements whereby classified information will be made available to the French will be adequately safeguarded?

Mr. GRAHAM. Yes, sir; we are so satisfied.

Chairman HOLIFIELD. Will you explain how the AEC and the Defense Department will determine that information to be transmitted will promote and constitute reasonableness of the common defense and security?

In other words, will you describe the mechanism through which this determination is made?

Mr. GRAHAM. We receive a recommendation from the Department of Defense which we as a Commission consider very carefully, sir, based on the information that we have secured, and if we are satisfied, then we join in such a determination.

Chairman HOLIFIELD. Is part of that mechanism the scrutiny of clearances for people who might be entitled to this limited type of information?

Mr. GRAHAM. May I ask Mr. Ink to answer that specifically since it is a detail that would come to us in the form of a recommendation of the staff.

STATEMENT OF DWIGHT INK, ASSISTANT GENERAL MANAGER, ATOMIC ENERGY COMMISSION

Mr. INK. Mr. Chairman, as you know, under article V of this agreement, there is provision under which we and the French work very closely together, consult very closely in terms of the kinds of standards and procedures which will apply in the protection of information which is transmitted pursuant to the agreement.

We are thoroughly familiar with the kinds of procedures that have been established, including clearance procedures. Under the agreement, of course, separate determination would be made at the time the transmission of specific information is authorized.

Therefore, we would review in conjunction with State Department and Defense Department these arrangements and the information which was available through our consultations with France at the time of each proposed transmission of information.

² See appendix 2.

Chairman HOLIFIELD. Mr. Graham, in your statement on page 3, you note that any joint agreement which might be made between the Department of Defense and the AEC would be submitted to the President for a waiting period of 15 days before they became effective.

I ask you this question: Will you in accordance with the Atomic Energy Act of 1954 keep the Joint Committee currently and fully informed with respect to any communication or transfer to be undertaken prior to the actual communication or transfer?

Mr. GRAHAM. The answer is "yes," Mr. Chairman. If I may elaborate, we are fully aware of the law about keeping the Joint Committee currently and fully informed and we have supported that thesis heretofore with respect to the other agreements and we expect to do so with this one.

Chairman HOLIFIELD. Mr. Graham, for the record, will you advise whether or not the AEC is assisting the French Government in the development, design, or fabrication of nuclear weapons or in the testing of nuclear weapons?

Mr. GRAHAM. Mr. Chairman, I could surmise that perhaps your question was prompted by the recent statement of Chairman Khrushchev that this is what the U.S. Government in general and the Atomic Energy Commission specifically had been doing.

I imagine that that statement came as much as a surprise to the French as it has to us. Specifically, and as I stated in my prepared remarks, the French and the U.S. weapons systems programs had developed independently and separately.

It has been and continues to be the policy of the U.S. Government to discourage the spread of nuclear weapons design and fabrication and capabilities to any additional nation.

Chairman HOLIFIELD. Then, the specific answer to my question is in the negative that the U.S. Government has not helped the French Government in the development, design, or fabrication of nuclear weapons, No. 1; and No. 2, that they have not helped them in the testing of nuclear weapons?

Mr. GRAHAM. Negative to both.

Representative PRICE. At any time?

Mr. GRAHAM. The answer is still in the negative.

Representative VAN ZANDT. On page 3, Mr. Graham, where you talk about the President having a period of 15 days prior to agreements or modifications becoming effective. What was the required number of days prior to this modification?

Mr. GRAHAM. We did not have any particular time, Mr. Van Zandt. Under the previous Executive order, if there was agreement between the Defense Department and the Atomic Energy Commission, it did not have to go to the President.

This new Executive order does assure that the President does, in fact, have an opportunity to look over any of the agreements for transmittal of specific information.

Representative VAN ZANDT. In other words, it provides for another check before it becomes final?

Mr. GRAHAM. Yes, sir.

Chairman HOLIFIELD. Mr. Aspinall.

Representative ASPINALL. No questions.

Chairman HOLIFIELD. Senator Dworshak.

Senator DWORSHAK. Mr. Graham, you said in your statement:

The Commission does, however, support this agreement and joined the Department of Defense in recommending to the President that its performance would promote and would not constitute an unreasonable risk to the common defense and security. Before joining in this recommendation, the Commission together with the other agencies involved, satisfied itself that adequate security procedures would be employed to protect information of the kind to be transmitted under this agreement.

Who will supervise the security aspects of this agreement for the United States, the Defense Department, or does the Commission participate in safeguarding security?

Mr. GRAHAM. May I ask Mr. Ink to answer that? I think you were not here when he was replying to a previous question.

Mr. INK. The operational responsibility rests with the Defense Department within the overall policy framework established by the President with the assistance of the Department of State. The Atomic Energy Commission, of course, provides assistance and advice to both the Departments of State and Defense in this area.

Chairman HOLIFIELD. Senator Bennett?

Senator BENNETT. No questions.

Chairman HOLIFIELD. Are there any further questions?

The record should show that Commissioner Graham and Mr. Ink accompanied the ad hoc subcommittee on the tour of the NATO bases and were cognizant of the report, and I believe in full agreement with the classified report which the committee made to the President early this year.

I think it was mutually beneficial for us to have members of the Commission. We had the former AEC Chairman, Mr. McCone, with us part of the trip, Mr. Graham and Mr. Ink all of the trip, and I think it was mutually beneficial for all of us to review this situation and make certain recommendations, some of which have been put into effect.

Mr. GRAHAM. Mr. Chairman, if I may make an observation, I know that Mr. McCone, Mr. Ink, and I appreciated the courtesy of the Joint Committee in inviting us to go on this trip about a year ago.

It certainly was a well-organized, well-run trip, and as I have said to you before, the fact that you as chairman of the committee could arrange it in such a fashion so as not to be delayed by the weather.

But, specifically, it was very helpful to all of us in the Commission and hopefully some education and learning which we acquired has been likewise helpful to our associates in other departments of government.

Thank you very much, Mr. Chairman.

Chairman HOLIFIELD. Thank you, Mr. Graham.

The staff will be instructed to have the hearings printed and prepare a report. It is the hope of the Chair that we will be able to consider the report on Thursday morning when we have an executive meeting of the committee and act upon it at that time.

At the present time, we stand adjourned.

(Whereupon, the Joint Committee concluded the hearing at 11:05 a.m., Tuesday, September 12, 1961.)

APPENDICES

APPENDIX 1

EXECUTIVE ORDER 10841 OF SEPTEMBER 30, 1959

PROVIDING FOR THE CARRYING OUT OF CERTAIN PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED, RELATING TO INTERNATIONAL COOPERATION

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), hereinafter referred to as the Act, and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Whenever the President, pursuant to section 123 of the Act, has approved and authorized the execution of a proposed agreement providing for cooperation pursuant to section 91 c., 144 a., 144 b., or 144 c. of the Act (42 U.S.C. 2121(c), 2164(a), 2164(b), 2164(c)), such approval and authorization by the President shall constitute his authorization to cooperate to the extent provided for in the agreement and in the manner provided for in section 91 c., 144 b., 144 a., or 144 c., as pertinent. In respect of sections 91 c., 144 b., and 144 c., authorizations by the President to cooperate shall be subject to the requirements of section 123 d. of the Act and shall also be subject to appropriate determinations made pursuant to section 2 of this order.

Sec. 2. (a) The Secretary of Defense and the Atomic Energy Commission are hereby designated and empowered to exercise jointly, after consultation with executive agencies as may be appropriate, the following-described authority without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 91 c. of the Act to determine that the proposed cooperation and each proposed transfer arrangement referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(2) The authority vested in the President by section 144 b. of the Act to determine that the proposed cooperation and the proposed communication of restricted data referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(3) The authority vested in the President by section 144 c. of the Act to determine that the proposed cooperation and the communication of the proposed restricted data referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(b) Whenever the Secretary of Defense and the Atomic Energy Commission are unable to agree upon a joint determination under the provisions of subsection (a) of this section, the recommendations of each of them, together with the recommendations of other agencies concerned, shall be referred to the President, and the determination shall be made by the President.

Sec. 3. This order shall not be construed as delegating the function vested in the President by section 91 c. of the Act of approving programs proposed under that section.

Sec. 4. (a) The functions of negotiating and entering into international agreements under the Act shall be performed by or under the authority of the Secretary of State.

(b) International cooperation under the Act shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States pertinent thereto.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 30, 1959.*

APPENDIX 2

EXECUTIVE ORDER 10956 OF AUGUST 10, 1961, AMENDMENT OF EXECUTIVE ORDER NO. 10841, RELATING TO INTERNATIONAL COOPERATION UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Executive Order No. 10841 of September 30, 1959, entitled "Providing for the Carrying Out of Certain Provisions of the Atomic Energy Act of 1954, as Amended, Relating to International Cooperation," is hereby amended by changing the period at the end of paragraph (2) of section 2(a) thereof to a colon and adding to such paragraph the following: "Provided, that each determination made under this paragraph shall be referred to the President and, unless disapproved by him, shall become effective fifteen days after such referral or at such later time as may be specified in the determination."

THE WHITE HOUSE, August 10, 1961.

JOHN F. KENNEDY.



APPENDIX

Executive Order No. 10,000, July 1, 1917, and Executive Order No. 10,001, July 1, 1917, relating to the Federal Reserve System.

The Federal Reserve System was established by the Federal Reserve Act, approved October 3, 1913, and amended by the Federal Reserve Act of 1914, approved December 23, 1914, and the Federal Reserve Act of 1917, approved July 1, 1917. The Federal Reserve System is organized into twelve Federal Reserve Banks, each of which is a corporation organized under the laws of the State in which it is located. The Federal Reserve System is supervised and controlled by the Board of Governors of the Federal Reserve System, which is a body of seven members appointed by the President of the United States, with the advice and consent of the Senate. The Board of Governors has the honor of presenting to the President of the United States the following list of the members of the Board of Governors of the Federal Reserve System, who were appointed on July 1, 1917.

John C. McMillin

The White House, January 10, 1917.