

LBJ LIBRARY DOCUMENT WITHDRAWAL SHEET

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Doc #	DocType	Doc Info	Classification	Pages	Date	Restriction
16	memo	C. Johnson to M. Bundy <i>open 7-13-15</i>	S	2	5/19/64	A
21	ltr	Seaborg & McNamara to the President <i>open 12-14-09 NLJ 09-81</i>	S	2	5/18/64	A
22	rpt	"Technical Annex to the Agreement..." <i>open 1/20/16 per NLJ 15-205</i>	S	3	undated	A
23	rpt	"Security Annex to the Agreement..." <i>open 1/20/16 per NLJ 15-205</i>	G	9	undated	A
28	draft	SecState & DepSecDef to the President <i>sanitized 12-30-09 NLJ 09-82</i>	S	7	5/8/64	A
34	rpt	"Technical Annex..." (missing pages 3 & 5) <i>open 6-16-09 NLJ 09-82</i>	S	6	6/64	A
31a	rpt	"Security Annex..." (cover pg, 2-22 (even only) & 23) <i>open 6-16-09 NLJ 09-82</i>	G	13	6/64	A

Collection Title National Security File, Files of Charles E. Johnson

Folder Title "NATO - 144B Agreement"

Box Number 004

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1/6/2009


 Initials

1

June 26, 1964

MEMORANDUM FOR MR. BUNDY

Mac --

Please ask Alice to let me know when the President has signed the message. I will work out the necessary arrangements with George Reedy and the State Department relating to the Monday morning release and the transmittal to the Congress (which will involve some coordination with the JCAE).

Charles E. Johnson

2
June 26, 1964

MEMORANDUM FOR THE PRESIDENT

The attached message for the Congress transmitting the new NATO agreement relating to the exchange of atomic information is now ready for your signature. The message was prepared by the Department of Defense in coordination with the Department of State and has been endorsed by the Atomic Energy Commission. The substance of the agreement and the message has also been checked with the Joint Committee on Atomic Energy.

Following your signature we will notify the other NATO countries that we will transmit the message to the Congress in three days and make a public release thereof at the same time. We have tentatively agreed to a release on Monday morning.

McGeorge Bundy

June 26, 1964

**MEMORANDUM FOR MR. MALCOLM KILDUFF,
THE WHITE HOUSE PRESS OFFICE**

Mac --

Attached is a copy of my note to Hopkins concerning the transmittal of the message to the Congress covering the new NATO agreement and also a copy of the message itself. The State Department has requested that the White House release the message to the press on Tuesday morning, June 30. The State Department has also requested that all press inquiries for elaboration and interpretation be referred to the Departments of State and Defense for reply. Copies of the agreement will be available at the Departments of State and Defense and the Public Affairs officers of the two departments are prepared to handle press inquiries.

I am not including a copy of the agreement itself. If you need one, let me know.

Charles E. Johnson

4

June 26, 1964

MEMORANDUM FOR MR. WILLIAM J. HOPKINS

SUBJECT: Transmittal to the Congress of the new NATO Agreement

The President has signed the two copies of the message to the Congress and the message and true copies of the signed agreement are presented herewith for transmittal to the Congress.

The other NATO signatories have been informed by Ambassador Finletter that we plan to transmit the message to the Congress on Tuesday morning, June 30 and also, at that time we plan to release the message to the press. The staff of the Joint Committee on Atomic Energy has requested us to notify them approximately two hours before our official messenger delivers the message to the clerk. The person to notify is Mr. George Murphy (180-6171). Mr. Murphy will arrange to meet the messenger and take custody of the two classified annexes.

A copy of the message has been sent to Mr. Kilduff in the Press Office with a request that it be given public release Tuesday morning. In addition, the Press Office has been requested to refer all press inquiries for elaboration and interpretation of the agreement to the Departments of State and Defense.

Charles E. Johnson

5

June 23, 1964

MEMORANDUM FOR MR. BROMLEY SMITH

Brom --

You will note in the two memoranda from Karl Ackerman that there is a detailed scenario agreed to covering the timing and handling of the NATO 144b agreement. If you will obtain the President's signature through Hopkins on the transmittal memo provided herewith and return the whole package to me, I will handle the notification to the State Department and transmittal to the Congress. (The Congressional transmittal is complicated by the fact that I will have to coordinate with JCAE to give special security handling to the classified annexes.) Please let me know when the President has signed it and I will take it from there.

Charles E. Johnson

TO THE CONGRESS OF THE UNITED STATES

On May 14, 1964, the Secretary of Defense and the Chairman of the Atomic Energy Commission, jointly recommended to me, with the concurrence of the Secretary of State, a proposed new agreement to provide for cooperation in the exchange of atomic information with the North Atlantic Treaty Organization and its member nations.

The new agreement will supersede an existing agreement executed in 1955, and will do two things:

- a. It will extend the types of information which we can exchange with NATO. This expanded area of information is needed to enable our Allies to make effective use of nuclear delivery systems being provided them by the United States under bilateral procedures and agreements following creation of NATO atomic stockpiles in 1957.**
- b. It will permit NATO member countries to share in information which the U. S. has hitherto been exchanging only with the NATO organization itself under the 1955 agreement. This will make these countries' role in alliance planning in the nuclear field more effective.**

This new agreement thus represents a logical and useful step in our continuing and varied efforts to ensure wider Allied participation in NATO nuclear defense. Such wider participation is necessary on both military and political grounds. It is needed to enhance the effectiveness of NATO defense. On political grounds, it is needed to reinforce NATO cohesion by meeting our Allies' legitimate desire to make a constructive contribution to nuclear defense.

Therefore, I have authorized the Secretary of State to execute this new agreement between the Government of the United States and the North Atlantic Treaty Organization and its member nations to provide for the cooperation relevant to the exchange of atomic information for NATO planning purposes.

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 signed agreement, together with a letter from the Secretary of State, a copy of the joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of the agreement, and a copy of my approval memorandum.

LBJ:CEJ:feg

DRAFT

~~SECRET~~

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TO THE CONGRESS OF THE UNITED STATES

On May 16, 1964, the Secretary of Defense and the Chairman of the Atomic Energy Commission, jointly recommended to me, with the concurrence of the Secretary of State, a proposed new agreement to provide for cooperation in the exchange of atomic information with the North Atlantic Treaty Organization and its member nations.

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- b. It will permit NATO member countries to share in information which the U. S. has hitherto been exchanging only with the NATO organization itself under the 1955 agreement. This will make these countries' role in alliance planning in the nuclear field more effective.

Unclassified upon release to the Congress

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This new agreement thus represents a logical and useful step in our continuing and varied efforts to ensure wider Allied participation in NATO nuclear defense. Such wider participation is necessary on both military and political grounds. It is needed to enhance the effectiveness of NATO defense. On political grounds, it is needed to reinforce ~~Allied~~ ^{NATO} cohesion by meeting our Allies' legitimate desire to make a constructive contribution to nuclear ~~defense~~ ^{defense}.

Therefore, I have authorized the Secretary of State to execute this new agreement between the Government of the United States and the North Atlantic Treaty Organization and its member nations to provide for the cooperation relevant to the exchange of atomic information for NATO planning purposes.

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 signed Agreement, together with a letter from the Secretary of State, a copy of the joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of the Agreement, and a copy of my approval memorandum.

LYNDON B. JOHNSON

Enclosures 5

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~~SECRET~~

C. Johnson

Can this go to
Hopkins for
formal signature?

BKS

~~SECRET~~

June 22, 1964

MEMORANDUM FOR MR. CHARLES E. JOHNSON
NATIONAL SECURITY COUNCIL
EXECUTIVE OFFICE BUILDING

Attached is a letter signed by the Secretary of State to the President transmitting a certified copy of the NATO Atomic Information Agreement together with the annexes thereto.

You will note that the Agreement itself bears no classification, whereas the Security and Technical Annexes of the Agreement are classified Secret. Furthermore, the Secretary's letter to the President bears no classification. This will confirm that until the Agreement is transmitted by the President to the Congress the Agreement itself and all documents related thereto are to be handled as secret material. They will be unclassified as of the date the President sends them to the Congress; the annexes will remain Secret.

Details for the handling of the Agreement after the President's signature is affixed, which we have discussed previously, are the subject of a separate memorandum to you.

Karl D. Ackerman
Office of Atlantic
Political and Military Affairs

~~SECRET~~

DECLASSIFIED
E.O. 13292, Sec. 3.4
By Chm/ly NARA, Date 12-9-08

Dear Mr. President:

I have the honor to forward to you with a view to its transmission to the Congress, pursuant to the Atomic Information Act of 1954, as amended, an authoritative copy of an agreement between the Parties of the North Atlantic Treaty for cooperation regarding atomic information.

The Agreement was signed on behalf of the United States on June 12, 1964 pursuant to the authorization granted in your memorandum of May 19 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.

A total of ten nations have signed the Agreement and the remaining member states are expected to sign in the near future.

Faithfully yours,

Dean Rusk

Enclosure:

Agreement

The President

The White House

Clearances: L/EUR

G/PM

June 22, 1964

~~CONFIDENTIAL~~

MEMORANDUM FOR MR. CHARLES E. JOHNSON
NATIONAL SECURITY COUNCIL
EXECUTIVE OFFICE BUILDING

This will confirm our discussions on the timing and handling of the NATO 144b Agreement.

A certified copy of the Agreement which ten of the NATO countries have signed thus far, is being forwarded to the President today under cover of a letter from the Secretary of State. As soon as the President has signed, you should inform me of this fact and at that time we can agree on a specific date, some three days hence, when it will be transmitted to the Congress. During this interval, as we agreed, you will hold the package and I will immediately inform the US delegation in Paris of the exact date when the release will be made, in order that they may in turn notify the other member nations of the fact.

Also, as we agreed previously, the statement to the press by Mr. Reedy that the President has transmitted the Agreement to Congress should be timed for morning release in Washington in order that releases in Europe can take advantage of the afternoon press.

It is my understanding from our previous discussions that Mr. Reedy will simply announce that the agreement has been sent to Congress and will make available to the press a copy of the President's letter. Copies of the Agreement will be available at the Departments of State and Defense and any questions regarding the Agreement should be directed to these agencies. The Public Affairs officers of the two Departments have been so informed.

Karl D. Ackerman
Office of Atlantic
Political and Military Affairs

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 13292, Sec. 3.4
By *cm/s*, NARA, Date *12-9-08*

THE SECRETARY OF STATE
WASHINGTON

June 22, 1964

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Faithfully yours,



Dean Rusk

Enclosure:

Agreement.

The President,
The White House.



DEPARTMENT OF STATE
WASHINGTON

June 22, 1964

~~CONFIDENTIAL~~

MEMORANDUM FOR MR. CHARLES E. JOHNSON
NATIONAL SECURITY COUNCIL
EXECUTIVE OFFICE BUILDING

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Karl D. Ackerman
Office of Atlantic
Political and Military Affairs

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 13292, Sec. 3.4
By *cm/s* NARA, Date 12-4-08

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DEPARTMENT OF STATE
WASHINGTON

~~SECRET~~

June 22, 1964

MEMORANDUM FOR MR. CHARLES E. JOHNSON
NATIONAL SECURITY COUNCIL
EXECUTIVE OFFICE BUILDING

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Details for the handling of the Agreement after the President's signature is affixed, which we have discussed previously, are the subject of a separate memorandum to you.

Karl D. Ackerman
Office of Atlantic
Political and Military Affairs

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DECLASSIFIED
E.O. 13292, Sec. 3.4
By *Chapman* NARA, Date 12-4-08

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THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

C. Johnson

2 JUN 1964

MEMORANDUM FOR MR. McGEORGE BUNDY, SPECIAL
ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS

4
SUBJECT: Presidential communication to the Congress
relevant to the submission of the new NATO
144b Agreement

In accordance with a request from Mr. Charles Johnson of
your staff, the Department of Defense in coordination with
the Department of State has prepared a proposed communi-
cation to the Congress for possible use by the President
when the new NATO 144b Agreement is submitted in accord-
ance with Section 123 of the Atomic Energy Act of 1954, as
amended.

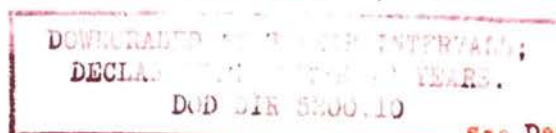
The Chairman, Atomic Energy Commission has reviewed
this proposed communication and concurs.

Cyrus Vance

Enclosure 1

~~SECRET~~

UPON REMOVAL OF ATTACHMENTS THIS
DOCUMENT BECOMES UNCLASSIFIED



See Doc Cont Nr. X - 3249
1843

16

SECRET

May 19, 1964

MEMORANDUM FOR MR. BUNDY

Mac --

Here is the new Section 144-b agreement package for the President's consideration. It has a very short fuse because the agreement will be "open for signature" 48 hours following receipt of "full powers" by the Permreps of the UK, the Netherlands, Canada and Portugal. The State Department anticipates that signing may start as early as Wednesday and the Secretary is of the opinion that Ambassador Finletter should be in a position to be one of the first signers in view of the amount of effort that the U. S. has put into getting this agreement. The big political element is the French factor in our relationship to NATO. The classified transmittal letter is deliberately silent on this matter although an earlier draft dealt with the French question at some length. It was decided by the State Department that it would be preferable to handle a discussion of the French problem orally. The question will receive the same treatment in a closed hearing before the Joint Committee.

I have the earlier draft of the classified memo. This memo carried the following language:

"First of all, we expect that the current French attitude toward NATO, particularly as expressed in the French fleet withdrawal and the recently announced French intent to withdraw her naval officers from NATO naval commands, will spark a negative reaction from some members of the Joint Committee when they address an agreement which would provide for an expanded exchange of U. S. atomic information with France as well as the other NATO allies. We understand that opinion is already being voiced in the Joint Committee that the validity of the existing U. S. - French bilateral agreement on atomic information could be in question because of wording in the agreement which predicates cooperation on the parties 'continuing to make substantial and material contributions to the mutual defense and security'. It is our view that, unfortunate as the current French attitudes

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Authority NW5-030R. 004.006/1

By jc NARA. Date 7-2-15

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"are to the general health and progress of NATO, France remains an active member of the Alliance, cooperating in many areas if not all. French commitments to NATO include the following French forces under SACEUR's command: two infantry divisions; five battalion equivalents of Honest John rockets; and seventeen aircraft squadrons (276 high-performance aircraft). The Department of Defense considers that while the current French military contribution to NATO merits improvement, it does nevertheless represent a substantial contribution to the European regional defense.

"While there is no evidence to suggest a marked improvement in the French attitude toward NATO in the foreseeable future, neither is there hard-evidence to support a thesis that France is following a calculated policy leading to either a scuttling of the Alliance or a total French withdrawal from NATO. We believe that the best posture for the United States at present is to make every effort to improve the cohesion of the Alliance, keeping sharp vigilance at the same time for any developments on the part of France or any other ally which would signal the need for a fundamental change in U. S. Policy. In any case by the terms of the Agreement the United States, will make unilaterally a separate determination on each piece of information transmitted under the Agreement and may stop passing information to NATO or any individual country or countries at any time and for any reason it becomes prudent to do so."

Although the above language was deleted, it still represents the State-DOD view.

Charles E. Johnson

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SECRET**MEMORANDUM FOR THE PRESIDENT**

The representatives of the fifteen NATO nations have agreed on the terms of a new agreement between the Government of the United States and the other NATO nations providing for the exchange of atomic information for NATO planning purposes. Eleven countries are now prepared to sign and the representatives of the United Nations, Canada, the Netherlands, and Portugal are awaiting their "full powers." Ambassador Finletter is awaiting your authorization to sign on behalf of the United States.

The two letters herewith signed by Secretary McNamara and Chairman Seaborg and concurred in by the Secretary of State, set forth the purpose and content of the new agreement, and why it is in our interest to have a new agreement. In brief, it will clear up certain procedural obstacles to transmitting to the NATO member nations the kind of atomic information necessary to the development of the collective military capability of NATO and at the same time the new agreement strengthens the security safeguards surrounding this atomic information. The new agreement, however, does not in itself provide any more information to NATO and the granting of additional information will continue to be under the control of the United States Government and be pursuant in each instance to a specific determination approved by you.

I recommend that you sign the attached memorandum for the Secretary of Defense and the Chairman of the Atomic Energy Commission to authorize Ambassador Finletter to sign the agreement as soon as it is "open for signature" which it is now anticipated will occur possibly this coming Wednesday.

Following signature, the agreement will be transmitted to the Congress in accordance with Section 123-d of the Atomic Energy Act to lie for a period of 60 days while Congress is in session.

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DECLASSIFIED
E.O. 13292, Sec. 3.4
By chm/r, NARA, Date 12908

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-2-

It is now understood that the Joint Committee on Atomic Energy will hold a hearing on the agreement. Informal consultation with the staff of the Committee indicates a favorable report. At the time the agreement is transmitted to the Congress, it will be made public by a White House release together with the unclassified McNamara-Seaborg transmittal letter, in coordination with the other signatory nations.

McGeorge Bundy

~~SECRET~~

Mr. Johnson
18

May 19, 1964

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

SUBJECT: New NATO 144b Agreement

In your joint letter to me of May 18, 1964, you recommended that I approve a proposed new NATO 144b Agreement between the Government of the United States of America and all other member states of the North Atlantic Treaty Organisation, for cooperation relevant to the exchange of atomic information for NATO planning purposes.

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

(1) determine that the performance of this proposed new agreement will promote and will not constitute an unreasonable risk to the common defense and security; and

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

S/ Lyndon B. Johnson

THE SECRETARY OF DEFENSE
WASHINGTON

file 19
MAY 18 1964

The President
The White House
Washington 25, D. C.

Dear Mr. President:

We are submitting herewith a sample memorandum for your possible use in responding to our joint communications of this date, concerning the new 144b Agreement between the Government of the United States and all other member nations of the North Atlantic Treaty Organization for cooperation relevant to the exchange of atomic information for NATO planning purposes.

While our letter of transmittal to you today on this matter has not been classified because of intended publication in the future, it is recommended that it be handled as if classified until the Agreement has been executed and suitable arrangements have been worked out with the countries concerned with respect to a public announcement.

Sincerely,

Henry J. Deak
Chairman
Atomic Energy Commission

Robert S. McNamara
Secretary of Defense

Enclosure 1

1778

The White House
Washington 25, D. C.

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

SUBJECT: New NATO 144b Agreement

In your joint letter to me of _____, you recommended that I approve a proposed new NATO 144b Agreement between the Government of the United States of America and all other member states of the North Atlantic Treaty Organization, for cooperation relevant to the exchange of atomic information for NATO planning purposes.

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

(1) determine that the performance of this proposed new agreement will promote and will not constitute an unreasonable risk to the common defense and security; and

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

Lyndon B. Johnson

THE SECRETARY OF DEFENSE
WASHINGTON

MAY 18 1964

The President
The White House
Washington, D. C.

Dear Mr. President:

There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States and the other parties to the North Atlantic Treaty for cooperation regarding atomic information.

The proposed Agreement would supersede the "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information" signed in Paris on 22 June 1955. In 1958, the Atomic Energy Act of 1954 was amended by Public Law 85-479 to permit increased cooperation with our allies.

While the 1955 Agreement played an important part in enabling the United States to communicate to NATO certain atomic information necessary to the Alliance, the proposed new Agreement will provide for more extensive cooperation by permitting the North Atlantic Treaty Organization and the individual NATO member nations to receive the kind of atomic information that is necessary to an increasing understanding and knowledge of and participation in the political and strategic consensus upon which the collective military capacity of the North Atlantic Alliance depends.

This agreement establishes an improved framework under which such cooperation may be carried out. In accordance with the provisions of Section 144b. of the Atomic Energy Act of 1954, as amended, Article I of the Agreement provides that the United States will, while the North Atlantic Treaty Organization continues to make substantial contributions to the mutual defense and security, cooperate by communicating to the North Atlantic Treaty Organization and its Member States, while they continue to make such contributions, atomic information in accordance with this Agreement, provided the United States Government determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

PRESERVATION COPY

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Article II provides that other NATO nations will, to the extent they determine necessary, transmit atomic information of their own origin and of the same types as provided for in the proposed Agreement under terms and conditions the same as, or similar to, those in the proposed Agreement.

Article III of the Agreement provides for the communication of atomic 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 compatible delivery systems for atomic weapons.

Article IV of the Agreement stipulates that the cooperation under the Agreement will be carried out by the United States in accordance with its applicable laws, and makes clear that there will be no transfer under the Agreement of atomic weapons, non-nuclear parts of atomic weapons, or non-nuclear parts of atomic weapons systems involving Restricted Data. This Article also provides that the information communicated by the United States shall be used exclusively for the preparation or implementation of NATO defense plans or activities and the development of delivery systems in the common interests of the North Atlantic Treaty Organization.

Article V of the proposed Agreement outlines the procedures for the safeguarding of information communicated under the Agreement. It is significant to note that the information transmitted under the Agreement shall not be communicated or exchanged by the North Atlantic Treaty Organization or persons under its jurisdiction to any unauthorized persons or beyond the jurisdiction of that organization except that the North Atlantic Treaty Organization may communicate, unless it is otherwise specified by the United States, information to its member nations as is necessary to carry out functions related to NATO missions. This article also provides that the member nations will not communicate information received under this agreement to unauthorized persons or beyond the jurisdiction of the Member States concerned. Member States may, however, communicate such information to the North Atlantic Treaty Organization or,

when authorized by the United States, to other Member States requiring the information for functions related to NATO missions.

Article VI provides that other provisions of the Agreement notwithstanding, the United States may stipulate the degree to which any atomic information made available under the Agreement may be disseminated to the North Atlantic Treaty Organization or its Member States.

Under Article XI the proposed Agreement would supersede the 1955 NATO Agreement and all information previously transmitted under the terms of the 1955 Agreement would be considered to have been communicated under the new Agreement.

The new Agreement would remain in force until terminated by unanimous agreement of the parties or superseded by another agreement.

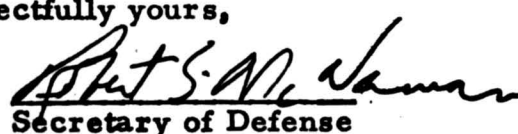
The North Atlantic Treaty Organization is making and the NATO Member States, in participating with the United States in the North Atlantic Treaty Organization, are making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic 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. Accordingly, it is recommended that, in accordance with Section 123b. of the Atomic Energy Act of 1954, as amended, you:

- A. 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
- B. Approve the proposed Agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully yours,


Chairman, Atomic Energy Commission


Secretary of Defense

Enclosure:
Proposed Agreement

~~SECRET~~

21

THE SECRETARY OF DEFENSE
WASHINGTON

MAY 18 1964

The President
The White House
Washington 25, D. C.

Dear Mr. President:

To supplement information and comments on the "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information", contained in our unclassified letter of today, we should like to provide the following additional information regarding items we consider to be of particular interest.

You will note that there is a classified Technical Annex and a classified Security Annex to the Agreement. The Technical Annex has been developed to delineate more particularly the scope of cooperation to be carried out under the Agreement. Specifically, Section I of the Annex provides for the types and categories of atomic information (Restricted Data and Formerly Restricted Data) which may be communicated. These types and categories of information are necessary to accomplish the purposes and objectives of cooperation and are broad enough to include all the information on utilization of atomic weapons which Section 144b of the Atomic Energy Act authorizes. Section II of the Technical Annex specifically excludes communication of information on military reactors, naval nuclear propulsion plants or military applications of atomic energy other than information specifically provided for in Section I.

We should like to refer particularly to the Security Annex of the Agreement. The 1955 Agreement contained no Security Annex. The Security Annex to this Agreement incorporates existing NATO security regulations and establishes additional standards for the protection of the atomic information to be communicated. It provides that the Secretary General of NATO,

DECLASSIFIED

E.O. 13292, Sec. 3.5

NLJ 09-81

By int, NARA, Date 10-14-09

~~SECRET~~

EXCLUDED FROM AUTOMATIC
REGRADING: DND DIR 5200.10
DOES NOT APPLY

Sec Def Cont Nr. X - 2939

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acting in the name of the North Atlantic Council and under its authority, shall be responsible for supervising the application of the NATO security program for the protection of atomic information under the Agreement. It further provides that the Secretary General of NATO shall receive complete information on the operation of the security program throughout all NATO civil and military elements, that he shall be required to make comments as to correction of deficiencies and to inform the North Atlantic Council in the event that corrective actions are not taken with a recommendation that the Council establish the means for appropriate action. In addition, the United States will receive copies of all inspection reports made by all NATO elements, including the Secretary General's comments on correction of deficiencies, and will have the right to conduct security reviews and inspections throughout all NATO elements and in all Member States where atomic information communicated under the Agreement has been received.

In addition to the presentation in the unclassified letter, we should like to mention some further reasons why we believe it is in the interest of the United States to conclude this Agreement. You are well aware of the need on the part of our allies in NATO to participate in over-all NATO nuclear planning. This Agreement will be important in helping to create an atmosphere of closer consultation on significant nuclear matters without communicating information that could contribute significantly to any NATO member nation's atomic weapon design, development, or fabrication capability or violating United States policies with respect to proliferation of nuclear weapons or control of nuclear weapons and their use. More important, we see this Agreement as affording the United States an opportunity to exert greater influence on strategic thinking in European capitals and in the North Atlantic Council as a result of the information and studies which can be provided under the authority of the Agreement and safeguarded in accordance with its terms.

Should you approve the proposed Agreement, we shall furnish a copy of this letter to the Joint Committee on Atomic Energy for its information. The Secretary of State agrees with the views expressed in this letter.

Respectfully yours,


Chairman, Atomic Energy Commission


Secretary of Defense

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22

Cy/4

TECHNICAL ANNEX TO THE AGREEMENT BETWEEN THE
PARTIES TO THE NORTH ATLANTIC TREATY FOR CO-OPERATION
REGARDING ATOMIC INFORMATION

The provisions of this Annex implement certain of the provisions of the Agreement for Co-operation Regarding Atomic Information done at Paris on (hereinafter referred to as the Agreement) of which this Annex forms an integral part.

SECTION I

Subject to the terms and conditions of the Agreement, the types of atomic information which the Government of the United States of America may make available to the North Atlantic Treaty Organization and its member states are:

A. As may be necessary for mutual defence planning, training, and logistical requirements, information concerning the numbers, locations, types, yields, arming, safing, command and control, and fuzing of those atomic weapons which can be made available for use by or in support of the North Atlantic Treaty Organization.

B. Effects to be expected or resulting from the detonation of atomic weapons.

C. Response of structures, equipment, communications and personnel to the effects of atomic weapons, including damage or casualty criteria.

D. Methods and procedures for analyses relating to the effects of atomic weapons.

E. Information on the capabilities of potential enemy nations for atomic warfare.

F. Information on atomic weapons and atomic weapons systems required for attainment of delivery capability with specified atomic weapons which can be made available for use by or in support of the North Atlantic Treaty Organization, including information required for evaluation of atomic weapons systems to determine NATO requirements and strategy.

DECLASSIFIED
E.O. 13526, Sec. 3.5

~~SECRET~~

By UCLD NLJ 15-205
NAR, Date 01-05-2016

~~SECRET~~

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G. 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 atomic weapons.

H. To the extent that they will influence NATO planning, the results to be expected from the strategic air offensive.

I. Information required for attainment of compatibility of specified atomic weapons with specified delivery vehicles.

J. Safety features of specified atomic weapons and of the operational systems associated with such weapons and information necessary and appropriate for salvage and recovery operations incident to a weapons accident.

K. Information required in planning for and training of personnel in the employment of and defence against atomic weapons and including information concerning:

1. Military uses of isotopes for medical purposes.
2. Defence against radiological warfare.

L. Information regarding civil defence against atomic attacks.

M. Other information as may be determined by appropriate United States Authorities to be necessary for support of the North Atlantic Treaty Organization and transferable under provisions of the Atomic Energy Act of 1954, as amended, and the Agreement.

SECTION II

No information on other military applications of atomic energy, military reactors, or naval nuclear propulsion plants, will be communicated under the Agreement.

For the Kingdom of Belgium:

For Canada:

For the Kingdom of Denmark:

For France:

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For the Federal Republic of Germany:

For the Kingdom of Greece:

For Iceland:

For Italy:

For the Grand Duchy of Luxembourg:

For the Kingdom of the Netherlands:

For the Kingdom of Norway:

For Portugal:

For Turkey:

For the United Kingdom of Great Britain and Northern Ireland:

For the United States of America:

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SECURITY ANNEX TO THE AGREEMENT BETWEEN THE
PARTIES TO THE NORTH ATLANTIC TREATY FOR CO-OPERATION
REGARDING ATOMIC INFORMATION

This Annex sets forth the security measures which the North Atlantic Treaty Organization and the member states shall apply to safeguard atomic information made available by the Government of the United States of America to the North Atlantic Treaty Organization and its member states pursuant to the Agreement for Co-operation Regarding Atomic Information done at Paris on (referred to hereinafter as "the Agreement") of which this Annex is an integral part. In the event a member of the North Atlantic Treaty Organization other than the Government of the United States of America makes atomic information available pursuant to Article II of the Agreement, such information shall be safeguarded by security measures no less restrictive than those set forth in this Annex.

SECTION I

GENERAL

A. NATO security regulations, no less restrictive than those which are presently set forth in C-M(55)15(Final) and the Confidential Supplement of 1st January, 1961, thereto, as well as the security measures specified in this Annex, shall be applied by NATO military and civilian elements and by member states to atomic information communicated pursuant to the Agreement.

B. The security programme as implemented by all NATO military and civilian elements and by member states receiving atomic information pursuant to the Agreement shall provide fully for carrying out the security requirements laid down in this Annex.

C. The Secretary General, acting in the name of the North Atlantic Council and under its authority, shall be responsible for supervising the application of the NATO security programme for the protection of atomic information under the Agreement. He will ascertain by means of the procedures set forth in Section X of this Annex that all measures required by the NATO Security programme are taken in NATO civil and military elements and national civil and military elements to protect the information exchanged under the Agreement.

D. No individual shall be entitled to access to atomic information solely by virtue of rank, appointment, or security clearance.

DECLASSIFIED
E.O. 13526, Sec. 3.5

~~CONFIDENTIAL~~

By U4d NLJ 15-205
NAR. Date 1-05-2014

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E. Access to atomic information made available to the North Atlantic Treaty Organization shall be limited to nationals of member states of the North Atlantic Treaty Organization who have been granted security clearances in accordance with Section II of this Annex and whose responsibilities require access to the information.

F. Access to atomic information made available to a member state pursuant to the Agreement shall be limited to its nationals who have been granted security clearances in accordance with Section II of this Annex and whose duties require access in order that the member state can fulfill its responsibilities and commitments to the North Atlantic Treaty Organization.

SECTION II

PERSONNEL SECURITY

A. No individual shall be granted a security clearance for access to atomic information unless it is determined that such clearance will not endanger the security of the North Atlantic Treaty Organization or the national security of the member states of the North Atlantic Treaty Organization.

B. Prior to affording access to atomic information, the determination of eligibility (decision to grant security clearance) for each individual to be afforded such access shall be made by a responsible authority of the government of the individual concerned.

C. The decision as to whether the granting of a security clearance is clearly consistent with the interests of 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 developed shall be reviewed in the light of the principal types of derogatory information which create a question as to an individual's eligibility for security clearance, as these are set forth in Section III of the Confidential Supplement of 1st January, 1961, to C-M(55)15(Final).

D. The minimum scope and extent of the investigation shall be in accordance with the standards set out in Section II of the Confidential Supplement to C-M(55)15(Final), except that a background investigation shall be required for clearance for access to atomic information classified Secret for individuals other than members of the armed forces or civilian personnel of the military establishments of the member states.

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E. Each establishment handling atomic information shall maintain an appropriate record of the clearance of individuals authorised 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 information is received which indicates that continued employment involving access to atomic information may no longer be consistent with the interests of security.

F. Effective liaison shall be maintained in each state between the national agencies responsible for national security and the authority responsible for making clearance determinations to assure prompt notification of information with derogatory implications developed subsequent to the grant of security clearance.

SECTION III

PHYSICAL SECURITY

A. Atomic information shall be protected physically against espionage, sabotage, unauthorised access or any other hostile activity. Such protection shall be commensurate with the importance of the security interest involved.

B. Programmes for physical security of atomic information shall be established so as to assure:

1. Proper protection of atomic information 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 use of the classified atomic information, and the character and location of the building or buildings involved.
3. A system of controlled access which shall embody procedures for a competent authority to authorise access, accurate methods of personnel identification and accountability for identification media; and a means of enforcing limitations on movement within, and access to, security areas.

C. The provisions of paragraph B above will be in addition to the procedures set forth in Section IV of C-M(55)15(Final).

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SECTION IV

CONTROL OF ATOMIC INFORMATION

A. Information control programmes shall be maintained which will have for their basic purposes:

1. Control of access.
2. Ready accountability commensurate with the degree of sensitivity.
3. Destruction when no longer needed.

B. Security classifications applied by the Government of the United States of America to atomic information communicated under the Agreement shall be observed at all times; regrading or declassification may be done only with the approval of the Government of the United States of America.

C. Documents containing United States atomic information communicated under the Agreement shall bear NATO markings and a security classification equivalent to that assigned by the Government of the United States of America, followed by the word ATOMAL. In addition, the following marking shall be entered on the document in the language of the document:

"This document contains United States atomic information
(Restricted Data or Formerly Restricted Data) made
available pursuant to the NATO Agreement for Co-operation
Regarding Atomic Information signed (date)
and will be safeguarded accordingly."

D. Accountability records shall be maintained for all Top Secret and Secret documents, and for all documents on which special limitations have been placed in accordance with Article VI of the Agreement. These records shall show the identity of all recipients of documents on which special limitations have been placed.

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E. Reproductions, including extracts and translations, of documents containing United States atomic information bearing the markings specified in paragraph C above may be made under the following rules:

1. Documents classified Secret and Top Secret may be reproduced only with the prior approval of the Government of the United States of America. Such documents shall bear a suitable notation to this effect. In emergencies when prior approval cannot be obtained in time, this rule may be waived, but the Government of the United States of America shall be so informed by the most expeditious means.
2. Documents classified Confidential may be reproduced only as necessary to meet current requirements.
3. Reproductions, including extracts and translations, shall bear all security markings (including the marking described in paragraph C) found on the original document and shall be placed under the accountability controls applied to the original document. Where paragraphs bear separate classifications, the security classification of documents containing extracted atomic information shall bear the classification of the paragraph with the highest classification from which extracts were taken and where appropriate the marking specified in paragraph C. Accountability controls for extracted atomic information shall be as provided in paragraph D of this section. Further, such special limitations as may have been placed on the original document shall apply to documents containing the extracts.

F. Documents prepared to record atomic information received under the Agreement by oral or visual means shall bear the markings specified in paragraph C above and shall be subject to the rules for accountability and control applicable to the level of classification involved.

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SECTION V

CHANNELS OF TRANSMISSION

Communications by the Government of the United States of America of atomic information under the Agreement, including oral and visual communication, shall be through channels now existing or may be hereafter agreed. To assist the Secretary General in the discharge of his security responsibilities under paragraph C of Section I of the present Annex, the Government of the United States of America shall provide the Secretary General with sufficient information to identify each written communication of atomic information by the Government of the United States of America and each communication authorised by the Government of the United States of America under the Agreement. This information will also be sent to the Standing Group for all communications made to military elements.

SECTION VI

REPORTS

A. Each member state and NATO military and civilian element which receives United States atomic information under the Agreement shall submit by 31st March of each year, utilising channels now existing or as may hereafter agreed, through the Secretary General to the Government of the United States of America a report containing the following:

1. A list of all atomic documents received from the Government of the United States of America during the twelve months ending 31st December of the previous year.

2. A record of the distribution of the documents listed in paragraph 1 above, and

3. A certification that a physical muster has been made of all atomic documents for which the member state or NATO military or civilian element is accountable under the Agreement. The certification shall include a list of all documents unaccounted for, with a statement of the results of the investigation of the loss and the corrective action taken to prevent a recurrence.

B. If United States atomic information communicated under the Agreement is compromised by loss of documents or any other means, an immediate report including all pertinent information concerning the compromise shall be made, utilising channels now existing or as may be hereafter agreed, to the Secretary General and the Government of the United States of America.

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SECTION VII

SECURITY EDUCATION

Member states and NATO military and civilian elements receiving information under the Agreement shall maintain an adequate programme to assure that all individuals who are authorised access to atomic information are informed of their responsibilities to safeguard that information. The programme shall include 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.

SECTION VIII

SECURITY OF CLASSIFIED CONTRACTS

Every classified contract, sub-contract, consultant agreement or other arrangement entered into by Parties to the Agreement, the performance of which involves access to atomic information exchanged under the Agreement, shall contain appropriate provisions imposing obligations on the private parties involved to abide by the security arrangements set forth in this Annex.

SECTION IX

CONTINUING REVIEW OF SECURITY SYSTEM

A. It is recognised that effective and prompt implementation of security policies can be materially advanced through reciprocal visits of security personnel. It is agreed to continue a thorough exchange of views relative to security policies, standards and procedures and to permit United States security working groups to examine and view at first hand the procedures and practices of the agencies of the North Atlantic Treaty Organization and of the agencies of member states responsible for the protection of documents and information communicated under the Agreement, such visits to be undertaken with a view to achieving an understanding of adequacy and reasonable comparability of the respective security systems.

B. The Secretary General, and the Standing Group in the case of visits to military elements, will be informed of these visits and reports setting forth pertinent findings of the United States working groups will be furnished to them following each visit. All visits to national elements will be carried out in co-operation with the national security authorities of the states concerned.

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SECTION X

SECURITY INSPECTIONS

A. Comprehensive security inspection of all NATO military and civilian elements and member nations which have received atomic information under the Agreement shall be made regularly, but not less often than once every twelve months, in accordance with the criteria set forth in Section I, paragraph A of this Annex. These inspections shall be made by the NATO agencies having responsibility for the application of the NATO security programme, using qualified personnel. The Council may, as it considers necessary or desirable, direct special inspections to be made and designate ad hoc inspection teams composed of personnel from NATO civilian and military agencies or other qualified personnel. Visits to military and civilian elements of member states will be co-ordinated with the appropriate national authorities.

B. All phases of the security programme shall be examined and within thirty days after the completion of the inspection, a written report that shall include a list of any deficiencies found in the application of the security regulations will be sent to the Secretary General.

C. Copies of these inspection reports shall be made available by the Secretary General to the United States pursuant to the Agreement and, consistent with other provisions thereof and as may be appropriate, to the installation inspected, the national security authority concerned, and the military headquarters.

D. Within thirty days after receipt of the inspection report, the appropriate authorities of the NATO or national element inspected shall forward to the Secretary General a report of action taken to correct all deficiencies listed in the inspection report. After reviewing the inspection reports and the reports of corrective action taken, the Secretary General, acting on behalf of the Council, shall, as appropriate, draw the attention of the national authorities, the Standing Group or the civilian element concerned to whatever further action may be required to meet NATO security criteria and the provisions of this Agreement. Copies of the reports of corrective action as well as copies of any comments forthcoming from the Secretary General in accordance with this paragraph shall be distributed in the same manner as provided in paragraph C of this Section for the inspection reports.

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E. In the event that a problem regarding corrective action arising from a security inspection remains unresolved after the application of procedures set forth in paragraph D of this Section, the Secretary General shall bring the matter to the attention of the Council with a recommendation that an ad hoc inspection team be designated to investigate the problem and report to the Council, which will thereupon take appropriate action.

For the Kingdom of Belgium:

For Canada:

For the Kingdom of Denmark:

For France:

For the Federal Republic of Germany:

For the Kingdom of Greece:

For Iceland:

For Italy:

For the Grand Duchy of Luxembourg:

For the Kingdom of the Netherlands:

For the Kingdom of Norway:

For Portugal:

For Turkey:

For the United Kingdom of Great Britain and
Northern Ireland:

For the United States of America:

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*Destroyed
Apr 15, 16, 17, 18*

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AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC
TREATY FOR CO-OPERATION REGARDING ATOMIC INFORMATION

PREAMBLE

The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949,

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

Recognising that their common interest will be advanced by making available to the North Atlantic Treaty Organization and its member states information pertinent thereto, and

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

Acting on their own behalf and on behalf of the North Atlantic Treaty Organization,

Agree as follows:

ARTICLE I

In accordance with and subject to the requirements of the United States Atomic Energy Act of 1954, as amended, the Government of the United States of America will, while the North Atlantic Treaty Organization continues to make substantial and material contributions to the mutual defence and security, co-operate by communicating, from time to time, to the North Atlantic Treaty Organization and its member states, while they continue to make such contributions, atomic information in accordance with the provisions of this Agreement, provided that the Government of the United States of America determines that such co-operation will promote and will not constitute an unreasonable risk to its defence and security.

ARTICLE II

Paralleling the undertaking of the Government of the United States of America under this Agreement, the other member states of the North Atlantic

Treaty Organization will, to the extent they deem necessary, communicate to the North Atlantic Treaty Organization, including its military and civilian elements, and to member states atomic information of their own origin of the same types provided for in this Agreement. The terms and conditions governing these communications by other member states will be the subject of subsequent agreements, but will be the same or similar to the terms and conditions specified in this Agreement.

ARTICLE III

The Government of the United States of America will communicate to the North Atlantic Treaty Organization, including its military and civilian elements, and to member states of the North Atlantic Treaty Organization requiring the atomic information in connection with their functions related to NATO missions, such atomic information as is determined by the Government of the United States of America to be necessary to:

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence 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 IV

1. Co-operation under this Agreement will be carried out by the Government of the United States of America in accordance with its applicable laws.

2. Under this Agreement there will be no transfer by the Government of the United States of America of atomic weapons, non-nuclear parts of

atomic weapons, or non-nuclear parts of atomic weapons systems involving Restricted Data.

3. The atomic information communicated by the Government of the United States of America pursuant to this Agreement shall be used exclusively for the preparation or implementation of NATO defence plans and activities and the development of delivery systems in the common interests of the North Atlantic Treaty Organization.

ARTICLE V

1. Atomic information communicated pursuant to this Agreement shall be accorded full security protection under applicable NATO regulations and procedures, agreed security arrangements, and national legislation and regulations. In no case will the North Atlantic Treaty Organization or its member states maintain security standards for the safeguarding of atomic information less restrictive than those set forth in the pertinent NATO security regulations and other agreed security arrangements in effect on the date this Agreement comes into force.

2. The establishment and co-ordination of the security programme in all NATO military and civilian elements will be effected under the authority of the North Atlantic Council in conformity with procedures set forth in agreed security arrangements.

3. Atomic information communicated by the Government of the United States of America pursuant to this Agreement will be made available through channels for communicating atomic information now existing or as may be hereafter agreed.

4. Atomic information communicated or exchanged pursuant to this Agreement shall not be communicated or exchanged by the North Atlantic Treaty Organization or persons under its jurisdiction to any unauthorized persons or, except as provided in paragraph 5 of this article, beyond the jurisdiction of that Organization.

5. Unless otherwise specified by the Government of the United States of America, United States atomic information provided to the North Atlantic Treaty Organization may be communicated by the North Atlantic Treaty Organization to its member states as necessary to carry out functions related

to NATO missions, provided that dissemination of such atomic information within such member states is limited to those specific individuals concerned with the NATO missions for which the information is required. Member states agree that atomic information so received from the North Atlantic Treaty Organization or otherwise pursuant to this Agreement will not be transferred to unauthorized persons or beyond the jurisdiction of the recipient member state; however, such information may be communicated to the North Atlantic Treaty Organization or, when authorized by the Government of the United States of America, to other member states requiring the information for functions related to NATO missions.

ARTICLE VI

Other provisions of this Agreement notwithstanding, the Government of the United States of America may stipulate the degree to which any of the atomic information made available by it to the North Atlantic Treaty Organization or member states may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of information as it deems necessary.

ARTICLE VII

1. A Party receiving atomic information under this Agreement shall use it for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of a recipient Party or persons under its jurisdiction shall be made available to the Government of the United States of America for defence 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.

2. The application or use of any information communicated under this Agreement shall be the responsibility of the Party receiving it; the Party communicating the information does not provide any indemnity or warranty with respect to its application or use.

ARTICLE VIII

Nothing in this Agreement shall be considered to supersede or otherwise affect bilateral agreements between Parties to this Agreement providing for co-operation in the exchange of atomic information.

ARTICLE IX

For the purposes of this Agreement:

(a) "Atomic weapon" means any device utilising 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) "Atomic information" to be provided by the Government of the United States of America under this Agreement means information which is designated "Restricted Data" or "Formerly Restricted Data" by the Government of the United States of America.

ARTICLE X

1. This Agreement shall enter into force upon receipt by the Government of the United States of America of notification from all Parties to the North Atlantic Treaty that they are willing to be bound by the terms of the Agreement.

2. The Government of the United States of America will inform all Parties to the North Atlantic Treaty, and will also inform the North Atlantic Treaty Organization, of each notification and of the entry into force of this Agreement.

3. This Agreement shall remain in force until terminated by unanimous agreement or superseded by another agreement, it being understood, however, that termination of this Agreement as a whole shall not release any Party from the requirements of this Agreement to safeguard information made available pursuant to it.

ARTICLE XI

Notwithstanding the provisions of Article VI (4) of the Agreement between the Parties to the North Atlantic Treaty for Co-operation regarding Atomic Information, signed in Paris on 22nd June, 1955, the present Agreement shall upon its entry into force supersede the above-mentioned Agreement, it being understood, however, that information communicated

under that Agreement shall be considered for all purposes to have been communicated under the provisions of this Agreement.

ARTICLE XII

This Agreement shall bear the date on which it is opened for signature and shall remain open for signature until it has been signed by all the States Parties to the North Atlantic Treaty.

In witness whereof the undersigned Representatives have signed the present Agreement on behalf of their respective States, members of the North Atlantic Treaty Organization, and on behalf of the North Atlantic Treaty Organization.

Done at Paris this _____ day of _____ 19____, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America.

The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

For the Kingdom of Belgium:

For Canada:

For the Kingdom of Denmark:

For France:

For the Federal Republic of Germany:

For the Kingdom of Greece:

For Iceland:

For Italy:

For the Grand Duchy of Luxembourg:

For the Kingdom of the Netherlands:

For the Kingdom of Norway:

For Portugal:

For Turkey:

For the United Kingdom of Great Britain and Northern Ireland:

For the United States of America:

2924
C. Johnson
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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
~~SECRET~~ (Attachment)

June 1, 1964

TO: Mr. McGeorge Bundy
The White House
FROM: Benjamin H. Read
Executive Secretariat
W.H. Read

Attached for the information and files
of MR. ~~DAVID KLEIN~~ is a copy of a Proposed
Letter to Congress from the President Trans-
mitting NATO Atomic Information Agreement
(144b) dated May 27, 1964.

Attachment:

S/S # 7998

~~SECRET~~ (Attachment)

1838

7998

MAY 27 1964

**SUBJECT: Proposed Letter to Congress from the President Transmitting
NATO Atomic Information Agreement (114b)**

ACTION MEMORANDUM

Discussion:

On May 16, 1964, the Secretary concurred in two letters signed jointly by the Secretary of Defense and the Chairman, Atomic Energy Commission, transmitting the proposed new Atomic Information Agreement to the President, requesting authority for the United States to sign the Agreement.

The President granted this authority on May 19 and Ambassador Finletter has been instructed to sign for the United States as soon as the Agreement is opened for signature. This is expected momentarily.

Shortly thereafter the Agreement will be resubmitted to the President for forwarding to the Congress as required by the Atomic Energy Act. In anticipation of this action a letter has been drafted, copy attached, which is to be submitted to the White House by the Secretary of Defense as the proposed Presidential message to Congress transmitting the Agreement.

Recommendation:

That you initial the attached copy as concurring in its substance and submission to the White House.

DECLASSIFIED
E.O. 13292, Sec. 3.4
By *Chaply* NARA, Date 12-9-08

1838

TO THE CONGRESS OF THE UNITED STATES

On May 16, 1964 the Secretary of Defense and the Chairman of the Atomic Energy Commission, jointly recommended to me, with the concurrence of the Secretary of State, a proposed new agreement to provide for cooperation in the exchange of atomic information with the North Atlantic Treaty Organization and its member nations.

This new agreement will supersede an existing agreement executed in 1955, and will do two things:

a) It will extend the types of information which we can exchange with NATO. This expanded area of information is needed to enable our allies to make effective use of nuclear delivery systems being provided them by the United States under bilateral procedures and agreements following creation of NATO Atomic Stockpiles in 1957.

b) It will permit NATO member countries to share in information which the US has hitherto been exchanging only with the NATO Organization itself under the 1955 Agreement. This will make these countries' role in alliance planning in the nuclear field more effective.

This new Agreement thus represents a logical and useful step in our continuing and varied efforts to ensure wider Allied participation in NATO nuclear defense. Such wider participation is necessary on both military and political grounds. It is needed to enhance the effectiveness of NATO defense. On political grounds, it is needed to reinforce allied cohesion by meeting our Allies' legitimate desire to make a constructive contribution to nuclear deterrents.

Therefore, I have authorized the Secretary of State to execute this new Agreement between the Government of the United States and the North Atlantic Treaty Organization and its member nations to provide for the cooperation relevant to the exchange of atomic information for NATO planning purposes.

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 signed agreement, together with a letter from the Secretary of State, a copy of the joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of the agreement, and a copy of my approval memorandum.

LYNDON B. JOHNSON

Concurrence:

Acting Secretary of State _____



~~SECRET~~

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

26

MAY 27 1964

MEMORANDUM FOR MR. CHARLES JOHNSON

SUBJECT: New NATO 144b Agreement

Attached are five copies of the proposed new NATO 144b Agreement which will replace the five which I handcarried to you under cover of the joint AEC-DoD letter of May 18, 1964, which submitted the Agreement to the President.

These replacement copies reflect changes in spelling of authorize, recognize and utilize to conform to the English spelling used in the authoritative text.

W. F. V. Bennett
Captain USN
Senior Military Assistant
to the ATSD(AE)

Enclosure 1
(5 copies)

~~SECRET~~

UPON REMOVAL OF ATTACHMENTS THIS
DOCUMENT REMAINS UNCLASSIFIED



1833

The White House
Washington 25, D. C.

Smith & Jones

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

SUBJECT: New NATO 144b Agreement

In your joint letter to me of May 18, 1964, you recommended that I approve a proposed new NATO 144b Agreement between the Government of the United States of America and all other member states of the North Atlantic Treaty Organization, for cooperation relevant to the exchange of atomic information for NATO planning purposes.

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

- (1) determine that the performance of this proposed new agreement will promote and will not constitute an unreasonable risk to the common defense and security; and
- (2) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

Lyndon B. Johnson

~~SECRET~~DRAFT/8 May 1964

The President
The White House

Dear Mr. President:

Under cover of a letter dated _____, the Chairman, Atomic Energy Commission and Secretary of Defense transmitted for your consideration and approval a proposed new Agreement between the U. S. and the other member nations of NATO for cooperation relevant to the exchange of atomic information.

In addition to the presentation and explanation of the Agreement provided in the transmittal letter, there are some other considerations of a classified nature of which you should be aware and which the Joint Committee on Atomic Energy may scrutinize closely when the Agreement comes before that body for review.

first
First of all, we expect that the current French attitude toward NATO, particularly as expressed in the French fleet withdrawal and the recently announced French intent to withdraw her naval officers from NATO naval commands, will spark a negative reaction from some members of the Joint Committee when they address an agreement which would provide for an expanded exchange of U. S. atomic information with France as well as the other NATO allies. We understand that opinion is already being voiced in the Joint Committee that the validity of the existing U. S. -French

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NLJ 09-82
By ial, NARA, Date 12-14-09

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bilateral agreement on atomic information could be in question because of wording in the agreement which predicates cooperation on the parties "continuing to make substantial and material contributions to the mutual defense and security". It is our view that, unfortunate as the current French attitudes are to the general health and progress of NATO, France remains an active member of the Alliance, cooperating in many areas if not all. French commitments to NATO include the following French forces under SACEUR's command: two infantry divisions; five battalion equivalents of Honest John rockets; and seventeen aircraft squadrons (276 high-performance aircraft). The Department of Defense considers that while the current French military contribution to NATO merits improvement, it does nevertheless represent a substantial contribution to the European regional defense.

While there is no evidence to suggest a marked improvement in the French attitude toward NATO in the foreseeable future, neither is there hard-evidence to support a thesis that France is following a calculated policy leading to either a scuttling of the Alliance or a total French withdrawal from NATO. We believe that the best posture for the United States at present is to make every effort to improve the cohesion of the Alliance,

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keeping sharp vigilance at the same time for any developments on the part of France or any other ally which would signal the need for a fundamental change in U. S. policy. In any case by the terms of the Agreement the United States, will make unilaterally a separate determination on each piece of information transmitted under the Agreement and may stop passing information to NATO or any individual country or countries at any time and for any reason it becomes prudent to do so.

Questions May Be properly asked as to what additional atomic information could be passed under the new agreement as compared to the old. The Technical Annex of the 1955 Agreement is limited in that information relevant to the development of nuclear weapon delivery systems is not permitted under present provisions. The new Technical Annex of the new Agreement provides that the Government of the United States may make available to the NATO and its member states, complete and detailed information concerning the numbers, location, and types of nuclear weapons now stockpiled on the European Continent in support of NATO strategy. In this regard the current Agreement only provides for a disclosure of the general magnitude of numbers that might be available to the North Atlantic Command.

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As of this date, the U. S.

has not been able to respond to requests of this type which we believe are valid since the provisions of the current agreement would not permit such communications. In addition to transmission of this type of stockpile information required in support of NATO strategic studies, it will also be desirable to transmit data on advanced system concepts, such as the medium range ballistic missile and on design information relating to the amount of high explosive material in nuclear weapons as required for safety and storage considerations.

With respect to the apparent French national objectives in attaining an independent nuclear delivery capability, it is relevant to note that the provisions of this proposed agreement will preclude the transmission of any significant weapon design information of the type that would assist France in such a development. The possibility exists that French military or civil authorities having access to the information transmitted under this new agreement could, in an unauthorized action, make available to the French atomic energy authorities certain nuclear weapons effects type data which

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might assist the French in their test program efforts. On balance, the DoD does not consider that such assistance would have a significant effect on the French program schedule.

Another aspect of the Agreement which we expect the Joint Committee to scrutinize closely is the matter of security provisions for the protection of the U. S. information to be transmitted. Specifically, there will be special interest in why the United States modified its original position which sought to centralize authority and responsibility for security under the Agreement for both the military and civilian elements of NATO in the office of the Secretary General. The fact that the modification was the result of an impasse with the French may be a side irritant but our position in this matter rests on a very solid ground. France has consistently opposed, on political grounds, any measure which would or would appear to increase the authority of the Secretary General. They regarded the U. S. proposal to make the Secretary General the ultimate security authority in NATO under this Agreement as vesting him with supra-national powers which France could not accept. In meeting the French position we believe we have still attained the U. S. objective of tightening the NATO security system. The revisions which have been made in Article V of the Agreement merely shift

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to the North Atlantic Council the ultimate authority for security in NATO. At the same time, we have retained the centralized supervisory function of the Secretary General for security and have provided procedures in Section X of the Security Annex by which he may assure himself that the security requirements of the Agreement are being properly implemented. The Secretary General is also provided in the revised text with mandatory recourse to the Council in the event that a security problem is beyond satisfactory resolution because of the limitation of powers accorded to him.

Finally, we should mention some additional reasons why it is in the United States' interest to conclude this Agreement. You are well aware, of course, of the growing desire on the part of many of our allies in NATO to participate more fully in the over-all NATO nuclear planning. This agreement will not completely satisfy that aspect, but it should help to create an atmosphere of closer consultation on significant nuclear matters while not violating the U. S. policy of control of weapons and their use. More important, we see a potential opportunity for the United States to exert greater influence on the strategic thinking in the European capitals as a result of information and studies which we can provide under the Agreement.

We hope that the foregoing will be of assistance to you in arriving at a

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decision on the recommendations regarding the agreement set forth in
our letter of _____.

The Chairman, Atomic Energy Commission agrees with the views expressed
in the foregoing.

Faithfully yours,

Secretary of State

Deputy Secretary of Defense

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U.S. ACTS TO GIVE NATO ATOM DATA

Congress Asked to Approve
Plan on Use of Weapons

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, June 30 — President Johnson asked today for Congressional approval of an international agreement permitting the United States to provide the North Atlantic Treaty Organization with more information about the use of nuclear weapons.

At the same time, the Government took steps to prevent other nations, including NATO allies, from obtaining information that might permit them to build atomic weapons on their own.

In a deliberately obscure regulation published in The Federal Register, the Atomic Energy Commission announced that industrial concerns would no longer be permitted to receive secret information on the gas centrifuge process. The process still in the development stage, could provide a relatively inexpensive way for producing the enriched uranium used in atomic weapons.

'The Interest of Security'

The commission said it had found that such secrecy was "Necessary in the interest of the common defense and security and is otherwise in the public interest."

The unstated purpose was to curb technological development, both at home and abroad, of a process that could permit nations to acquire a nuclear arsenal.

The new agreement with the Atlantic Alliance will not permit the European allies to obtain any design information or nuclear parts that would help them build an atomic bomb. The alliances however, will be given more information on the general size and effects of nuclear weapons, thereby permitting it to make more effective use of United States atomic warheads turned over to the European allies in event of war.

In a brief message to Congress, Mr. Johnson said the agreement "represents a logical and useful step in our continuing and varied efforts to ensure wider allied participation in NATO nuclear defense."

"Such wider participation is necessary on both military and political grounds," he said. "It is needed to enhance the effectiveness of NATO defense. On political grounds, it is needed to reinforce NATO cohesion by meeting our allies' legitimate desire to make a constructive contribution to nuclear defense."

Close Study Expected

Under the Atomic Energy Act of 1954, the agreement will go into effect automatically in 60 days unless it is vetoed by a House and Senate resolution. There was no prospect of Congressional disapproval, but the negotiation of the agreement is likely to come under critical examination by the Joint Congressional Committee on Atomic Energy.

One potentially embarrassing question almost certain to be raised by the committee is why it took the Administration so long to reach the agreement.

The atomic energy law was amended in 1958 to permit closer exchange of nuclear weapons information. At the time the legislation was under consideration, Administration officials emphasized that the principal purpose of the amendment was to assist NATO in the training on the use of nuclear weapons.

Instead of entering into a broader agreement with the alliance, however, the Administration entered into agreements with individual alliance countries. Under the 1958 amendment, there are now agreements with eight nations — Greece, Turkey, Belgium, the Netherlands, France, Britain, Canada and West Germany.

When asked periodically why there was no agreement with the alliance, as originally contemplated, Administration officials usually said they preferred the individual nation system. From the comments of Administration officials today, however, it was apparent that the NATO agreement had also been delayed by bureaucratic and diplomatic complications.

Following passage of the 1958 amendment, according to officials, there were four years of discussions between the United States and the alliance over the extent of atomic cooperation desired. A general agreement was not reached until the 1962 meeting of the alliance Council in Athens, at which the United States moved to share information about its nuclear arsenal more fully with its European allies.

It then took the Administration about a year to reach an interagency accord on a draft of the agreement, followed by several months of discussions with the alliance.

Delay Appears Likely

It now appears that the two sides have delayed so long as to preclude implementation of the agreement this year. Under the law, it must lie before Congress for 60 days, and it appears likely that Congress will adjourn before the period has passed.

Since 1955 the United States has had an agreement with the alliance, but this provided for only a limited amount of information.

Under the new agreement, NATO will receive basically the same type of information being given the eight nations. This information on the checkout of nuclear weapons and on their size and shape so that alliance nations can train their troops in their use and adapt their weapons-delivery systems to carry and fire the warheads.

AGREEMENT BETWEEN THE PARTIES TO
THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING
ATOMIC INFORMATION

ACCORD ENTRE LES ETATS PARTIES AU
TRAITE DE L'ATLANTIQUE NORD
SUR LA COOPERATION DANS LE DOMAINE
DES RENSEIGNEMENTS ATOMIQUES

AGREEMENT BETWEEN THE PARTIES TO THE NORTH
ATLANTIC TREATY FOR CO-OPERATION REGARDING
ATOMIC INFORMATION

PREAMBLE

The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949,

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

Recognising that their common interest will be advanced by making available to the North Atlantic Treaty Organization and its member states information pertinent thereto, and

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

Acting on their own behalf and on behalf of the North Atlantic Treaty Organization,

Agree as follows :

ARTICLE I

- In accordance with and subject to the requirements of the United States Atomic Energy Act of 1954, as amended, the Government of the United States of America will, while the North Atlantic Treaty Organization continues to make substantial and material contributions to the mutual defence and security, co-operate by communicating, from time to time, to the North Atlantic Treaty Organization and its member states, while they continue to make such contributions, atomic information in accordance with the provisions of this Agreement, provided that the Government of the United States of America determines that such co-operation will promote and will not constitute an unreasonable risk to its defence and security.

ARTICLE II

Paralleling the undertaking of the Government of the United States of America under this Agreement, the other member states of the North Atlantic Treaty Organization will, to the extent they deem necessary, communicate to the North Atlantic Treaty Organization, including its military and civilian elements, and to member states atomic information of their own origin of the same types provided for in this Agreement. The terms and conditions governing these communications by other member states will be the subject of subsequent agreements, but will be the same or similar to the terms and conditions specified in this Agreement.

ARTICLE III

The Government of the United States of America will communicate to the North Atlantic Treaty Organization, including its military and civilian elements, and to member states of the North Atlantic Treaty Organization requiring the atomic information in connection with their functions related to NATO missions, such atomic information as is determined by the Government of the United States of America to be necessary to :

- (a) the development of defence plans ;
- (b) the training of personnel in the employment of and defence 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 IV

1. Co-operation under this Agreement will be carried out by the Government of the United States of America in accordance with its applicable laws.

2. Under this Agreement there will be no transfer by the Government of the United States of America of atomic weapons, non-nuclear parts of atomic weapons, or non-nuclear parts of atomic weapons systems involving Restricted Data.

3. The atomic information communicated by the Government of the United States of America pursuant to this Agreement shall be used exclusively for the preparation or implementation of NATO defence plans and activities and the development of delivery systems in the common interests of the North Atlantic Treaty Organization.

ARTICLE V

1. Atomic information communicated pursuant to this Agreement shall be accorded full security protection under applicable NATO regulations and procedures, agreed security arrangements, and national legislation and regulations. In no case will the North Atlantic Treaty Organization or its member states maintain security standards for the safeguarding of atomic information less restrictive than those set forth in the pertinent NATO security regulations and other agreed security arrangements in effect on the date this Agreement comes into force.

2. The establishment and co-ordination of the security programme in all NATO military and civilian elements will be effected under the authority of the North Atlantic Council in conformity with procedures set forth in agreed security arrangements.

3. Atomic information communicated by the Government of the United States of America pursuant to this Agreement will be made available through channels for communicating atomic information now existing or as may be hereafter agreed.

4. Atomic information communicated or exchanged pursuant to this Agreement shall not be communicated or exchanged by the North Atlantic Treaty Organization or persons under its jurisdiction to any unauthorized persons or, except as provided in paragraph 5 of this article, beyond the jurisdiction of that Organization.

5. Unless otherwise specified by the Government of the United States of America, United States atomic information provided to the North Atlantic Treaty Organization may be communicated by the North Atlantic Treaty Organization to its member states as necessary to carry out functions related to NATO missions, provided that dissemination of such atomic information within such member states is limited to those specific individuals concerned with the NATO missions for which the information is required. Member states agree that atomic information so received from the North Atlantic Treaty Organization or otherwise pursuant to this Agreement will not be transferred to unauthorized persons or beyond the jurisdiction of the recipient member state; however, such information may be communicated to the North Atlantic Treaty Organization or, when authorized by the Government of the United States of America, to other member states requiring the information for functions related to NATO missions.

ARTICLE VI

Other provisions of this Agreement notwithstanding, the Government of the United States of America may stipulate the degree to which any of the atomic information made available by it to the North Atlantic Treaty Organization or member states may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of information as it deems necessary.

ARTICLE VII

1. A Party receiving atomic information under this Agreement shall use it for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of a recipient Party or persons under its jurisdiction shall be made available to the Government of the United States of America for defence 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.

2. The application or use of any information communicated under this Agreement shall be the responsibility of the Party receiving it ; the Party communicating the information does not provide any indemnity or warranty with respect to its application or use.

ARTICLE VIII

Nothing in this Agreement shall be considered to supersede or otherwise affect bilateral agreements between Parties to this Agreement providing for co-operation in the exchange of atomic information.

ARTICLE IX

For the purposes of this Agreement :

- (a) "Atomic weapon" means any device utilising 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) "Atomic information" to be provided by the Government of the United States of America under this Agreement means information which is designated "Restricted Data" or "Formerly Restricted Data" by the Government of the United States of America.

ARTICLE X

1. This Agreement shall enter into force upon receipt by the Government of the United States of America of notification from all Parties to the North Atlantic Treaty that they are willing to be bound by the terms of the Agreement.

2. The Government of the United States of America will inform all Parties to the North Atlantic Treaty, and will also inform the North Atlantic Treaty Organization, of each notification and of the entry into force of this Agreement.

3. This Agreement shall remain in force until terminated by unanimous agreement or superseded by another agreement, it being understood, however, that termination of this Agreement as a whole shall not release any Party from the requirements of this Agreement to safeguard information made available pursuant to it.

ARTICLE XI

Notwithstanding the provisions of Article VI(4) of the Agreement between the Parties to the North Atlantic Treaty for Co-operation regarding Atomic Information, signed in Paris on 22nd June, 1955, the present Agreement shall upon its entry into force supersede the above-mentioned Agreement, it being understood, however, that information communicated under that Agreement shall be considered for all purposes to have been communicated under the provisions of this Agreement.

ARTICLE XII

This Agreement shall bear the date on which it is opened for signature and shall remain open for signature until it has been signed by all the States Parties to the North Atlantic Treaty.

In witness whereof the undersigned Representatives have signed the present Agreement on behalf of their respective States, members of the North Atlantic Treaty Organization, and on behalf of the North Atlantic Treaty Organization.

Fait à Paris, le 18 juin 1964, en anglais et en français, les deux textes faisant également foi, en un exemplaire unique qui restera déposé dans les archives du Gouvernement des Etats-Unis d'Amérique. Le Gouvernement des Etats-Unis d'Amérique en transmettra des copies certifiées conformes à tous les gouvernements signataires et accédants.

Done at Paris this 18th day of June 1964, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

Pour le Royaume de Belgique : 18 juin 1964

For the Kingdom of Belgium :

Adelstein

Pour le Canada :

For Canada :

Pour le Royaume de Danemark :

For the Kingdom of Denmark :

Pour la France :

18 juin 1964

For France :

F. Le Roy

Pour la République Fédérale d'Allemagne :

18 juin 1964

For the Federal Republic of Germany :

W. Brandt

Pour le Royaume de Grèce : 18 juin 1964

For the Kingdom of Greece :

Stavros

Pour l'Islande : 18th June 1964
For Iceland : *Páll Thorsen*

Pour l'Italie :

For Italy :

Pour le Grand-Duché de Luxembourg : 18 June 1964
For the Grand-Duchy of Luxembourg : *Luc Kuster*

Pour le Royaume des Pays-Bas : 18 June 1964
For the Kingdom of the Netherlands : *Stuart Broom*

Pour le Royaume de Norvège :

For the Kingdom of Norway :

Pour le Portugal :

For Portugal :

Pour la Turquie : 18 June 1964
For Turkey : *William Briggs*

Pour le Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :

For the United Kingdom of Great Britain
and Northern Ireland :

18th June, 1964
Erwin Smeekens

Pour les Etats-Unis d'Amérique :

For the United States of America :

June 18, 1964
Thom & Thewissen

SECRET TECHNICAL ANNEX
TO THE AGREEMENT BETWEEN THE PARTIES TO
THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING
ATOMIC INFORMATION

ANNEXE SECRETE TECHNIQUE
A L'ACCORD ENTRE LES ETATS PARTIES AU
TRAITE DE L'ATLANTIQUE NORD
SUR LA COOPERATION DANS LE DOMAINE
DES RENSEIGNEMENTS ATOMIQUES

DECLASSIFIED
E.O. 12958, Sec. 3.6
NLJ 09-82
By *id.* NARA, Date *6-8-09*

SECRET TECHNICAL ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC
TREATY FOR CO-OPERATION REGARDING ATOMIC
INFORMATION

The provisions of this Annex implement certain of the provisions of the Agreement for Co-operation Regarding Atomic Information done at Paris on 18th June, 1964 (hereinafter referred to as the Agreement) of which this Annex forms an integral part.

SECTION I

Subject to the terms and conditions of the Agreement, the types of atomic information which the Government of the United States of America may make available to the North Atlantic Treaty Organization and its member states are :

A. As may be necessary for mutual defence planning, training, and logistical requirements, information concerning the numbers, locations, types, yields, arming, safing, command and control, and fuzing of those atomic weapons which can be made available for use by or in support of the North Atlantic Treaty Organization.

B. Effects to be expected or resulting from the detonation of atomic weapons.

C. Response of structures, equipment, communications and personnel to the effects of atomic weapons, including damage or casualty criteria.

D. Methods and procedures for analyses relating to the effects of atomic weapons.

E. Information on the capabilities of potential enemy nations for atomic warfare.

SECRET TECHNICAL ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC
TREATY FOR CO-OPERATION REGARDING ATOMIC
INFORMATION

F. Information on atomic weapons and atomic weapons systems required for attainment of delivery capability with specified atomic weapons which can be made available for use by or in support of the North Atlantic Treaty Organization, including information required for evaluation of atomic weapons systems to determine NATO requirements and strategy.

G. 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 atomic weapons.

H. To the extent that they will influence NATO planning, the results to be expected from the strategic air offensive.

I. Information required for attainment of compatibility of specified atomic weapons with specified delivery vehicles.

J. Safety features of specified atomic weapons and of the operational systems associated with such weapons and information necessary and appropriate for salvage and recovery operations incident to a weapons accident.

K. Information required in planning for and training of personnel in the employment of and defence against atomic weapons and including information concerning :

(1) Military uses of isotopes for medical purposes.

(2) Defence against radiological warfare.

L. Information regarding civil defence against atomic attacks.

**SECRET TECHNICAL ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC
TREATY FOR CO-OPERATION REGARDING ATOMIC
INFORMATION**

M. Other information as may be determined by appropriate United States Authorities to be necessary for support of the North Atlantic Treaty Organization and transferable under provisions of the Atomic Energy Act of 1954, as amended, and the Agreement.

SECTION II

No information on other military applications of atomic energy, military reactors, or naval nuclear propulsion plants, will be communicated under the Agreement.

ANNEXE SECRETE TECHNIQUE A L'ACCORD ENTRE
LES ETATS PARTIES AU TRAITE DE L'ATLANTIQUE
NORD SUR LA COOPERATION DANS LE DOMAINE DES
RENSEIGNEMENTS ATOMIQUES

SECRET TECHNICAL ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC
TREATY FOR CO-OPERATION REGARDING ATOMIC
INFORMATION

Pour le Royaume de Belgique :

For the Kingdom of Belgium :

18 juin 1964

Adolphe

Pour le Canada :

For Canada :

Pour le Royaume de Danemark :

For the Kingdom of Denmark :

Pour la France :

For France :

18 juin 1964

T. Legendre

Pour la République Fédérale
d'Allemagne :

For the Federal Republic of
Germany :

18 juin 1964

Wilmann

Pour le Royaume de Grèce :

For the Kingdom of Greece :

18 juin 1964

Polakos

ANNEXE SECRETE TECHNIQUE A L'ACCORD ENTRE
LES ETATS PARTIES AU TRAITE DE L'ATLANTIQUE
NORD SUR LA COOPERATION DANS LE DOMAINE DES
RENSEIGNEMENTS ATOMIQUES

SECRET TECHNICAL ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC
TREATY FOR CO-OPERATION REGARDING ATOMIC
INFORMATION

Pour l'Islande : 18th June 1964
For Iceland : *Páll Thorslén*

Pour l'Italie :

For Italy :

Pour le Grand-Duché de Luxembourg :

For the Grand Duchy of Luxembourg :

Pour le Royaume des Pays-Bas :

For the Kingdom of the Netherlands :

Pour le Royaume de Norvège :

For the Kingdom of Norway :

Pour le Portugal :

For Portugal :

Pour la Turquie :

For Turkey :

Pour le Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :

For the United Kingdom of Great Britain
and Northern Ireland :

Pour les Etats-Unis d'Amérique :

For the United States of America :

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18 June 1964
W. B. B. B.

18 June 1964
W. B. B.

18th June, 1964

W. B. B.

CONFIDENTIAL SECURITY ANNEX
TO THE AGREEMENT BETWEEN THE PARTIES TO
THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING
ATOMIC INFORMATION

ANNEXE DE SECURITE CONFIDENTIELLE
A L'ACCORD ENTRE LES ETATS PARTIES AU
TRAITE DE L'ATLANTIQUE NORD
SUR LA COOPERATION DANS LE DOMAINE
DES RENSEIGNEMENTS ATOMIQUES

DECLASSIFIED
E.O. 12958, Sec. 3.6
NLJ 07-82
By id NARA, Date 6-8-09

CONFIDENTIAL SECURITY ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING ATOMIC INFORMATION

This Annex sets forth the security measures which the North Atlantic Treaty Organization and the member states shall apply to safeguard atomic information made available by the Government of the United States of America to the North Atlantic Treaty Organization and its member states pursuant to the Agreement for Co-operation Regarding Atomic Information done at Paris on 18th June, 1964 (referred to hereinafter as "the Agreement") of which this Annex is an integral part. In the event a member of the North Atlantic Treaty Organization other than the Government of the United States of America makes atomic information available pursuant to Article II of the Agreement, such information shall be safeguarded by security measures no less restrictive than those set forth in this Annex.

SECTION I

GENERAL

A. NATO security regulations, no less restrictive than those which are presently set forth in C-M(55)15(Final) and the Confidential Supplement of 1st January, 1961, thereto, as well as the security measures specified in this Annex, shall be applied by NATO military and civilian elements and by member states to atomic information communicated pursuant to the Agreement.

B. The security programme as implemented by all NATO military and civilian elements and by member states receiving atomic information pursuant to the Agreement shall provide fully for carrying out the security requirements laid down in this Annex.

CONFIDENTIAL SECURITY ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING ATOMIC INFORMATION

C. The Secretary General, acting in the name of the North Atlantic Council and under its authority, shall be responsible for supervising the application of the NATO security programme for the protection of atomic information under the Agreement. He will ascertain by means of the procedures set forth in Section X of this Annex that all measures required by the NATO security programme are taken in NATO civil and military elements and national civil and military elements to protect the information exchanged under the Agreement.

D. No individual shall be entitled to access to atomic information solely by virtue of rank, appointment, or security clearance.

E. Access to atomic information made available to the North Atlantic Treaty Organization shall be limited to nationals of member states of the North Atlantic Treaty Organization who have been granted security clearances in accordance with Section II of this Annex and whose responsibilities require access to the information.

F. Access to atomic information made available to a member state pursuant to the Agreement shall be limited to its nationals who have been granted security clearances in accordance with Section II of this Annex and whose duties require access in order that the member state can fulfill its responsibilities and commitments to the North Atlantic Treaty Organization.

SECTION II

PERSONNEL SECURITY

A. No individual shall be granted a security clearance for access to atomic information unless it is determined that such clearance will not endanger the security of the North Atlantic Treaty Organization or the national security of the member states of the North Atlantic Treaty Organization.

CONFIDENTIAL SECURITY ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING ATOMIC INFORMATION

B. Prior to affording access to atomic information, the determination of eligibility (decision to grant security clearance) for each individual to be afforded such access shall be made by a responsible authority of the government of the individual concerned.

C. The decision as to whether the granting of a security clearance is clearly consistent with the interests of 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 developed shall be reviewed in the light of the principal types of derogatory information which create a question as to an individual's eligibility for security clearance, as these are set forth in Section III of the Confidential Supplement of 1st January, 1961, to C-M(55)15(Final).

D. The minimum scope and extent of the investigation shall be in accordance with the standards set out in Section II of the Confidential Supplement to C-M(55)15(Final), except that a background investigation shall be required for clearance for access to atomic information classified Secret for individuals other than members of the armed forces or civilian personnel of the military establishments of the member states.

E. Each establishment handling atomic information shall maintain an appropriate record of the clearance of individuals authorised 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 information is received which indicates that continued employment involving access to atomic information may no longer be consistent with the interests of security.

F. Effective liaison shall be maintained in each state between the national agencies responsible for national security and the authority responsible for making clearance determinations to assure prompt notification of information with derogatory implications developed subsequent to the grant of security clearance.

CONFIDENTIAL SECURITY ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING ATOMIC INFORMATION

SECTION III

PHYSICAL SECURITY

A. Atomic information shall be protected physically against espionage, sabotage, unauthorised access or any other hostile activity. Such protection shall be commensurate with the importance of the security interest involved.

B. Programmes for physical security of atomic information shall be established so as to assure :

1. Proper protection of atomic information 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 use of the classified atomic information, and the character and location of the building or buildings involved.
3. A system of controlled access which shall embody procedures for a competent authority to authorise access, accurate methods of personnel identification and accountability for identification media ; and a means of enforcing limitations on movement within, and access to, security areas.

C. The provisions of paragraph B above will be in addition to the procedures set forth in Section IV of C-M(55)15(Final).

CONFIDENTIAL SECURITY ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING ATOMIC INFORMATION

SECTION IV

CONTROL OF ATOMIC INFORMATION

A. Information control programmes shall be maintained which will have for their basic purposes :

1. Control of access.
2. Ready accountability commensurate with the degree of sensitivity.
3. Destruction when no longer needed.

B. Security classifications applied by the Government of the United States of America to atomic information communicated under the Agreement shall be observed at all times ; regrading or declassification may be done only with the approval of the Government of the United States of America.

C. Documents containing United States atomic information communicated under the Agreement shall bear NATO markings and a security classification equivalent to that assigned by the Government of the United States of America, followed by the word ATOMAL. In addition, the following marking shall be entered on the document in the language of the document :

"This document contains United States atomic information (Restricted Data or Formerly Restricted Data) made available pursuant to the NATO Agreement for Co-operation Regarding Atomic Information dated 18th June, 1964 and will be safeguarded accordingly."

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BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING ATOMIC INFORMATION

D. Accountability records shall be maintained for all Top Secret and Secret documents, and for all documents on which special limitations have been placed in accordance with Article VI of the Agreement. These records shall show the identity of all recipients of documents on which special limitations have been placed.

E. Reproductions, including extracts and translations, of documents containing United States atomic information bearing the markings specified in paragraph C above may be made under the following rules :

1. Documents classified Secret and Top Secret may be reproduced only with the prior approval of the Government of the United States of America. Such documents shall bear a suitable notation to this effect. In emergencies when prior approval cannot be obtained in time, this rule may be waived, but the Government of the United States of America shall be so informed by the most expeditious means.
2. Documents classified Confidential may be reproduced only as necessary to meet current requirements.
3. Reproductions, including extracts and translations, shall bear all security markings (including the marking described in paragraph C) found on the original document and shall be placed under the accountability controls applied to the original document. Where paragraphs bear separate classifications, the security classification of documents containing extracted atomic information shall bear the classification of the paragraph with the highest classification from which extracts were taken and where appropriate the marking specified in paragraph C. Accountability controls for extracted atomic information shall be as provided in paragraph D of this Section. Further, such special limitations as may have been placed on the original document shall apply to documents containing the extracts.

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F. Documents prepared to record atomic information received under the Agreement by oral or visual means shall bear the markings specified in paragraph C above and shall be subject to the rules for accountability and control applicable to the level of classification involved.

SECTION V

CHANNELS OF TRANSMISSION

Communications by the Government of the United States of America of atomic information under the Agreement, including oral and visual communication, shall be through channels now existing or as may be hereafter agreed. To assist the Secretary General in the discharge of his security responsibilities under paragraph C of Section I of the present Annex, the Government of the United States of America shall provide the Secretary General with sufficient information to identify each written communication of atomic information by the Government of the United States of America and each communication authorised by the Government of the United States of America under the Agreement. This information will also be sent to the Standing Group for all communications made to military elements.

SECTION VI

REPORTS

A. Each member state and NATO military and civilian element which receives United States atomic information under the Agreement shall submit by 31st March of each year, utilising channels now existing or as may be hereafter agreed, through the Secretary General to the Government of the United States of America a report containing the following :

1. A list of all atomic documents received from the Government of the United States of America during the twelve months ending 31st December of the previous year.

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2. A record of the distribution of the documents listed in paragraph 1 above, and
3. A certification that a physical muster has been made of all atomic documents for which the member state or NATO military or civilian element is accountable under the Agreement. The certification shall include a list of all documents unaccounted for, with a statement of the results of the investigation of the loss and the corrective action taken to prevent a recurrence.

B. If United States atomic information communicated under the Agreement is compromised by loss of documents or any other means, an immediate report including all pertinent information concerning the compromise shall be made, utilising channels now existing or as may be hereafter agreed, to the Secretary General and the Government of the United States of America.

SECTION VII

SECURITY EDUCATION

Member states and NATO military and civilian elements receiving information under the Agreement shall maintain an adequate programme to assure that all individuals who are authorised access to atomic information are informed of their responsibilities to safeguard that information. The programme shall include 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.

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SECTION VIII

SECURITY OF CLASSIFIED CONTRACTS

Every classified contract, sub-contract, consultant agreement or other arrangement entered into by Parties to the Agreement, the performance of which involves access to atomic information exchanged under the Agreement, shall contain appropriate provisions imposing obligations on the private parties involved to abide by the security arrangements set forth in this Annex.

SECTION IX

CONTINUING REVIEW OF SECURITY SYSTEM

A. It is recognised that effective and prompt implementation of security policies can be materially advanced through reciprocal visits of security personnel. It is agreed to continue a thorough exchange of views relative to security policies, standards and procedures and to permit United States security working groups to examine and view at first hand the procedures and practices of the agencies of the North Atlantic Treaty Organization and of the agencies of member states responsible for the protection of documents and information communicated under the Agreement, such visits to be undertaken with a view to achieving an understanding of adequacy and reasonable comparability of the respective security systems.

B. The Secretary General, and the Standing Group in the case of visits to military elements, will be informed of these visits and reports setting forth pertinent findings of the United States working groups will be furnished to them following each visit. All visits to national elements will be carried out in co-operation with the national security authorities of the states concerned.

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SECTION X

SECURITY INSPECTIONS

A. Comprehensive security inspection of all NATO military and civilian elements and member nations which have received atomic information under the Agreement shall be made regularly, but not less often than once every twelve months, in accordance with the criteria set forth in Section I, paragraph A of this Annex. These inspections shall be made by the NATO agencies having responsibility for the application of the NATO security programme, using qualified personnel. The Council may, as it considers necessary or desirable, direct special inspections to be made and designate ad hoc inspection teams composed of personnel from NATO civilian and military agencies or other qualified personnel. Visits to military and civilian elements of member states will be co-ordinated with the appropriate national authorities.

B. All phases of the security programme shall be examined and within thirty days after the completion of the inspection a written report that shall include a list of any deficiencies found in the application of the security regulations will be sent to the Secretary General.

C. Copies of these inspection reports shall be made available by the Secretary General to the United States pursuant to the Agreement and, consistent with other provisions thereof and as may be appropriate, to the installation inspected, the national security authority concerned, and the military headquarters.

D. Within thirty days after receipt of the inspection report, the appropriate authorities of the NATO or national element inspected shall forward to the Secretary General a report of action taken to correct all deficiencies listed in the inspection report. After reviewing the inspection reports and the reports of corrective action taken, the Secretary General, acting on behalf of the Council, shall, as appropriate, draw

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the attention of the national authorities, the Standing Group or the civilian element concerned to whatever further action may be required to meet NATO security criteria and the provisions of this Agreement. Copies of the reports of corrective action as well as copies of any comments forthcoming from the Secretary General in accordance with this paragraph shall be distributed in the same manner as provided in paragraph C of this Section for the inspection reports.

E. In the event that a problem regarding corrective action arising from a security inspection remains unresolved after the application of procedures set forth in paragraph D of this Section, the Secretary General shall bring the matter to the attention of the Council with a recommendation that an ad hoc inspection team be designated to investigate the problem and report to the Council, which will thereupon take appropriate action;

ANNEXE DE SECURITE CONFIDENTIELLE A L'ACCORD
ENTRE LES ETATS PARTIES AU TRAITE DE
L'ATLANTIQUE NORD SUR LA COOPERATION DANS
LE DOMAINE DES RENSEIGNEMENTS ATOMIQUES

CONFIDENTIAL SECURITY ANNEX TO THE AGREEMENT
BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY
FOR CO-OPERATION REGARDING ATOMIC INFORMATION

Pour le Royaume de Belgique : 18 juin 1964

For the Kingdom of Belgium :

[Signature]

Pour le Canada :

For Canada :

Pour le Royaume de Danemark :

For the Kingdom of Denmark :

Pour la France :

For France :

18 juin 1964
[Signature]

Pour la République Fédérale d'Allemagne : 18 juin 1964

For the Federal Republic of Germany :

[Signature]

Pour le Royaume de Grèce : 18 Juin 1964

For the Kingdom of Greece :

[Signature]

Pour l'Islande :

For Iceland :

18th June 1964
[Signature]

Pour l'Italie :

For Italy :

FOR RELEASE AT 12 NOON, EDT,
JUNE 30, 1964

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

On May 16, 1964, the Secretary of Defense and the Chairman of the Atomic Energy Commission, jointly recommended to me, with the concurrence of the Secretary of State, a proposed new agreement to provide for cooperation in the exchange of atomic information with the North Atlantic Treaty Organization and its member nations.

The new agreement will supersede an existing agreement executed in 1955, and will do two things:

- a. It will extend the types of information which we can exchange with NATO. This expanded area of information is needed to enable our Allies to make effective use of nuclear delivery systems being provided them by the United States under bilateral procedures and agreements following creation of NATO atomic stockpiles in 1957.
- b. It will permit NATO member countries to share in information which the U.S. has hitherto been exchanging only with the NATO organization itself under the 1955 agreement. This will make these countries' role in alliance planning in the nuclear field more effective.

This new agreement thus represents a logical and useful step in our continuing and varied efforts to ensure wider Allied participation in NATO nuclear defense. Such wider participation is necessary on both military and political grounds. It is needed to enhance the effectiveness of NATO defense. On political grounds, it is needed to reinforce NATO cohesion by meeting our Allies' legitimate desire to make a constructive contribution to nuclear defense.

Therefore, I have authorized the Secretary of State to execute this new agreement between the Government of the United States and the North Atlantic Treaty Organization and its member nations to provide for the cooperation relevant to the exchange of atomic information for NATO planning purposes.

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 signed agreement, together with a letter from the Secretary of State, a copy of the joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of the agreement, and a copy of my approval memorandum.

LYNDON B. JOHNSON

THE WHITE HOUSE,

June 30, 1964.

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(OVER)

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

June 22, 1964

Dear Mr. President:

I have the honor to forward to you with a view to its transmission to the Congress, pursuant to the Atomic Information Act of 1954, as amended, an authoritative copy of an agreement between the Parties of the North Atlantic Treaty for cooperation regarding atomic information.

The Agreement was signed on behalf of the United States on June 18, 1964, pursuant to the authorization granted in your memorandum of May 19 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.

A total of ten nations have signed the Agreement and the remaining member states are expected to sign in the near future.

Faithfully yours,

DEAN RUSK

Enclosure:

Agreement.

The President,
The White House.

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

May 18, 1964

Dear Mr. President:

There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States and the other parties to the North Atlantic Treaty for cooperation regarding atomic information.

The proposed Agreement would supersede the "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information" signed in Paris on 22 June 1955. In 1958, the Atomic Energy Act of 1954 was amended by Public Law 85-479 to permit increased cooperation with our allies.

While the 1955 Agreement played an important part in enabling the United States to communicate to NATO certain atomic information necessary to the Alliance, the proposed new Agreement will provide for more extensive cooperation by permitting the North Atlantic Treaty Organization and the individual NATO member nations to receive the kind of atomic information that is necessary to an increasing understanding and knowledge of and participation in the political and strategic consensus upon which the collective military capacity of the North Atlantic Alliance depends.

This agreement establishes an improved framework under which such cooperation may be carried out. In accordance with the provisions of Section 144b. of the Atomic Energy Act of 1954, as amended, Article I of the Agreement provides that the United States will, while the North Atlantic Treaty Organization continues to make substantial contributions to the mutual defense and security, cooperate by communicating to the North Atlantic Treaty Organization and its Member States, while they continue to make such contributions, atomic information in accordance with this Agreement, provided the United States Government determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

Article II provides that other NATO nations will, to the extent they determine necessary, transmit atomic information of their own origin and of the same types as provided for in the proposed Agreement under terms and conditions the same as, or similar to, those in the proposed Agreement.

Article III of the Agreement provides for the communication of atomic 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 compatible delivery systems for atomic weapons.

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(OVER)

Article IV of the Agreement stipulates that the cooperation under the Agreement will be carried out by the United States in accordance with its applicable laws, and makes clear that there will be no transfer under the Agreement of atomic weapons, non-nuclear parts of atomic weapons, or non-nuclear parts of atomic weapons systems involving Restricted Data. This Article also provides that the information communicated by the United States shall be used exclusively for the preparation or implementation of NATO defense plans or activities and the development of delivery systems in the common interests of the North Atlantic Treaty Organization.

Article V of the proposed Agreement outlines the procedures for the safeguarding of information communicated under the Agreement. It is significant to note that the information transmitted under the Agreement shall not be communicated or exchanged by the North Atlantic Treaty Organization or persons under its jurisdiction to any unauthorized persons or beyond the jurisdiction of that organization except that the North Atlantic Treaty Organization may communicate, unless it is otherwise specified by the United States, information to its member nations as is necessary to carry out functions related to NATO missions. This article also provides that the member nations will not communicate information received under this agreement to unauthorized persons or beyond the jurisdiction of the Member States concerned. Member States may, however, communicate such information to the North Atlantic Treaty Organization or, when authorized by the United States, to other Member States requiring the information for functions related to NATO missions.

Article VI provides that other provisions of the Agreement notwithstanding, the United States may stipulate the degree to which any atomic information made available under the Agreement may be disseminated to the North Atlantic Treaty Organization or its Member States.

Under Article XI the proposed Agreement would supersede the 1955 NATO Agreement and all information previously transmitted under the terms of the 1955 Agreement would be considered to have been communicated under the new Agreement.

The new Agreement would remain in force until terminated by unanimous agreement of the parties or superseded by another agreement.

The North Atlantic Treaty Organization is making and the NATO Member States, in participating with the United States in the North Atlantic Treaty Organization, are 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

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Energy Commission that the performance of the proposed Agreement will promote and will not constitute an unreasonable risk to the common defense and security. Accordingly, it is recommended that, in accordance with Section 123b. of the Atomic Energy Act of 1954, as amended, you:

- A. 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
- B. Approve the proposed Agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully yours,

(Sgd) GLENN T. SEABORG
Chairman
Atomic Energy Commission

(Sgd) ROBERT S. McNAMARA
Secretary of Defense

Enclosure:
Proposed Agreement

The President

The White House

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(OVER)

May 19, 1964

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

SUBJECT: New NATO 144b Agreement

In your joint letter to me of May 18, 1964, you recommended that I approve a proposed new NATO 144b Agreement between the Government of the United States of America and all other member states of the North Atlantic Treaty Organization, for cooperation relevant to the exchange of atomic information for NATO planning purposes.

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

- (1) determine that the performance of this proposed new agreement will promote and will not constitute an unreasonable risk to the common defense and security; and
- (2) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

LYNDON B. JOHNSON

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TO THE CONGRESS OF THE UNITED STATES:

On May 16, 1964, the Secretary of Defense and the Chairman of the Atomic Energy Commission, jointly recommended to me, with the concurrence of the Secretary of State, a proposed new agreement to provide for cooperation in the exchange of atomic information with the North Atlantic Treaty Organization and its member nations.

The new agreement will supersede an existing agreement executed in 1955, and will do two things:

- a. It will extend the types of information which we can exchange with NATO. This expanded area of information is needed to enable our Allies to make effective use of nuclear delivery systems being provided them by the United States under bilateral procedures and agreements following creation of NATO atomic stockpiles in 1957.
- b. It will permit NATO member countries to share in information which the U. S. has hitherto been exchanging only with the NATO organization itself under the 1955 agreement. This will make these countries' role in alliance planning in the nuclear field more effective.

This new agreement thus represents a logical and useful step in our continuing and varied efforts to ensure wider Allied participation in NATO nuclear defense. Such wider participation is necessary on both military and political grounds. It is needed to enhance the effectiveness of NATO defense. On political grounds, it is needed to reinforce NATO cohesion by meeting our Allies' legitimate desire to make a constructive contribution to nuclear defense.

Therefore, I have authorized the Secretary of State to execute this new agreement between the Government of the United States and the North Atlantic Treaty Organization and its member nations to provide for the cooperation

relevant to the exchange of atomic information for NATO planning purposes.

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 ^{1.} signed agreement, together with a ² letter from the Secretary of State, a copy of the ^{3.} joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of the agreement, and a ^{4.} copy of my approval memorandum.



THE WHITE HOUSE,