



~~SECRET~~
THE SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

Charles Johnson 6112

58

DEC 14 1967

Honorable McGeorge Bundy
Special Assistant to the President
for National Security Affairs
The White House

Dear Mac:

I have read Glenn Seaborg's letter of November 23, recommending interpretation of NSAM 294 to permit export to France of two advanced computers. I have also read Bob McNamara's letter of December 4, arguing against such interpretation. I understand State has not yet sent you its views on these computer cases.

The policy question raised by these communications is of great interest to the Commerce Department. As you know, we have responsibility under the Export Control Act for licensing exports of computers and many other kinds of equipment, materials and technology so as to carry out U.S. security, domestic economy and foreign policy objectives. This includes objectives under both NSAM 294 and the Nuclear Test Ban Treaty. One of the two computers brought to your attention by AEC (the Control Data machine) is already the subject of a license application for export to France which is now pending in this Department. The other (the IBM machine), is currently the subject of an inquiry to State's Munitions Control Office.

I believe it will be useful to you and others concerned with the questions raised to have the views of this Department. I will not comment on the matter of enriched U-235, since this is a commodity which is licensed by AEC and presents special problems.

In carrying out the national security and foreign policy objectives of the Export Control Act we of course try to give reasonable consideration to our other special responsibilities to promote and expand our export trade, to encourage our private foreign investments, and generally to aid our national efforts to improve the U.S. balance of payments and strengthen our economy. Because of these responsibilities, we always want to be sure our controls really do advance our foreign policy and security objectives, and do not merely serve to transfer trade to other countries. Therefore we recommend that NSAM 294 be construed to

*up to David Klein
Spurgeon Keeny
Shown to Dr. York - OST.*

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DECLASSIFIED
E.O. 13292, Sec. 3.4
By *Chm/sj* NARA, Date 3-12-09

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- 2 -

call for denial of exports covered by NSAM 294 only when our denial action would be effective to impede the French nuclear weapons program significantly in accordance with the purpose of NSAM 294. Not to apply this underscored condition in interpreting the policy of NSAM 294 would do harm to our national economic well-being without any compensating benefit.

Applying this approach to the cases of the two computers for France, we would recommend approval of the Control Data computer (with the qualification hereafter expressed) and denial of the IBM computer.

The Control Data application has been before our interdepartmental committee (which consists of representatives from State, Defense, AEC, NASA, Commerce and CIA, among others) for some weeks now and the following facts, which I regard as crucial, have been developed:

1. France already has two control Data computers of the same model as the present one. One is reported to be performing some priority work in research and engineering for the Concorde aircraft; the other is said to be rented to numerous French industrial and commercial firms. We do not know what difficulties would be caused by attempted diversion of one or the other of these computers to the French nuclear program, but such diversion is certainly a possibility.
2. A wide variety of other computers is available to France. Several are comparable to the Control Data machine. The most likely alternative to the Control Data machine is the Ferranti, which is made in Britain by a firm not affiliated with a U.S. firm. Other more-or-less comparable computers are produced in France (or licensed for production) by affiliates of U.S. firms such as the French IBM and French GE (Bull). We could prevent French acquisition of the British Ferranti only by being persuasive to the British. In the case of the other computers, produced by U.S. affiliates, we could perhaps do more to hinder their acquisition, even though they are produced in France, by exerting pressures on the U.S. firms - though we must recognize that the actions required would probably be drastic and hurtful and that we probably could not absolutely prevent their production for the French nuclear program.

These are factors which establish that our denial of the Control Data computer would not likely be effective, and applying our proposed policy, lead me to recommend approval of the license to ship the Control Data computer.

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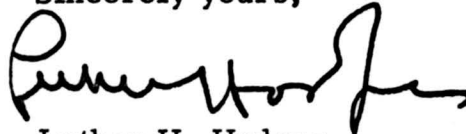
There is, however, a qualification to this recommendation. I would be prepared to deny the French access to the Control Data computer if the British would withhold access to the Ferranti, on the basis that this would enhance substantially the possibility of our denial being effective, at least to hinder the timing of the French nuclear effort. Therefore I would withhold approval until the British had been approached and given a brief period to respond.

The IBM computer is in a much different category. IBM has not yet built even one of this model, and it will take at least two years to construct one. It appears that no computer made or known to be under development abroad is remotely comparable and that the foreign makes are estimated to have only 5% to 15% of the capability of this new machine. Therefore it seems to me our denial would be effective to forestall a significant contribution to French nuclear warhead and delivery capabilities.

Accordingly, I would propose IBM not be authorized to provide France with such computer from the United States, and that every reasonable effort be made, if necessary, to preclude supply from IBM's foreign affiliates.

I should perhaps point out, in explanation of the "effectiveness" test which I am recommending, that before adoption of the policies of the NSAM and the Nuclear Test Ban Treaty, we were selling France over \$35 million per annum in computer components and accessories. It is a welcome fact that, as Secretary McNamara stated, about 150 types of computers, constituting 95% of the dollar value of the total market, do not fall within NSAM 294 (and presumably the Test Ban Treaty), and only about 12 types should be denied.

Sincerely yours,



Luther H. Hodges
Secretary of Commerce

cc: The Honorable Dean Rusk
Secretary of State
The Honorable Robert McNamara
Secretary of Defense
The Honorable Glenn T. Seaborg
Chairman, AEC

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THE SECRETARY OF STATE
WASHINGTON

December 1, 1964.

~~SECRET~~

Dear Mac:

I have received a copy of Glenn Seaborg's letter to you of November 23, 1964, which invites my comment on two cases involving exports to France. While the cases both require evaluation within the terms of NSAM 294, I will comment on them separately because somewhat different considerations are involved in the two.

Let me first however state my understanding of the policy embodied in NSAM 294, as that policy bears on France. For the purposes before us, I can perhaps best do this by recalling that the policy has always had positive as well as negative aspects. In negative terms, it was the intent of the NSAM that we take pains to deny to France (1) whatever will significantly assist her in acquiring an independent strategic nuclear capability, whether that capability be thought of in terms of nuclear weapons or the means to deliver them, or (2) whatever will identify the U.S. as a major supplier or collaborator in the French effort. In positive terms, it was the intent of the NSAM that we take equally great pains not to deny to France things which would not so assist her, and that to the extent possible we continue to cooperate with France as with any other friend and ally. Finally, when NSAM 294 was issued

The Honorable
McGeorge Bundy,
Special Assistant to the President,
The White House.

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DECLASSIFIED
Authority: NUJ-030R-32-2-11
By: CTS, NARA, Date: 12/10/17

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- 2 -

last April, it was not for the purpose of setting new policy, but instead to clarify and re-affirm existent policy, with the aim of furnishing the concerned Departments and agencies with an authoritative expression of that policy to be used as a guide in their implementation of it.

There have been numerous developments since last April in U.S.-French relations and the world scene generally, not all of them favorable, unfortunately. I do not however see in them anything to change the basic evaluation given above, or to cause us on our own initiative to adopt a more restrictive policy toward France in terms of implementing NSAM 294.

As regards the pending French request for 63 kilograms of U-235, made under the 1959 Agreement for Cooperation for Mutual Defense Purposes, I have carefully considered the available evidence. I accept the AEC conclusion as to the marginal importance to the French program of the requested amount, and it seems quite clear that U.S. denial of the request would cause the French only minor technical inconvenience.

In political terms, on the other hand, the consequences of denial could be very serious. We do have an agreement, made in 1959 in good faith. We are already publicly associated with this particular program, by virtue of the agreement made in accordance with U.S. law and regulations, and by virtue of deliveries previously made under that agreement. To deny the pending request could and probably would be viewed by the French Government

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as reneging by the U.S. on a firm commitment, and in view of the determination that must necessarily be made in event of denial, as a deliberate U.S. intimation that France is no longer contributing to the common defense.

As is only too obvious, we have a sufficiency of serious problems with the French Government already. I do not believe it is in our basic interest to add to the list by denying this request, or by delaying further in deciding it. It has been pending since June, and to delay much longer would be tantamount to refusal, since the French must proceed within the next few weeks to take action of one kind or another. I therefore urge a quick affirmative decision.

As regards the computer cases, there is no comparable political aspect, of course, since no government-to-government agreement is involved, and the issue is largely that of deciding whether the inhibiting effect on the French program would be great enough to justify governmental intervention in U.S.-French trading relationships by blocking the two sales. This is not the sole issue, however, since an evaluation must be made also of the extent to which providing either or both these computers would identify the U.S. as a major supplier or collaborator in the French weapons program. The whole matter is a complex and difficult one, in which I would like to sort things out somewhat further before putting a recommendation of any kind to you.

Sincerely,



Dean Rusk

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61
NATIONAL SECURITY COUNCIL

12/3⁰~~4~~/64

Chuck:

At Bundy's request, I sent a copy of the attached letter to Fubini last Thursday for comment. However, Fubini does not appear to have sent Bundy any comments prior to today's 294 meeting.

Spurgeon

CORCORAN, FOLEY, YOUNGMAN & ROWE
1511 K STREET, N. W.
WASHINGTON, D. C. 20005

TELEPHONES
REPUBLIC 7-0200
REPUBLIC 7-3525

December 17, 1964

CABLES
FOLYN
CORCORAN
YOUNGMAN

MEMORANDUM FOR: McGeorge Bundy
Special Assistant to the President

Dear Mac,

Control Data Export License - French AEC

With further reference to our conversation, I enclose a copy of a letter to George Ball from E. E. Strickland, Vice President of Control Data, which sets forth the factual reasons for granting this export license.

Agreed, it is not enough to argue that the French AEC can probably get another computer somewhere. This is almost always true in problems of munitions control. The real problem for the Government, I would think, is how tough you can make it for the other country to achieve the same result. As a secondary consideration I would suggest the injury you do your own Nationals should not be completely ignored.

I submit that in the instant case you would not even be making it inconvenient for the French AEC by denying Control Data this license.

As Mr. Strickland points out, (Point 4, page 2) the French AEC is already using the Control Data computer leased by Control Data France to a French organization which sells time on computers.

Our American competitor, IBM, manufactures computers at a town called Corberl. It manufactures four different computers: 70/70, 70/74, 70/40 and 70/44. IBM is setting up a new manufacturing center at Rellier for part of its new series of 360 equipment. IBM has a research center for about 1,000 people at a town called Layaude.

Export licenses won't reach IBM!

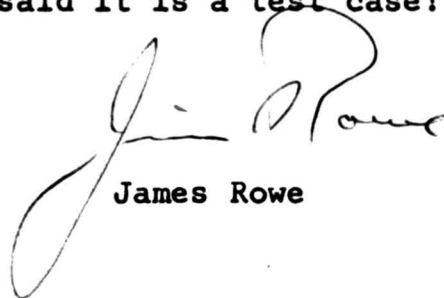
The French Government has deliberately given orders in the past few weeks to IBM, Control Data and GE/French BULL.

On the other hand, we feel Control Data will be hurt badly by the denial of this export license in its international competition with IBM, GE/BULL and the English, who also manufacture abroad.

You asked the cost of one of these computers. It is \$3 million. But, as Mr. Strickland points out, if the export license for this computer is refused it will be difficult for Control Data to continue operating - against competition in France. The Bank of France approves all contracts since Control Data France requests approval to pay for purchases of computers from Control Data U.S. in dollars. Also, as he indicates most customers and prospective customers are owned or partly owned by the French Government.

You mentioned there are knowledgeable people in the Government on this problem. Perhaps. I think Control Data people are also knowledgeable. You are getting an ex parte presentation from the Government. If you feel the approval or denial of this export license is a close matter, we ask for an opportunity to talk with you.

After all, you yourself said it is a test case!

A handwritten signature in cursive script, appearing to read "Jim Rowe", is written over the typed name "James Rowe". The signature is fluid and stylized, with a large loop at the end of the last name.

James Rowe

December 11, 1964

Mr. George Ball
Under Secretary of State
Department of State
Washington 25, D.C.

Subject: Control Data Corporation request
for Export License for its 3600
computer system to the French AEC

Dear Mr. Ball:

We appreciated very much the opportunity to discuss with you the Government's position relative to computers and their consequential use as regarded under the MLF concept. We appreciate deeply the efforts you and others are hoping to accomplish in bringing nuclear weapons of the world under some concept of control. We understand that to give to other countries of the world the scientific tools with which they can singularly develop nuclear weapons is somewhat in conflict with these efforts to bring control to the nuclear weapon force of the world.

However, when one tries to apply this concept to the field of computers, the theoretical concept becomes a very difficult practical problem. In considering a request for an Export License to France, we find many practical problems. When we analyze these problems as they affect computers, we see no practical way to implement the theoretical concept of this part of the MLF program, for the following reasons:

1. The general purpose computers which Control Data Corporation and others manufacture not only in this country, but abroad, can be used for many different applications, while the basic hardware which the manufacturer sells is identical. The computers currently installed in France by us, as well as one of our U.S. competitors, can be used for a multitude of different applications. We have the identical computers in data centers where time is sold on an hourly-rate basis to any type of user. We have these computers at universities both here and abroad, where they do research as well as teach computer concepts and uses to students. We have computers installed in computational centers of large industrial companies, both here and abroad. In these computational centers, the companies do their own administrative work as well as company-sponsored research and development. As you know, they are also used in many government applications in this country. Thus, to restrict any country from the use of a computer would mean a total embargo of all computers to that country; even deny them the tools for research in any scientific field.

December 11, 1964

2. In recent months, much publicity has been given to the advent of communications between computers. These communications systems are in various forms, micro-wave; voice-grade communications lines, such as telephone and telegraph; and the less-sophisticated methods, such as the actual transportation of magnetic tapes from one location to the other to solve a problem. These methods have all been developed to such a point that to effectively isolate any foreign country from the use of a computer would entail a complete embargo on all computers from the United States.

3. As to the case in point with the French AEC, this denial to France on the subject computer is ineffectual. In France today there are in operation two (2) CONTROL DATA 3600 Computers, five (5) IBM 7070/7094 Computers, of which I am aware, plus one (1) additional IBM computer named STRETCH. All these different computers are capable of doing basically the same job, and generally speaking, only their speeds are different. Their effective cost per computation is not significantly different to create an economic hardship to France. Thus, France already has a large reservoir of computers at her disposal and has had for a number of years.

In Europe, ICT in London also builds a computer in this general class. As you know, IBM has significant manufacturing capabilities in France, which could augment any wishes of the French Government. Likewise, the GE/French BULL agreements could give France additional computer ability. As far as I can analyze, if Control Data is refused an Export License for the 3600 computer, we will have a very difficult time continuing operations in France, because for one thing, the Bank of France approves all of our contracts since CONTROL DATA FRANCE requests approval to pay for purchases of computers from CONTROL DATA U.S. in dollars. Coupled with that, the French Government is deeply interwoven with many of the French businesses, and most of our customers and future prospective customers are generally either owned or partly-owned by the French Government.

Control Data's forecast is to receive orders in the next three (3) fiscal years of approximately \$62 million in France, and \$190 million in the total international field. I believe a negative reaction of the State Department to our French AEC order would severely jeopardize the volume of business that we anticipate in the international markets. CONTROL DATA FRANCE has approximately sixty-eight (68) French employees depending on this business, and the company has made significant investment in the French computer market.

4. The French currently have a 3600 computer that we have installed in Paris. The French AEC is using the computer up to three (3) hours per day to run production problems. This computer has been leased by CONTROL DATA FRANCE to a French organization which operates computers and sells time on the computers to customer users.

Mr. George Ball

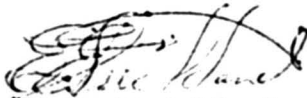
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December 11, 1964

In summary, I believe that if one complies with the spirit of the MLF, then one must stop all export of computers from the United States, because while denying just one customer in a specified country in the Western world a computer might be complying with the letter of the law, it is not possible to comply with the spirit.

If Control Data Corporation does not receive approval on our Export License our entire investment and efforts in the international markets are in jeopardy. For all of the aforementioned reasons we earnestly and respectfully solicit your approval of our Export License to France.

Very truly yours,



E. E. Strickland
Vice President

jcm

Florence,

63

Mr. Keeny said you can relax
about this--he has Mr B's OK
& has told CEJ about it.
Thanks for this copy.

mildred z.

~~SECRET~~

December 31, 1964

MEMORANDUM FOR MR. BUNDY

Mac --

Here is a draft memorandum for the file capturing what we thought were the principal conclusions to be drawn from the discussion of yesterday's meeting. From this record and subsequent discussions with you, the appropriate replies can be prepared for the outstanding memoranda from Dr. Seaborg and Ambassador Thompson to which replies are needed.

C. E. Johnson

S. M. Keeny

~~SECRET~~

This document regraded
as UNCLASSIFIED when
separated from attachment.

PRESERVATION COPY

THE WHITE HOUSE
WASHINGTON

December 24, 1964

~~SECRET~~ ATTACHMENT

TO:

For your comments and possible
use at the next scheduled meeting on
NSAM 294.

David Klein

~~SECRET~~ ATTACHMENT

Howard Meyer - State
Fudine - DOD
McNaughton - DOD
Wymore - Commerce
Palmer - AEC
Fletcher - NASA
Keeney - OST
Ray Cline - CIA
Mr. Bundy

REDRAFT - UNAPPROVED

December 24, 1964

~~SECRET~~

NATIONAL SECURITY ACTION MEMORANDUM 294

TO: The Secretary of State
The Secretary of Defense
The Secretary of Commerce
The Director of Central Intelligence
The Administrator, National Aeronautics and
Space Administration
The Chairman, Atomic Energy Commission
The Director, Office of Science and Technology

SUBJECT: U.S. Nuclear and Strategic Delivery System Assistance

It is the policy of this government to oppose the development of nuclear forces by additional states, other than those whose forces would be assigned as part of a NATO nuclear force, targeted in accordance with NATO plans and, except when supreme national interest^s were at stake, used only for the defense purposes of the Alliance.

It is therefore this government's intention not to contribute to or assist in the development of nuclear warhead capability or national strategic nuclear delivery capacity by such additional states. This affects exchanges of information and technology between the governments, sale of equipment, joint research and development activities, and exchanges between industrial and commercial organizations, either directly or through third parties, which would be reasonably likely to facilitate efforts by significantly affecting^g timing, quality or costs or would identify the U.S. as a major supplier or collaborator. However, this directive

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DECLASSIFIED
Authority NLS030-032-2-7
By 6 NARA, Date 6-3-09

CONFIDENTIAL

is not intended to restrict unduly full and useful cooperation in non-strategic programs and activities, unless otherwise limited.

Therefore, the President has directed that effective controls be established immediately to assure that, to the extent feasible, the assistance referred to above is not extended either intentionally or unintentionally.

To this end, specific technical guidance is to be developed and issued at the earliest possible time for the use of the agencies that control the export of equipment and technology, including data exchange arrangements. Responsibility for the development of such guidance, and when necessary the revision of these guidances, will be vested in the Departments of State and Defense, in consultation as appropriate with the Department of Commerce, the Central Intelligence Agency, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the Office of Science and Technology, and under the leadership of the Department of State. The approved guidance documents will be cleared at the White House and issued as technical appendices to this National Security Action Memorandum. Necessary guidance will be requested before specific commitments are made by any agency.

McGeorge Bundy

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

April 20, 1964

~~Secret~~
~~TOP SECRET~~

NATIONAL SECURITY ACTION MEMORANDUM 294

TO: ~~The Secretary of State~~
~~The Secretary of Defense~~
~~The Secretary of Commerce~~
~~The Director of Central Intelligence~~
~~The Administrator, National Aeronautics and Space Administration~~
The Chairman, Atomic Energy Commission
The Director, Office of Science and Technology

SUBJECT: U.S. Nuclear and Strategic Delivery System
Assistance to France

It is the policy of this government to oppose the development of nuclear forces by additional states, other than those whose forces would be assigned as part of a NATO nuclear force, targeted in accordance with NATO plans and, except when supreme national interests were at stake, used only for the defense purposes of the Alliance.

Given current French policy, it continues to be in this government's interest not to contribute to or assist in the development of a French nuclear warhead capability or a French national strategic nuclear delivery capacity. This includes exchanges of information and technology between the governments, sale of equipment, joint research and development activities, and exchanges between industrial and commercial organizations, either directly or through third parties, which would be reasonably likely to facilitate these efforts by significantly affecting timing, quality or costs or would identify the U.S. as a major supplier or collaborator. However, this directive is not intended to restrict unduly full and useful cooperation in non-strategic programs and activities.

TOP SECRET

~~Secret~~

DECLASSIFIED

Authority NLJ97-137 (#3)
By 107/6 NARA, Date 3-12-89

Logged 4-28-64

Downgraded per
Memo dtd 4-28-64

~~Secret~~
~~TOP SECRET~~

- 2 -

Therefore, the President has directed that effective controls be established immediately to assure that, to the extent feasible, the assistance referred to above is not extended either intentionally or unintentionally.

To this end, specific technical guidance is to be developed and issued at the earliest possible time for the use of the agencies that control the export of equipment and technology, including data exchange arrangements. Responsibility for the development of such guidance, and when necessary the revision of these guidances, will be vested in the Departments of State and Defense, in consultation as appropriate with the Department of Commerce, the Central Intelligence Agency, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the Office of Science and Technology, and under the leadership of the Department of State. The approved guidance documents will be cleared at the White House and issued as technical appendices to this National Security Action Memorandum. Necessary guidance will be requested before specific commitments are made by any agency.

McGeorge Bundy
McGeorge Bundy

cc:

Mr. Bundy
Mr. Klein
Col. Smith
Mr. Johnson ✓
NSC Files

R. Amory - Budget
Mr. Hale - 4/21
Spec Council 5/21

~~Secret~~
~~TOP SECRET~~

*as in French
copy full*

Dispatched 4/21/64

April 28, 1964

NOTE TO HOLDERS OF NSAM 294, April 20, 1964

The above referenced National Security Action
Memorandum is downgraded to SECRET.

/s/

Bromley Smith

Copy for:

The Secretary of State
The Secretary of Defense
The Secretary of Commerce
The Director of Central Intelligence
The Administrator, National Aeronautics and
Space Administration
The Chairman, Atomic Energy Commission
The Director, Office of Science and Technology

cc:

Mr. Bundy
Mr. Klein
Col. Smith
Mr. Johnson✓
NSC Files
R. Smiley-Budget 4-29

*cy in French
comp file*

Mr. C. E. Johnson 12/21/64 ⁶⁶

Chase, This is your action
Isn't it?

Me

~~SECRET~~

6261

67



ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

18 DEC 1964

In reply refer to:
I-30208/64

INTERNATIONAL SECURITY AFFAIRS

Klein
Cy Keeney
C Johnson

Honorable McGeorge Bundy
Special Assistant to the President
for National Security Affairs
The White House

2. Not BXS

Dear Mr. Bundy:

Ambassador Thompson sent you a memorandum on December 11, 1964, on Export Control Procedures under the Test Ban Treaty. As noted in that memorandum, DOD agreed with the proposed issuance of a regulation specifying the export controls to be applied, but recommended that the regulation should also cover strategic nuclear delivery systems, in order to meet the requirements of NSAM 294.

In our judgment, it appears unrealistic and short-sighted to apply widely differing standards of prohibition under the Test Ban Treaty and under NSAM 294. A non-signer nation's willingness or refusal to abide by the Treaty may well be affected by how easily it believes it can develop a delivery system for the weapons it is seeking to develop by tests that violate the Treaty.

Attached is a proposed revision of the proposed regulation which we feel will accomplish the desired purpose.

Sincerely,

Alvin Friedman

Alvin Friedman
Deputy Assistant Secretary

Enclosure - 1
Proposed Revision

DECLASSIFIED
E.O. 13526, Sec. 3.4
By *dmh/s* NARA, Date 3-2-09

~~SECRET~~

EXCLUDED FROM AUTOMATIC
REGRADING; DOD DIR 5200.10
DOES NOT APPLY

2235

CODE OF FEDERAL REGULATIONS

TITLE 22 - FOREIGN RELATIONS

Chapter I - Department of State

Subchapter M - International Traffic in Arms

AMENDMENT TO SUBCHAPTER

The regulations of the Secretary of State issued March 2, 1960
(Departmental Regulation 108.425, 25 F. R. 1821) are amended as follows:

PART 121 - ARMS, AMMUNITION AND IMPLEMENTS OF WAR

121.01 The United States Munitions List (Amendment).

Section 121.01 is amended by the addition of a Category XVIII at
the end thereof to read:

Category XVIII - Nuclear Weapons Design and Test Equipment and
Delivery Systems

Any article, material, equipment, or device, including technical
data relating thereto, whether or not specifically covered in Categories
I - XVII, which is for use, or which the applicant knows or has any
reason to believe will be used, in either (a) the design, development,
or fabrication of nuclear weapons, (b) the devising, carrying out, or
evaluating of nuclear weapons tests or any other nuclear explosions,
or (c) strategic aircraft, missiles or other strategic nuclear weapons
delivery systems, components or related technology.

This amendment shall take effect on November 1, 1964.

Dated:

For the Secretary of State:

~~Mr. Keeney~~

~~CONFIDENTIAL~~ (Attachments)

December 21, 1964

TO: Mr. McGeorge Bundy
The White House

FROM: Benjamin H. Read
Executive Secretary

Attached for your information
and files are two memoranda of
conversation between:

1. The President and Foreign
Minister Gromyko dated December 9,
regarding U.S. - Soviet Relations;
2. Under Secretary Ball and
Senator Eugene McCarthy dated
December 9, regarding Proposed Export
to France of Computer.

Attachments:

As stated.

~~CONFIDENTIAL~~ (Attachments)

Cy Keeney 12/21/64

~~CONFIDENTIAL~~

69a

6268

DEPARTMENT OF STATE

Approved in U 12/19/64

17327

Memorandum of Conversation

DATE: December 9, 1964
2:30 pm

SUBJECT: Proposed Export to France of Computer

PARTICIPANTS: Under Secretary George W. Ball
Senator Eugene McCarthy
Mr. Edward E. Strickland, Vice President, Control
Data Corporation, Minneapolis, Minn.
Mr. George S. Springsteen, U
~~CONFIDENTIAL~~ Mr. Jeffrey C. Kitchen, G/PM
Mr. Scott George, G/PM

COPIES TO: S/S E/MDC
S/P MC
G DOD/ISA
INR/OD AEC
EUR White House ✓

Senator McCarthy called for the purpose of discussing the pending application for export to France of a Control Data Corporation computer (CDC 3600). This computer is intended for installation in a weapons laboratory of the French atomic energy authority (CEA). The application has been under consideration in the Department of Commerce for some time and Senator McCarthy was interested in finding out how the matter stands and ascertaining the Department's views.

The Under Secretary reviewed the history and background of our policy toward the French or any other independent nuclear weapons program. He emphasized the dangers which lie ahead if we are not able in some manner to stop the proliferation of independent nuclear weapons capabilities, and said that while there are certain hopeful signs of our being able to find some collective way of handling nuclear power, France continues to pose serious problems. It is therefore necessary to exercise great care in reviewing proposed export to that country of items which might significantly assist the French nuclear weapons program.

The Under

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 13526, Sec. 3.4
By Chen/ NARA, Date 3-12-09

2239

~~CONFIDENTIAL~~

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The Under Secretary emphasized however that as far as this particular export is concerned the decision has not yet been made. Several Departments are concerned and some have already expressed their views to the White House, but the Department of State has not taken a position as yet. We understand the urgency of the matter, however, and will look into all aspects of the pending application as soon as possible.

The Under Secretary said that of course in this, as in any economic denial policy, there is always the problem of availability of comparable items from sources outside the control of the US. We are aware, for example, that the French can perhaps purchase similar computers from the British firm Ferranti and that the French firm Machine Bull may also be able to manufacture comparable ones. It is nevertheless a fact that the CDC 3600 is a very advanced instrument, and the proposed export for direct use in a French weapons laboratory therefore is a matter of serious concern.

Senator McCarthy said he was not challenging the policy which the Under Secretary had outlined, but he did have reservations as to whether denial of this particular export application would have any appreciable effect on the French weapons effort. He said it was his impression that this computer was no more advanced than several which the French already have obtained from US sources, and suggested at this point that perhaps Mr. Strickland could comment.

Mr. Strickland said that the policy the Under Secretary had described seemed to him to be one of denying US computer manufacturers the chance to export their products to any foreign country.

The Under Secretary said this was by no means the case; what we were concerned about was the proposed use of the computer in apparent direct support of the French independent weapons effort.

Mr. Strickland

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Mr. Strickland answered that computers can be used for anything, and it is impossible to distinguish meaningfully between military and civilian end uses, or to prevent military use being made of computers already in place. He said the French already have two CDC 3600 computers, five comparable IBM 7094's plus a sixth 7094 on order, and one Stretch computer. According to Mr. Strickland, the CEA is presently using one of the 3600's on a rental basis three hours per day, and if the present export application is denied they will simply use this or other comparable ones already in France to accomplish whatever they need done, or buy others. He said his firm has some \$50 million of prospective business in France and that of course they are greatly disturbed over the prospects for the future if this export denial policy is carried through.

He referred also to the fact that there seems to be some delay in processing an export application for a larger computer (CDC 6600) under order for CERN in Switzerland. He said he knew of no reason for delay, since CERN is solely for peaceful uses research, but assumed that it might be because the French Government participates in CERN financing and activities.

The Under Secretary said that Senator McCarthy and Mr. Strickland could be assured we would take all pertinent facts into consideration in reaching a Departmental position on the export of the CDC 3600, including those mentioned in this conversation, and that we would move swiftly in doing so.

Mr. Strickland said he would furnish the Department with a memorandum setting forth more fully those facts which in his view should be considered.

As to the question about the CDC 6600, none of the Department representatives had been aware of this pending application. They undertook to inquire as to the status and inform Senator McCarthy's office. (It was subsequently

ascertained

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-4-

ascertained from Commerce than an application for this export has not yet been filed, although Commerce is aware that it is probably coming. Senator McCarthy's office was so informed by telephone.)

Paris Bid for Computers Puts LBJ on Spot

By Howard Simons
Staff Reporter

The Johnson Administration is caught in a serious dilemma over France's desire to purchase two of the world's most advanced computers from U.S. firms — computers that would undoubtedly speed up the French nuclear weapons timetable.

The dilemma is:

1. If the Administration agrees to permit the sale of the computers it is inviting the Soviet Union to make propaganda capital out of the charge that the United States has violated the spirit and terms of the limited test-ban treaty. This treaty calls upon the signatories to refrain from aiding and abetting other nations to set off atomic explosions in the atmosphere — a present aim of the French atomic pro-

Moreover, a sale of these specially designed computers would invite charges from other nations that the Administration hypocritically advocates a halt to the spread of atomic weapons while encouraging the independent French effort.

2. If the Administration disallows the computers, it risks further straining French-American relations, particularly at a time when reports from Paris and London indicate that President Johnson is trying to ease the strain.

Moreover, a prohibition to the sale would bring a new element into American trade policies with its Allies. Hitherto, the United States has traded openly with its Allies, at least in terms of

News Analysis

universal use, a category that includes computers. Now, however, the Administration must decide whether it should engage in trading selectively with its friends.

What the French are after is a computer from International Business Machines Corp., presumably a specially designed variation of the new, yet-to-be-produced "S 360," which IBM introduced here and abroad earlier this year, and a second

specially designed computer from Control Data Corp. The cost of these two computers is put at \$10 million to \$20 million.

With such computers — earmarked for the French atomic weapons program, according to informed sources — French weapons designers can not only fashion more sophisticated atomic arms, but design lighter warheads more easily shot from guns and launching pads.

No such computers now exist in France, or anywhere else abroad, experts say.

Computers enable weapons scientists to figure out new configurations and other physical aspects of new

weapons by using a variety of mathematical formulas. Computers also enable these scientists to relate the results from past nuclear tests with physical principles and to determine how well principles match performance.

It is possible to design nuclear weapons without advanced computers. American atomic scientists did it during World War II. But between then and now advanced, high-speed computers have become a critical item in nuclear weapons development. Indeed, during the three year moratorium on nuclear testing

U.S. weapons designers used a computer called STRETCH to fashion new weapons and devices — weapons and devices subsequently tested after the moratorium was broken.

Without the advanced computers she wants, France in all probability would have to undertake a more aggressive trial-and-error nuclear test program. That is, if France wants to achieve the kind of nuclear power status now enjoyed by Britain, the Soviet Union and the United States.

This possibility creates a dilemma within a dilemma for U.S. officials — no compu-

ters could mean more atmospheric nuclear testing, whereas computers could mean fewer tests but enhance the French determination to shape an independent atomic arsenal.

The Administration has not yet decided the outcome of the French computer question. But France is undoubtedly well aware that it has been U.S. policy to discourage development of an independent French nuclear capability; to prevent the spread of nuclear weapons and delivery systems; and to honor the letter and spirit of the test ban treaty.



DEPARTMENT OF STATE
WASHINGTON

DEC 10 1964

Dear Mac:

I am sending to you a memorandum, prepared by my staff, formally transmitting current drafts of the technical annexes called for in implementation of NSAM 294. The memorandum describes the development of the annexes and sets forth, in light of experience to date, major policy questions which must be addressed in order to clarify the policy and enable its practical enforcement.

The more deeply I have gone into this question the more convinced I become that anything other than a narrow and specific interpretation of the policy of NSAM 294 is impracticable. The political costs, domestic as well as foreign, of implementing a broad interpretation would be enormous as would be the technical difficulties. It appears to me that a broad interpretation would lead us to a virtual break in commercial, if not in political, relations with France and great problems with other countries if we were to make the policy really effective. Considering our early experience with COCOM, my personal view is that we should try to arrive at a policy which is sensible and capable of consistent implementation, and I believe this is possible only on an extremely narrow interpretation.

Sincerely,

75/ Llewellyn Thompson

Llewellyn E. Thompson
Acting

DECLASSIFIED
E.O. 13282, Sec. 3.4
By *dam/jr*, NARA, Date 3-12-09

Attachment: Memo: Subj: NSAM 294
Tab A - Technical Guidance
Tab B - Control and Enforcement of Policy

The Honorable
McGeorge Bundy,
The White House.

GROUP 3
Downgraded at 12 year
intervals; not
automatically declassified

*Ret's Jobs to
BK Smith*

2227

Thompson

Gradations - looking down to technical help.

Urges a narrow definition of non help. Problem of defining systems. Extraneous almost in fact make ~~it~~ an important contribution to French obtaining capability.

Dunlop - No evidence that present policy & approach have damaged relations with French.

Parameters of policy - Treaty, A.E. Act, military security, & 294

Agreed that policy cannot & should not be carried too far. Also that should be Does the content really control.

Fubini - Computer is good yardstick. Computer capabilities provide a spectrum.

Best French G.E. Bull is $\frac{1}{50}$ of capability of CDC 3600 - $\frac{1}{100}$ of IBM.

French now have a Stretch and 2 CDC 3600s

360-92

State part - finance only for weapons

NSAM
294 Review

75

~~CONFIDENTIAL~~

December 17, 1964

MEMORANDUM FOR MR. BUNDY

Mac --

Spurg and I think this is a good idea and could be acted on immediately. It is one of the few constructive moves that State has proposed recently in this area. Although the obligations we have undertaken by signing the treaty are not specifically directed toward France, there is an inevitable and natural relationship between the test ban treaty and NSAM 294. Therefore, Spurg and I suggest that you put this matter on your agenda for your meeting next week with Rusk and McNamara with the thought that you might get a quick agreement on the desirability of issuing the new Federal regulation.

Charles E. Johnson

~~CONFIDENTIAL~~

Cy Keeny
Klein

DECLASSIFIED
E.O. 13526 Sec 3.4
By *dmf* NARA Date 3-12-09

DEPUTY UNDER SECRETARY OF STATE
WASHINGTON

December 9, 1964.

~~CONFIDENTIAL~~

Dear Mac:

You may recall my recent mention of the case in which Secretary Rusk decided against permitting export to France of certain equipment intended for use in underground nuclear testing, although the French had previously bought the same sort of equipment with US Government approval. Implicit in the Secretary's decision on this particular case, made in terms of our obligations under the Test Ban Treaty, was a follow-up need to improve our export control procedures in certain respects.

The enclosed memorandum outlines the problem and recommends a course of action. It was prepared in this Department, with participation by representatives of the Departments of Defense, Commerce, ACDA and the AEC. Inter-agency agreement was reached on the general approach taken in the memorandum, but Department of Commerce and Department of Defense representatives had reservations about numbered paragraphs 11 and 12 respectively, and those Departments may therefore wish to comment to you separately on these or other aspects of the memorandum.

I should appreciate your views on the best way in which to move ahead on this matter. Copies of this letter and enclosure are being sent to Defense, Commerce, ACDA, and the AEC. I am also having a copy sent to the Embassy at Paris for information and comment if desired.

Sincerely,

Tommy
Llewellyn E. Thompson
Acting

DECLASSIFIED
E.O. 13292, Sec. 3.4
By *dm/s* NARA, Date 3-12-89

The Honorable
McGeorge Bundy,
Special Assistant to the President,
The White House.

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DEPUTY UNDER SECRETARY OF STATE
WASHINGTON

December 9, 1964.

~~CONFIDENTIAL~~

MEMORANDUM FOR MR. BUNDY
THE WHITE HOUSE

SUBJECT: Test Ban Treaty: Export Control Procedure

1. As a signatory to the Test Ban Treaty, the United States is under an obligation to refrain from causing, encouraging or in any way participating in the carrying out of nuclear testing in a prohibited environment. Because France has not signed the Treaty, has a nuclear weapons program, including a testing program, and contemplates testing in the atmosphere, but is also an allied country with which we have close relationships, France is the country with which practical problems most frequently arise in complying with our obligations under the Treaty. In order to make our position and intentions clear, we gave the French Government an Aide-Memoire last February explaining that the U.S. Government cannot permit the export of materials or information to France to be used in nuclear tests as long as the French Government contemplates tests in prohibited environments.

2. In view of our experience in attempting to fulfill our obligations under the Test Ban Treaty and to achieve what the U.S. considers to be its overall objectives, we are becoming increasingly concerned about French efforts to acquire equipment and data from U.S. firms for use in various phases of the French atomic weapons program, including testing, notwithstanding our Aide-Memoire to them on this subject.

3. A recent example is a French order to the firm of Edgerton, Germeshausen, and Grier, Inc. (EG&G) for about \$400,000 worth of oscilloscopes, high-speed cameras, mercury pulse generators, and similar equipment which the French stated

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E.O. 13292, Sec. 3.4
By *Chel/s*, NARA, Date *3-12-09*

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- 2 -

would be used only in underground testing. Prior to conclusion of the Test Ban Treaty, the French had bought this same type of equipment with U.S. Government knowledge and approval. After study by the Department of State in conjunction with certain other interested agencies, Secretary Rusk reviewed the case and approved the recommendation that this particular export not be permitted now, and that appropriate means be devised to ensure that the policy goal of non-assistance to French testing can be implemented adequately and equitably with respect to U.S. industry generally.

4. The problems in doing so are of two sorts. Firstly, while the EG&G equipment is of a specialized kind, developed in conjunction with our own test program and having applications in it, its use is not unique to testing, and in fact it could be used in any advanced nuclear physics laboratory concerned with basic unclassified peaceful uses research. The French have achieved a sufficient degree of progress and level of sophistication in their nuclear weapons program to be able to know the types of unclassified technology and equipment available from private U.S. manufacturers which will assist them in their weapons development and testing program, and, as a matter of policy, they have sought out and attempted to purchase this sort of equipment. In this effort, companies known to have supplied equipment to our own weapons laboratories appear to be a principal target. Since there is in most instances no objection to this type of unclassified technical equipment being used in civil applications, even in France, denial of its export necessarily turns principally upon its end-use.

5. The second problem is that while EG&G came to the AEC and Department of State voluntarily to ask for guidance, there is no present means to ensure that other firms producing similar equipment will do so. It is quite possible under existing controls, in other words, for U.S. firms to sell the French certain items to be used in their nuclear weapons and test program without the U.S. firms realizing they may be doing something contrary to U.S. policy and without the U.S. Government being aware they are doing it.

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- 3 -

6. To meet these problems, which may touch on either weaponry or instrumentation, we believe a new regulation should be issued requiring the U.S. exporter to seek a license for the export of any article, material, equipment or device, including technical data relating thereto, which is for use or which he or the manufacturer knows or has any reason to believe will be used in either (a) the design, development or fabrication of nuclear weapons or other nuclear explosive devices or (b) the devising, carrying out or evaluating of nuclear weapons tests or any other nuclear explosion.

7. The purpose of this new regulation, which would be placed in the Federal Register under the aegis of both State and Commerce, would be to require the prospective private exporter in the U.S., as the party most likely to know of the intended use of his product, to notify the U.S. Government, via a license application, when he has knowledge or belief that the ultimate consignee plans or may plan to use that product in a nuclear test program. Inasmuch as the manufacturer of the product (or the originator of the data) will often be the party most likely to know the intended use of his product, we envisage requiring every exporter who is not also the manufacturer to consult with the manufacturer in assessing the end-use question, unless the exporter affirmatively knows that none of the uses cited in the regulation will be made of the item or data.

8. It is important that the proposed controls be administered in a manner which will cause the least possible confusion and inconvenience to our business community and also take advantage of the accumulated expertise of the various Government agencies which now control different sectors of strategic U.S. exports. Therefore, we consider that all items or data within the above categories which are already subject to individual license requirements for Free World destinations as imposed by the AEC, State Department, or Commerce Department should remain under the same control by the same agency. License applications for newly-covered items or data clearly in the weapons field would be considered by the State Department. All other newly-controlled items or data would be

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licensed by the Commerce Department. In the case of doubt as to where an application should go, the exporter could consult either State or Commerce. The main and overriding purpose of the regulation would be to spell out in a clear albeit general way that the U.S. Government plans a careful scrutiny of items that may be intended for nuclear weapons testing use, and that the regulatory agencies are following the same coordinated standard.

9. We view such a regulation as an interim measure designed to provide an equitable means of controlling relevant exports not already under U.S. export control during the period when the various agencies are working to develop a meaningful list of specific items that might be added to either the Positive List of the Department of Commerce or the Munitions List of the Department of State, as well as working to devise adequate procedures for assuring that such items, if exported, will not be used in testing programs.

10. In issuing the new regulation, it would be our intention to provide explanatory information to minimize any unfavorable reaction from industry. In addition to furnishing a list of non-signatory nations, we would expect to include (a) a statement about the U.S. Government's need to honor our obligations under the Test Ban Treaty, (b) an explanation that the regulatory problem is to a unique degree one of end-use, in which the commercial exporter is likely to have the best information available as to what his customer intends to do with his product, and in which we therefore seek his assistance in cooperation with the manufacturer if necessary, (c) an assurance that there is no intent, for the present at least, to ask exporters to institute any new procedures seeking end-use information beyond that normally available in commercial practice, and (d) an assurance that the U.S. Government will welcome the comments of industry on the new regulation, to enable us to improve it as may be necessary in the light of experience.

11. One separate but related problem is the need to bring to the attention of other signatory countries the actions we

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are taking and to learn what they may be doing of a comparable nature. This is important both in terms of preventing U.S. and foreign-origin equipment from reaching France directly or via third countries and in terms of not penalizing U.S. suppliers vis-a-vis their foreign competitors. As we implement our own regulation, we expect to gain information about the extent of the third-country problem which will help us devise adequate means of dealing with it.

12. Another separate but related problem is that of implementation of NSAM 294, which deals of course with testing as well as all other aspects of national nuclear weapons programs. We have considered attempting to put into one regulation language which would cover everything proscribed under either NSAM 294 or the Test Ban Treaty. Our conclusion is that it would be confusing rather than helpful to do this, partly because the criteria for judgment are not necessarily identical, but principally because the NSAM represents a unilateral U.S. policy which we are free to implement, revise, etc. as we will, whereas the Treaty as an international instrument imposes constraints of a different sort. In terms of clarity of public presentation, explanation, and dealing with foreign governments, it is our opinion that this particular regulation should deal with testing and be explicable in terms of the Treaty, without reference to NSAM 294.

Llewellyn E. Thompson
Llewellyn E. Thompson
Acting

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294

December 10, 1964

NOTE FOR MR. WILLIAM CAPRON

Bill --

This is one on which I think the BOB might have to take the initiative in reviewing organizational and procedural elements of the longer range solution that Tommy mentions.

CEJohnson

17232

DEC 1964

~~CONFIDENTIAL~~

Dear Mac:

You may recall my recent mention of the case in which Secretary Rusk decided against permitting export to France of certain equipment intended for use in underground nuclear testing, although the French had previously bought the same sort of equipment with US Government approval. Implicit in the Secretary's decision on this particular case, made in terms of our obligations under the Test Ban Treaty, was a follow-up need to improve our export control procedures in certain respects.

The enclosed memorandum outlines the problem and recommends a course of action. It was prepared in this Department, with participation by representatives of the Departments of Defense, Commerce, ACDA and the AEC. Inter-agency agreement was reached on the general approach taken in the memorandum, but Department of Commerce and Department of Defense representatives had reservations about numbered paragraphs 11 and 12 respectively, and those Departments may therefore wish to comment to you separately on these or other aspects of the memorandum.

I should appreciate your views on the best way in which to move ahead on this matter. Copies of this letter and enclosure are being sent to Defense, Commerce, ACDA, and the AEC. I am also having a copy sent to the Embassy at Paris for information and comment if desired.

Sincerely,

DECLASSIFIED
E.O. 13526, Sec. 3.4
By *cbn/lx* NARA, Date 8-12-09

Llewellyn E. Thompson
Llewellyn E. Thompson
Acting

The Honorable
McGeorge Bundy,
Special Assistant to the President,
The White House.

~~CONFIDENTIAL~~

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DEC 1964

~~CONFIDENTIAL~~

MEMORANDUM FOR MR. BUNNY
THE WHITE HOUSE

SUBJECT: Test Ban Treaty: Export Control Procedure

1. As a signatory to the Test Ban Treaty, the United States is under an obligation to refrain from causing, encouraging or in any way participating in the carrying out of nuclear testing in a prohibited environment. Because France has not signed the Treaty, has a nuclear weapons program, including a testing program, and contemplates testing in the atmosphere, but is also an allied country with which we have close relationships, France is the country with which practical problems most frequently arise in complying with our obligations under the Treaty. In order to make our position and intentions clear, we gave the French Government an Aide-Memoire last February explaining that the U.S. Government cannot permit the export of materials or information to France to be used in nuclear tests as long as the French Government contemplates tests in prohibited environments.

2. In view of our experience in attempting to fulfill our obligations under the Test Ban Treaty and to achieve what the U.S. considers to be its overall objectives, we are becoming increasingly concerned about French efforts to acquire equipment and data from U.S. firms for use in various phases of the French atomic weapons program, including testing, notwithstanding our Aide-Memoire to them on this subject.

3. A recent example is a French order to the firm of Edgerton, Germeshausen, and Grier, Inc. (EG&G) for about \$400,000 worth of oscilloscopes, high-speed cameras, mercury pulse generators, and similar equipment which the French stated

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E.O. 13292, Sec. 3.4
b1, b7c, NARA, Date 3-12-09

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- 2 -

would be used only in underground testing. Prior to conclusion of the Test Ban Treaty, the French had bought this same type of equipment with U.S. Government knowledge and approval. After study by the Department of State in conjunction with certain other interested agencies, Secretary Rusk reviewed the case and approved the recommendation that this particular export not be permitted now, and that appropriate means be devised to ensure that the policy goal of non-assistance to French testing can be implemented adequately and equitably with respect to U.S. industry generally.

4. The problems in doing so are of two sorts. Firstly, while the EG&G equipment is of a specialized kind, developed in conjunction with our own test program and having applications in it, its use is not unique to testing, and in fact it could be used in any advanced nuclear physics laboratory concerned with basic unclassified peaceful uses research. The French have achieved a sufficient degree of progress and level of sophistication in their nuclear weapons program to be able to know the types of unclassified technology and equipment available from private U.S. manufacturers which will assist them in their weapons development and testing program, and, as a matter of policy, they have sought out and attempted to purchase this sort of equipment. In this effort, companies known to have supplied equipment to our own weapons laboratories appear to be a principal target. Since there is in most instances no objection to this type of unclassified technical equipment being used in civil applications, even in France, denial of its export necessarily turns principally upon its end-use.

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- 3 -

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- 4 -

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- 5 -

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Llewellyn E. Thompson
Acting

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DEC 1964

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Dear Mac:

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Sincerely,

Llewellyn E. Thompson
Llewellyn E. Thompson
Acting

The Honorable
McGeorge Bundy,
Special Assistant to the President,
The White House.

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 13292, Sec. 3.4
By *dm/ly* NARA, Date *3/12/09*

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DEC 1964

~~CONFIDENTIAL~~

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Acting

The Honorable
McGeorge Bundy,
Special Assistant to the President,
The White House.

DECLASSIFIED
E.O. 13292, Sec. 3.4
By *chm/ly* NARA, Date *3-12-09*

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DEC 1964

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MEMORANDUM FOR MR. BUNDY
THE WHITE HOUSE

SUBJECT: Test Ban Treaty: Export Control Procedure

1. As a signatory to the Test Ban Treaty, the United States is under an obligation to refrain from causing, encouraging or in any way participating in the carrying out of nuclear testing in a prohibited environment. Because France has not signed the Treaty, has a nuclear weapons program, including a testing program, and contemplates testing in the atmosphere, but is also an allied country with which we have close relationships, France is the country with which practical problems most frequently arise in complying with our obligations under the Treaty. In order to make our position and intentions clear, we gave the French Government an Aide-Memoire last February explaining that the U.S. Government cannot permit the export of materials or information to France to be used in nuclear tests as long as the French Government contemplates tests in prohibited environments.

2. In view of our experience in attempting to fulfill our obligations under the Test Ban Treaty and to achieve what the U.S. considers to be its overall objectives, we are becoming increasingly concerned about French efforts to acquire equipment and data from U.S. firms for use in various phases of the French atomic weapons program, including testing, notwithstanding our Aide-Memoire to them on this subject.

3. A recent example is a French order to the firm of Edgerton, Germeshausen, and Grier, Inc. (EG&G) for about \$400,000 worth of oscilloscopes, high-speed cameras, mercury pulse generators, and similar equipment which the French stated

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DECLASSIFIED
E.O. 11652
By *clm/ly* NARA, DUB 3-12-09

~~CONFIDENTIAL~~

- 2 -

would be used only in underground testing. Prior to conclusion of the Test Ban Treaty, the French had bought this same type of equipment with U.S. Government knowledge and approval. After study by the Department of State in conjunction with certain other interested agencies, Secretary Rusk reviewed the case and approved the recommendation that this particular export not be permitted now, and that appropriate means be devised to ensure that the policy goal of non-assistance to French testing can be implemented adequately and equitably with respect to U.S. industry generally.

4. The problems in doing so are of two sorts. Firstly, while the EG&G equipment is of a specialized kind, developed in conjunction with our own test program and having applications in it, its use is not unique to testing, and in fact it could be used in any advanced nuclear physics laboratory concerned with basic unclassified peaceful uses research. The French have achieved a sufficient degree of progress and level of sophistication in their nuclear weapons program to be able to know the types of unclassified technology and equipment available from private U.S. manufacturers which will assist them in their weapons development and testing program, and, as a matter of policy, they have sought out and attempted to purchase this sort of equipment. In this effort, companies known to have supplied equipment to our own weapons laboratories appear to be a principal target. Since there is in most instances no objection to this type of unclassified technical equipment being used in civil applications, even in France, denial of its export necessarily turns principally upon its end-use.

5. The second problem is that while EG&G came to the AEC and Department of State voluntarily to ask for guidance, there is no present means to ensure that other firms producing similar equipment will do so. It is quite possible under existing controls, in other words, for U.S. firms to sell the French certain items to be used in their nuclear weapons and test program without the U.S. firms realizing they may be doing something contrary to U.S. policy and without the U.S. Government being aware they are doing it.

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- 3 -

6. To meet these problems, which may touch on either weaponry or instrumentation, we believe a new regulation should be issued requiring the U.S. exporter to seek a license for the export of any article, material, equipment or device, including technical data relating thereto, which is for use or which he or the manufacturer knows or has any reason to believe will be used in either (a) the design, development or fabrication of nuclear weapons or other nuclear explosive devices or (b) the devising, carrying out or evaluating of nuclear weapons tests or any other nuclear explosion.

7. The purpose of this new regulation, which would be placed in the Federal Register under the aegis of both State and Commerce, would be to require the prospective private exporter in the U.S., as the party most likely to know of the intended use of his product, to notify the U.S. Government, via a license application, when he has knowledge or belief that the ultimate consignee plans or may plan to use that product in a nuclear test program. Inasmuch as the manufacturer of the product (or the originator of the data) will often be the party most likely to know the intended use of his product, we envisage requiring every exporter who is not also the manufacturer to consult with the manufacturer in assessing the end-use question, unless the exporter affirmatively knows that none of the uses cited in the regulation will be made of the item or data.

8. It is important that the proposed controls be administered in a manner which will cause the least possible confusion and inconvenience to our business community and also take advantage of the accumulated expertise of the various Government agencies which now control different sectors of strategic U.S. exports. Therefore, we consider that all items or data within the above categories which are already subject to individual license requirements for Free World destinations as imposed by the AEC, State Department, or Commerce Department should remain under the same control by the same agency. License applications for newly-covered items or data clearly in the weapons field would be considered by the State Department. All other newly-controlled items or data would be

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- 4 -

licensed by the Commerce Department. In the case of doubt as to where an application should go, the exporter could consult either State or Commerce. The main and overriding purpose of the regulation would be to spell out in a clear albeit general way that the U.S. Government plans a careful scrutiny of items that may be intended for nuclear weapons testing use, and that the regulatory agencies are following the same coordinated standard.

9. We view such a regulation as an interim measure designed to provide an equitable means of controlling relevant exports not already under U.S. export control during the period when the various agencies are working to develop a meaningful list of specific items that might be added to either the Positive List of the Department of Commerce or the Munitions List of the Department of State, as well as working to devise adequate procedures for assuring that such items, if exported, will not be used in testing programs.

10. In issuing the new regulation, it would be our intention to provide explanatory information to minimize any unfavorable reaction from industry. In addition to furnishing a list of non-signatory nations, we would expect to include (a) a statement about the U.S. Government's need to honor our obligations under the Test Ban Treaty, (b) an explanation that the regulatory problem is to a unique degree one of end-use, in which the commercial exporter is likely to have the best information available as to what his customer intends to do with his product, and in which we therefore seek his assistance in cooperation with the manufacturer if necessary, (c) an assurance that there is no intent, for the present at least, to ask exporters to institute any new procedures seeking end-use information beyond that normally available in commercial practice, and (d) an assurance that the U.S. Government will welcome the comments of industry on the new regulation, to enable us to improve it as may be necessary in the light of experience.

11. One separate but related problem is the need to bring to the attention of other signatory countries the actions we

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- 5 -

are taking and to learn what they may be doing of a comparable nature. This is important both in terms of preventing U.S. and foreign-origin equipment from reaching France directly or via third countries and in terms of not penalizing U.S. suppliers vis-a-vis their foreign competitors. As we implement our own regulation, we expect to gain information about the extent of the third-country problem which will help us devise adequate means of dealing with it.

12. Another separate but related problem is that of implementation of NSAM 294, which deals of course with testing as well as all other aspects of national nuclear weapons programs. We have considered attempting to put into one regulation language which would cover everything proscribed under either NSAM 294 or the Test Ban Treaty. Our conclusion is that it would be confusing rather than helpful to do this, partly because the criteria for judgment are not necessarily identical, but principally because the NSAM represents a unilateral U.S. policy which we are free to implement, revise, etc. as we will, whereas the Treaty as an international instrument imposes constraints of a different sort. In terms of clarity of public presentation, explanation, and dealing with foreign governments, it is our opinion that this particular regulation should deal with testing and be explicable in terms of the Treaty, without reference to NSAM 294.

787 Llewellyn Thompson¹⁰²
Llewellyn E. Thompson
Acting

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INTERNATIONAL SECURITY AFFAIRS

~~SECRET~~

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

18 DEC 1964

In reply refer to:
I-30208/64

6361
file with Thompson 79
memo -
29 + review
Klein
Cy Kenny
~~John~~

Honorable McGeorge Bundy
Special Assistant to the President
for National Security Affairs
The White House

Dear Mr. Bundy:

Ambassador Thompson sent you a memorandum on December 11, 1964, on Export Control Procedures under the Test Ban Treaty. As noted in that memorandum, DOD agreed with the proposed issuance of a regulation specifying the export controls to be applied, but recommended that the regulation should also cover strategic nuclear delivery systems, in order to meet the requirements of NSAM 294.

In our judgment, it appears unrealistic and short-sighted to apply widely differing standards of prohibition under the Test Ban Treaty and under NSAM 294. A non-signer nation's willingness or refusal to abide by the Treaty may well be affected by how easily it believes it can develop a delivery system for the weapons it is seeking to develop by tests that violate the Treaty.

Attached is a proposed revision of the proposed regulation which we feel will accomplish the desired purpose.

Sincerely,

Alvin Friedman

Alvin Friedman
Deputy Assistant Secretary

Enclosure - 1
Proposed Revision

DECLASSIFIED
E.O. 13292, Sec. 3.4
By *clm/ly*, NARA, Date 3-12-09

~~SECRET~~

EXCLUDED FROM AUTOMATIC
REGRADING; DOD DIR 5200.10
DOES NOT APPLY

2235

DEPARTMENTAL
REGULATION

DEPARTMENT OF STATE

DRAFT

CODE OF FEDERAL REGULATIONS

TITLE 22 - FOREIGN RELATIONS

Chapter I - Department of State

Subchapter M - International Traffic in Arms

AMENDMENT TO SUBCHAPTER

The regulations of the Secretary of State issued March 2, 1960.

(Departmental Regulation 108.425, 25 F. R. 1821) are amended as follows:

PART 121 - ARMS, AMMUNITION AND IMPLEMENTS OF WAR

121.01 The United States Munitions List (Amendment).

Section 121.01 is amended by the addition of a Category XVIII at the end thereof to read:

Category XVIII - Nuclear Weapons Design and Test Equipment and
Delivery Systems

Any article, material, equipment, or device, including technical data relating thereto, whether or not specifically covered in Categories I - XVII, which is for use, or which the applicant knows or has any reason to believe will be used, in either (a) the design, development, or fabrication of nuclear weapons, (b) the devising, carrying out, or evaluating of nuclear weapons tests or any other nuclear explosions, or (c) strategic aircraft, missiles or other strategic nuclear weapons delivery systems, components or related technology.

This amendment shall take effect on November 1, 1964.

Dated:

For the Secretary of State:

~~CONFIDENTIAL~~

80
December 7, 1964

MEMORANDUM FOR MR. BUNDY

Mac --

Senator McCarthy now understands that the CDC transaction is one of several that are in suspense as a result of the application of the non-proliferation policy to France. I told him that we had authoritative technical advice that this computer was to be used in the French weapons laboratory and that it was directly related to expediting the French attainment of an improved nuclear weapon capability.

The Senator is not inclined to make any special plea on behalf of CDC as compared with IBM or any other contractors that may be affected by U. S. policy. He volunteered, however, that he personally feels unhappy over U. S. policy towards France in the last few years. He asked whether the same non-proliferation policy would be applied to the UK. I answered this by saying that it appeared that the UK was now interested in divesting itself of an independent nuclear capability at a time when the French were exerting great efforts to attain one.

The Senator will get in touch with me again if he wants further information about this matter. Meanwhile he said he might ask Commerce to keep him informed of the final action on the CDC application when it has been taken.

(NOTE: A further letter from DOD, this one signed by the Secretary, has been received reiterating in even stronger terms the DOD position that we must refuse to ship these computers to the French, as well as the U-235, or else NSAM NO. 294 may as well be discarded.)


Charles E. Johnson

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 13292, Sec. 3.4
By *Chm/s*, NARA, Date 3-12-09

*Cy to Bromley Smith
Spurgeon Green
David Klein*

November 30, 1964

~~SECRET~~

McGB-

SUBJECT: Computers for France and NSAM 294

Chuck Johnson sent me a copy of the attached letter from the AEC (Tab A) denying that the shipments of IBM computers to France would be inconsistent with NSAM 294 and therefore asking your support to permit the export of the computers. You will notice that Chuck suggests that "U.S. Government approval be withheld in both cases (there are two shipments involved) for at least 60 days in the hope that our policy line will be clearer by early spring."

In the meantime, I received a memorandum from DOD (Tab B) taking a position diametrically opposed and stating categorically that shipment of these computers would be in violation of NSAM 294 and that Drs. Brown and Fubini were opposed to the computer transaction.

I talked with Spurg about this and, Chuck's memo notwithstanding, he feels the computers are a critical component in the French nuclear testing program and the issue has to be faced squarely. It is his view, and mine, that if NSAM 294 has any meaning, this is a clear test case of its value and utility.

I realize other pressures and priorities put this problem down the list, and you may not be able to get to it right away. But rather than push it ahead 60 days indecisively as Chuck suggests, I would hope we could arrange a smallish meeting for you with Brown, Fubini, and perhaps Hornig, to get the facts in line, and then have AEC join the discussions so we can all agree on what we are talking about.

David Klein

~~SECRET~~

DECLASSIFIED
E.O. 13292, Sec. 3.4
By clm/ly NARA, Date 3-12-09

PRESERVATION COPY

November 27, 1964

MEMORANDUM FOR MR. BUNDY

Mac --

Spurg and I have both gone over the Seaborg letter on these two NSAM 294 matters and we agree in suggesting to you that USG approval be withheld in both cases for at least 60 days in the hope that our policy line will be clearer by early spring.

Charles E. Johnson

CEJ #2189

86

Please return to

G/PM - Mr. George.

Chuck-

The draft has
progressed one
stage beyond
this, but I haven't
yet got a copy.
no serious changes.

December 4, 1964

MEMORANDUM FOR THE RECORD

According to the United Travel Agency, Air France has an affiliate, the French Union de Transit (UTA), that flies non-stop from Los Angeles to Tahiti three times weekly. In addition, Pan American has one flight Los Angeles to Tahiti per week. Air France also originates one flight per week in Paris and this flight is routed through Karachi, Singapore, Noumea to Tahiti. (Pakistan and Malaysia are both signatories to the limited test ban treaty but only Malaysia has ratified the treaty.)

With respect to ships transiting the Panama Canal, with personnel and material bound for the French Pacific test area -- Bob Sayre has checked with the Department of Army and finds that no special instructions have been issued covering the application of the limited test ban treaty restrictions to this traffic, (assuming that this traffic is in some way affected by the treaty). In this connection Panama is also a signatory of the limited test ban treaty but has not ratified the treaty.

Charles E. Johnson

PRESERVATION COPY

Copy to Kenny

file
29 + Bureau~~CONFIDENTIAL~~

December 4, 1964

MEMORANDUM FOR MR. CHARLES JOHNSON
THE WHITE HOUSE

FROM: G/PM - Scott George

SUBJECT: KC-135 Overflight to Tahiti

On August 7, 1964, the French Embassy in a note to the Department asked overflight clearance for a KC-135 to transit the United States and utilize United States Air Force facilities here on a flight from France to Tahiti. The aircraft was described as carrying "naval stores". Our Embassy in Paris was asked to take this matter up with the Foreign Office, making clear that we assumed the "naval stores" to be carried exclude nuclear weapons or components. It was pointed out that while general supplies might pass through the United States en route to the Pacific Test Center now under construction in Tahiti, French nuclear materials, weapons or components would be another matter, because of both the Atomic Energy Act and our obligations under the Test Ban Treaty. Our Embassy subsequently informed the Department that the Foreign Office had given oral assurance that no nuclear materials or components would be aboard the flight. Clearance was given for an overflight which took place on August 20. There have been no additional overflight requests.

DECLASSIFIED

Authority: NY-030R-32-2-15
By: CRS, NARA, Date: 12/20/17~~CONFIDENTIAL~~

9205

European neighbors that he will launch nuclear retaliation if they are attacked—exactly the pledge he himself refuses to credit when it is made by the U.S. The French plan will probably be sufficiently vague so that debate can be long and tedious to frustrate U.S. desires to push ANF to an early fruition.

The focus of the fight over ANF will temporarily shift to Washington this week when British Prime Minister Harold Wilson arrives to present, among other things, the details of his proposal for a multilateral force to President Johnson. Wilson plans to return in January for the U.S. answer. Meanwhile at the Dec. 15 meeting of the NATO Council both the U.S. and Britain hope to postpone any further divisive debate over the nuclear force; but with the issue burning so hot in every Allied capital, it is hard to see how they can possibly manage that.

FRANCE:

Three-Kiloton Fizzle

The question before the French National Assembly last week was, according to Premier Georges Pompidou, "The gravest perhaps this Assembly will be called upon to debate." At issue was a proposed six-year, \$11 billion military budget, almost all of it earmarked for the construction of Charles de Gaulle's beloved *force de frappe*. With characteristic Gaullist drama, Pompidou elevated the proposition to one involving nothing less than the ultimate security of all Europe. The French nuclear force, he de-

clared, "fully and automatically acts to the benefit of Europe." And this, he added with a frown at the U.S., "is not the case for forces, even allied forces, outside the continent of Europe."

After 48 hours of debate, Pompidou's passionate and highly arguable appeal carried the Gaullist-dominated Assembly by 278 to 178. With that vote, France committed her resources so totally to an independent force de frappe that any succeeding French Government will find it virtually impossible to reverse course. Between now and 1970, under the terms of the new budget France will:

- Replace its present bulky 60-kiloton atomic bomb with a miniaturized 250-kiloton weapon.
- Build a fleet of 62 Mirage IV supersonic bombers to deliver its bombs.
- Begin production of enriched uranium for hydrogen-bomb tests.
- Perfect a two-stage ballistic missile with an 1,800-mile range and bury 25 such missiles in hidden silos.
- Launch the first of three nuclear submarines that will eventually carry a total of sixteen Polaris-like missiles.

Not every deputy was happy over all this. The Socialists argued that the sums involved could much better be spent on improving France's antiquated hospitals, schools, and housing. Worse yet, charged Socialist leader Guy Mollet, spending all this money de Gaulle's way was only "splitting the free world."

The real irony of de Gaulle's ambitious nuclear plans, however, is that France is finding it a good deal easier to split the free world than to split the atom. According to a report circulating

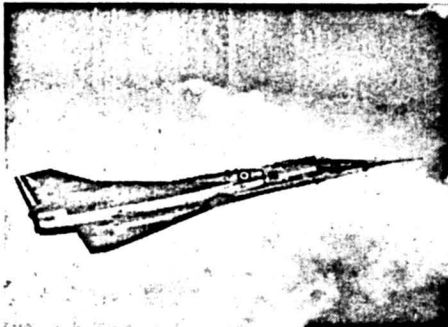
in the top levels of the U.S. Government, France's latest underground atomic test, carried out last week in the Sahara, will be kept even more secret than usual. The reason: what was expected to be a 150-kiloton holocaust turned out to be a 3-kiloton fizzle.

But de Gaulle's ambitious hopes for the force de frappe face much more serious technical obstacles than the failure of a single test. The whole project, in fact, is lagging sadly behind schedule. The original plan was to have 50 Mirage IV's operational by now, but the excessive size of the French bomb necessitated the redesigning of the Mirage so that it could carry its payload in an underslung bomb bay somewhat resembling a pelican's bill. Exposing the bomb in this manner means that it has to be kept warm at subsonic temperatures and air-conditioned at supersonic speeds—and all this additional equipment has added tremendous weight and drag to the plane. To deliver a bomb to Soviet targets, the Mirages would have to go through the risky maneuver of refueling in flight over Communist Eastern Europe. Optimistic estimates now say it will be the end of 1966 before 50 Mirage IV's will be on the line, and the French themselves concede that by 1968 Communist anti-aircraft rockets will be so effective the planes will be unable to slip through their fire. Thus France's atomic air fleet, which will cost more than \$200 million, will have a useful life of roughly eighteen months.

Delays: A French H-bomb is even further off. The Pierrelatte plant, in southeastern France, was to be producing enriched uranium by 1967, but faulty materials and tough engineering problems have pushed that target back more than a year. This in turn holds up the missile plan because until a hydrogen warhead is developed, engineers have no way of knowing how large a missile to design.

Moreover, France loses her right to test in the Sahara next year, and the construction of a replacement site on Mururoa Island near Tahiti is proving as difficult, according to one French expert, as "building a new Maginot Line 10,000 miles from Paris." The U.S. has contributed to French problems by refusing to sell France exotic test instruments and a specialized computer that French scientists need to press the hydrogen-bomb development.

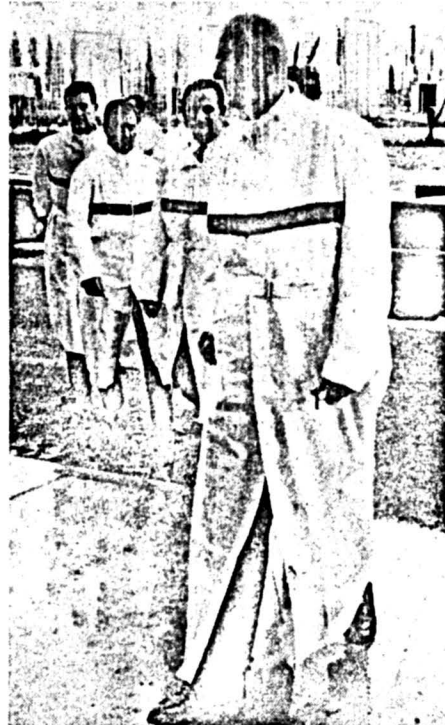
In all, experts speculate that the force de frappe will not be able to produce much frappe until well into the 1970s. This prospect does not deter de Gaulle in the slightest, but it gives pause to some of his European allies to whom he is offering his force as an alternative to U.S. nuclear striking power. At the Western European Union meeting last week, Dutch delegate Anthony Duyn-



Mirage IV: The name fits



Paris-Match



Pix

Scientists in Sahara, de Gaulle at Pierrelatte: *Aux atomes, citoyens!*

stee asserted that to develop an effective "second-strike" nuclear capability demands "about 40 times the strength of the French nuclear striking force." Added Duynstee: "When I think of this, I pity the poor French taxpayer."

BRITAIN:

Land of Scouse and Glory

Compared with the U.S., Britain is geographically minute. But within the



Fred Ward—Black Star
Harold Wilson



INTERNATIONAL

brous in the world for drink, crime, and vice. As a city spawned by the industrial revolution, it was already a slum jungle by the mid-nineteenth century, and it still is. Unemployment in Liverpool is twice the national average—3 per cent of the city's 747,490 people. And down on crumbling Scotland Road, where more people die of bronchitis than heart disease, families still queue to use the one outdoor privy.

Liverpudlians admit that, in the past, things have not been as gear (Scouser for gear) as they might be. But

UNDAY, DECEMBER 6, 1964.

3

U.S. IN DILEMMA ON FRENCH TESTS

Fears to Offend an Ally but
Wants to Uphold Treaty

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, Dec. 5—

French preparations for atomic tests in the South Pacific are forcing the Administration to walk a diplomatic tightrope in its efforts to avoid violating the test ban treaty and offending an already sensitive ally.

Last August a French military transport was permitted to land in the United States for refueling. The jet tanker was en route to Tahiti, where the French are building a proving grounds for testing atomic weapons, including thermonuclear devices.

Whether the granting of landing rights to the French plane represents an infraction of the treaty for a ban on all but underground nuclear tests depends upon an interpretation one clause in the pact and the nature of the cargo carried by the plane.

The clause specifies that the signatories will refrain from causing, encouraging or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion in the atmosphere, underwater or in outer space.

The United States is a signatory to the treaty. France has refused to sign and is planning to carry out atmospheric tests at Mururoa atoll, about 775 miles southeast of Tahiti. These tests probably will start in 1966.

Construction crews, some drawn from the French Foreign

Legion, are now building the proving ground, known as Centre d'Experimentation du Pacifique.

Since the treaty was ratified more than a year ago, the Administration has become increasingly concerned about how to apply it when France sought landing rights or moved to purchase nuclear equipment in the United States.

A test of the Administration's still unclear policy developed last August when France sought landing and transit rights for a KC-135 jet tanker flying from France to Tahiti.

The State Department explained that the rights were granted after France gave assurances that the plane's cargo "did not include nuclear materials or components but rather consisted of naval stores."

Narrow Legal Grounds

From the explanation offered by the State Department, it was apparent that the permission was granted on narrow legal grounds under the Atomic Energy Law rather than under an interpretation of the broad language of the test ban treaty.

Thus "nuclear materials and equipment" was construed to mean the fissionable materials or weapons components over which the Government has control under the Atomic Energy Law. Since the French plane did not carry such weapons-related equipment, as defined in the Atomic Energy Law, transit rights were granted.

The State Department took the position that granting transit and refueling rights in no way involved the test ban treaty since the plane was on a "normal supply flight" to Tahiti.

A spokesman said the Department had not inquired into the nature of the naval stores and thus was unable to state whether any of them were going to be used in the test preparations. In naval parlance, naval stores

is a general term that can include anything from turpentine to ammunition.

The State Department said the August flight represented the only case in recent months in which a French plane bound for Tahiti had asked for landing rights in the United States. A spokesman explained that such flights "have not been a problem as yet, largely because the French are well aware of our obligations under the treaty and are generally taking this into account in anything they request."

A more troublesome and immediate problem has arisen in the case of the French purchase of United States equipment that could be used directly or indi-

rectly in developing, fabricating or testing atomic weapons.

According to atomic industry sources, France has frequently purchased equipment in this country that could be useful in its nuclear weapons program. A few years ago, for example, the Atomic Energy Commission discovered, to its consternation, that France was buying pumps and valve seals from a Philadelphia manufacturer.

The seals are one of the few remaining vital secrets in the gaseous-diffusion process and represent one of the largest technical problems encountered by France in building its gaseous-diffusion plant for producing enriched uranium.

DO NOT FORGET THE NEEDS

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DEPARTMENT OF STATE
DEPUTY UNDERSECRET

9/

August 27, 1964

MEMORANDUM TO: Mr. Charles Johnson
The White House

For your information.

 Jeffrey C. Kitchen

(21
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8/31/64)

2059

DEPARTMENT OF STATE
DEPUTY UNDERSECRETARY

August 27, 1964

CONFIDENTIAL

MEMORANDUM TO: G/PM - Mr. Jeffrey C. Kitchen
FROM : G/PM - Howard Meyers
SUBJECT : NSAM 294: Technical Annexes

In a conversation with Ron Murray (ODDR&E) today, he made the following comments:

1. ODDR&E has developed a "treatise, guidelines, and list". They are now in the process of arguing with ISA, principally Henry Rowan's office, in order to achieve an agreed DOD position.

2. They expect to be able to talk to us about these matters early next week.

3. They have dissected the technologies involved and the mechanisms required to apply NSAM 294's objectives. They are troubled by the question of the degree of stringency of application and ability to achieve these objectives.

4. Thanks to studies by CIA, Rand and DIA, their efforts have been based on a good picture of the factual situation.

5. Speaking personally, Murray thought that one result of the ODDR&E efforts might well be a re-examination of the validity of NSAM 294's objectives.

C. G/PM - Mr. George
MC - Mr. Margrave
WE - Mr. Beigel

CONFIDENTIAL

It is very subjective - some elements in the Pentagon.

John

2059

DECLASSIFIED
Authority: NLT 030-32-2-11
By: [signature] NARA, Date: 6-3-09

INCOMING TELEGRAM

Department of State

UNCLASSIFIED

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CANADIAN NEWS MEDIA GIVING MODERATE PLAY TO REPORTS OF FRENCH
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IN RESPONSE QUESTION IN HOUSE TODAY DEFMIN HELLYER SAID HAD
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~~DINGEMAN~~
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~~FORRESTAL~~
~~JOHNSON~~
~~KILDUFF~~
~~KLEIN~~
~~KOMER~~

~~SAUNDERS~~
~~SCHLESINGER~~
~~SMITH, WM. Y.~~

UNCLASSIFIED

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1963 NOV 18 PM 5 44

Handwritten signatures and initials:
- "red" (initials)
- "AA" (initials)
- "cy" (signature)

~~SECRET~~

November 18, 1963

Meeting of Principals on Nuclear Assistance for France

1. Can we make an offer to the French which maintains the distinction between providing information on underground testing and providing information on weapons designing?

(While we can offer the French underground testing information which does not involve weapons design, some of the information which does not involve weapons design may well come under the Restricted Data law.)

2. Can we make an offer that would be attractive to the French?

(This depends (1) on the French nuclear objectives, and (2) on the extent to which the French will go in giving us information on their weapons and test plans necessary to assure that the U. S. is not party to a violation of the limited test ban treaty.)

3. What is the relative advantage to the French of restricting themselves to underground testing with U. S. assistance or going it alone in the atmosphere?

4. Can we in fact give the French assistance on specific underground tests without assuming responsibility for treaty violations that result from French tests? (Opinions will probably vary on this.)

5. What are the implications of such offers of assistance on our longer range policy of nuclear weapons data exchange with the French? (It may turn out that we would be down the road of exchanging design information with the French.)

6. What are the implications of an agreement with the French on the broad problem of non-diffusion of nuclear weapons with other NATO countries?

7. If it is decided to make some offer to the French, when, how, and by whom should it be made, taking into consideration the domestic political implications and problems and Bohlen's recommendations?

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DECLASSIFIED
 Authority NLJ030-032-2-11
 By 4 NARA, Date 6-3-09

ORIGIN/ACTION

DEPARTMENT OF STATE

AIRGRAM

REF 18-8 FR
ALBYA DER 18-4
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CA-8322

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TO : Amembassy PARIS

INFO: Amembassy LONDON
Amembassy MOSCOW

FROM : DEPARTMENT OF STATE

SUBJECT: Aide-Memoire to the French Government on the Export
of Items for Possible Use in the Conduct of Nuclear
TestsDATE: FEB 19 1 25 PM '64
SMITH, WM. Y

As the Embassy is aware, a problem has been posed for the United States under Article I, paragraph 2 of the Test Ban Treaty by a number of requests which have been received from the French for equipment, supplies, or information which could be used directly in the conduct of their planned series of nuclear tests in the atmosphere. The Dept believes that the French Govt should be informed of the position in which the US finds itself with respect to a number of these requests, and of the policy which the US has adopted.

The Emb is requested to present the attached Aide-Memoire on this subject to the Ministry of Foreign Affairs at an appropriately high level.

The proposed aide memoire would bring to the attention of the French Govt the fact that in view of our obligations under the Test Ban Treaty it will not be possible for the United States to authorize the sale of equipment or the export of materials and information which would be used by the French Govt in the conduct of nuclear tests, as long as the French contemplate tests of a kind falling outside the terms of the Test Ban Treaty. The French Govt has not bound itself by the terms of the Test Ban Treaty, and we think it unlikely that they would give us any assurances with respect to the intended use of each item, since they might feel we are seeking to associate them indirectly with

FORM 4-62 DS-323

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☐ In ☒ Out

Drafted by:

G/PM:DADMackay:fr:2/17/64

Contents and Classification

Approved by:

G - U. M. is Johnson

Clearances:

EURS - Mr. Tyler
L - Mr. Chayes S/SG/PM - Mr. Mitchel The Secretary
DOD - Mr. Rowen (in substance)

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E.O. 12958, Sec. 3.4

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the Test Ban Treaty. In addition, we would not necessarily rely exclusively on French assurances if given. We believe it would be best, in the circumstances, to inform the French authorities of our limitations in regard to these requests and give them an opportunity to withdraw or withhold their requests rather than face a turndown.

In the area of common or general use items, we propose to advise the French that, in agreeing to any such exports, we will do so on the understanding that they will not be used in the devising, carrying out or evaluating nuclear tests in a prohibited environment. This will set the French on notice that we are not acquiescing in the use of such items of United States origin in the devising, carrying out or evaluating of such tests.

FYI US agencies will be guided by the following in considering requests for export from the French Govt or any other non-signatory country.

1. Two categories of requests will be denied:

(a) any request for an item which State, Defense, AEC and ACDA agree is peculiarly designed for the particular purpose of nuclear testing or for instrumentation of such tests.

(b) any other item or information which the United States has reason to believe is intended for use in devising, carrying out, or evaluating tests in a prohibited environment.

2. The US, would, as a general rule, approve requests for articles or information that the United States has no reason to believe are specifically intended for use in devising, carrying out, or evaluating tests in a prohibited environment, regardless of whether they might subsequently be used in some other way in connection with such tests - for example, in the logistic support of test operations. In each such case, however, we would review the circumstances to avoid particularly visible borderline exports which might be exploited as evidence that the United States is not refraining from "causing, encouraging, or in any way participating in" a prohibited testing activity.

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This would mean, for example, that we would take the following action with respect to items requested which would fall under the above categories.

(a) We would deny under category (1) (a) such things as weapon componentry, timers, fusing and firing components, trajectory sensors, telemetering and sampling equipment, air sampling aircraft, etc. - all of which are peculiarly related to nuclear testing;

(b) We would deny under category (1) (b) such things as balloons, radioactive fallout predictors, aircraft or any similar equipment which are requested for, or we have good reason to believe are for, use in connection with devising, carrying out, and evaluating tests in the atmosphere; and

(c) We would normally approve general use items such as naval stores, bull-dozers, transport equipment, maintenance items, rescue equipment, POL items, etc., for export to France or its possessions in the Pacific unless the application was presented in such a manner as to endanger implicating us under Article I, paragraph 2 of the Test Ban Treaty. END FYI.

The Embassy is requested to inform the Dept and London as soon as the Aide-Memoire has been presented to the French Govt. The Dept will thereupon provide a copy to the British Embassy for the confidential information of HMG.

GP-3.

RUSK

Enclosure:

Aide-Memoire.

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AIDE-MEMOIRE

The Embassy has been instructed to bring to the attention of the Ministry of Foreign Affairs the situation that may develop from a number of requests submitted in Washington either by the French Military Materiel Purchasing Commission or through export license applications submitted for equipment, supplies or information to be used in the conduct of nuclear tests in the atmosphere by the French Government.

Since last August, the United States Government has been obliged to consider these requests not only in terms of its over-all foreign policy, but also in light of the Test Ban Treaty and its obligations as set forth in Article I, paragraph 2 of the treaty which states that:

"Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article."

In view of these obligations assumed by the United States Government, it will not be possible to authorize the sale of equipment, or license the export of materials and information, that would be used by the French Government in the conduct of nuclear tests as long as the French Government contemplates tests of a kind falling outside the terms of the Test Ban Treaty. It would appear therefore to be to our mutual advantage if requests for purchasing in the United States, whether from public or private sources, could be withheld or withdrawn for all such items.

With regard to items having general use, the United States Government, in agreeing to any such exports, will do so on the understanding that they will not be used in the devising, carrying out, or evaluating of nuclear tests in an environment prohibited by the Test Ban Treaty.