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ADDRESS OFFICIAL COMMUNICATIONS TO
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WASHINGTON 25, D. C.



DEPARTMENT OF STATE
WASHINGTON

Handwritten notes:
1. George Pol
2. Wm. Brad
3. ...
4. Central File

OFFICIAL-INFORMAL

SECRET

December 11, 1959

Dear Mr. Ambassador:

I thought it would be helpful if I answered your recent telegram (The Hague's 789) concerning the delay in implementing the Atomic Cooperation Agreement with the Netherlands by letter since I feel it enables me to give you a more complete picture of the problem.

When we received a copy of General Palmer's recent telegram to Mr. Irwin, which I understand was answered this week, we discussed the problem extensively with Defense. Ivan White has written Mr. Irwin to express the Department's concern. We also arranged a briefing by the Joint Atomic Information Exchange Group (JAIEG) this week for interested Department officers on the implementation of these agreements. As you may know JAIEG is a non-policy body composed of Defense and AEC representatives to do the necessary paper work on implementing these agreements. I enclose a copy of a memorandum on this presentation which will provide you with more detailed information about the problem. In brief, the delay in implementing the Netherlands Agreement is due to an absence of the necessary statutory determination that communicating the pertinent Restricted Data to the Dutch would not endanger the common defense and security. JAIEG has prepared a determination for Germany, which has been cleared by Defense and is now awaiting AEC action. Originally JAIEG intended to wait until the determination on Germany, which was considered the most urgent had been acted on favorably before submitting the determination on the Netherlands and the other two countries involved. We learned today that JAIEG has speeded up action on the Netherlands determination, presumably as a result of the various expressions of concern about the delay in implementing the Netherlands agreement. I understand that the determination is expected to go to Defense in a day or so and shortly thereafter to AEC for action. According to an informal estimate by one of the members of JAIEG, the Netherlands determination should be completed

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within a

The Honorable
Philip Young,
American Ambassador,
American Embassy,
The Hague.

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within a month or less. Any delay at this point would probably be attributable to the holidays and the difficulty of getting a quorum of the AEC Commissioners.

Certain administrative arrangements must still be completed with the Netherlands for the transmission of Restricted Data. Lack of these, however, is not the primary reason for the delay on the Dutch Agreement. We understand that Secretary Gates recently wrote to the Minister of Defense of the Netherlands urging Dutch assistance in completing these arrangements. I am told that no appreciable difficulty in working out these administrative arrangements is expected. In any event, passing Restricted Data is not dependent upon the completion of elaborate and detailed administrative arrangements, according to JAIEG.

You may be sure that we will follow this matter closely and do everything we can to urge the agencies involved to complete the necessary action as promptly as possible.

I hope the foregoing will be useful to you and that we will be able to send you favorable news in the near future.

Sincerely yours,

Russell Fessenden

Russell Fessenden
Deputy Director
Office of European Regional Affairs

Enclosure:

Memorandum.

SECRET

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December 7, 1959

MEMORANDUM FOR THE RECORD

Subject: Briefing by the Joint Atomic Information Exchange Group (JAIEG) on Implementation of Atomic Cooperation Agreements

Place: Room 5106, New State

General Harrison, Chairman of the Joint Atomic Information Exchange Group (JAIEG), and Colonel Alfred Van Hoozer and Mr. Leonard Brenner, Defense, and AEC Deputies respectively, presented a briefing at the Department on December 7 on the implementation of Atomic Cooperation Agreements and the role of JAIEG. The briefing was attended by officers from AEC and other interested areas, principally desk officers of countries with which the United States has concluded Cooperation Agreements.

After preliminary comments by General Harrison, Col. Van Hoozer reviewed the provisions of the Atomic Energy Act of 1954 concerning the transmission of Restricted Data to foreign countries, and described the 1954 Amendments.

Colonel Van Hoozer discussed the statutory requirement that before any Restricted Data may be passed to a foreign government a determination must be made that transmitting it will promote and not constitute an unreasonable risk to the common defense or security. This determination, formerly made by the President, is now made by Defense and AEC. A statutory determination must be made for each piece of Restricted Data which a U.S. Government agency wishes to transmit to foreign governments.

Mr. Brenner noted that we have concluded agreements for cooperation with the United Kingdom, Canada, Australia, Greece, Turkey, Germany and the Netherlands. Restricted Data has already been passed to the United Kingdom, Canada and Australia. No Restricted Data has as yet, however, been passed to Germany, the Netherlands, Greece or Turkey.

No Restricted Data has been passed to these four countries because the required statutory determinations have not yet been made. A statutory determination has been prepared on Germany and has been cleared by Defense. It is now at AEC for concurrence. Determinations for the Netherlands, Greece and Turkey have not yet been made but will be prepared and submitted for Defense and AEC consideration (presumably simultaneously) when AEC has acted on the German determination.

Mr. Brenner

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Mr. Brenner explained that it was thought desirable to submit the determination on Germany first since it was the most urgent. The other determinations would, it was hoped, then be acted on quickly since they would be patterned on the German determination and modified merely to cover the atomic weapons systems programmed for the armed forces of the Netherlands, Greece and Turkey.*

In discussing JAISG's role, Mr. Brenner said it is not a policy making body. On the request of individual U.S. Government agencies JAISG prepares statutory determinations and transmits them to Defense and AEC. After action by Defense and AEC, JAISG transmits the classified information to the particular government or assists the interested U.S. agency to do so. Mr. Brenner said that JAISG works out administrative arrangements with the recipient countries for the transmission and receipt of the Restricted Data. Administrative arrangements are developing satisfactorily with the Germans and the Dutch. Progress has been slow with the Greeks and much slower with the Turks. Mr. Brenner stressed, however, that working out detailed administrative arrangements was not a prerequisite to communicating Restricted Data. Last week, he added, Secretary Gates wrote the Ministers of Defense of Germany, the Netherlands, Greece and Turkey urging their cooperation in working out promptly the necessary administrative arrangements for passing Restricted Data.

In response to a question Mr. Brenner said that it is difficult to estimate the length of time from the date a sponsoring U.S. agency requests that certain restricted data be passed to a foreign government until a statutory determination has been completed. It could be about three months if the material involved were quite complex and the JAISG were starting from scratch; shorter if the Restricted Data were not complex or a determination of a similar nature had been made previously.

DISTRIBUTION: S/AS - Mr. Courtney NS - Mr. Chadborn
 L/SFP - Mr. Pender CSR - Mr. Devine
 GTU - Mr. Marcy MC - Mr. Hargrave

* Subsequent to the briefing we learned that in view of the now apparent urgency in completing action on the Netherlands agreement, a statutory determination has been prepared by JAISG which may go forward to Defense in the next few days without waiting for action on the German determination. It is hoped that action on the Netherlands determination can be completed within a month. The statutory determination on Germany is expected to go before the AEC Commissioners about December 18.

SA:AG:James:bpt
 12/11/59

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TELEGRAM

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Date: July 27, 1959

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Refs Depts G-3 (sent Ankara G-13, Athens G-6, Bonn G-18, rptd Paris UNN), and Deptel 104.

U.S.-Dutch 144 B Agreement brought into force with Exchange Notes July 27. Texts follow.

H7 YOUNG

1-29-59

This communication contains information transmitted in encrypted form and must be handled as prescribed for the true readings of classified telegrams.

JMK
POL: *JMK* Kavanaugh:cs 7/27/59

*320.1 GE Agreement - BILATERAL
mail order. 144B.*

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

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

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

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

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

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

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

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

Having^{ing} agreed as follows:

ARTICLE I

GENERAL PROVISION

While the United States and the Netherlands are participating in an



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US Nuclear Weapons in the Netherlands: A First Appraisal

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