

cc--No. 2 Minister, DND
 3 C/PM
 4 O/SSBA
 5 USSBA
 → 6 ~~Assistant~~ Commodore Murdoch (Sept. 14/65)
 7 Div. D.G.Plans, CFHQ
 8 Diary
 9 File

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August 30, 1965

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THE PRIME MINISTER

Authorization for NORAD Use of Nuclear Weapons

You will recall that the signature of the proposed agreement on this subject (copy attached), which was approved by Cabinet on March 23, 1965, has been held in abeyance pending an understanding between yourself and President Johnson concerning the employment of nuclear weapons in the event of a surprise attack in which prior consultation between CINCPAC and the two Governments is not practicable. Throughout the negotiations it has been recognized that an arrangement to cover this situation is needed, but because of the political sensitivity of any apparent delegation to military commanders of the power of decision in this matter it was considered inappropriate to try to deal with it explicitly in the agreement itself. Thus the agreement merely states (in paragraph 8(b)) that to provide for such emergency circumstances you and the President, acting on behalf of your respective Governments, "will provide for the timely authorization to CINCPAC to employ operationally nuclear armed forces."

2. We have been aware that the President, either officially or on a personal and informal basis, had some time ago made an arrangement for prior authorization, to apply in emergencies, to major U.S. commanders including CINCPAC in his purely national capacity as chief of the U.S. Continental Air Defence Command (CINCOMAD). The intention has been that a comparable arrangement, taking account of Canadian constitutional circumstances, would be made by yourself with regard to CINCPAC, and that the President's arrangement would be recast to apply to CINCPAC rather than CINCOMAD. A prerequisite has been

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to obtain a sufficiently detailed indication of the terms of the U.S. "prior authorization" arrangement to permit the preparation for your consideration of a matching Canadian arrangement. After prolonged consideration of what they could give us, the State Department has now handed to our Embassy in Washington the attached text of the U.S. "timely authorization" to CINCNOHAD which has been approved by the President. Also attached is the text of the telegram in which the Embassy has reported the State Department's approach.

- Wash tel 2489
- Wash Tel 245

3. This very sensitive document (you will recall the controversy during the last U.S. election concerning delegation of authority to use nuclear weapons) appears to provide a clear, precise and satisfactory arrangement for dealing with the United States aspect of the matter. As you are aware, in negotiating the agreement we have adhered firmly, in the face of some initial U.S. reluctance, to the point that NORAD is a joint command of which the activities in both the U.S. and Canada are equally subject to the joint direction of the two Governments. In these circumstances it clearly behooves us to come forward promptly with an equally clear-cut arrangement, conforming as closely as possible with the U.S. one, and to conclude the agreement so as to bring these arrangements into effect.

4. The procedure suggested by the State Department, as reported in Washington's telegram, for conveying the proposed authorization to CINCNOHAD in updated form and for having it brought into effect upon conclusion of the agreement appears suitable.

5. I attach for your consideration a proposed form of "timely authorization" from yourself, on behalf of the Canadian Government, for CINCNOHAD to employ nuclear armed forces in emergency circumstances. This is in fact the exact U.S. text involving only the necessary change from "United States of America" to "Canada". Also attached is a telegram authorizing the Embassy in Washington to convey this text to the State Department, and to make arrangements for the signature of the agreement. Cabinet approval for the latter action was given on March 23, when

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the appropriate order-in-Council authorizing signature was issued. With regard to the question of how "timely authorization" is to be provided, it was understood at the time of the Cabinet discussion that this was a procedural matter to be resolved by yourself and the President; indeed this is indicated by the actual text of the agreement.

6. Mr. Bellier, who has agreed to the text of the memorandum, joins me in recommending that you approve for transmission to CIRCUMAD the proposed form of "timely authorization", and that you sign the attached telegram to Washington. We have received confirmation from the State Department that the completion of these arrangements in this way, when brought into effect by signature of the agreement, will dispose of the matter of "timely authorization" and obviate any need for a discussion of it between the President and yourself.

" Approved
LBP
marked on original
by Mr Pearson.

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