

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

SECRET/NODIS/SENSITIVE

ACTION

February 28, 1970

MEMORANDUM FOR MR. KISSINGER

FROM: Helmut Sonnenfeldt **Y**

SUBJECT: Military Cooperation with the French

In line with your comments on my memorandum of February 26, I have reworked the package of follow-up actions. There now is

- a brief covering memorandum for the President seeking his approval of the proposed action;
- the written directive to General Goodpaster, unchanged;
- the two directives to Secretary Laird, reworked to reflect the President's desire to move ahead positively;
- the communication to Wilson, suitable either for direct back-channeling or as a basis for your talking to Freeman, couched in more ambiguous language.

Comments

1. As regards the second directive to Laird (Tab C), I have now included language stating that for purposes of that particular exercise it should be assumed that NSAM 294 is not applicable. If that is not done, we will merely get back a memo saying what we cannot do because of NSAM 294. On the other hand, if the NSAM were now formally rescinded all the original recipients would have to be informed. This would risk leaks and almost certain controversy, including with Congressional committees. I believe it would be wiser to await the Laird memo and a meeting with the President before some new directive on cooperation with France is issued. Because of the nuclear angle any new directive will take extremely careful drafting and will take time.

2. The communication for Wilson is I think the minimum possible. If any progress occurs in US-French military relations it will quickly become apparent within our government and on the ground. The British

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will recognize that this did not just happen overnight but was the result of detailed explorations and negotiations over a period of time. They will assume that this was a product of the Pompidou visit. Without telling the British at least what Tab D now says, I am afraid the President's credibility with Wilson (and also, incidentally, Brosio, who ought to be given a general fill-in when he is here in two weeks) could be badly undermined.

RECOMMENDATION

That you sign the memorandum for the President with its four enclosures (Tabs A-D) seeking his approval for the follow-up actions.

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

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*Make notes
to Laird, Tengert
wants mark of
committee strongly
supported it
to be forthcoming*

Henry:

The attached package is intended to follow up practically on the military aspects of the President's talks with Pompidou.

In particular, there are proposed actions on

- Tab A - theater and naval force cooperation (Goodpaster);
- Tab B - revival of the US-French R&D Steering Group (Laird);
- Tab C - examination of ways to meet French requests for assistance with missile development (Laird);
- Tab D - rescission of NSAM 294 of 1964 which has stifled US-French military cooperation;
- Tab E - a backchannel to Wilson to satisfy the President's commitment to consult.

(Tab F contains additional background for Tab C).

I thought it best not to try a memorandum for the President at this point so that you can first react to the whole approach. If you will let me know how you wish to proceed I can do a memo to the President.

NOTE; I did not include a course of action on the NPG since this apparently did not come up and would in any case perhaps be more logical after General Goodpaster is further along in his proposed efforts.

HSonnenfeldt

*Wilson cable should be much more
ambiguous.
I think I better do it really with*

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Freeman

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

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ACTION
February 26, 1970

MEMORANDUM FOR MR. KISSINGER

FROM: Helmut Sonnenfeldt ✓

SUBJECT: Follow-up on Military Matters Discussed by Presidents
Nixon and Pompidou

I believe that there are three basic types of follow-up actions that should be taken.

1. General Goodpaster should be instructed to initiate discussions with the French Chief of Staff on all issues involving direct, practical relations between US and French military forces, including naval. A directive to this effect is at Tab A.

2. Revive the US-French Cooperative R&D Steering Committee, to which Pompidou referred.

This was to have met for the first time since 1966 on January 12 but was postponed because Johnny Foster took sick. There should be no difficulty in setting up a new meeting, although the agenda as presently set does not reach very sensitive or dramatic subjects. (They relate to non-nuclear and non-strategic weapons and equipment.) Still, it would be a good beginning.

A memorandum to Secretary Laird is at Tab B.

3. Before the January 12 meeting had to be put off, it has been planned that Johnny Foster would on the side talk to the French Minister of Armaments, Blancard, on certain missile components concerning which the French had indicated they needed assistance. Packard indicated at the time that we could readily help on one item of interest to the French reliability of missile components. On others he had doubt. You told Packard that this whole area needed to be passed on by the President. You also asked Packard for additional information on Foster's contacts and on the legal and other limitations that would govern any cooperation with the French. He has supplied you with information on various pending

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2.

French requests over the last several years, none of which were acted on. (For this entire correspondence, see Tab F.)

I recommend that in view of the highly technical character of the issues involved, you should request Secretary Laird promptly to produce a proposed course of action for consideration by a small group under your chairmanship prior to its submission to the President for approval.

A memorandum to Secretary Laird is at Tab C.

4. In connection with the foregoing, you should move to rescind NSAM 294 of April 20, 1964 (Tab D) which, in effect, was the Johnson Administration's executive order stopping any sort of assistance to the French on nuclear and strategic weapons (two years before de Gaulle left NATO!). It is clearly not consonant with the President's policy, nor with the objective situation, especially if Goodpaster made substantial progress. (Like other NSAMs, 294 was set aside for review a year ago. Its terms, however, continue to be cited as a governing policy document.)

The question of a new directive, in place of NSAM 294, is much more tricky. It may be that none is needed or desirable and that specific cooperative projects should henceforth be undertaken on the basis of specific directives in each case. But this needs to be considered further in the light of Goodpaster's actions and their results.

Moreover, precisely what we can do in the matter of cooperation on weapons programs must also be judged against the requirements of Sections 123d and 144c of the US Atomic Energy Act. These require an "Agreement for Cooperation" for assistance involving nuclear weapons and transfer of Restricted Data, based on a finding that France is participating with the US pursuant to international arrangements by substantial and material contributions to the mutual defense and security. The old, 1961, Agreement of Cooperation was rescinded when France left NATO. If Goodpaster made progress, it might be possible to persuade the Joint Committee on Atomic Energy that France was again making a "substantial and material contribution." Without such progress, it seems unlikely that an Agreement of Cooperation would be feasible.

The other legal requirement, a finding that France had made "substantial progress in the development of atomic weapons," should present no problem.

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3.

The nuclear test ban treaty precludes our assisting or encouraging French nuclear tests in prohibited environments.

However, there are no legal (as distinct from NSAM 294) inhibitions against assistance with missile boosters or to the furnishing of computers unrelated to nuclear weapons systems. (The question of missile boosters is treated in para. 2, above.)

5. The President has an understanding with Prime Minister Wilson to keep him informed and, I believe, consult, on any developments in US-French military relations. A draft back channel communication to Wilson is at Tab E.

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THE WHITE HOUSE
WASHINGTON

April 28, 1964

NOTE TO HOLDERS OF NSAM 294, April 20, 1964

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

Bromley Smith
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

Dispatched 4/28/64

FILE COPY

THE WHITE HOUSE
WASHINGTON

April 20, 1964

~~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

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TOP SECRET

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

TOP SECRET