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PRIME MINISTER

AMENDMENT OF THE 1958 US/UK NUCLEAR DEFENCE AGREEMENT

Those clauses in the 1958 US/UK Agreement on Nuclear Defence cooperation which govern American provision to the UK of special nuclear materials and classified nuclear weapon components are due to lapse on 31st December 1979. Since the maintenance of our current programme depends upon the continuation of these arrangements, my officials have been negotiating with their American opposite numbers for agreement, which they have now secured, to extend the clauses so that they remain operative until 31st December 1984. The proposal to amend the Agreement has now been submitted to President Carter, and the Amendment can be signed once he has approved.

2. The Agreement is an enabling arrangement required by the 1954 US Atomic Energy Act. Most importantly, it authorises the US Administration to engage in classified cooperation with us in the nuclear defence field. The details of any specific act of cooperation are determined on a case-by-case basis under the umbrella of the Agreement. The act of amending the Agreement does not indicate any changes in the nature of US/UK cooperation and commits us to nothing.

3. After signature, the proposed Amendment to the Agreement has to lie on the table of Congress for 60 days before it comes into effect and we too have our own shorter Parliamentary ratification process to observe. It is highly desirable for us to have the Amendment procedures completed before the end of

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this year and I would therefore be grateful for your agreement to the Amendment documents being signed as soon as the US President has signified his concurrence.

4. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Home Secretary and the Chancellor of the Exchequer; and to the Secretary of the Cabinet.

Handwritten signature

5th October 1979

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10 DOWNING STREET

From the Private Secretary

9 October 1979

Amendment of the 1958 US/UK Nuclear
Defence Agreement

The Prime Minister has seen the Defence Secretary's minute of 5 October on this subject. The Prime Minister agrees that the Amendment documents should be signed as soon as President Carter has signified his concurrence.

I am sending copies of this letter to George Walden (Foreign and Commonwealth Office), John Chilcot (Home Office), Tony Battishill (HM Treasury) and Martin Vile (Cabinet Office).

M. O'D. B. ALEXANDER

B.M. Norbury Esq
Ministry of Defence

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PRIME MINISTER

Amendment of the 1958 United States/United Kingdom
Defence Agreement

The Secretary of State for Defence sent you a minute on 5th October to seek your agreement that the Amendment documents should be signed as soon as President Carter has signified his concurrence, so that these arrangements can be renewed until 1984.

This agreement is of great importance and benefit to the United Kingdom as it is the foundation stone of our nuclear defence policy in the future, as it has been in the past. I understand that the process of Parliamentary ratification should be a formality. No legislation, debate or vote should be involved. The up-dating amendment simply has to lie on the table of the House for 21 working days. I therefore recommend that you agree to the Secretary of State for Defence's proposal.

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(John Hunt)

8th October 1979

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A written Briefing

14-12-79.

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BACKGROUND NOTE

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Nature of Agreements

1. One of the Top Secret Understandings recently re-affirmed between the Prime Minister and the President provides that the use of US nuclear weapons by US and UK forces based in the UK shall be for joint decision by the President and the Prime Minister speaking personally with each other. The US have confirmed that this understanding would apply to GLCMs based in the UK.

Public Position

2. The communique covering the talks between Mr Truman and Mr Churchill in 1952 said inter alia that:

"Under arrangements made for the common defence, the United States has the use of certain bases in the United Kingdom. We re-affirm the understanding that the use of certain bases in an emergency would be a matter for joint decision by HMG and the US Government in the light of the circumstances prevailing at the time."

This has been referred to in the House on a number of occasions, the last we have traced being in 1962 [Hansard Col 797-799].

3. The US authorities have however asked us to avoid any public reference to this arrangement in case it generates requests for similar arrangements from other potential GLCM basing countries. We have told the US that while we will not draw

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attention to it, if Ministers are specifically asked whether the Churchill-Truman Agreement applies to a GLCM force stationed in the UK they will have to confirm that it does.

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UNITED STATES BASES (USE)

Q4. Mrs. Hart asked the Prime Minister what arrangements have been made for him to be consulted on the use of offensive weapons from United States bases in this country in the event of hostilities between the United States and another Power.

Q6. Mr. Warbey asked the Prime Minister whether it remains his general understanding with the American President that, except in an emergency situation created by a massive attack, American nuclear weapons will not be used anywhere except after consultation with the Prime Minister of Great Britain.

The Prime Minister: The arrangements under which certain bases in this country are made available to the United States forces provide that the use of the bases in an emergency would be a matter for joint decision by the two Governments in the light of the situation prevailing at the time. I have also a general understanding with President Kennedy that we would consult one another before using nuclear weapons in any part of the world.

Mrs. Hart: Can the Prime Minister say whether this means that during the recent dangerous Cuban crisis, it would have been possible for permission to use the bases here to be refused to America despite the fact that we were, apparently, not being consulted on American action in the Cuban crisis?

The Prime Minister: Yes, Sir. The pledges given to Lord Attlee in October, 1951, to Sir Winston Churchill in January, 1952, and by President Eisenhower's Administration in 1958 and now reaffirmed by President Kennedy last year, of course held, and they cover any use of bases in this country by the American Administration.

Mr. Warbey: How can the House and the country have any confidence in these arrangements when it is obvious that they broke down completely during the recent Cuban crisis? Is it not a fact, which the Prime Minister virtually admitted last week, that at what he called the climax of the crisis he handed over to President Kennedy the sole power to determine whether the people of this country should live or die in a nuclear war? Did he do that voluntarily or because he had to?

The Prime Minister: If the hon. Member reads carefully what I said on Tuesday last, he will see that he has completely misrepresented the facts. No question of nuclear weapons arose

Mr. Rankin: In view of the fact that the Prime Minister has reminded us of a pledge governing the use of nuclear weapons which was made at the time of Lord Attlee's Administration, why is it that on 25th October last the right hon. Gentleman was able to tell the House only that he had been informed about the action of the President of the United States, which involved the use of nuclear weapons, and could not tell us that he had been consulted?

The Prime Minister: It did not involve the use of nuclear weapons.

There are large islands

42. Mr. Healey asked the Prime Minister to what extent it is his policy to permit the continuation of weather flights by U2 aircraft from Lakenheath airfield.

43 and 45. Mr. Warbey asked the Prime Minister (1) whether, in discussing

with President Eisenhower a revision of the understanding regarding the use of United States bases in this country, he will take into account the changes in nuclear strategy since 1951;

(2) when President Eisenhower confirmed with him the understanding on the use of the United States bases in this country arrived at in October, 1951, by Earl Attlee and President Truman and confirmed in January, 1952, by the right hon. Member for Woodford and President Truman.

46 and 47. Mr. Zilliacus asked the Prime Minister (1) whether he will now require the United States Government either to give an undertaking to cease violating Soviet territorial sovereignty by reconnaissance flights by British-based aircraft and to accept British control over every United States aeroplane initiating a flight from bases in the United Kingdom, or to remove all United States bases from this country;

(2) why he assented to the United States R47 reconnaissance bomber taking off from Brize Norton Royal Air Force airfield for the flight which ended with it being shot down over Soviet territorial waters on 1st July.

48. Mr. de Freitas asked the Prime Minister under what conditions United States reconnaissance aircraft are allowed to operate from the Royal Air Force Station, Brize Norton, and other Royal Air Force airfields.

50. Mr. Rankin asked the Prime Minister whether, in view of recent happenings, he proposes to continue his policy of allowing United States armed forces to occupy bases in this country.

51. Mr. Dodds asked the Prime Minister, in view of the widespread concern in this country resulting from the disclosure that a United States aeroplane based on this country was shot down whilst flying over or near Russian territory, what action he has taken to prevent such flights by British based United States aircraft.

54. Mr. Emrys Hughes asked the Prime Minister if, in his negotiations with President Eisenhower on the future use of United States bombing bases in Great Britain, he has placed before him an account of the possibilities of explosions

of hydrogen bombs over this country, as described in White Papers on defence and civil defence.

55. Mr. Donnelly asked the Prime Minister whether he is now in a position to make a statement regarding the new arrangements that have been reached with the Government of the United States of America regarding flights by United States aircraft from bases on British territory.

The Prime Minister: The understanding relating to the use by United States forces of bases in this country in an emergency has often been referred to in the House. It was first reached between Mr. Attlee and President Truman in October, 1951, and was confirmed in January, 1952, by my right hon. Friend the Member for Woodford and President Truman. It was confirmed again with President Eisenhower's Administration in March, 1953, when Sir Anthony Eden visited Washington as Secretary of State for Foreign Affairs.

That understanding relates in terms to the use of the bases in an emergency, which is, after all, the most important aspect of the problem. But, of course, ever since the United States Air Force returned to this country in 1948 at the time of the Berlin airlift, there has been consultation between the two Governments at various levels about all sorts of matters concerning the bases. On some matters, for example finance, there have been written agreements. On others it has seemed better to rely on *ad hoc* discussions in the light of changing circumstances. In general, I think all this has worked well; but, as I told the House on 12th July, I have taken up with President Eisenhower the question whether there should be any modification or improvement of these arrangements in certain particular respects. Discussions are proceeding in Washington at official level and are making good progress. I hope that officials will soon be in a position to make recommendations to their Governments.

It remains the policy of Her Majesty's Government to permit the use of bases in this country by United States forces, for I believe that this arrangement is in the common interest of all.

Mr. Healey: Is the Prime Minister aware that there will be wide agreement

in the House that a much more precise agreement between the United States and Britain is required to govern the peaceful time use of these bases? But there will be very little understanding in the House why Her Majesty's Government should have waited this long time before seeking to regularise the matter. May I ask the right hon. Gentleman to answer the Question on the Order Paper regarding the use of Lakenheath base for U2 flights? In particular, will he clear up the persistent confusion between himself and the right hon. Gentleman the Secretary of State for Air, who maintains that the U2 flights admitted to have taken place were concerned with secret intelligence, whereas the Prime Minister, wrongly informed the House last week that they were innocent weather flights?

The Prime Minister: The hon. Gentleman has misrepresented me. I did not make, and would not have made, any change in the policy, which has been followed by all Governments, of not making statements on matters of intelligence, or which approach intelligence. However, in a supplementary question the point was raised as to some evidence which had been given before the United States Senate Foreign Relations Committee and I undertook to look into the matter. I considered the evidence and pointed out—and I quoted it—that it referred to weather flights and not to flights over Soviet territory.

Mr. Healey: I studied with great care the evidence which the Prime Minister was kind enough to send me. Is he aware that, in the first place, there is no reference in it as to the direction of these flights? The flights are simply referred to as weather flights by Mr. Dryden, who also referred to the flight of the U2 aircraft brought down in Sverdlovsk as a weather flight. It was the unanimous agreement of the American Press in reporting Mr. Dryden's evidence that it was clear that he had no idea of the precise function of the U2 aircraft which had been assigned to the N.A.S.A. Is it not also clear that the Prime Minister has not the slightest idea of what these aircraft were doing?

The Prime Minister: If the hon. Gentleman attached so little weight to