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THE SENATE OF CANADA



PROCEEDINGS

OF THE

STANDING COMMITTEE ON

EXTERNAL RELATIONS

on the Agreement between the Government of Canada and the Government
of the United States of America concerning the Organization and
Operation of the North American Air Defence Command
(NORAD).

WEDNESDAY, JUNE 25, 1958



The Honourable NORMAN P. LAMBERT, *Chairman*

WITNESSES:

Honourable George R. Pearkes, V.C., Minister of National Defence; and
Mr. Jules Leger, Under-Secretary of State for External Affairs.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1958

THE STANDING COMMITTEE ON EXTERNAL RELATIONS

The Honourable Norman P. Lambert, *Chairman*

The Honourable Senators

| | | |
|------------|----------------------------------|----------------------------|
| *Aseltine, | Haig, | Monette, |
| Beaubien, | Hardy, | Nicol, |
| Boucher, | Hayden, | Robertson, |
| Bradette, | Horner, | Savoie, |
| Bradley, | Howard, | Taylor (<i>Norfolk</i>), |
| Crerar, | Hugessen, | Turgeon, |
| Croll, | Jodoin, | Vaillancourt, |
| Farquhar, | Lambert, | Veniot, |
| Farris, | Lefrançois, | Vien, |
| Fergusson, | MacDonald (<i>Queens</i>), | Wall, |
| Fournier, | *Macdonald (<i>Brantford</i>), | White, |
| Gouin, | Marcotte, | Wilson—35. |
| | McLean, | |

*Ex officio member.

(Quorum 9)

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate

TUESDAY, June 24th, 1958.

"The Honourable Senator Aseltine moved, seconded by the Honourable Senator Haig, P.C.—

That it is expedient that the Houses of Parliament do approve an exchange of notes constituting an Agreement between the Government of Canada and the Government of the United States of America concerning the Organization and Operation of the North American Air Defence Command (NORAD) signed at Washington, 12th May, 1958, and that this House do approve the same.

After debate, it was—

Moved by the Honourable Senator Connolly (*Ottawa West*), seconded by the Honourable Senator McKeen, that further debate on the motion be adjourned until tomorrow.

The question being put on the motion, it was—

Resolved in the affirmative."

J. F. MacNeill,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

WEDNESDAY, June 25th, 1958.

Pursuant to adjournment and notice the Standing Committee on External Relations met this day at 4.15 p.m.

Present: The Honourable Senators Lambert, Chairman; Aseltine, Beaubien, Crerar, Croll, Farris, Fergusson, Haig, Hugessen, Macdonald (*Brantford*), Robertson, Turgeon, Vien, Wall and Wilson. 15.

In attendance: The official reporters of the Senate.

Pursuant to the Order of Reference of June 24th, 1958, the Committee considered the Agreement between the Government of Canada and the Government of the United States of America concerning the Organization and Operation of the North American Air Defence Command (NORAD), signed at Washington, 12th May, 1958.

The Honourable George R. Pearkes, V.C. Minister of National Defence, and Mr. Jules Leger, Under-Secretary of State for External Affairs, appeared before the Committee and explained the terms of the said Agreement and the manner in which it will operate in the defence of North America.

The Committee expressed appreciation for the lucid explanations given by the witnesses.

It was RESOLVED to report recommending the said Agreement to the favourable consideration of the Senate.

It was further RESOLVED to report recommending that authority be granted for the printing of 800 copies in English and 200 copies in French of their proceedings on the said Agreement.

At 6.20 p.m. the Committee adjourned to the call of the Chairman.

Attest.

James D. MacDonald,
Clerk of the Committee.

EVIDENCE

THE SENATE

OTTAWA, WEDNESDAY, June 25th, 1958.

The Standing Committee on External Relations, to whom was referred the Agreement between the Government of Canada and the Government of the United States of America concerning the Organization and Operation of the North American Air Defence Command (NORAD), signed at Washington, 12th May, 1958, met this day at 4.30 p.m.

Senator Lambert in the chair.

The CHAIRMAN: Honourable Senators, we have a quorum; will the meeting please come to order.

We are privileged today in having present to take part in the discussion of the subject matter before this committee Honourable Mr. Pearkes, Minister of National Defence, and Mr. Jules Leger, Under-Secretary of State for External Affairs. I trust these gentlemen will be able to give the committee the benefit of all information relating to the NORAD agreement which might help us to fully comprehend all that is involved in that important document. We are very grateful to these gentlemen for coming here today and giving us of their time, and for giving us the opportunity of discussing this subject with them.

If the committee concurs, and it is agreeable to General Pearkes and Mr. Leger, I would suggest that the Minister first make whatever introductory statement regarding the NORAD Agreement he thinks appropriate, and later the members of the committee may wish to elicit further information from him, if it is available to them. If there is anything which, in the public interest, might not be advisable or possible to be given in full, I can assure these gentlemen that full respect will be given by the committee in those circumstances.

If there are no other suggestions, I would now ask General Pearkes to come forward and make whatever statement he sees fit.

Senator MACDONALD: Mr. Chairman, before the General starts, I observe there are no representatives of the press present. This meeting is not in camera.

The CHAIRMAN: The press were notified that the time of the meeting was changed from tomorrow morning until now, and no doubt there will be some representatives here shortly.

Senator MACDONALD: My point was that the meeting is not in camera.

The CHAIRMAN: No, it is not in camera.

Will you please proceed, General Pearkes?

Honourable George R. Pearkes, Minister of National Defence: Honourable senators may I first say that I do appreciate your consideration in changing the time of this meeting, which I believe was originally set for 10.30 tomorrow morning. I had several other important meetings to attend at that time tomorrow.

I would like to give you all the information I possibly can this afternoon, and I hope that you will ask any questions on any point that I have not made clear. If there is any secret information which I should not disclose, since this meeting is not in camera, I will advise you that I am unable to disclose that information.

Without attempting to make a long speech on this subject, I think we should recall that the first real effort at joint defence was made at the time of the Ogdensburg meeting some years ago. At that time the then Prime Minister of Canada, Mr. Mackenzie King, made the statement that owing to the situation that was developing at that time it was desirable and necessary for the two countries on the North American continent to set up an organization by which there might be joint planning. As a result of that, a board was set up under a co-chairman from both Canada and the United States. Colonel Biggar was the first member for Canada, and General McNaughton is the present member of that joint board.

That arrangement worked very effectively during the years of the Second World War, but the international situation has changed with the result that Canada and the United States have, year by year, laid more emphasis on the desirability of co-ordinating the defence of our two countries.

As the years went by, scientific improvements meant the development of more and more terrible weapons, faster and faster means of delivering those weapons, at greater and greater distances. I think it is generally recognized now that if there were a third world war the North American continent would be in the target area. It might be an attack from bomber aircraft carrying bombs of the atomic and nuclear type, or attack by missiles or rockets launched from ships, or perhaps submarines stationed out in the ocean far from the coast of this continent and delivering their weapons against targets far inland. As this situation has developed over the past few years consideration has been given to bringing together and integrating the organization for the defence of the North American continent by the two countries. It was felt that the days of collaboration, though they proved effective in years gone by, were passing, and that one had to go into an organization which would insure more prompt and rapid response, if this continent was being attacked.

As a result, the defensive arrangements with the United States, as far as Canada was concerned, were first to establish in Canada a number of fighter squadrons or what is sometimes called interceptors of the R.C.A.F. Canada has nine such squadrons, armed with the all-weather interceptor known as the CF-100. The squadrons are distributed at various points, in five different stations; one on the west coast, in British Columbia at Comox, other squadrons stationed across the country at Canadian stations.

In addition to having these interceptors it was felt imperative that there should be a warning system established. So, first of all, there was a warning air control system. It was developed into a control system in more recent years which is known as the Pine Tree system, which runs along the fringe of the settled and established part of Canada, ranging from British Columbia right across to Newfoundland. It consists of radar stations designed to direct our fighters into the path of the enemy bombers which might be coming to this country. Of course that line is close to the industrial part of Canada, and would be of little value in giving warning of any impending attack. It was then decided that there should be established a distant warning system, up in the Arctic, and that stretches right across the country. It has been built entirely by the Americans, and is operated by Americans, although a large number of Canadians are employed by the American contractors in operating that line.

In order to be able to track more accurately the approach of the bombers, it was decided that there should be a third line which is known as the Mid-Canada Line, which, very roughly, would run along the top of that map which is behind you; it runs along the 55th parallel. That is a line built entirely by Canadians and manned by Canadians.

We have three lines: the Distant Early Warning Line, manned, built and operated by Americans; the Mid-Canada Line; built and operated by Canadians; and the Pine Tree Line, partly built by Canadians, partly built and partly operated by American forces.

This was the arrangement which has been developed over recent years. Actually, quite recently, the DEW Line has been extended out into the Pacific, stations placed on islands, supplemented by patrol ships equipped with radar. The same thing exists on the Atlantic. There have been extensions of the DEW Line into Greenland, to ships down the Atlantic seaboard, and further developments of this early warning line into Europe and down to the Azores.

One reason why the Americans are so interested in the development of this warning line, and have contributed so much to it, is because they must have that early warning for their aircraft of the Strategic Air Command. These aircraft are really the forces of retaliation and should there be an attack against any of the NATO countries, they must have sufficient warning to get off the ground, and not be attacked on their airfields, whether they are dispatched at that moment or not to targets of retaliation.

May I say a brief word about the threat. I think we have got to appreciate the capabilities of Russia, which is the only possible enemy, for launching an attack on this continent; because if there was not a threat, if there was not a danger, there would be no need for this defensive organization or for this agreement at all. We know that Russia has a large fleet of bombers of different types, different capabilities. I think it would be a reasonable estimate to say that there are over 1,500 bombers in the Russian air force which are capable of attacking targets anywhere on the North American continent, although I qualify that statement by saying that some of these bombers, some types they still have in service, would not be capable of making a return journey to Russian soil. So we are faced with the danger that should Russia at any time decide to go to war, she is capable of attacking any strategic targets with atomic or nuclear bombs anywhere on the North American continent. In addition to the bomber force, Russia has developed the largest fleet of submarine vessels that any navy in the world has ever had. There are somewhere in the neighbourhood of 500 ocean-going submarines. A few of those are powered, or may be powered, it would be better to say—a very few—with nuclear propulsion, and would be able to attack shipping off our coasts and to launch from their decks missiles against inland targets. But nearly all of the 500 submarines which I have already referred to can be classified as ocean-going submarines. Not all of those would be equipped with the means of launching an attack against shore targets. That is the problem which we are facing. A study was started about two years ago to see how we could tighten up the defences of this North American continent, and in the early part of last year the Chiefs of Staff recommended to the then Minister of National Defence that the ordinary form of co-operation would be too slow in the event of attack by aircraft moving at a thousand miles an hour and flying at great heights, and that it would be desirable to utilize all the forces of defence of the North American continent if there was an attack on this continent.

It seemed that this idea of a joint headquarters or integrated command was in line with the concept of NATO. Already in NATO certain area planning groups which were first established when NATO was formed in 1949, had been changed into commands, and a commander had been selected. General Norstad whom many of you met when he was out here last year, is the Supreme Allied Commander of all the forces in Europe.

Canada has a brigade and an air division in Europe under the operational control of the Supreme Allied Commander in the same way that we have an integrated command of the navies of NATO countries operating in the Atlantic under what is known as SACLANT—Supreme Allied Commander, Atlantic. So the idea of the conversion of regional planning groups into commands was developed in NATO and accepted here as part of the general NATO organization from its inception, with the North American continent being designated a joint regional planning area.

The regional planning group of this area was composed of the Chiefs of Staff of the armies, navies and air forces respectively of Canada and the United States, and the group met periodically to discuss plans and general procedures. As this theory gradually developed, study was given, as I have mentioned, by this regional planning group to the advisability of setting up a joint command for air defence so that a Commander-in-Chief would be able in peacetime, in consultation with his various staff officers, to draw up plans for the air defence of the North American continent. It was decided that as the Americans formed the larger group of the two, there should be an American Commander at this joint headquarters and a Canadian Deputy Commander. No formal approval had been given to this general plan until mid-summer of last year. I know it was fully discussed with my predecessor, the Honourable Ralph Campney, but it never received final government approval before the general election of June, 1957.

When I was appointed Minister of National Defence after that general election, one of the first proposals placed before me by the Chiefs-of-Staff Committee was the desirability of carrying through a definite air defence agreement with the United States in the establishment of a joint headquarters, and ensuring that the air forces of the two countries would work together, as it were, under Supreme Headquarters, which would be able to direct the operations of the air forces of the two countries. After due consideration that plan was approved on a temporary basis by the Government, and a temporary headquarters was set up at Colorado Springs. We, with the acceptance of the United States Government, appointed Air Marshall Slemmon to Colorado Springs as Deputy Commander. His duties are identical with those of the Commander, General Partridge, and any time General Partridge is away from his headquarters, Air Marshall Slemmon is second in command in every respect of that headquarters. In peacetime they work out plans to ensure the most effective working of the two air forces should either country be attacked. As I mentioned, Canada has nine squadrons of aircraft which are ready, as it were, to engage any enemy bombers which are coming over. Behind them would be the United States fighter squadrons, considerably more in number than Canada has. The Royal Canadian Air Force, with its fighter squadrons, are not placed under the command of the American Air Force, they remain under the command of the Canadian Air Force Officer Commanding Air Defence Command. Air Defence Command is at St. Hubert, just outside of Montreal. To that station reports from all these warning systems and control stations that I have referred to, come into that command headquarters. If there are any unidentified planes in any part of the area, in Canada as a whole, they are reported by radar, and seen on radar screens at headquarters. If these were judged as being hostile, then the Air Officer Commanding would first of all require identification, in which case reconnaissance fighter planes would be sent up to find out and identify the approaching unknown aircraft. If they proved to be hostile or aircraft with hostile intent, then the Canadian R.C.A.F. officer at St. Hubert would order the various Canadian interceptor squadrons to attack these bomber aircraft. As far as his relation to the headquarters at Colorado Springs is concerned, he is like a subordinate commander in the

field. He would received a general directive from General Partridge, who is the present Commander at Colorado Springs, and it might be something like this: "There are a number of hostile aircraft attacking or moving into the Canadian air space. You will use your R.C.A.F. squadrons to attack"—let us say for the sake of illustration—"those which are coming east of the Hudson Bay. We will with the American interceptors attack those which are coming west of the Hudson Bay." Now, please do not take that as meaning any sort of general approved plan, or anything like that. I am only using that just as a very simple illustration; and it must be remembered that at Colorado Springs they would be receiving reports from all their radar stations, which not only look to the north, but look out to east and west and south, because the United States are ringed with warning stations, controlled stations, and it might be, of course, that the attack would come in from one direction with bombers. It is equally possible that the attack might come in from many different directions, east, west and north; and the bigger picture would be seen at the headquarters of Colorado Springs, the headquarters of NORAD. So that commander-in-chief would be in a better position than our air officer commanding at St. Hubert to size up the whole picture and to allocate all the air squadrons which he had under his command. The actual forces to be placed under the commander-in-chief at NORAD have to be agreed to by the Governments of the two countries. The commander-in-chief at NORAD has no actual command over the forces of the R.C.A.F. in Canada in peace or in war; he is there as a commander-in-chief; he is the operational control, but not the actual administrative or disciplinary command of the forces of either the United States or of Canada. The command remains a national responsibility; it is the operational control. There are some here who have served in the army, perhaps in the First War, and will understand when I say he is more in the position of an army commander who makes the plans for the battle, and then once the battle is joined, has to leave the fighting to his brigade or divisional commanders, and his main function after the battle has been joined is the disposition and directing of reserves. I regard this NORAD commander-in-chief rather as being in the position, as he is, of a senior commander who has a number of subordinate commands under him.

Perhaps it might be of interest for me to tell you that today we have a system which is known to all our junior air commanders, every pilot, what is known as "Rules of Interception", and daily there are unidentified planes crossing Canadian skies; I do not suppose that a week goes by but that there is an unidentified plane reported. Now, the action taken there is that you check with the flight plans which have been recorded, and are required to be recorded, by all aircraft flying through Canadian skies. If there is no record of this unidentified plane, then reconnaissance planes, or an interceptor, are sent up to identify that plane. Usually they travel in pairs. If, as fortunately has not happened to date, they found that the plane which they were sent up to identify was not just a lost hunter, or somebody who has failed to record a flight plan, but one with seemingly hostile intent, then action would have to be taken. If it was a single plane and apparent that there was no hostile intent it would be conducted down to a nearby airfield. If it proved to be a hostile plane with definite hostile intent, the report would be sent back; and mind you these interceptor aircraft are in constant touch from the moment they leave the ground until their mission is completed; they are in constant touch with St. Hubert, and the officer commanding St. Hubert is sending them the instructions as to the course that they should follow in order to bring them into touch with this aircraft which they are trying to identify. If there is hostile intent, if the aircraft commits an overt act of war, then they have instructions on how to deal with that aircraft. If it starts dropping bombs, if it even threatens to

drop a bomb over a sensitive target or if it fires on a Canadian aircraft or anything like that then it has committed an overt act of war and our aircraft have instructions to engage it. Those are the instructions which have been in existence for a number of years. Now they are slightly modified and are similar to though not identical to those which exist in the United States air force.

Now, Mr. Chairman, I have not gone into any great detail regarding the actual orders, or the formation of the note setting up this joint headquarters but I have spent rather a lot of time, I am afraid, describing how our aircraft might operate. But I suggest that if the honourable members of this committee have any questions along those lines I would be glad to answer them.

Senator ROEBUCK: Mr. Chairman, might I ask a question of the General? His address has been exceedingly interesting, but in the Senate only this afternoon the sentiment was expressed that the function of Parliament was to protect the taxpayer. That is one of its functions and a very important one.

We hear very little about the financing of all this activity. Would the General kindly give us a little information on two points:

First, what organization is there in the Defence Department with regard to finance, cutting down finance. This, of course, is a very important function. Is there any board that takes care of the expenditures, that supervises them, and if there is such a board are there civilians on that board as well as military men and so on? Or is the only revision of the tremendous amounts that we are spending that of the general Treasury Board?

Secondly, and this is my more important question, is there any principle agreed on as between ourselves and the United States with regard to the bearing of cost. We are going into a joint command, it is true, and it is a joint enterprise, this defence of North America. Has there been any arrangement made or understanding reached as to the percentage that we pay as against the percentage that the United States pay? Is such a percentage based, say, on population or on gross national product of the two nations or is any such principle adopted, or is it just hit and miss as to whether we spend so much and they spend so much?

This thing is going on and it is most important that we play our part, but we should know what our part is. Has anything of that kind, financially, been agreed on between our two countries?

Hon. Mr. PEARKES: Mr. Chairman, the first part of the question asks what machinery is there in the Department of National Defence to screen expenditures. The estimates are prepared by the various departments. For instance, now we are preparing the estimates for the next financial year. They are prepared within a general understanding of the amount of money which may be considered available in the next year's budget. It is to be discussed in very general terms at this stage. Each service prepares a statement as to its requirements. These estimates are submitted by the Chiefs of Staff of the individual services to the meeting of the Chiefs of Staff Committee, where they assess within the general limits which are likely to be available the amount of money to be spent by the navy, the air force and the army and so forth. Having arrived at that general plan it is then submitted to a screening committee on which of course there are representatives of the Treasury Board, and attending all these discussions are representatives of the Treasury Board.

Finally, after these have been prepared they are then submitted to the Treasury Board, the Minister of National Defence appears before the Treasury Board and each item is approved by Treasury Board. Finally, those are the estimates of expenditures which are submitted to the cabinet as a whole and the Government decides how much of that money which is required and it is prepared to recommend to Parliament. Then, as you know, it is finally submitted to Parliament.

I can assure you that there is a very, very careful screening carried out all the time and although it is very hard to get all the requirements of the services within what might be considered a reasonable amount of money which the taxpayers of Canada should be prepared to pay, there is every effort made in the department to eliminate any waste or unnecessary expenditures.

I think that answers the first question, Mr. Chairman, other than to say that at all times there is a comptroller of the different services sitting in the National Defence headquarters, and they have representatives in the commands to scrutinize the expenditures.

Senator VIEN: Could we have an estimate of our commitments for the next 12 months?

Hon. Mr. PEARKES: Yes; that appears in the Blue Book of the Estimates Committee of the House of Commons, to whom those estimates have been referred.

Senator VIEN: How much do they amount to?

Hon. Mr. PEARKES: I think the total is \$1,680,000,000—I do not have the exact figures with me.

Senator VIEN: That is for the whole of our cold war effort?

Hon. Mr. PEARKES: That is all the estimates.

Senator VIEN: So far as NORAD is concerned?

Hon. Mr. PEARKES: It is much beyond NORAD. I may say, all our estimates are not spent on NORAD, because we have to maintain the brigade in Europe—

Senator VIEN: I appreciate that, but my question is directed to this point: have we an appreciation of what will be our commitment or our share in NORAD during the next 12 months?

Hon. Mr. PEARKES: I think it would be very difficult to separate the NORAD commitment from all the estimates, because the estimates are arranged so much for the air force, and the personnel connected with NORAD are of course only a part of the whole of the air force strength.

Senator VIEN: Then, you could not estimate what share of the whole NORAD will imply?

Hon. Mr. PEARKES: No, I could not do that; I do not have those actual figures here.

As to the percentages which Senator Roebuck asked about, there is no firm percentage as between what the countries should pay, if the project is considered in itself and the allotment is decided. As a matter of fact, we are bearing a very small part of the cost.

Senator ROEBUCK: Is it small on a per capita basis?

Hon. Mr. PEARKES: I would say we are bearing a small percentage of the cost of NORAD.

Senator VIEN: You said we had nine squadrons.

Hon. Mr. PEARKES: Yes, sir.

Senator VIEN: How many squadrons have the Americans?

Hon. Mr. PEARKES: I would not like to make a public statement of how many squadrons the Americans have. May I say that in the press I have seen an estimate number of between 60 and 70 squadrons. As there are the forces of another country, I should not make a public statement as to the actual number, but the press has published the number as being between 60 and 70.

Senator VIEN: Are our expenditures, which we are assuming in NORAD, taken into account in the light of our contributions to NATO? In other words, are those expenditures which we have assumed in defence of the North American continent taken into consideration as part of our commitments in

the cold war effort of all allied nations or is this purely and simply a commitment on the part of the United States and Canada, separate and distinct from our contribution to NATO?

Hon. Mr. PEARKES: It is separate and distinct as far as what is known as "Infrastructure" that is, the overhead capital expenditures fund in support of the operational forces of NATO which are paid by all NATO countries do not contribute anything towards the maintenance of this defensive system which I have described in Canada and in the United States. On the other hand, the contribution to the infrastructure fund in support of the defence of the NATO countries in Europe is reviewed and assessed in what is known as the "Infrastructure Agreement".

Senator VIEN: Is what you call the "Infrastructure", or our contribution to the defence of the North American continent, taken into account?

Hon. Mr. PEARKES: Yes. What we are doing for the defence of the North American continent is realized by the other NATO countries and I am sure what we are doing is weighed in the balance when the exact proportions which the various countries should give is decided, because we report periodically to the annual review committee of NATO the extent of our requirements and resources for defence in this country.

Senator ROEBUCK: May I interrupt? The General had not finished answering my question before he was carried off in another direction. I should like to be clear on this point: You have said, General, that our contribution, as compared with that of the United States, is a small percentage. Do I understand you to mean that it is a small percentage in relation to our population, or on what basis do you say it is small?

Hon. Mr. PEARKES: Compared with the total expenditure as far as NORAD is concerned, our contribution is quite small; that, comparing Canada's contribution with that of the United States. For instance, we have only a very small number of officers and men—something in the order of 17—down at the combined headquarters; whereas, the Americans have several hundreds there.

The CHAIRMAN: That is in Colorado.

Hon. Mr. PEARKES: In Colorado. I have explained the contributions which have been made by Canada and the United States regarding the construction of the warning lines. I mentioned that the Americans had built and are maintaining the DEW Line.

Senator ROEBUCK: That is on a 50-50 basis?

Hon. Mr. PEARKES: No.

Senator ROEBUCK: We support one, they support one, and we are joint on the third.

Hon. Mr. PEARKES: No. The Americans pay all expenses in connection with the construction, development and maintenance of the DEW Line.

Senator ROEBUCK: And we paid for the Mid-Canada line.

Hon. Mr. PEARKES: We paid the expenses of the Mid-Canada line, which is mainly an unmanned line; it is mainly an automatic system with only a few control stations. I am sure that the cost of the Mid-Canada Line is greatly less than that of the DEW Line.

The CHAIRMAN (*Senator Lambert*): Would the Canadian line be controlled from St. Hubert?

Hon. Mr. PEARKES: Well, all these are integrated into the general system of Colorado Springs, St. Hubert getting the information at the same time. As far as Pine Tree Line is concerned, two thirds of that has been built and manned by the United States. I say "two-thirds" as an approximation.

Senator POULIOT: I would like to know if possible if the contribution of each country is in proportion to the size of the population.

Hon. Mr. PEARKES: It has not been estimated on that yardstick. It has not been agreed to by the different Governments as to the proportion which should be paid.

Senator POULIOT: If it has not been agreed to, has it been considered during the negotiations?

Hon. Mr. PEARKES: There have been no negotiations as far as the expenses in connection with NORAD. That will come when we finally approve this agreement. I would like to stress that this agreement was set up on a temporary basis until these resolutions have been passed. Then there will be, I imagine, a formal agreement which will confirm the temporary arrangements which have been established.

Senator CROLL: General, once the formal agreement is arrived at, can we properly assume that the weapons that are available to the Americans for retaliation, for all purposes, will be available to their friends and allies in Canada?

Hon. Mr. PEARKES: Well, the weapons which are available to the Americans for retaliation have nothing to do with the NORAD arrangement. NORAD is purely a defensive arrangement for the defence of this North American continent. The weapons of retaliation, the Strategic Air bombers of the United States force, are not under the control of NORAD in any way whatever. NORAD has no say at all when bombers should be sent from the United States, shall we say, to attack Russia, or Germany.

Senator CROLL: Take the other side. If missiles are bargaged on our country have we the same weapons of defence available to us that the Americans have, if any?

Hon. Mr. PEARKES: At the present time we have no air-to-air rockets or missiles which are equipped with the atomic or nuclear warhead. The Americans have that. Now, whether in the event of war the Americans would make available to Canada atomic warheads, no decision has been reached in that matter.

Senator CROLL: That would be a little late, General.

Hon. Mr. PEARKES: Well, we are not an atomic power, and the United States have not given us these weapons. These are United States weapons. We have not the means of making them ourselves. I would like to check that, but I think that statement is correct.

Senator CROLL: For common defence, General. This is a common defence that we have undertaken, as I understand it.

Hon. Mr. PEARKES: American interceptor squadrons would have those atomic weapons, and they would be available to attack hostile aircraft in our skies, in a grave emergency, when war had broken out. But at the present time we are not an atomic power, and no atomic weapons have been made available to us. As you know, there is the McMahon Act. Whether that will be waived or not at the last moment or at some future time in a matter which has not yet been finally settled.

Senator CROLL: The Congress says it will only waive it for Britain or any other atomic power, possibly France. I am not concerned with atomic power; I know we are not an atomic power, but here we are, in common defence, and you suggest, General, that when war starts they might let us use or turn over to us atomic warheads. It seems to me that the use of these weapons is something you do not learn overnight; and there is a suggestion abroad that some of these things, or some of these atomic instruments of destruction, are being handed to us "under the table", that we are being made aware of them. Is there any truth in that or not?

Hon. Mr. PEARKES: No, there is no truth to that at all. We do have air-men and army men who are trained in the use and maintenance of this equipment, but they are trained in the United States, and up to the present time the United States has not released any atomic weapons to Canada, nor are there any atomic weapons stored anywhere in Canada.

Senator ROEBUCK: Are they carried in planes, General,—in these reconnaissance planes?

Hon. Mr. PEARKES: It is possible there are atomic warheads to certain types of air-to-air missile. What I mean by "air-to-air missile" is a missile which is carried in an aircraft to fire against a hostile aircraft. We have missiles now in some of our aircraft, and others are being developed, which will fire from aircraft to aircraft with the homing instinct, with the ability to be directed onto the target; but at the present time they are not equipped with atomic warheads.

Senator MOLSON: Could I ask the General a question with specific regard to NORAD? I refer to the question of cost which has already been raised by two senators. Whether or not NORAD exists, would there be any substantial difference in Canada's defence expenditures? The establishment of this headquarters as such is surely not going to substantially change the size of our defence effort or capability. Is that correct, General?

Hon. Mr. PEARKES: It is not going to substantially change our defence capabilities?

Senator MOLSON: Expenditures.

Hon. Mr. PEARKES: If we attempted to defend Canada by itself the expenditures would go to astronomical figures. They are high enough now. The fact that the two countries are playing together as a team will certainly mean that expenditures will be less than they would if we tried to defend Canada ourselves. But I must sound a warning, that if we are to have a modern defence fully integrated with the modern defence which the United States are planning, our expenditures on defence will remain very high for a number of years yet.

Senator MOLSON: My point, General, was that if there were no such headquarters it would not mean we could have any fewer squadrons or any smaller armed forces. Our expenditures wouldn't be materially decreased even if NORAD had not been set up, is that not correct?

Hon. Mr. PEARKES: There is no question that if there was no NORAD in operation and no joint headquarters, we would have to expend more money to give the same type of defence.

Senator HAIG: If we did not spend at all, the United States would have to pay for it all. The only way they can defend their country is to defend ours.

Hon. Mr. PEARKES: If we did not spend any money the United States would go ahead but then we would lose our sovereignty. It is only by working together that we can maintain ourselves as an independent country. The United States need this general warning system. They need the ability to strike the enemy as far away as possible from the settled areas. If we refused to do anything, why, then, the United States would say they had to do it and they would just move in here and we would not be a partner, we would just be little more than a servant of the United States.

Senator MACDONALD: Is there any question that in this arrangement Canada is maintaining its complete sovereignty?

Hon. Mr. PEARKES: The two words "complete sovereignty"—

Senator MACDONALD: Strike out the word "complete" then.

Hon. Mr. PEARKEs:—present a little bit of difficulty. You might say the very presence of American troops in Canada is in some degree a surrendering of our old-fashioned conception of sovereignty, but Canada is not surrendering any command over any of her air force squadrons. Canada is a partner. She has not given up any land or anything in that sense.

Senator MACDONALD: Do I understand that under NORAD Canadian forces may go into the United States to defend our continent against attack?

Hon. Mr. PEARKEs: The NORAD Agreement permits of the temporary transfer of squadrons across either side of the international border. If the attack came in solely from a direction east or west and Canadian skies were in no way violated and there was no indication that they were going to be, it is conceivable that Canadian squadrons might during the battle be ordered out of our skies and into United States skies. But we have to be realistic about it, and the most likely approach to the United States is through Canadian skies. I think only when the situation was abundantly clear that Canada was not in any way threatened, could Canadian squadrons be moved to the United States.

Senator MACDONALD: Would it be fair to say that in the event of an attack on the North American continent, the air defences of both countries would be turned over to NORAD?

Hon. Mr. PEARKEs: The terminology used is that NORAD will have operational control of the air forces of the two countries. They do not exercise actual command or administer instructions in any way, but the planning and the conduct of our forces in the general battle would be directed by NORAD.

Senator MACDONALD: Would it be fair to say that if the NORAD command were given to a Canadian command, he would be required to carry out an order?

Hon. Mr. PEARKEs: The command given by NORAD at the present time would all go to St. Hubert, which is a Canadian base in command of the nine squadrons that we have. That would be the channel of command. As I have said before, it is a very senior command and NORAD would be inclined to issue directives rather than definite command.

Senator MACDONALD: And I suppose the junior commander would be required to carry out the directives?

Hon. Mr. PEARKEs: The junior commander would be required to carry out the directives. We are in this battle together and there must be a head, and the junior commander, unless there was some very important reason why he shouldn't do it, would naturally carry out the command. I have not made clear that all the plans submitted or drawn up in peacetime must be approved by the Joint Staffs of Canada and the United States, and that when necessary those plans are then submitted to Government for final approval. So you have the general chain of command, you might say, from NORAD headquarters to the chiefs of staff of the two countries, and each committee of the chiefs of staff report to their own Government.

The CHAIRMAN: Is it correct to say, General, that with the ratification of NORAD complete it then remains for the staffs of each country to integrate more definitely than exists now, in plans of co-operation in relation to the operation of NORAD?

General PEARKEs: I am not quite certain whether the word "ratification" is correct; but when these resolutions are approved, then the chiefs of staff of both countries will be able to develop detailed plans.

The CHAIRMAN: There is still a good deal of that to do?

General PEARKES: There is still a great deal of that to do.

Senator MACDONALD: Is it necessary to have this agreement approved by Parliament? Would it not go into effect whether or not it was approved by Parliament?

General PEARKES: The promise was given that this agreement would be submitted to Parliament, and Parliament had the opportunity by the resolution, similar to a resolution which has been introduced into your house, I believe, to discuss this agreement.

Senator MACDONALD: My point is that the agreement is in effect without the approval of Parliament.

General PEARKES: Well, that is on a temporary basis, because the agreement says that the forces to be allocated to the various countries will be assigned by the governments of those countries. I think the agreement is in effect on the temporary basis now, and there is no need for the ratification of that agreement by Parliament.

The CHAIRMAN: On this point you are developing—and I do not want to tire the General, but I think Mr. Leger, from the point of view of diplomatic relations, would answer that point—but before coming to that, General, I think you have covered as far as you can the divisions both in numbers and costs as between the two countries. Now, if NORAD goes ahead and integrates as is envisaged by this act, do you think that there would be any difficulty, or do you think there would be the possibility of any difficulty, in divisional control between Canadian air force squadrons and Colorado, for example? I think that is a danger, probably, that is in some minds.

General PEARKES: One of main reasons for the necessity of an integrated command is the danger of interference between squadrons which are moving at terrific speeds at great height, and it is essential that they be controlled and their activities be controlled by a single commander.

Senator HUGESSEN: May I ask the minister two questions arising out of the wording of the agreement? He said a few minutes ago that a great deal remains to be done. Now, I am noticing Section 1 of the agreement, which says that the Commander-in-Chief "will operate within a concept of air defence approved by the appropriate authorities of our two governments, . . ." And in Section 2 that, "The North American Air Defence Command will include such combat units and individuals as are specifically allocated to it by the two Governments." Now, in view of the urgency, and I quite agree with the minister that it is urgent, could he give some indication of the time this thing can be integrated and when we shall have a complete co-ordinating North American Air Defence?

Hon. Mr. PEARKES: Air Marshall Slemon and his team are down there now, and have been since last October. General Partridge has been up here and consulted people here, seen me, and seen the Prime Minister. There is an integrated scheme now, but there is a tremendous lot to be done in order to bring the resources that we have, to modernize, for instance, the system of communication. Our system is still hand worked; it has got to be an automatic system which can record not merely recordings of five aircraft, but of five hundred at the same time, and the working out of the details in connection with the development so that we are certain we have a uniform system and the best way of dividing up the areas and all that sort of thing, and the most economical way, has all got to be worked out. It does not seem to me that we shall ever have a completed plan, because science is moving so fast with changes all the time; and aircraft manufactured today very shortly becomes obsolescent.

Senator HUGESSEN: To be more specific, have not the governments of the two countries approved the concept of air defence within the meaning of Section 1 as yet?

Hon. Mr. PEARKES: Yes, there is a general plan now which has been approved, and I must say, to be frank, there had been a very general plan for many years, but it has been worked out in more detail since we had this temporary arrangement, or set up on a temporary basis—this headquarters.

Senator HUGESSEN: One more question, in regard to Section 2 of the agreement. When will it be possible for the governments of the two countries to have allocated the necessary units to NORAD as contemplated by that section?

Hon. Mr. PEARKES: Well, the air defence command of Canada at St. Hubert is now under the operational command of NORAD.

Senator HUGESSEN: Oh, it has been done?

Hon. Mr. PEARKES: That has been done on this temporary basis. It will be confirmed as soon as the resolutions have passed the two houses, and that is one reason why we were rather anxious to get the resolutions passed as soon as possible.

Senator CROLL: Once these resolutions are passed through Parliament and the forces have integrated, is it conceivable that without reference to the cabinet, without reference to Parliament, without reference to any other authority, we could properly or otherwise find ourselves involved with some other power?

Hon. Mr. PEARKES: In war?

Senator CROLL: Yes.

Hon. Mr. PEARKES: Mr. Chairman, the only way that we could be involved in war through this NORAD Agreement would be that some other power had committed an act of aggression against Canada. We could not in any way, by means of this, be involved in a war unless some other power had violated the skies of the North American continent.

Senator CROLL: That is the point. Whether the skies have been violated or not will be up to the NORAD commander to judge?

Hon. Mr. PEARKES: There would have to be a definite act of aggression against the North American continent. As I have said there are detailed rules of engagement which lay down, as I mentioned before, exactly what is considered an act of aggression. The fact that there were hostile aircraft flying across northern Canada does not mean that there has been an act of aggression which would require our interceptors to shoot down those aircraft. If, on the other hand, and it is described in detail so that the young pilot, may know, and it is spelt right out, that if there is a hostile aircraft dropping bombs from the Canadian skies that is considered as an act of aggression and that young airman has got to engage that aircraft which is doing it.

Senator BOUFFARD: Or dropping bombs on United States territory would be the same?

Hon. Mr. PEARKES: Yes.

The CHAIRMAN: On the point that Senator Hugessen raised—Has there been or will there be any possibility of standardization of aircraft as this NORAD plan matures?

Hon. Mr. PEARKES: That is a hope we all have but whether that will ever be agreed to or not, or become a possibility, I do not know. We all would like to have a standard aircraft.

The CHAIRMAN: We hear a lot, for instance, about the Avro Arrow which costs about three quarters of a million dollars apiece. Is there any chance of

the Avro Arrow being adopted at one stage of this development as our equipment and of course always open to being replaced by something better in the case of obsolescence—is that a possibility? What is the possibility of that type of aircraft being used by this North American Air Defence Force?

Hon. Mr. PEARKES: That would be a decision of the respective Governments. The joint Chiefs of Staff might recommend a certain type of aircraft but the decision to go ahead and provide that aircraft must be a decision of Government. It is a very good point about the Avro Arrow. We would like to see some American squadrons utilizing that but whether they will or not is a matter of Government decision.

Senator MACDONALD: Mr. Chairman, to the question asked by Senator Croll, I think the reply of the minister was that if an enemy aircraft came over this country, or if it was thought that an enemy aircraft was over this country NORAD could order our forces to attack it. Is that correct?

Hon. Mr. PEARKES: The first step to be taken is one of identification. If it is over our country, in Canadian skies, that identification is made by the Royal Canadian Air Force on instructions of the Commander of our Air Defence Command at St. Hubert. If it is identified as a hostile aircraft and is not actually committing a hostile act the pilot of the aircraft which made the identification would ask for instructions from RCAF Headquarters at St. Hubert. In the first instance those instructions would come from Air Defence Command at St. Hubert.

Senator MACDONALD: If it turned out to be an enemy aircraft all NORAD could do would be to order our planes to attack it? NORAD, as I understand it, would have no power to order retaliation.

Hon. Mr. PEARKES: NORAD has no power whatever to order intercontinental retaliation. NORAD would not order our aircraft to attack. Those orders are already laid down in these rules of interception, so it would be automatic, if the hostile aircraft was committing a hostile act, for the RCAF to at once engage it—it would not wait for the order to engage it to come from NORAD.

Senator MACDONALD: I do not want to press this too far; I do not know whether you want to answer this question or not: Who would order retaliation?

Hon. Mr. PEARKES: My understanding is that the only person who can order retaliation at the present time is the President of the United States.

Senator MACDONALD: But as far as Canada is concerned?

Hon. Mr. PEARKES: We have no means of carrying out retaliation. We have no bombers and we have no means at the present time of carrying out any retaliation or counter offensive. All our air force can do here is defensive.

Senator MACDONALD: Can I go further and say if we did have the air force who in Canada has the power to order retaliation?

Hon. Mr. PEARKES: Might I suggest that is a purely hypothetical question, Mr. Chairman.

Senator CONNOLLY (*Ottawa West*): Mr. Chairman, I would like to ask one or two questions, and they arise out of a question that Senator Hugessen asked. I realize that it is getting too late to go on with further discussion but certainly I think the minister has been most accommodating about giving us this information. It has been very helpful and we do wish he would come back and finish the job, because it is a great job.

Senator Hugessen asked, arising out of section 2 of the agreement, which says:

The North American Air Defence Command will include such combat units and individuals as are specifically allocated to it by the two Governments.

I understand as yet Canada has not made an allocation but I suppose those nine squadrons might be available for allocation, but if they are not all

allocated what would happen to those which are not allocated, and under what command would they be?

Hon. Mr. PEARKES: All nine squadrons are under the command of the Air Officer commanding the Air Defence at St. Hubert; and if any were not allocated they would remain under their own command. No specific unit has as yet been definitely allocated, but Air Defence Command has, on this temporary basis which has been set up, been placed under the operational control of NORAD, and that would include all nine squadrons that we have. As soon as these resolutions are passed I expect there will be a formal allocation by the Government of Air Defence Command to NORAD.

SENATOR CONNOLLY (*Ottawa West*): Does the same relative position apply in the United States to the Shield forces only that are available from the United States Air Force?

Hon. Mr. PEARKES: That is my understanding; and not only the air forces, but certain naval and army forces have already been placed under the operational command of NORAD.

SENATOR CROLL: General, I understood you to say we had no defence against a missile attack on Canada, and that retaliation could only come from the United States, who has facilities to meet it. Does it follow that in the event of a missile attack on this country, the United States will take over the defence of North America?

Hon. Mr. PEARKES: At the present time Canada has no direct defence against the missile. We have not got an anti-missile missile at the present time, and I doubt very much whether anybody has; but we are developing means which, while not able to counter the inter-continental missile, would be able to operate against the unmanned missile, which is the air-breathing missile which is being developed, or maybe in operation, by Russia.

But the term "retaliation" does not mean to retaliate against the bomber which is attacking us; in terms of NATO, it means the launching of the Strategic Bomber Command of the United States. Now, the Strategic Bomber Command may be supplemented by missiles placed in various NATO countries, in accordance with the offer which was made last year by the United States to establish in certain countries intermediate range missile launching stations. They are part of the retaliation, in exactly the same way as the medium bombers of the Royal Air Force in the United Kingdom are part of the retaliation—that is, the greater counter offensive.

SENATOR CONNOLLY (*Ottawa West*): Are the medium bombers of R.A.F. in NATO?

Hon. Mr. PEARKES: No, they are not allocated to NATO any more than the bombers of the Strategic Air Command in the United States are. Each NATO country has allocated certain of its forces to NATO. France, for instance, has not allocated all its forces to NATO.

SENATOR BOUFFARD: May I ask a question of General Pearkes? I understand that NORAD is a partnership of some kind between the United States and Canada, and the Canadian Air Force will have a certain number of officers attached to the head office at Colorado. You mention that there are now about 17 Canadian officers allocated to the head office. Who decides about the posting and the rank of these officers who are to be detailed to headquarters?

Hon. Mr. PEARKES: That is discussed first of all between the Commander and the Canadian Deputy Commander at Colorado Springs, as to the requirements. It is then referred to the Canadian Chiefs of Staff, that the Commander-in-Chief of NORAD would like a Canadian establishment of so many officers to fill certain positions. The Chiefs of Staff then make recommendations to me. I may pass upon it in general terms, but if it involves a large number I would refer it to the Cabinet.

SENATOR BOUFFARD: You have the final decision?

The CHAIRMAN: Gentlemen, it is now a little past 6 o'clock. I am in the hands of the committee as far as the completion of this discussion is concerned. We are of course very grateful to General Pearkes for his patient performance here. The question now is whether the committee would like to take the time to have Mr. Leger enlighten us along diplomatic lines between the military and the Government.

SENATOR CROLL: Mr. Chairman, despite the urgency about NORAD—and there is not as much urgency as some would indicate, because the other house took its time discussing the resolution—these other officers may be available at a more convenient time to come and answer our questions and give us more information. I suggest the meeting should adjourn now, to resume at some convenient time.

SENATOR ASELTINE: Let us go ahead now.

The CHAIRMAN: What do you say, Senator Macdonald?

Senator MACDONALD: It occurs to me that unless there are some further questions to be asked General Pearkes, since he has another appointment, he need not stay longer tonight or at any time. I do not think we have a great many questions to ask Mr. Leger; therefore, the committee could either continue now or resume tomorrow morning at 10.30. Either arrangement is agreeable to me.

The CHAIRMAN: A meeting tomorrow morning would conflict with the Finance Committee.

SENATOR CROLL: I have no objection to continuing now, Mr. Chairman.

The CHAIRMAN: May I suggest that we sit until 6.30, hear Mr. Leger, and then the committee should decide whether to instruct me to report tomorrow as to the ratification or approval of this agreement. I think it should be cleaned up in the house tomorrow.

Senator HAIG: Why not adjourn this committee until 8 o'clock tonight?

The CHAIRMAN (*Senator Lambert*): The trouble is that there are several of us that have fairly definitely standing engagements to keep.

Senator HAIG: All right. Then let us go on.

Senator MACDONALD: I think we should first decide if there are any further questions to ask Mr. Pearkes. If there are no further questions—and I understand that there are none—I suggest that we call Mr. Leger.

The CHAIRMAN (*Senator Lambert*): General Pearkes will be glad to stay until 6.30, in case there are any further questions to ask him. Would you mind coming here, Mr. Leger.

Mr. Leger is the Deputy Minister of External Affairs, and I think we would like him to make a statement in relation to this agreement, so as to fit in the points that we have been referring to.

Mr. JULES LEGER: Well, Mr. Chairman, there is not much I can add to what General Pearkes has said, but possibly I could give you an idea of the responsibility of my own department in relation to NORAD, and then the questioning could be better focussed.

The CHAIRMAN (*Senator Lambert*): That is right.

Mr. LEGER: Perhaps we could divide this responsibility in three. The first one is the responsibility to negotiate the agreement itself; the second is connected with intra-Governmental consultation, and the third one is about the relationship between NORAD and NATO in the political field.

The negotiations of the agreement have now been concluded; and during those discussions the main points of substance leading to the agreement were naturally made by the Department of National Defence, which was more concerned than our Department.

Regarding intra-Governmental consultation, this is a continual process, as you know, and goes on at many levels at the same time. Foreign ministers are apt to meet one another pretty often these days. There is a great number of international meetings going on, and at any of these meetings our Secretary of State and Mr. Dulles are apt to discuss matters of joint concern; and one of them is, naturally, NORAD.

The diplomatic channels are a second avenue. They are open day and night, and are most satisfactory in our discussions with Washington.

There are the service channels in respect of agreements like the one under consideration which are most important. I shall not dwell on them, because General Pearkes has already referred to them.

Now and then there may be special ad hoc meetings of officials for a given problem to be discussed.

And lastly, but this is a field in which I hope you will not press me, there are the intelligence exchanges, which have to remain secret.

As regards the political relationship of NORAD and NATO, there are, as you are aware, two council meetings at the ministerial level every year: one in December, attended by Ministers of National Defence and Finance and Foreign Ministers; there is another one in the spring, attended by foreign ministers only. So during those council meetings of NATO it would be quite normal that a discussion, if necessary, of NORAD be held.

Furthermore, there are the reports that can be made to NATO, written or otherwise; the most important one would refer to what is termed the annual review. There is an annual review committee within NATO that discusses the military problems of the alliance, of the countries individually, of groups of countries, as in the case of the W. E. U., and the NORAD problems would also be referred to that annual review.

That is the way I see the role of our department in relation to this Agreement. Naturally I would be delighted to try to answer any questions you may have.

Senator MACDONALD: I would like to ask you if it is usual to enter into agreements of this nature by two letters, one letter setting forth the proposal and the other letter accepting it.

Mr. LEGER: I think, Mr. Chairman, that international agreements or understandings or treaties can take many forms.

Senator MACDONALD: A treaty?

Mr. LEGER: Indeed. Not only can they take many forms, but they also have to take a form which is satisfactory to a given country, depending on its own constitutional processes. In other words, if Canada negotiates a treaty with the United States it has a given constitutional process to go through. The United States will do it differently, because of their own approach to treaty-making processes. Perhaps I may, in answer to this question, make the following comments as regards Canada.

The making and ratification of international agreements is, in Canada, as you know, an exercise of the royal prerogative, and does not legally require Parliamentary action or sanction in any form. It has, however, been the practice of Canadian Governments since approximately 1926 to ask Parliament to approve certain agreements. Parliamentary approval has been sought

mainly for agreements involving military or economic sanctions, large expenditures of public funds, political considerations of a far-reaching character, or obligations the performance of which would affect private rights in Canada. It is therefore up to the Government to decide whether a given agreement or understanding should or should not be ratified by Parliament.

Senator MACDONALD: Would you consider this a treaty, or is it merely an agreement?

Mr. LEGER: Mr. Chairman, it is not a treaty, it is an agreement.

Senator MACDONALD: So I gather, from what you have said, that it is not necessary, but it is according to custom, to have an agreement of this nature approved by Parliament. I understood that that is what you said, Mr. Leger?

Mr. LEGER: Yes.

Senator MACDONALD: But is this agreement now in effect without approval of Parliament?

Mr. LEGER: Well, Mr. Chairman I am no expert in constitutional matters, but it seems to me that the decision as to whether or not an agreement requires ratification must be taken by the Government. If the Government decides that an agreement requires ratification, then it is not ratified before Parliament has acted on it.

Senator MACDONALD: But in this case Parliament has not been asked to ratify the agreement. The term used is to approve of it. Do I gather from this that Parliament has been asked to approve what the Government has done in entering into this agreement?

Mr. LEGER: I think this is a matter of practice.

The CHAIRMAN: Surely.

Senator MACDONALD: Isn't it correct that this agreement would be in effect until it came to Parliament?

Mr. LEGER: Well, it seems to me, Mr. Chairman, that the Government has the right temporarily to decide that an agreement is in effect.

The CHAIRMAN: I think the answer is a very practical one. If Parliament refuses to approve or ratify it, then probably it would wither and die.

Senator MACDONALD: I am not so sure that that is correct. Canada has entered into this agreement with a letter signed by our Ambassador to the United States, and a letter accepting it signed by the Acting Secretary of State of the United States. My question is whether in virtue of this the agreement is now in effect irrespective of what Parliament does?

The CHAIRMAN: Is it not true in respect to NATO and some other international engagements that we have the privilege of withdrawing from them on a notice of three months?

Senator MACDONALD: This agreement says right here that we can withdraw.

The CHAIRMAN: That is the answer. If Parliament refused to ratify it you would find it would be withdrawn.

Senator HUGESSEN: We have had this same question raised on a number of occasions in the past. I think the legal position is that the Government of Canada, if it wishes to make any kind of an agreement with any other country, can do so without submitting it for ratification by Parliament, but if it does so it takes the chance that Parliament will not carry through the necessary legislation to implement the agreement. Therefore I think my Leader is quite correct in respect to this agreement. The agreement is in effect but the reason it is submitted to Parliament for ratification is quite obvious. It calls for the disposal of aircraft and various other things that Parliament might have to decide on in the future, and unless Parliament approves of this agreement we

might find ourselves not willing in the future to do something which an agreement that we had not approved calls on us to do.

The CHAIRMAN: Withholding money, for example.

Senator HUGESSEN: Yes. On the other hand, as to the form of this document I rather suspect it is drawn in this particular form by reason of the United States Constitution under which a treaty has to be submitted for approval by the Senate of the United States, whereas a letter of agreement does not. I may be entirely wrong in that, but that is my submission.

Senator MACDONALD: It may be, but I have not read where the agreement is going to be submitted to the United States Congress.

Senator HUGESSEN: It is?

Senator MACDONALD: No, I have not read that. So Canada will find itself in a position of entering an agreement which has been approved by Parliament, with a country which has an agreement which has not been approved by Congress.

Mr. LEGER: There are no indications to the effect that the United States administration wishes to submit this agreement to Congress.

Senator HUGESSEN: Under the United States Constitution and the division of powers between the executive and the legislative, an agreement of this kind can quite properly be made with another country provided it is not a treaty, and it can be carried into force by the executive of the United States without reference to Congress. I think that is the position.

The CHAIRMAN: Yes, I think that is the point. Are there any other questions? I am sure I am expressing the opinion of the committee when I convey to General Pearkes and to Mr. Leger our warmest appreciation for their kindness and patience in answering our questions.

The committee thereupon adjourned.







