

July 19, 1969

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SUMMARY OF THE SITUATION AND ISSUES

This paper is designed (1) to summarize the situation that we now face and (2) to brief the issues which two discussions in the Ad Hoc Review Group have raised. A paper on the operational decisions required is at a following tab.

I. Summary: Elements in the Present Situation

1. Our general intelligence judgment is that:

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Rec 3.3 (b)(1)(c)

[REDACTED]

--Israel has 12 surface-to-surface missiles delivered from France. Israel has set up a production line and plans by the end of 1970 to have a total force of 24-30, ten of which are programmed for nuclear warheads. The first domestically produced missile is expected to be completed this summer. Preparation of launch facilities is under way.

--There is circumstantial evidence that some fissionable material available for Israel's weapons development was illegally obtained from the United States by about 1965.

2. The intelligence community agrees on the general judgment above. The issue dividing it is the more specific question of whether Israel has already produced completed nuclear weapons.

[REDACTED]

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Although views in State differ, the institutional position emphasizes that concrete proof is lacking and that Israel is concerned enough about its relations with us -- and aware enough of our opposition to nuclear proliferation -- to think twice about putting nuclear weapons openly in its arsenal.

3. This difference of assessment raises the choice between recording a judgment that Israel may have nuclear weapons and recording only a general judgment as to Israel's capability.

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a. The advantage of recording only the general judgment is that it permits us the freedom of acting as if we believe Israel is still short of assembling a weapon and of leaving to Israel the choice of whether to hide what it has or dismantle it. It also retains our freedom to press Israel to sign the NPT and prevent the USSR from reacting.

b. The disadvantage of not recording the more precise estimate is that only this underscores the immediacy of the problem if we are called on in the Congress, for instance, to justify our position.

4. In signing the contract for sale of the Phantom F-4 aircraft last December, Israel, in a letter, committed itself not to be "the first to introduce nuclear weapons into the area." The US stated in reply that circumstances requiring cancellation of the agreement would exist in the event of, "action inconsistent with your policy and agreement as set forth...."

5. We and Israel differ on what "introducing" nuclear weapons means. Ambassador Rabin believes only testing and making public the fact of possession constitute "introduction." We stated in the exchange of letters confirming the Phantom sale that we consider "physical possession and control of nuclear arms" to constitute "introduction."

6. Before negotiation of the sale, President Johnson and Secretary Rusk told Foreign Minister Eban we felt strongly about Israel's signature on the NPT and stated that political discussions on this issue would precede negotiation. Later, after strong pressure from the Israeli government and approaches from American Jewish leaders, the President instructed Secretary Clifford to sell the planes without conditions. Since the Israelis had already given us the commitment not to be the first to introduce nuclear weapons in connection with the 1966 sale of the Skyhawk A-4 aircraft, Secretary Clifford permitted its repetition in the 1968 sale. What was new in the 1968 talks was the inconclusive attempt to define the word "introduction."

7. No one in Congress is yet officially aware of the exchange of letters on Israel's promise not to be the first to introduce nuclear weapons or our reply. Nevertheless, the Administration might have to defend someday the delivery of a nuclear weapons carrier despite our intelligence and the exchange of letters at the time of the sale.

8. Delivery of the Phantoms is scheduled to begin in September, 1969. The planes are almost ready, and the Israelis have asked to begin taking delivery in August.

9. We do not know exactly how much the Soviets know about Israel's nuclear development. However, the Director of Central Intelligence believes that, while Moscow may not have quite as much detail as we do, the Soviets must be aware of the general state of Israel's nuclear weapons and missile development, though they may not want it publicly known.

10. We do not know exactly how much the Arabs know, but they are aware that Israel's capability in the nuclear field is well-advanced. Both Soviets and Arabs have been surprisingly quiet about this subject.

II. A Central Issue

A. As our response to the above situation is considered, the basic question to keep in mind is: Exactly what development do we most want to prevent? There are two aspects to the question:

1. Israel's secret possession of nuclear weapons would increase the danger in the Near East and, ideally, should be prevented.
2. But the significant international act is public acknowledgment that Israel possesses nuclear weapons. This might spark Soviet nuclear guarantees to the Arabs, tighten the Soviet hold on the Arabs and increase the danger of US-Soviet nuclear confrontation.

III. The Major Issues

BASIC U.S. INTEREST

A. How detrimental to US interests would Israeli possession of nuclear weapons be?

1. Danger of US-Soviet confrontation.
 - a. Israeli possession of nuclear weapons could substantially increase the danger of a Soviet-American confrontation in the Middle East.

--If the Israelis are known to have nuclear weapons the Russians might feel obliged either before or during a crisis to indicate that they would retaliate if the Israelis use nuclear weapons. We might feel obliged to indicate that we would respond to Soviet use of nuclear weapons.

--The Israelis, who are one of the few peoples whose survival is genuinely threatened, are probably more likely than almost any other country to actually use their nuclear weapons.

--Because of these dangers, both we and the Russians might find it harder to stay aloof from conflicts in the Middle East.

- b. On the other hand, it can be argued that we and the Russians managed in June, 1967 to agree to remain aloof from the conflict and we might do so again, albeit with some greater difficulty, even if the Israelis are known to have nuclear weapons.

2. Effect on chances for an Arab-Israeli political settlement.

- a. If Israeli possession of nuclear weapons became known, it would sharply reduce the chances for any peace settlement in the near future.

--At the least, diplomatic efforts to achieve a settlement would be delayed until the Arabs and the Soviets assessed this development.

--Negotiations would be put off for the foreseeable future. The Arabs believe they cannot negotiate from a position of conventional military inferiority, much less nuclear inferiority.

--Moscow would probably be in a position of resisting Arab pressures for nuclear weapons or nuclear guarantees and would find it more difficult to press the Arabs for diplomatic concessions.

- b. While accepting these judgments, some would argue that it will also harm chances for a political settlement if we tackle this issue head-on. They would argue that we can persuade the Israelis to give up their nuclear option only in the context of peace and that trying to deny Israel that option will only make the Israelis less willing to make the concessions on territory that will be necessary in a settlement.
3. Charge of US complicity.
- a. If Israel's possession of nuclear weapons became known, the US would be highly vulnerable to charges of complicity in helping Israel become a nuclear power:

--Regardless of what we say, the Arabs will assume that we could have stopped Israel.

--The Administration would have delivered to Israel a nuclear weapons delivery system (Phantoms) [REDACTED] despite a contract stating that it would be cancelled if Israel violated its pledge not to be the first to introduce nuclear weapons into the Middle East.

- b. On the other hand, there is the danger that we will become accomplices by talking to the Israelis, pressing them and failing to get what we want. Then we might look as if we acquiesced, especially if we talked and then went ahead and delivered the Phantoms -- a nuclear weapons carrier -- anyway. Even if we get what we want and the Israelis violate their pledge, we might look like accomplices. There could be an argument for acting in pretended ignorance, [REDACTED]

4. Effects on nuclear proliferation.

- a. World-wide knowledge that the Israelis had nuclear weapons would almost certainly wreck the Non-Proliferation Treaty.

--The Arab states would refuse to ratify the treaty.

--Other powers who might be prepared to sign and ratify the treaty if only the five great powers have nuclear weapons might find it more difficult to accept non-nuclear status if a small power such as Israel is known to have nuclear weapons.

b. Others would argue that adherence by other potential nuclear powers such as the FRG and Japan would be little affected by Israeli behavior.

5. Conclusions: Israeli acquisition of nuclear weapons would: Impose a substantial cost on US relations with Arabs and Soviets. Setback NPT efforts. Substantially increase the probability that someone will use nuclear weapons in anger. Increase the risk of Soviet-US confrontation. Make a political settlement all but impossible.

WHAT SHOULD WE WANT?

B. Can we prevent Israel's acquisition of nuclear weapons?
Or to put it more precisely since Israel may already have some nuclear weapons: Could we persuade Israel to freeze its nuclear program where it is?

1. We assume that it is impossible to deprive Israel of option to put together an operational nuclear capability.

a. Regardless of what we think of the military or deterrent value of nuclear weapons in Israel's hands, Israelis feel that in conventional war numbers will eventually tell and that over the long term this makes nuclear weapons necessary.

- b. The Israeli program is very near fruition, and-- given strong Israeli feeling that Israel's very survival is at stake--it would seem all but impossible politically for an Israeli Prime Minister to give up completely an advantage deemed vital and achieved at considerable cost.
 - c. We have no way of forcing Israel to destroy any nuclear devices or components it may now have-- much less the design data or the technical knowledge in people's minds.
2. If it is impossible to persuade Israel to give up its nuclear option completely, could we persuade Israel to stop its nuclear program where it is?

- a. On the face of it, this seems a difficult but not unattainable objective. It would satisfy Israel's principal aim of being able to put together an operational nuclear capability on short notice-- while avoiding a harsh collision with the US, possible nuclear threats from the USSR and a fatal blow to near-term chances for peace with the Arabs. It could even be consistent with signing the NPT, which has its own escape clause.
- b. The argument against setting this as our sole aim is that this by itself is not a practical objective:

--Its attainment is unverifiable. We might conceivably persuade Israel to agree to freeze its nuclear program, but it is unrealistic to think that such an agreement would mean that Israel had actually stopped. We would have no way of assuring compliance. Inspection would not work because we could never cover all conceivable Israeli hiding places. This is one program on which the Israelis have persistently deceived us-- and may even have stolen from us.

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--It is not in our interest to verify failure to attain it. We do not want to prove to the world that Israel has nuclear weapons, and we would put ourselves in an even more difficult situation than we are in now if we proved it to ourselves.

--It is unreal. Israel may already have nuclear weapons. We may very well want to keep Israel's nuclear program from going further, but that by itself would be small gain if Israel agreed and then made public weapons it may already have.

--We may be better off not talking to the Israelis about where their program stands. We may be in a much better position telling them that we do not want them to possess nuclear weapons and then letting them figure out how to meet our request.

--Putting this in the record as our objective leaves us vulnerable to the charge of complicity in Israel's nuclear program.

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3. Conclusions: Talking about preventing Israel's acquisition of nuclear weapons may be a reasonable way to state our purpose to the Israelis or for the record, because keeping nuclear weapons out of the Near East would be safer. Neither of these formulations is precise enough for describing to ourselves what we really want. We cannot prevent acquisition of weapons that may already be there, and it is impossible by inspection to learn what is there.

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We do not simply want to ask for a freeze because that makes accomplices of us. Therefore, for the sake of our own understanding at least we may want to try describing our objective another way. They might be willing to freeze their program about where it is today, but it is impractical for us to state our objective this way.

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C. If there are too many pitfalls in saying to ourselves that we want to stop the Israeli nuclear program where it is, could we state our objective as trying to persuade Israel not to announce its possession of nuclear weapons?

1. It can be argued that the real impact of Israel's nuclear weapons, if any, would be felt only when [REDACTED]

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a. As long as Israel keeps them secret, both the Arabs and the Soviets can act as if they did not exist. The moment Israel's program becomes an established international fact, the Arab governments will have to cope with another major demonstration of Israeli superiority, and the Soviets will have to cope with substantial Arab pressures for a guarantee against nuclear attack.

b. Many Israelis would also argue that the first purpose of having nuclear weapons is achieved only when the Arabs know they exist. As Ambassador Rabin said to Assistant Secretary Warnke last fall: No one who has nuclear weapons expects to use them; their first purpose is as a deterrent. And there is no deterrent unless the enemy is aware of it.

2. It can also be argued that Israelis might be persuaded to promise us not to announce their possession of nuclear weapons:

a. In fact, by Israeli definition they have already made this promise. When Warnke asked Rabin what would constitute "introduction" of nuclear weapons into the Middle East, Rabin replied that "introduction" would not occur until a weapon had been tested and its existence become publicly known. With that definition in the record, the Israeli government reaffirmed in writing its commitment not to be the first to introduce nuclear weapons into the Mid-East.

- b. Israel's conventional superiority will be sufficient to meet any Arab attack in the foreseeable future.
3. The arguments against stating this as our objective-- at least to the Israelis--are that:
- a. It would establish an indefensible record for us. We would accept complicity in Israel's possession of nuclear weapons by saying in effect: We know what Israel has, but we will close our eyes to it-- and deliver the Phantoms--provided the Israelis promise not to announce what they have. That would not make an easy record to defend before the world against a background of our professed desire to limit nuclear proliferation.
 - b. It puts the Israelis in a position--with our acquiescence--to let the world know indirectly but unmistakably what it has without violating any pledge to us.
4. Conclusions:
- a. Saying that we want to keep Israel's possession of nuclear weapons from becoming an established international fact may come very close to describing what we really want in this case. Our interest is in preventing Israel's possession of nuclear weapons. But since we cannot--and may not want to try to-- control the state of Israel's nuclear program and since Israel may already have nuclear weapons, the one objective we might achieve is to persuade them to keep what they have secret. This would meet our objective because the international implications of an Israeli program are not triggered until it becomes public knowledge.

- b. While this may be a reasonable description of our real objective to ourselves, it makes an indefensible public record. It leaves us highly vulnerable to the charge of acquiescing in the proliferation of nuclear weapons--and even of abetting it by delivering the Phantom, a nuclear weapons carrier.
- c. Even though keeping Israeli weapons secret may be a fair statement of what we most want, we should not lose sight of the fact that it would also be desirable to stop the Israeli nuclear program where it is, or even roll it back a little. Even though that alone may not be a practical objective, keeping it in our sights does help us keep in mind that our public purpose is preventing proliferation.
- d. We may, therefore, want to differentiate between our private understanding of what we want and what we ask the Israelis for:

--We may want to consider saying to ourselves that our aim is to keep Israel's possession of nuclear weapons from becoming public knowledge and to do what we can to stop further development.

-- But in talking to the Israelis and for the record-- as well as because it is not in our interest for them to have nuclear weapons--we may want to state our position as opposing Israel's "possession" of nuclear weapons, leaving it to the Israelis to figure out how to comply. If they committed themselves not to "possess" nuclear weapons, they would at the same time be promising not to test, deploy or announce.

COURSE OF ACTION

- D. If we decide that Israel's known possession of nuclear weapons would be highly detrimental to our interests and that we might persuade the Israelis to say they do not "possess" such weapons, what is the best tactic to follow?

1. Should we raise the issue and seek specific Israeli assurances or content ourselves with a general statement of our opposition to proliferation?

a. The arguments for raising the issue directly are:

--This is the only approach that stands any chance of persuading the Israelis to take our interests seriously. Their practice is to read silence as consent.

--If it becomes known that Israel has nuclear weapons, it will be to our advantage to have built a record of attempting to prevent introduction of nuclear weapons into the Mid-East.

b. The arguments against raising the issue in a specific way are:

--While this is debatable, it can be argued that the Israelis are unlikely in the near future to detonate a nuclear device or to publicly announce that they have a nuclear capability. Thus, the distinction between where they themselves will stop and where we might try to get them to stop is too small to risk a confrontation.

--We cannot hold a detailed dialogue with the Israelis and sustain our position publicly without risking making Israel's nuclear capability public knowledge. That could bring on the crisis and the sharp Soviet reaction we are trying to avoid.

--The only hope of getting the Israelis to agree with us to maintain secrecy and sign the NPT is to get an Arab-Israeli political settlement. We should save our leverage with them for this issue.

2. If we raise the issue, should we hold up delivery of the Phantoms (and even shipment of other conventional weapons) until we get what we want?

a. Con.

--It is important to the US for Israel to be able to defend itself. Halting delivery of the Skyhawks and suspending plans for delivery of the Phantoms would leave Israel with a highly disadvantageous ratio in supersonic aircraft vis-a-vis the UAR next year. While Israel could probably still hold its own on the Suez Canal, its vulnerability would increase.

--A conventional arms embargo might make Israel's recourse to nuclear weapons more--not less--likely.

--The American body politic would generate intolerable political trouble for the Administration--damaging Congressional attacks on Administration programs. Yet, we could not defend our position without making the nuclear issue public.

--If Israel's going nuclear may force us to dissociate ourselves from Israel eventually, we want to set it up to defend itself first so we will not later face the excruciating choice of going to its aid if it gets in trouble.

b. Pro.

--If we believe stopping the Israelis is important enough, this is the only prospect serious enough to have a chance of success.

--They may not want a confrontation with us on this issue. If we make a reasonable request that gives them some flexibility of interpretation and not make a direct threat they might agree to our limited requests and we might not have to carry through our threat. If they are at a good stopping place, they might be able to agree to freeze their program and

keep it secret with little cost. The only loss to them would be giving up holding the threat of potential nuclear weapons over the Arabs.

--If Israel openly became a nuclear power, we would have little choice anyway but to take our distance. Once Israel's possession of nuclear weapons was known, it would be difficult for Israel to confront us publicly on the nuclear proliferation issue. Our position could be presented as acting in the US interest without jeopardizing Israel's security in the near term as long as we were willing to deliver conventional weapons to a non-nuclear Israel.

- c. Conclusion: There is a serious issue whether we should make this threat now and risk undercutting whatever chance we may have via our diplomatic effort to achieve a peace settlement. The dilemma on that front is that if we don't stop Israel's nuclear development, that will jeopardize the peace effort and increase the danger to us besides.

The real dilemma is how to get Israel to take us seriously without making the nuclear issue public and bringing on a crisis. The only way out of this dilemma seems to be to make the firmest but gentlest approach possible on the assumption that Israel does not want a showdown with us on this issue. There seems little question, however, that we shall make no dent on the Israelis unless we put something they very much want into the balance--at least by implication.

3. Should we try for Israeli assurance that it will stop its strategic missile as well as its nuclear weapons program?

- a. Con.

--Getting the Israelis to abandon their surface-to-surface missile program seems impossible. Their

assembly line is turning the missiles out now.

-- We are on very weak ground provoking a show-down over another sovereign nation's decision to deploy a delivery system that it believes makes sense.

-- Nuclear weapons and not missiles are our main objective. We should not overload the circuit.

b. Pro.

The main military justification for these missiles is the nuclear warhead (though the Israelis have also talked of chemical warheads).

-- Therefore the deployment of the missiles may provoke the same reaction as the actual deployment of the warheads. Everyone will assume they have nuclear warheads whether they do or not.

-- It is a lot easier for us to police Israeli assurances if the missiles are not deployed. We can see missile deployment, and it can be an indicator for us. If missiles are on the launching pads, it is difficult for us to determine whether they have nuclear warheads or not.

- c. Conclusion: Our main objective is to keep secret Israeli nuclear weapons. But because the public impact of missile deployment might be almost the same as nuclear weapons deployment, we might start by trying to persuade the Israelis not to deploy SSM's. We probably cannot persuade them to stop the production line.

RELATION TO THE PEACE EFFORT

4. Might anything be done to have this effort complement rather than undercut our efforts to achieve a political settlement?

a. Con.

--The Israelis already doubt our support, as a result of our talks with the Russians on the terms of a settlement. Threatening them on the nuclear issue now would confirm their worst fears.

--If we threatened to cut off Israel's conventional arms supply, it would harden its demand for expanded borders. It would want the added security of strategic borders if it lost what it considers to be the security of advanced weapons.

--Carrying out our threat to cut military supply would make the nuclear issue public and it would be harder for the Arabs to make the concessions necessary for a settlement.

--It is better to play out the present diplomatic effort first and then tackle the nuclear problem.

--Any US effort to encourage the Israelis to get something from the USSR in return for their signature on the NPT would, in effect, involve us in nuclear blackmail.

b. Pro.

--If we don't settle the nuclear problem soon, it could itself wreck the diplomatic effort to achieve a settlement. In fact, the Israelis could well use it at some point to sabotage the peace talks if they did not like the way the talks were going.

--If we want to press the Israelis on the terms of peace, we would be in a more defensible position applying pressure ostensibly for the sake of non-proliferation. If we come to a showdown on either issue--withdrawal or non-proliferation--the main leverage will not be jet aircraft but the total US-Israeli relationship. If we were going to have

that kind of confrontation, it would be easier for us to manage on the issue of proliferation than of borders, though it is doubtful that Israel would give on both.

- c. Conclusion: There is probably little constructive relationship between this nuclear problem and our diplomatic effort to achieve peace. The main issue is to structure our dialogue on the nuclear issue, if any, so as to leave Israel enough flexibility to minimize the damage on the peace effort.

IV. Conclusions

- A. We must reach some sort of understanding with Israel about its plans for its nuclear weapons program before we can deliver the Phantom aircraft.
- B. The logical bilateral Israeli commitment to press for is:
 - 1. Israeli ratification of the NPT within a stated period.
 - 2. Reaffirmation in writing that Israel will not be the first to introduce nuclear weapons into the Middle East-- this time with a precise definition of what "introduce" means. [We may want to agree to ourselves that it will be sufficient if the Israelis live up to their own definition-- not test and not make public--but in talking to them and for the record we should stick to our own definition-- "introduce" means "possess." It is not in our interest that they possess nuclear weapons, but we do have to take into account the practical limits of what we can achieve and enforce.]
 - 3. Agreement at least not to deploy strategic missiles, though we may want to consider at the outset asking them to halt production.
- C. If we are to approach the Israelis, they will not take us seriously unless they believe we are prepared to withhold something they very much want. The problem is to couch

our request in such a way that they can accede without paying too high a price. These factors must be taken into account:

1. Israel has already--in buying the Phantoms-- committed itself in writing not to be the first to introduce nuclear weapons into the Mid-East. Ambassador Rabin has defined "introduction" as testing and publicizing.
2. The proposal which represents the consensus of our special group--ask Israel to define "introduction" as "possession"--might just allow Israel enough flexibility of interpretation to permit acceptance without a showdown.
3. The positive side of implying a threat to withhold aircraft could be to promise to meet new Israeli needs if we can reach an understanding on this issue. They have already said they want more Skyhawks and more Phantoms. The hope of a positive response on those could be held out as an incentive.