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**Priorities and Constraints: Presidential Decision Making and Nuclear
Nonproliferation Policy in the First Decade of the NPT**

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Priorities and Constraints: Presidential Decision Making and Nuclear Nonproliferation Policy in the First Decade of the NPT

by

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The signing and ratification of the Nuclear Nonproliferation Treaty (NPT) had the potential to be an inflection point in presidential decision making regarding nonproliferation policy. The norm-creating treaty was a new tool for presidents to use to prevent the spread of nuclear weapons and reduce the possibility that states would someday participate in a nuclear war. However, the NPT had only a limited impact on presidential nonproliferation policy in the years after the implementation of the treaty, and it failed to lead to a standard response to proliferation challenges.

While most attempts to understand U.S. nuclear policy after the enactment of the NPT center on arms control, this dissertation explores why and how presidents developed nonproliferation policy in the decade after the signing and ratification of the NPT. It is an historical analysis of how and why presidents made decisions to either prioritize or deprioritize nonproliferation policy as compared to pursuing other objectives. Presidential preferences for nonproliferation varied greatly depending on their personal commitments to nonproliferation as well as their calculations of threats that stemmed from proliferation. Other actors like Congress, the public, the nuclear industry, the Soviet Union, and allies placed restraints on the president's ability to enact his preferences. Although Congress generally gives the president a large amount of leverage in

determining the direction of foreign policy, it proved to be a particularly strong domestic check on presidential preferences for nuclear policy. Geopolitical objectives, especially Cold War goals, overwhelmed presidential preference for nonproliferation policy. When nonproliferation goals aligned with Cold War objectives, presidents directed resources towards achieving those goals; however, if pursuing a nonproliferation policy would reduce American power or its ability to compete with the Soviet Union, presidents repeatedly deprioritized nonproliferation goals in favor of Cold War objectives.

Table of Contents

| | |
|---|-----|
| Chapter One: Introduction..... | 1 |
| The Argument..... | 2 |
| Introduction to Presidential Decision and Nuclear Nonproliferation Policy..... | 12 |
| Literature Review..... | 25 |
| Chapter Outline..... | 37 |
| Chapter Two: West Germany and Nuclear Weapons..... | 45 |
| West Germany and the NPT..... | 48 |
| Nixon, West Germany, and the NPT..... | 62 |
| Chapter Three: Peaceful Nuclear Explosions Loophole..... | 101 |
| The Brief History of Peaceful Nuclear Explosions..... | 104 |
| Nixon and the Indian Nuclear Test..... | 118 |
| President Ford and the Smiling Buddha..... | 141 |
| Chapter Four: Nuclear Suppliers and Curbing Proliferation..... | 160 |
| The Tarapur Shipments..... | 165 |
| American Export: Israel and Egypt..... | 186 |
| The Nuclear Suppliers Group..... | 193 |
| Chapter Five: The Making and Unmaking of The Nonproliferation President..... | 211 |
| Jimmy Carter and Nuclear Weapons..... | 213 |
| Soviet Invasion of Afghanistan..... | 242 |

| | |
|--|-----|
| Supplying India..... | 262 |
| Chapter Six: Seeking Security..... | 270 |
| Ronald Reagan Faces Nuclear Weapons..... | 273 |
| Reagan and the Proliferators..... | 279 |
| Reagan, Osirak, and the Nonproliferation Crisis..... | 294 |
| Chapter Seven: Conclusion..... | 345 |
| Bibliography..... | 364 |

CHAPTER ONE

Introduction

The year 1968 was one of the tensest years since World War II. The Tet Offensive strengthened the anti-Vietnam War protest movement and turned popular support away from the war. The assassinations of civil rights leader Martin Luther King, Jr. and Democratic presidential candidate Robert F. Kennedy shocked and saddened the nation. Yet, in the tumultuous months of civil unrest, of Soviet nuclear build-up and tensions abroad, the world came together to sign the Nuclear Nonproliferation Treaty (NPT). The NPT was a symbol of peace, an agreement that states were willing to give up the right to develop nuclear weapons in order to protect the greater good and decrease the likelihood that the world would someday descend into nuclear war.

The Soviet invasion of Czechoslovakia the month after the signing of the NPT temporarily dashed the hopes of many that the treaty would succeed. The invasion was a major disruption, causing President Johnson to withdraw the NPT from consideration of Senate ratification.

After campaigning against the ratification of the NPT, Richard Nixon won the 1968 presidential election. However, when Nixon entered office, he made a choice. The Cold War warrior, the realist, chose to send the norm-developing international treaty to the Senate for ratification. What would this decision mean for the future of American foreign policy? Would the NPT transform the way presidents made decisions regarding nuclear nonproliferation policy?

The Argument

Presidential Policy

Presidents from Johnson to Reagan all pledged American support for the NPT and the nonproliferation principles it enshrined. Yet, these presidents addressed nonproliferation concerns within the broader context of geopolitical concerns, especially in relation to Cold War priorities. Each president prioritized nonproliferation differently depending on his personal assumption regarding the danger of proliferation, his preference for nonproliferation policies, his perceived ability to address other geopolitical issues while prioritizing nonproliferation, and his access to tools and capabilities to address a proliferation issue. The Soviet Union, Congress, allies, industry, and domestic public opinion all affected a president's ability to address proliferation problems. The NPT did not lead to a standard or unified response to nonproliferation challenges, and was not a driving factor for most presidential nonproliferation policies. Instead, presidential nonproliferation policy varied across administrations, with presidents tailoring nonproliferation policies to their calculations of threats stemming from proliferation. These calculations were consistently made with regard to how strong the proliferation threat was in relation to others. Despite the variation in threat calculations, nearly all nonproliferation policy decisions were made with regard to how that policy would impact American power relative to the Soviet Union. If a nonproliferation policy threatened to reduce America's ability to pursue other policy preferences, presidents would repeatedly put Cold War objectives first while downgrading the importance of pursuing the ideal nonproliferation objective.

Nonproliferation scholars are often proponents of nonproliferation. This scholarship sometimes leads to claims that are out of line with the historical record, such as Nina Tannenwald's assertion of a nuclear taboo.¹ A taboo exists when a topic is beyond consideration; yet, since the beginning of the nuclear age, policymakers and strategists considered using nuclear weapons multiple times. As a result, the topic was not taboo. Policies on the spread of nuclear weapons deserve a critical evaluation that considers whether policymakers thought about a nonproliferation norm, but does not depend on the assumption that a norm developed. As this dissertation will show, the historical record indicates that policymakers didn't necessarily hold the same commitment to a nonproliferation norm as nonproliferation scholars. To policymakers, maintaining or expanding U.S. power remained the ultimate concern, coupled with the mission to prevent the expansion of Soviet power. Nonproliferation, while clearly a significant objective, was secondary, and the goal could be "adjusted" if it interfered with U.S. power or American attempts to constrain Soviet power.

Although this dissertation employs the signing of the treaty as the starting point and includes a thorough examination of the archival record for evidence of the impact of the NPT on presidential nonproliferation policy, it also includes a much broader examination of presidential decision-making and nuclear nonproliferation policies. This dissertation therefore explores the goals, constraints, and political imperatives of nuclear nonproliferation decisions at the presidential level for four presidents: Nixon, Ford, Carter, and Reagan. In the process, this study will show that while the NPT contributed to

¹ Tannenwald, Nina, "Stigmatizing the Bomb: Origins of the Nuclear Taboo," 29 *International Security* 4 (Spring 2005), 5-49.

framing presidential choices, the treaty itself had only a limited impact in determining nonproliferation policy. Many of the strongest nonproliferation policies, such as the creation of the Nuclear Suppliers Group, were deliberately defined outside the framework of the NPT to make up for deficiencies in the treaty or to deal with the unintended consequences of the treaty, like the normalization of Peaceful Nuclear Explosions.

The NPT had the potential to be a significant influence in presidential decision-making based on three assumptions: first, that the NPT could alter calculations by states to pursue nuclear weapons because it could reduce the likelihood that neighboring or enemy states were pursuing nuclear weapons. Significant trust that the NPT altered a state's calculations on obtaining a nuclear weapon could affect a president's calculations if a state were a member of the NPT. Second, the Johnson administration put significant diplomatic effort into negotiating the treaty, which signaled its importance to U.S. policy. An important treaty would be a tool for presidents, a serious topic of conversation when determining policy, and would adjust presidential calculations on nuclear policy. It would lead to new goals and new customs in decision-making. Third, the negotiation efforts and eventual signing of the NPT highlighted how many states preferred a universal prohibition against the spread of nuclear weapons. Momentum from this nearly universal preference could influence presidential calculations in deciding nuclear policy. These assumptions did not significantly alter presidential calculations. Even as presidents continued to oppose nuclear proliferation, the NPT did not end up having a prodigious impact on presidential decision-making regarding nuclear policies in the decade after the signing and ratification of the NPT.

This author assumes that the president is the biggest driver in determining U.S. nuclear policy due to constitutional design, and as a result focuses on presidential decision-making while analyzing nuclear policy. The Constitution authorizes the president to respond to international events, propose legislation, negotiate international agreements with foreign leaders, make policy declarations, and implement policy declarations.² The president works primarily in the foreign policy realm when he addresses NPT policy because nuclear nonproliferation is centered on preventing other states from acquiring nuclear weapons. Theorists assess that presidents shape U.S. foreign policy. For instance, Aaron Wildavsky articulates the theory of the Two Presidencies, whereby the president has more power to determine policy in the foreign realm compared to the domestic realm.³ Presidents argued for this theory as well. For instance, in 1967, Richard Nixon said that “I’ve always thought the country could run itself domestically without a president...you need a president for foreign policy.”⁴

Each president has preferences for specific policies; the resources that the president allocates towards accomplishing his policy goals indicate how strong his preferences are for a specific policy, and in the process illuminates the intersection between preferences, strategy, and policy.⁵ Because the president is working within the

² Grimmet, Richard F., “Foreign Policy Roles of the President and Congress,” Foreign Affairs and National Defense Division, Department of State, 1 June 1999, available at: <http://fpc.state.gov/6172.htm>. Note also that I refer to the president as “he” recognizing that a woman will someday take on this role.

³ Wildavsky, Aaron, “The Two Presidencies,” 4 *Trans-action* 2 (December 1966), 7-14.

⁴ Reeves, Richard, *President Nixon: Alone in the White House* (New York City: Simon and Schuster, 2001), 43.

⁵ Rodman, Peter W., *Presidential Command: Power, Leadership, and the Making of Foreign Policy from Richard Nixon to George W. Bush* (New York City: Alfred A. Knopf, 2009), 56. Rodman critiques Dallek for focusing too heavily on Nixon and Kissinger’s idiosyncrasies and personalities to the detriment of illuminating the greater foreign policy decision making in the administration. Dallek, Robert, *Nixon and Kissinger: Partners in Power* (New York City: Harper Collins Publishers, 2007). See also, for instance:

American political system and the broader international environment, he is constrained by official and unofficial actors including Congress, the Soviet Union, allies, industry, and the public. From Presidents Johnson to Reagan, Congress not only served as a significant check on each president's foreign policy, it also held a larger than normal role in checking the president's nuclear policies based on the design of the Joint Committee on Atomic Energy (JCAE) and more generally as a result of the post-Watergate efforts to constrain the president. However, because of a continued need to be able to combat the spread of Soviet power, the Soviet Union was the most salient check on the ability of presidents to develop and execute nonproliferation policies.

Finally, nonproliferation policy in the wake of the NPT deserves additional scholarly review. In the past 45 years, political scientists and political theorists have employed methods to determine the impact of nonproliferation and nuclear weapons on U.S. foreign policy.⁶ Scholars have produced a prodigious amount of literature on the events that led to the NPT,⁷ the negotiation process of the treaty,⁸ and the role of the U.S.

Botchway, Benjamin Odartei, *The Impact of Image and Perception on Foreign Policy: An Inquiry into American Soviet Policy during Presidents Carter and Reagan Administrations 1977-1988* (Munchen: Tuduv-Studien, 1989); Barber, James David, *The Presidential Character: Predicting Performance in the White House* (Englewood Cliffs: Prentice Hall, 1972); Thomas, Evan, *Being Nixon: A Man Divided* (New York City: Random House, 2015).

⁶ Fields, Jeffrey R. (ed), *State Behavior and the Nuclear Nonproliferation Regime*, (Athens: The University of Georgia Press, 2014); George, Alexander, and Richard Smoke, *Deterrence in American Foreign Policy: Theory and Practice* (New York City: Columbia University Press, 1974); Kroenig, Matthew, *Exporting the Bomb: Technology Transfers and the Spread of Nuclear Weapons* (Ithaca: Cornell University Press, 2010); Ogilvie-White, Tanya, "Is There a Theory of Nuclear Proliferation? An Analysis of the Contemporary Debate," 4 *The Nonproliferation Review* 1 (Fall 1996), 43-60.

⁷ Coates, Ken (ed), *China and the Bomb* (Nottingham: Spokesman, 1986); Dewitt, David (ed), *Nuclear Non-Proliferation and Global Security* (New York City: St. Martin's Press, 1987); Frieman, Wendy, *China, Arms Control, and Nonproliferation* (New York City: RoutledgeCurzon, 2004); Kokoski, Richard, *Technology and the Proliferation of Nuclear Weapons* (New York City: Oxford University Press, 1995); Schrafstetter, Susanna, "The Long Shadow of the Past: History, Memory and the Debate over West Germany's Nuclear Status, 1954-69," 16 *History and Memory* 1 (Spring/Summer 2004), 118-145.

in the development of the NPT.⁹ Legal scholars have debated the significance of the treaty in constraining U.S. action.¹⁰ Scholars of presidential decision-making have analyzed the impact of presidential preferences on foreign policy¹¹ and the actors that constrained presidential choices.¹² Historians have analyzed individual presidential beliefs regarding nuclear weapons, and how those beliefs led to specific policy choices.¹³ However, there is a dearth of literature addressing presidential decisions on nuclear

⁸ Kaufman, Scott, *Project Plowshare: The Peaceful Use of Nuclear Explosives in Cold War America* (Ithaca: Cornell University Press, 2013); Knopf, Jeffrey W. (ed), *Security Assurances and Nuclear Nonproliferation* (Stanford: Stanford University Press, 2013); Bartels, Robert D., “The Nonproliferation Treaty and Peaceful Applications of Nuclear Explosions,” 20 *Stanford Law Review* 5 (May 1968), 1030-1044; Bourantonis, Dimitris, “The Negotiation of the Non-Proliferation Treaty, 1965-1968: A Note,” 19 *The International History Review* 2 (May 1997), 347-357; Bunn, George, and Roland M. Timerbaev, “Security Assurances to Non-Nuclear-Weapon States,” *The Nonproliferation Review* (Fall 1993), 11-21; Keens-Soper, Maurice, “Negotiating Non-Proliferation,” 24 *The World Today* 5 (May 1968), 189-196.

⁹ Gavin, Francis, *Nuclear Statecraft: History and Strategy in America’s Atomic Age* (Ithaca: Cornell University Press, 2012); Beckman, Robert L., *Nuclear Non-Proliferation: Congress and the Control of Peaceful Nuclear Activities* (Boulder: Westview Press, 1985), 110-122; Johnson-Freese, Joan, “Interpretations of the Nonproliferation Treaty: The U.S. and West Germany,” 37 *Journal of International Affairs* 2 (1984), 283-293; Keens-Soper, 189-196; Schrafstetter, 118-145.

¹⁰ Gray, Christine, *International Law and the Use of Force* (Third Edition. Oxford: Oxford University Press, 2008); Cowen, Barton Z., “A Look at U.S. Nuclear Nonproliferation Policy,” 73 *Proceedings of the Annual Meeting American Society of International Law* (26-28 April 1979), 159-166.

¹¹ Greenstein, Fred I., (ed), *Leadership in the Modern Presidency* (Boston: Harvard University Press, 1995); Hoffman, Stanley, *Primacy or World Order: American Foreign Policy Since the Cold War* (New York City: McGraw Hill, 1980); Hymans, Jacques E. C., *Achieving Nuclear Ambitions: Scientists, Politicians, and Proliferation* (New York City: Cambridge University Press, 2012); Mintz, Alex, and Karl DeRouen Jr., *Understanding Foreign Policy Decision Making* (Boston: Cambridge University Press, 2011); Nelson, Michael (ed), *The Presidency and the Political System, Ninth Edition* (Washington, D.C.: CQ Press, 2010).

¹² Dahl, Robert A., *Congress and Foreign Policy* (Westport: Greenwood Press, 1983); Daubert, Victoria L., and Sue Ellen Moran, *Origins, Goals, and Tactics of the U.S. Anti-Nuclear Protest Movement* (Santa Monica: Rand Publications Series, 1985); Epstein, Barbara, *Political Protest and Cultural Revolution: Nonviolent Direct Action in the 1970s and 1980s* (Berkeley: University of California Press, 1991); Ippolito, Dennis S., *Why Budgets Matter: Budget Policy and American Politics* (University Park: The Pennsylvania State University Press, 2003); Katz, James Everett, *Congress and National Energy Policy* (New Brunswick: Transaction, Inc., 1984); Lehman, John, *The Executive, Congress, and Foreign Policy: Studies of the Nixon Administration* (New York City: Praeger Publishers, 1974); Pfiffner, James P., *The Modern Presidency, Second Edition* (New York City: St. Martin’s Press, Inc., 1998).

¹³ Burr, William, and Jeffrey P. Kimball, *Nixon’s Nuclear Specter: The Secret Alert of 1969, Madman Diplomacy, and the Vietnam War* (Lawrence: University of Kansas Press, 2015); Lettow, Paul, *Ronald Reagan and His Quest to Abolish Nuclear Weapons* (New York City: Random House, 2005). Logevall, Fredrik and Andrew Preston (eds), *Nixon in the World: American Foreign Relations, 1969-1977* (New York City: Oxford University Press, 2008); Mann, James, *The Rebellion of Ronald Reagan: A History of the End of the Cold War* (New York City: Penguin Books, 2009).

nonproliferation issues across administrations in the years after the signing of the NPT, and whether nonproliferation decisions were shaped by the NPT.¹⁴ The NPT appears to be significant in the literature up until the point where it is signed, but then the focus of scholars transitions to arms control, especially the negotiation of the SALT treaties.¹⁵ Because arms control became such a prodigious issue in the Nixon, Ford, Carter, and Reagan administrations, to the point where it overshadowed other nuclear issues, the record of nonproliferation policies during this time period deserves additional examination.

Nonproliferation Policy in the First Decades after the Signing of the NPT

Proliferation challenges in the decade after the signing and ratification of the NPT show the interconnectedness of nuclear issues, and the unintended consequences of the NPT. The NPT itself goes beyond nuclear nonproliferation, touching on issues of nuclear energy, peaceful nuclear explosions (PNEs), and even disarmament. Presidents rarely addressed one issue in isolation; for instance, by addressing the problems that resulted from the guaranteed right to PNEs in the NPT, a president would work towards

¹⁴ There is some literature on the subject, but not across this specific time period or with this focus. See, for instance, Cerami, Joseph R., *Leadership and Policy Innovation-From Clinton to Bush: Countering the Proliferation of Weapons of Mass Destruction* (New York City: Routledge, 2013); Gavin, *Nuclear Statecraft*. Beckman, *Nuclear Non-Proliferation*.

¹⁵ Logevall and Preston, *Nixon in the World*; Gavin, *Nuclear Statecraft*; Garthoff, Raymond L., "Security, Arms, and Arms Control," 11 *Harvard International Review* 3 (1989), 58-63; Platt, Alan, and Lawrence D. Weiler, (eds.), *Congress and Arms Control* (Boulder: Westview Press, 1978); Newhouse, John, *Cold Dawn: The Story of SALT* (New York City: Holt, Rinehart and Winston, 1973); Downer Crain, Andrew, *The Ford Presidency: A History* (Jefferson: McFarland and Company, Inc., 2009); Newmann, William W. "Causes of Change in National Security Processes: Carter, Reagan, and Bush Decision Making on Arms Control," 31 *Presidential Studies Quarterly* 1 (March 2001), 69-103; Talbot, Strobe, *Endgame: The Inside Story of SALT II* (New York City: Harper Collins Publishers, 1982). There are some exceptions. See, for instance, Potter, William C., (ed.), *International Nuclear Trade and Nonproliferation: The Challenge of Emerging Suppliers* (Toronto: Lexington Books, 1990).

constraining proliferation. Similarly, by developing nuclear supplier safeguards for nuclear materials, presidential policies highlighted that the NPT-guaranteed right to nuclear energy had the potential to lead to nuclear proliferation.

The addition of the NPT as a presidential tool allows one to better understand what presidents thought about proliferation and other nuclear challenges. The NPT codified what, until then, were customs related to nuclear nonproliferation. Although customs affect state behavior, once states become members to a treaty, they are obligated to follow the provisions of the treaty.¹⁶ U.S. presidents in the decade after the signing and ratification of the NPT opposed the spread of nuclear weapons, even to allied and aligned states, and preferred other states become parties to the NPT. Yet presidents had little faith that the treaty alone would prevent proliferation when a state was insecure and believed nuclear weapons could increase its security.

The decade after the signing and ratification of the NPT also provides a unique time period to study because of the political changes that occurred. This dissertation addresses nuclear policies spanning from the beginning of Nixon's presidency to the end of Reagan's presidency. Each of the four presidents held different political objectives for nuclear policy and faced unique nonproliferation challenges. Since the NPT was a new addition to the presidents' toolbox, they did not have a precedent on how to incorporate the NPT into their policies when addressing distinct challenges. By analyzing four administrations, including administrations of both Republicans and Democrats with

¹⁶ The NPT codified that nonnuclear weapons states would refrain from developing nuclear weapons, but nuclear weapons states could remain nuclear. See generally Graham, Thomas, Jr., *Disarmament Sketches: Three Decades of Arms Control and International Law* (Seattle: University of Washington Press, 2002), 257-293.

divergent views on the importance of nuclear nonproliferation, this author develops a more comprehensive view of how and why a president developed nuclear policies than if fewer administrations were considered. This time period also facilitates a deeper look into the impact of Congress on presidential decision-making since Congressional involvement in defense policy, especially nuclear policy, became more statistically significant after 1968.¹⁷ While Congress frequently deferred to the president on foreign policy decisions, it became a major check on the president's nuclear policies. Finally, because the time period addressed in this dissertation is more than thirty years in the past, many (though not all) of the archival documents are declassified, which has allowed for a more thorough analysis of the presidential responses to proliferation.

The Many Actors

The president cannot make policy in a vacuum, and as a result this dissertation is a rich study of the actors that limited presidential choices. The president's greatest constraints on implementing nonproliferation policies were the Soviet Union and Cold War objectives. The Cold War was often an overwhelming factor in the president's calculus, limiting the president's policy choices regarding nonproliferation preferences. Presidents were consistently concerned with preventing the Soviets from gaining an advantage. When the president faced accomplishing a Cold War-related objective or a nonproliferation objective, he chose to accomplish the Cold War objective.

¹⁷ Platt and Weiler, 4. See also Lehman, vii.

The president was also constrained by allies, business, and the public. Because many of the nuclear policy objectives the president held depended on other states' support, the president could not fulfill his objectives without support from other states. For instance, when Ford decided to pursue the establishment of the Nuclear Suppliers Group, he had to lean on an ally, France, to support the initiative. The president was also constrained by business interests, especially when he attempted to restrict the nuclear energy industry. Finally, when the public united behind a restrictive nuclear policy, the president was prevented from enacting a less restrictive nuclear policy.

The constraint that Congress placed on the president was more significant in nuclear policy than in other foreign policy issues. Congress could vote in favor or against the legislation. Additionally, Congress made its own resolutions and foreign policy statements, issued legislative directives, exerted legislative pressure, gave informal advice to the president, and conducted oversight.¹⁸

Beyond the standard means of checking the president, Congress had special capabilities to check the president on nuclear policy. The Joint Committee on Atomic Energy (JCAE), a powerful Congressional committee that had joint decision-making authority on many nuclear issues, was the primary factor in giving Congress abnormally large discretion to check the president's nuclear policies. The JCAE was unique because it had access to the same materials as the president and had joint decision-making authority. While Congress almost always had an intelligence deficit on foreign policy issues compared to the president, the JCAE's access to intelligence allowed it a unique

¹⁸ Grimmet, Richard F., "Foreign Policy Roles of the President and Congress," Foreign Affairs and National Defense Division, Department of State, 1 June 1999, available at: <http://fpc.state.gov/6172.htm>.

role in checking the president because it held many of the same powers as the president.¹⁹ What's more, especially in light of Watergate and the Indian nuclear test, Congress passed a large number of laws to assure that it would have an increasingly large role in determining U.S. nuclear policy. When Congress was set on constraining presidential power instead of deferring to the president on foreign policy, it had the ability to be one of the greatest checks on presidential nuclear policy decision-making.

Introduction to Presidential Decision-Making and Nuclear Policy

The very decision to ratify the NPT is the best introduction to the calculations and actors that affect a president's decisions regarding nuclear policy. It highlights the significant impact Soviet actions and decisions had in shaping the president's decisions. The following section introduces the reader to the foundational issues in order to help frame how presidents approached policies related to the NPT after its ratification, and how presidents made nonproliferation policy calculations.

When Richard Nixon became president on January 20, 1969, he devoted his first National Security Council (NSC) meeting to deciding whether to seek ratification of the NPT.²⁰ For someone outside the administration, this could have appeared to be an agenda-setting moment. The Nixon administration was ready to seek the ratification of a treaty which could significantly alter the international environment. It would limit the spread of nuclear weapons, reduce the stockpiles of nuclear powers, and guarantee all

¹⁹ Dahl, 26.

²⁰ National Archives. Nixon Presidential Materials NSC Files, NSC Institutional Files (H-Files). Box H-19. Memcon, NSC Meeting, 29 January 1969.

states the right to nuclear energy. While the hurried decision to submit the NPT for ratification may project the image that he was set on pursuing a strong nuclear nonproliferation agenda, Nixon had only limited faith in its usefulness.

The NPT arguably originated during the John F. Kennedy administration, in a 1961 United Nations General Assembly Resolution that called for states to negotiate a ban on all nuclear weapons.²¹ After a long process of negotiations, the U.S. signed the NPT on July 1, 1968 on the day the treaty opened for signatures.²² President Johnson claimed that the treaty was “the most important international agreement since the beginning of the nuclear age” and sent the treaty to the Senate for ratification.²³

While many actors supported the NPT, enthusiasm was not universal. In fact, critics of the NPT included the brash presidential candidate, Richard Nixon. Nixon questioned whether the prohibition of nuclear weapons, particularly those used for

²¹ Scholars debate the true origins of the NPT. While the treaty may originate in the UN General Assembly, the NPT can trace its roots to the establishment of the IAEA with President Eisenhower’s Atoms for Peace address, or even with the Baruch Plan in 1946. See also United National General Assembly Resolution 1649, XVI, “The urgent need for a treaty to ban nuclear weapons tests under effective international control.” 1049th plenary meeting. 8 November 1961. See, for instance, Nye, Joseph S., Jr., “U.S.-Soviet Cooperation in a Nonproliferation Regime,” in George, Alexander L., Philip J. Farley, and Alexander Dallin (eds), *U.S.-Security Cooperation: Achievements, Failures, Lessons* (New York City: Oxford University Press, 1988), 336.

²² For a discussion of what he explains were the five shifts of strategy regarding nonproliferation between the U.S. and the Soviets, see Lavoy, Peter R., “Cooperation in Nuclear Nonproliferation Activities,” in Breslauer, George W., and Philip E. Tetlock, *Learning in U.S. and Soviet Foreign Policy* (Boulder: Westview Press, 1991), 735-783. The signing and ratification period existed during the time where both were dedicated to global control of nuclear weapons. For a look at the struggle for NPT negotiations, see Schrafstetter, Susanna, and Stephen Twigge. *Avoiding Armageddon: Europe, the United States, and the Struggle for Nuclear Nonproliferation, 1945-1970*. Westport: Praeger, 2004), 163-201.

²³ Lyndon B. Johnson, “Remarks on Signing the Nuclear Nonproliferation Treaty,” 1 July 1968. Available at: <http://millercenter.org/president/lbjohnson/speeches/speech-4037>. Maddox, Shane J., *Nuclear Apartheid: The Quest for American Atomic Supremacy from World War II to the Present* (Chapel Hill: The University of North Carolina Press, 2010), 279-80.

defensive purposes, would be good for the U.S. and its allies.²⁴ Even so, with the alignment of the U.S. and the Soviet Union, the NPT had strong prospects for ratification.²⁵

Johnson was a realist about proliferation; states would proliferate if it were in their ‘supreme national interest,’ regardless of the NPT.²⁶ The administration also assessed that states that were not concerned about their neighbors proliferating would be less likely to proliferate themselves. Johnson hoped that gaining ratification of the NPT in the U.S. would motivate countries all over the world to sign and ratify the NPT as quickly as possible and reduce those concerns about their neighbors.²⁷

At the beginning of August 1968, the superpowers were ready to commence the Strategic Arms Limitation Talks (SALT), with the summit date to be announced on August 21st. Then, on August 20th, 1968, the Soviet Union led the Warsaw Pact countries into Czechoslovakia in order to put an end to a series of liberal reforms.²⁸

The Soviet leaders calculated that the U.S. would not abandon the nuclear agreements in order to respond to the invasion.²⁹ However, Johnson did not act according to Soviet calculations. He assessed that the invasion seriously disrupted the future of U.S.

²⁴ Cohen, Avner, *The Worst-Kept Secret: Israel's Bargain with the Bomb* (New York City: Columbia University Press, 2010), 6.

²⁵ Maddox, 279-80.

²⁶ Lyndon Baines Johnson Library. Papers of Francis M. Bator, Subject File; Box 28; A Nuclear Role for Germany-What do the Germans want? 4/4/66 (2 of 2). Adrian Fisher Memo to Johnson, “Constructive Initiative Addressed to Eastern Europe and the Soviet Union,” 12 May 1966.

²⁷ Johnson and his team planned on quickly submitting the NPT to the Senate for ratification; however, the submission was dependent on whether the Soviets would similarly sign and ratify the NPT. Lyndon Baines Johnson Library. Box 32; 584th NSC MTG-3/27/68-Draft Treaty on Non-Proliferation of Nuclear Weapons. Papers of Bromley K. Smith; Bromley Smith Memorandum for the National Security Council, 25 March 1968.

²⁸ Maddox, 280.

²⁹ Tony Judt quoting a *New York Times* article from January 1, 1980, in Judt, Tony, *Postwar: A History of Europe Since 1945* (New York City: Penguin Books, 2005), 444.

and Soviet relations.³⁰ He promptly cancelled the SALT summit announcement and withdrew the NPT from consideration for ratification by the Senate.

While Nixon campaigned for president, he opposed ratifying the NPT. In the fall of 1968, Nixon said: “we’re not going to ignore on part the complete breach of the treaty and then sign [SALT] with them [the Soviets]. They have to indicate...that they believe in treaties, that if we have one with us that they’re going to carry it out.”³¹ According to Nixon, the U.S. should not negotiate with the Soviet Union when it was actively violating treaties. After he came into office in January of 1969, he reversed his stance and sent the NPT to the Senate for ratification. Nixon’s support for the NPT was part of a larger plan to achieve his goals for détente, SALT, and the Nixon Doctrine.³² Nixon was “ready to accommodate the Soviets.”³³ The NSC assessed that if the U.S. failed to ratify the NPT, the hardliners in the Politburo would oppose the SALT negotiations, and Nixon would not be able to fulfill his goals for arms control and the Nixon Doctrine.³⁴ He was constrained by actors outside his administration, notably the Soviets, U.S. allies who had yet to sign the NPT, Congress, and the American public. In order to accomplish his goals, Nixon needed to get the NPT ratified by working with all these actors.

³⁰ Lyndon Baines Johnson Library. Papers of Bromley K. Smith; Box 32; 589th NSC MTG-8/20/68-Soviet Invasion of Czechoslovakia. Memcon, “Soviet Invasion of Czechoslovakia,” 20 August 1968.

³¹ Televised Panel, “Richard Nixon speaks about signing Nuclear Non Proliferation Treaty with USSR, during a television program in Michigan,” 1968, available at: CriticalPast, http://www.criticalpast.com/video/65675057128_Richard-Nixon_television-program_Nuclear-Non-Proliferation-Treaty_studio-audience.

³² See Reiss, Megan, “Strategic Calculations in Times of Austerity: Richard Nixon,” in Fever, Peter, ed., *Strategic Retrenchment and Renewal in the American Experience* (Carlisle Barracks: United States Army War College Press, 2014).

³³ Greene, John Robert, *The Limits of Presidential Power: The Nixon and Ford Administrations* (Bloomington: Indiana University Press, 1992), 114.

³⁴ See Gaddis, John Lewis, *Strategies of Containment: A Critical Appraisal of American National Security Policy During the Cold War* (New York City: Oxford University Press, 2005), 286-306.

The President's Views

Nixon's approach to the NPT and nuclear policy was primarily as a realist. He preferred nonproliferation, and even feared the dangers from the spread of nuclear weapons. But he was determined that the U.S. must not become less powerful due to the NPT, and that nuclear policy could be formed in ways that could strengthen the U.S. For instance, he believed the treaty created few new obligations and would not be a constraint in times of war. Additionally, he was unwilling to strain the country's relationships with its allies for the purpose of the treaty.

The people Nixon brought into his administration highlight that nuclear nonproliferation, while preferred, was not a top objective for the administration. Nixon chose Henry Kissinger as his National Security Adviser. Kissinger wrote a book on nuclear weapons where he argued for the "federalization," or the controlled proliferation of nuclear weapons, to NATO countries.³⁵ When the allies could protect themselves, the U.S. would be better able to project strength through its manpower and military resources. Although Nixon never adopted a policy of controlled proliferation, he never elevated nonproliferation above other foreign policy goals. He prioritized the NPT at the beginning of his administration in order to accomplish foreign policy objectives. Curbing proliferation through the NPT was a secondary goal in the ratification for Nixon.³⁶

³⁵Suri, Jeremi, *Henry Kissinger and the American Century* (Cambridge: The Belknap Press, 2007), 172-173.

³⁶ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files. Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo; Kissinger to Rogers; 21 March 1969.

Nixon, the Soviets, and the Rest of the World

By the time Nixon came into office, 84 countries had signed the NPT and six had deposited instruments of ratification.³⁷ Nixon employed a passive approach to encourage other states to become party to the treaty.³⁸ He believed that once the U.S. ratified, more states would sign the treaty. For example, the administration assessed that certain states, such as Australia and Japan, would become party to the treaty after the U.S. ratified the NPT.³⁹ The failure of the U.S. to ratify would have a “crucial effect” on other states, and might lead to a failure of the NPT.⁴⁰ The administration also assessed that the “long-term interests of the NPT would be better served by a minimum of diplomatic pressure.”⁴¹ Nixon opposed dictating to U.S. allies or injuring any other bilateral relationships by putting pressure on other states to become party to the NPT. However, he supported other states pressuring potential proliferators to relinquish their pursuits and become

³⁷ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 8: Non-Proliferation Treaty through March 1969 (July 68-April 69); Report to Senator Fulbright from Dean Rusk on the NPT, 17 January 1969.

³⁸ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 10: Non-Proliferation Treaty, April 1969-March 1970. Study Requested by NSSM 13, 1 March 1969.

³⁹ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 8: Non-Proliferation Treaty through March 1969 (July 68-April 69); Telegram from Embassy in Rome to SecState, “Re: Italian NPT Signature,” January 1969.

⁴⁰ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 10: Non-Proliferation Treaty, April 1969-March 1970. Study Requested by NSSM 13, 1 March 1969.

⁴¹ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 8: Non-Proliferation Treaty through March 1969 (July 68-April 69); Report to Senator Fulbright from Dean Rusk on the NPT, 17 January 1969.

parties to the NPT. Notably, he encouraged Great Britain to pressure the Indians and South Africans to end their nuclear pursuits.⁴²

Nixon had to deal with the Soviet problem; the hardliners in the Politburo did not trust arms control with the Americans, and did not want to participate in SALT. Nixon's team believed that if the U.S. did not ratify the NPT, the hardliners would argue that the U.S. was not to be trusted to carry out treaty negotiations.⁴³ It was necessary to get the NPT ratified as soon as possible in order to save SALT.⁴⁴ He was also concerned that the Soviets would offer up conditional understandings of the NPT after the U.S. submitted its instruments of ratification that could increase Soviet power or decrease allied power.⁴⁵

⁴² Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 9: Non-Proliferation Treaty, April 1969-March 1970; Telegram from SecState to All Diplomatic Posts, "NPT Ratification," December 1969.

⁴³ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo; Kissinger to Rogers; 21 March 1969.

⁴⁴ See, for example, Newhouse, *Cold Dawn*.

⁴⁵ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 3: The Nixon Administration's First Six Months, July 1969; Memo, "Accomplishments of the First Six Months," 16 July 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo, Kissinger to Walsh, 28 March 1969. See Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo, Haig to Walsh, 24 March 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo, Kissinger to Rogers, 21 March 1969.

To prevent these possibilities, the administration worked to obtain an agreement that the U.S. and the Soviets would deposit the instruments of ratification at the same time.⁴⁶

Congress and the Administration

The Senate favored a functioning NPT. A month after the Soviet invasion of Czechoslovakia, on September 17, 1968, the Senate Foreign Relations Committee (SFRC) voted 13-3 to recommend Senate consent.⁴⁷ It then advised that after the Senate recommends ratification, the president should delay accession to the treaty until after receiving “positive assurances that a majority of those countries nearest to a nuclear weapons capability intend to adhere to the Treaty.”⁴⁸

The Senate did not take up the issue of the NPT again in the Fall, so it was referred again to the SFRC at the beginning of the Nixon administration.⁴⁹ The administration found the rationale of the SFRC’s recommendation to wait to deposit the instrument of ratification highly problematic. For Nixon, a delay based on other states

⁴⁶ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 3: The Nixon Administration’s First Six Months, July 1969; Memo, “Accomplishments of the First Six Months,” 16 July 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo; Haig to Walsh; 24 March 1969.

⁴⁷ United States Congress, Senate, Committee on Foreign Relations, *Nonproliferation Treaty: Hearings, Ninetieth Congress, second session, Ninety-first Congress, first session on Executive H, 90th Congress, second session; Treaty on the Nonproliferation of Nuclear Weapons* (Washington, D.C.: U.S. Government Printing Office, 1968-69), 305.

⁴⁸ Nixon Presidential Library and Museum, Yorba Linda, California. Box 6: HAK Administrative and Staff Files-Transition; NSC Files, Henry A Kissinger Office Files. Folder 3: 3 of 6; Report, “US Policy Toward the Soviet Union,” 25 November 1968.

⁴⁹ United States Congress, Senate, Committee on Foreign Relations, *Nonproliferation Treaty: Hearings, Ninetieth Congress, second session, Ninety-first Congress, first session on Executive H, 90th Congress, second session; Treaty on the Nonproliferation of Nuclear Weapons* (Washington, D.C.: U.S. Government Printing Office, 1968-69), 305.

signing first was a “chicken and egg” problem. He urged the Senate not to delay, then the SFRC relented and supported ratification.⁵⁰

The concerns of certain Senators propelled Nixon to engage directly to allay their fears. The SFRC had two major concerns: near nuclear countries would reduce the effectiveness of the NPT, and it would create new, prodigious, obligations for the U.S.⁵¹ Some worried the NPT created new obligations to use force to prevent proliferation.⁵² As a result, Nixon sent his Secretary of State, William Rogers, to reassure the Senators that the NPT would not create new use of force obligations.

Nixon personally reassured certain senators that their concerns about the treaty were unfounded.⁵³ Some members of the Republican party, alongside prominent

⁵⁰ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 8: Non-Proliferation through March 1969 (July 68-April 69); Memo for Kissinger from Keeny, “Provisions of the NPT and Associated Problems,” 24 January 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Draft White House Press Release from John Walsh, “NPT Press Questions,” 5 February 1969.

⁵¹ United States Congress, Senate, Committee on Foreign Relations, *Nonproliferation Treaty: Hearings, Ninetieth Congress, second session, Ninety-first Congress, first session on Executive H, 90th Congress, second session; Treaty on the Nonproliferation of Nuclear Weapons* (Washington, D.C.: U.S. Government Printing Office, 1968-69), 317-322.

⁵² Nixon Presidential Library and Museum, Yorba Linda, California. Box 6: HAK Administrative and Staff Files-Transition; NSC Files, Henry A Kissinger Office Files.; Folder 3: 3 of 6; Report, “US Policy Toward the Soviet Union,” 25 November 1968.

⁵³ United States Congress, Senate, Committee on Foreign Relations, *Nonproliferation Treaty: Hearings, Ninetieth Congress, second session, Ninety-first Congress, first session on Executive H, 90th Congress, second session; Treaty on the Nonproliferation of Nuclear Weapons* (Washington, D.C.: U.S. Government Printing Office, 1968-69) at 301. See also: Nixon Presidential Library and Museum, Yorba Linda, California. Box 77, Nixon Presidential Materials Files, White House Special Files, Staff member and Office Files, Memoranda for the President, Beginning January 21, 1969 to beginning April 6, 1969; Folder: Beginning March 2, 1969; Memo to President from Buchanan, “One observer’s notes of the second bipartisan leadership meeting,” 4 March 1969.

Democrats like Strom Thurmond, opposed the treaty.⁵⁴ Republican Senator Barry Goldwater worried that the NPT created new obligations for the U.S. to use force against proliferators and created an obligation to protect non-nuclear states in case a nuclear state attacked a non-nuclear state.⁵⁵ Nixon stressed to Goldwater that the NPT produced no new obligations for the U.S. and would not be in effect during wartime. The U.S. would have full maneuverability to use its nuclear arsenal.

In stressing that the NPT created “no new obligations,” Nixon set the expectations for how the U.S. would prioritize the NPT in American foreign policy. The NPT would not lead to major U.S. actions. Nixon’s assurances convinced the Senate that the treaty would not force the U.S. into expensive new commitments, so the Senate went on to

⁵⁴ Nixon Presidential Library and Museum, Yorba Linda, California. Box 77, Nixon Presidential Materials Files, White House Special Files, Staff member and Office Files, Memoranda for the President, Beginning January 21, 1969 to beginning April 6, 1969; Folder: Beginning March 2, 1969; Memo to President from Buchanan, “Notes on the evening meeting with the GOP leadership,” 6 March 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 77, Nixon Presidential Materials Files, White House Special Files, Staff member and Office Files, Memoranda for the President, Beginning January 21, 1969 to beginning April 6, 1969; Folder: Beginning March 9, 1969; Memo to President from Buchanan, “Congressional Leadership Meeting with the President,” 11 March 1969.

⁵⁵ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Letter, Goldwater to Harlow, 3 March 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo, Senator Goldwater’s Questions on the NPT, 5 March 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Letter; White House to Senate [no date]. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 8: Non-Proliferation through March 1969 (July 68-April 69); Issue Paper, “Issue Paper on the Nuclear Nonproliferation Treaty,” 20 January 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 8: Non-Proliferation through March 1969 (July 68-April 69); Letter, Rusk to Fulbright, 17 January 1969.

advise ratification on March 13, 1969. By the summer of 1969, the SFRC concurred with the administration, and advised that the U.S. and the Soviet Union ratify at the same time.⁵⁶

The Public and the NPT

Since the beginning of the nuclear age, the public had become increasingly involved with U.S. nuclear policy. President Truman proceeded with the development of the hydrogen bomb virtually in secret, but by 1960, the public rallied against the dangers of radioactive fallout, leading to the signing of the Limited Test Ban Treaty (LTBT) in 1963.⁵⁷ Tens or even hundreds of thousands of people in the United States and Western Europe banded together to push policymakers to limit above ground tests, establishing the public as a key player in the establishment of novel nuclear weapon policy.

Nixon made basic strides to gain public support for the treaty by announcing his support for the NPT. During a televised press conference, he declared it was necessary to express strong disapproval for Soviet actions in Czechoslovakia by withholding the treaty, but since the balance had shifted it was now in the best interest of the country to move forward on the NPT.⁵⁸ Nixon's press conference and the submission of the NPT to

⁵⁶ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 3: The Nixon Administration's First Six Months, July 1969; Memo from Halperin to Kissinger, "Accomplishments of the First Six Months," 16 July 1969.

⁵⁷ Drell, Sidney D., *Facing the Threat of Nuclear Weapons* (Seattle: University of Washington Press, 1989), 68-70. Additionally, Soviet concerns about the Chinese were key to the Soviets pursuing the test ban. Lüthi, Lorenz M., *The Sino-Soviet Split: Cold War in the Communist World* (Princeton: Princeton University Press, 2008), 254.

⁵⁸ United States Congress, Senate, Committee on Foreign Relations, *Nonproliferation Treaty: Hearings, Ninetieth Congress, second session, Ninety-first Congress, first session on Executive H, 90th Congress,*

the Senate was front page news.⁵⁹ Beyond basic actions to gain public approval, there was not a large White House campaign to seek out public approval.

The public wrote letters to their senators prior to the Senate ratification vote in March of 1969. For instance, in the Senator Henry (Scoop) Jackson archives, there is a collection of letters from citizens concerned about the NPT creating new obligations for the U.S. and whether the NPT would fail because nuclear Red China would not be a member.⁶⁰ While this is a self-selecting sample of people worried enough to take the time to write in, it is also indicative that many of the concerns senators had for the NPT were reflected in the public.

Back to the Soviets

On November 24th, 1969, Nixon signed the instrument of ratification for the NPT but took over three months to deposit it.⁶¹ The U.S. and its allies were still concerned about depositing it at the same time as the Soviet Union.⁶² In December of 1969,

second session; Treaty on the Nonproliferation of Nuclear Weapons (Washington, D.C.: U.S. Government Printing Office, 1968-69), 306.

⁵⁹ Semple, Robert B., Jr., "President Urges Senate to Back Nuclear Treaty: Favors Prompt Ratification as Advancing His Policy of Harmony with Soviet," *New York Times*, 6 February 1969.

⁶⁰ For instance, see Henry Jackson Archive. Collection 3560-4. Box 181; Folder 1: General Correspondence-Nuclear Nonproliferation Treaty; Letter to Senator Jackson from Robert F. Owsley, 10 March 1969. See also Henry Jackson Archive. Collection 3560-4. Box 181; Folder 1: General Correspondence-Nuclear Nonproliferation Treaty; Letter to Senator Jackson from Mrs. J.R. Nelson, 8 March 1969.

⁶¹ Richard Nixon, "Statement on Signing the Instrument of Ratification of the Treaty on the Non-Proliferation of Nuclear Weapons," 24 November 1969. The American Presidency Project, available at: <http://www.presidency.ucsb.edu/ws/?pid=2339>.

⁶² Nixon Presidential Library and Museum, Yorba Linda, California. Box 77, Staff Member and Office Files, Memoranda for the President, Beginning January 21, 1969 to Beginning April 6, 1969; Nixon Presidential Materials Files, White House Special Files; Folder: Beginning January 26, 1969; Memo, Buchanan to Nixon, 5 February 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April

Secretary Rogers obtained Soviet consent to deposit the instruments of ratification simultaneously.⁶³ Secretary Rogers convinced Nixon to attend the ceremony because it would have a “favorable impact on SALT.”⁶⁴ On March 5, 1970, the U.S. and Soviet Union simultaneously deposited their instruments of ratification.⁶⁵ The treaty went into

1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo, Kissinger to Walsh, 28 March 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo, Haig to Walsh, 24 March 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Memo, Kissinger to Rogers, 21 March 1969.

⁶³ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 9: Non-Proliferation Treaty, April 1969-March 1970; Telegram from the Secretary of State to the American Embassy in Moscow, “NPT Deposit Ceremony,” December 1969. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 9: Non-Proliferation Treaty, April 1969-March 1970; Memo for the President, “Evening Report,” 4 December 1969.

⁶⁴ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 9: Non-Proliferation Treaty, April 1969-March 1970; Memo for the President from Kissinger, “Secretaries Rogers and Richardson Recommend Your Participation in NPT Ratification Deposit Ceremony,” 20 February 1970. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 9: Non-Proliferation Treaty, April 1969-March 1970; Memo for the President from the Acting Secretary, “NPT Ratification Deposit Ceremony,” 17 February 1970. Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 9: Non-Proliferation Treaty, April 1969-March 1970; Memo for Kissinger from Sonnefeldt, “Ceremony for Deposit of Non-Proliferation Treaty (NPT) Ratifications,” 17 January 1970.

⁶⁵ Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 9: Non-Proliferation Treaty, April 1969-March 1970; “Kosygin Statement,” Moscow Tass International Service in English, 5 March 1970. See also Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 9: Non-Proliferation Treaty, April 1969-March 1970; Nixon Statement, “Statement at Ceremony of Deposit of Ratifications and Entry into Force of the Treaty on the Non-Proliferation of Nuclear Weapons,” 5 March 1970.

effect, the Soviets did not add conditions of understanding to the NPT, and the superpowers moved on to negotiate SALT.

Conclusion

The ratification of the NPT is a story of the power a president has to define American nuclear policy in a chaotic world. This story is meant to introduce the reader to the complexities a president faces when he attempts to shape NPT-related policy, especially with regard to obtaining the support of other actors whose priorities were not always in alignment with the president's own. When Nixon came into office, his preference was for the ratification of a treaty which had the potential to alter the nuclear policies of the U.S. Analysis of the president's public statements, assurances to Senators, and internal administration conversations reveals that Nixon pursued NPT ratification so that he could negotiate with the Soviets on SALT, not because he believed the NPT would or should significantly alter U.S. policy, especially in ways that would reduce American power. The ability to fight the Cold War remained Nixon's top priority.

Literature Review

The literature review in this dissertation addresses two areas of academic study. First, it will consider the theory behind policymakers' objectives for the NPT. Although the theory behind a policymaker's reasoning or goals may only occasionally be made explicit in archival documents, these theories may be underlying presidential decisions. This section will primarily focus on the beliefs that policymakers held with regard to the

dangers of nuclear weapons. I assume that policymakers' beliefs about the dangers of nuclear weapons will influence their nuclear weapon policy. The second section of the literature review focuses on actors: decision-makers, their objectives, and how constraints (be they political or economic) limited the realization of goals.

The Pessimists, The Optimists, and The Other: Beliefs on the Impact of Nuclear Weapons

The U.S. has been concerned about the proliferation of nuclear weapons since the beginning of the nuclear age.⁶⁶ The nuclear age bred significant bodies of academic theory, such as the prominent theory of deterrence, with much of the literature directed at state behavior. Deterrence theory appeared incompatible with the NPT, as “States should...be unwilling to give up their sovereign right to build these weapons, given that from the perspective of deterrence theory, only a country's independent nuclear deterrent capability could guarantee that no nuclear attack on it would take place.”⁶⁷ Because states have an imperative to continue existing, allowing some states to pose an existential threat while others could not respond was both unwise and contrary to ideas about how states behave. Therefore, the NPT appears incompatible with much of the governing theory in the nuclear literature. This author attempts to understand when and how the president

⁶⁶ See, for instance, Bundy, McGeorge, *Danger and Survival: Choices about the Bomb in the First Fifty Years* (New York City: Random House, 1988); Bird, Kai, and Martin J. Sherwin, *American Prometheus: The Triumph and Tragedy of J. Robert Oppenheimer* (New York City: Knopf, 2005); Sokolski, Henry D., and Bruno Tertrais (eds), *Nuclear Weapons Security Crisis: What Does History Teach?* (Carlisle: Army War College Press, 2013); Freedman, Lawrence, *The Evolution of Nuclear Strategy*, Third Edition (New York City: Palgrave Macmillan, 2003); Hoffman, *Primacy or World Order*.

⁶⁷ Paul, T.V., *Power versus Prudence: Why Nations Forgo Nuclear Weapons* (Ithaca: McGill-Queen's University Press, 2000), 3. Perhaps the most famous author in deterrence theory is Thomas Schelling, although his work builds on others, such as Bernard Brodie. See, for instance, Schelling, Thomas C. *Arms and Influence, Revised Edition* (New Haven: Yale University Press, 2008); Brodie, Bernard, *Strategy in the Missile Age* (Princeton: Princeton University Press, 1959), and Brodie, Bernard, *The Absolute Weapon: Atomic Power and World Order* (New York City: Harcourt Brace Jovanovich, 1946).

would work to get states to act in accordance to the goals of the NPT, in contrast to what was expected in the nuclear literature.

In addition to spawning bodies of literature on state behavior, the nuclear age also brought forth literature on human behavior and decision-making regarding nuclear weapons. Though a limited number of people were critical of nuclear weapons since their first use, over time, many came to believe that using nuclear weapons in war would be unwise, if not immoral.⁶⁸ These people are named proliferation pessimists; they are the group that most heavily opposes nuclear proliferation. They believe that the spread of nuclear weapons could lead to nuclear weapon use, which they view as unacceptable. However, despite general concern over nuclear weapon use, some scholars, known as proliferation optimists, advocate for the spread of nuclear weapons because of the presumed increased geopolitical stability that theoretically results from the spread of nuclear weapons. They also argue that the powerful weapons make great wars obsolete.⁶⁹

⁶⁸ See Jervis, Robert, *The Meaning of the Nuclear Revolution: Statecraft and the Prospect of Armageddon* (Ithaca: Cornell University Press, 1989); Neustadt, Richard E., *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York City: The Free Press, 1990); Sagan in Sagan, Scott D., and Kenneth N. Waltz, *The Spread of Nuclear Weapons: A Debate Renewed* (New York City: W.W. Norton, 2002). Walzer argues that not just the use of nuclear weapons but even deterrence through nuclear weapons is immoral, whereby deterrence is threatening evil through the moral 'exception' of supreme emergency, where evil can be threatened or use when in a supreme emergency. However, Walzer argues that deterrence makes the supreme emergency condition permanent, and thus nuclear deterrence as a permanent feature can not be moral. Walzer, Michael, *Just and Unjust Wars: A Moral Argument with Historical Illuminations* (New York City: Basic Books, 1977), 283. Similarly, Sumit Ganguly and S. Paul Kapur held a similar debate over the impact of nuclear weapons in South Asia in Ganguly, Sumit, and S. Paul Kapur, *India, Pakistan, and the Bomb: Debating Nuclear Security in South Asia*. (New York City: Columbia University Press, 2010), 23-33. Kultgen, John, *Abolition of Nuclear Weapons as a Moral Imperative* (New York City: Lexington Books, 2015).

⁶⁹ See Brodie, *The Absolute Weapon*; Waltz, Kenneth, *Theory of International Politics* (New York City: McGraw-Hill, 1979); Waltz, Kenneth, "Nuclear Myths and Political Realities," 84 *The American Political Science Review* 3 (September 1990), 731-745; Mearsheimer, John J., *The Tragedy of Great Power Politics* (New York City: W.W. Norton and Company, 2001). For a critique of both "nuclear alarmists," and those who overstate the stability brought by nuclear weapons, see Gavin, Francis J., "Same as It Ever Was: Nuclear Alarmism, Proliferation, and the Cold War," 34 *International Security* 3 (Winter 2009/2010), 7-37.

However, in the archival documents analyzed for this dissertation, which did discuss nuclear weapon use and nuclear proliferation, policymakers were often deeply concerned that nuclear war was possible and even probable if many states possessed nuclear weapons. Even though certain policymakers, such as Henry Kissinger, argued that nuclear proliferation may be in the best interest of the U.S., few appeared committed to the idea that it could be a net positive for the U.S. This dissertation addresses the attitudes of policymakers on this matter and analyzes whether their beliefs affected their decision-making.

Other scholars argue against putting significant resources toward nonproliferation efforts. They believe nuclear weapons are fairly insignificant drivers in international relations.⁷⁰ Yet, while policymakers were often arguing about how to make their efforts more cost effective without decreasing overall efficiency, the documents indicate that there was little consideration of whether or not nuclear weapons were entirely irrelevant. Instead, there was concern over the ability to hit all necessary targets, the impact of a blast on cities, and the effect of a blast on the environment. Therefore, despite some academic theories, the willingness of policymakers to consider the impact of nuclear weapons implies that it was more than inertia that was keeping nuclear weapons at the forefront of Cold War policy. Instead, nuclear weapons were significant to foreign policy.

⁷⁰ See John Mueller's *Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda* (New York City: Oxford University Press, 2009), and *Retreat from Doomsday: The Obsolescence of Major War* (New York City: Basic Books, 1989).

Some diplomats crafting the NPT argued that the real danger of nuclear war stemmed from the arms race between the U.S. and the Soviet Union. According to them, the NPT was less about the spread of nuclear weapons than about stemming the arms race.⁷¹ This assertion may be deduced as a reason that other states gave for supporting the NPT, although this theory appeared to have had limited traction in American foreign policy.

In contrast to nuclear optimists, nuclear pessimists do not see nuclear weapons as benign. The fear of proliferation primarily comes from an assumption that the more states that have nuclear weapons, the more likely a conflict could lead to the use of those nuclear weapons.⁷² What's more, a single state proliferating could lead to a nuclear tipping point in a game of nuclear dominoes, with one or more states proliferating because of the first proliferator.⁷³ Others expressed concerns for an unstable or unpredictable leader using the weapons,⁷⁴ accidental nuclear war,⁷⁵ the lack of controls over nuclear weapons in a failed state,⁷⁶ unregulated nuclear sales and dual use nuclear

⁷¹ Sokolski, Henry D. (ed), *Getting Mad: Nuclear Mutual Assured Destruction, Its Origin and Practice* (Carlisle: Strategic Studies Institute, 2004).

⁷² Wohlstetter, Albert, "The Delicate Balance of Terror." Rand Corporation, *P-1472* (6 December 1958); Sokolski, Henry D., *Best of Intentions: America's Campaign Against Strategic Weapons Proliferation* (Westport: Praeger Publishers, 2001).

⁷³ Campbell, Kurt M., Robert J. Einhorn, and Mitchell B. Reiss (eds), *The Nuclear Tipping Point: Why States Reconsider their Nuclear Choices* (Washington, D.C.: Brookings Institution Press, 2004); Bobbitt, Philip, *Terror and Consent: The Wars for the Twenty-First Century* (New York City: Anchor Books, 2009).

⁷⁴ Khan, Herman, *On Thermonuclear War, Second Edition* (New York City: Free Press, 1969); Schelling, *Arms and Influence*; Bobbitt, *Terror and Consent*; Art, Robert J., *A Grand Strategy for America* (Ithaca: Cornell University Press, 2003), 53.

⁷⁵ Wohlstetter, "The Delicate Balance of Terror"; Sokolski, *Best of Intentions*; Sagan in Sagan and Waltz, *The Spread of Nuclear Weapons*.

⁷⁶ Bobbitt, *Terror and Consent*.

technology,⁷⁷ nuclear blackmail and nuclear coercion,⁷⁸ and nuclear theft and terrorism.⁷⁹ Nuclear pessimists perceive these scenarios as more likely when more states possess nuclear weapons. When policymakers talked in private about the dangers of proliferation, they focused on one or more of these dangers. Nixon even mentioned a tipping point that would lead to regional nuclear proliferation after the Indian nuclear test in 1974. Concern for proliferation will lead a president to choose a “strategy of inhibition,” such as diplomacy, conventional arms sales, and security guarantees, to prevent a state from proliferating.⁸⁰ However, policymakers decided against pressuring states, like India or Israel, to sign or abide by the NPT when they calculated that pressure was unlikely to lead to the desired result. This dissertation will further explore how and why decision-makers were able to believe in these catastrophic dangers of nuclear proliferation yet still provide only limited resources toward preventing proliferation.

Many policymakers and analysts advocated for the complete prohibition of nuclear proliferation to fight this aforementioned list of threats, because without a total prohibition they had only piecemeal diplomacy and nuclear assurances to combat the spread of nuclear weapons.⁸¹ What’s more, prior to the NPT, nuclear proliferation was legal; there was no law on which to base an argument that states should not have a

⁷⁷ Bobbitt, *Terror and Consent*; Fuhrmann, Matthew, “Taking a Walk on the Supply Side: The Determinants of Civilian Nuclear Cooperation,” 53 *The Journal of Conflict Resolution* 2 (April 2009), 181-208; Kroenig, *Exporting the Bomb*; Hoffman, *Primacy or World Order*.

⁷⁸ Schelling, *Arms and Influence*; Bundy, *Danger and Survival*.

⁷⁹ Bundy, *Danger and Survival*; Bobbitt, *Terror and Consent*; Art, Robert J., 50-52.

⁸⁰ Gavin, Francis J., “Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation,” 40 *International Security* 1 (Summer 2015), 10-11.

⁸¹ Hoffman, *Primacy or World Order*.

bomb.⁸² Additionally, because some states (especially those that already had nuclear weapons programs) advocated for the right to nuclear weapons, there was no *jus cogens* norm against the development of nuclear weapons⁸³. Without a treaty that resulted from states coming together and disavowing the right to nuclear weapons, the U.S. and other states would have little ground to stand on when arguing that some states should not be allowed to develop nuclear weapons. Johnson's response to the Chinese nuclear test appeared to support the claim that the U.S. did not have grounds for stopping the program.⁸⁴ However, there is insufficient research into whether American decisions or actions at the top highest level were motivated by a belief that a norm against nuclear proliferation developed in the wake of signing and ratification of the NPT; belief in such a norm would be revealed by policymakers' responses to proliferators that were states not party to, and thus not subject to, the legal provisions of the NPT. I will explore this concept further in Nixon and Ford's responses to the Indian nuclear test.

Alternatively, some authors argue that Americans wanted to prevent the spread of nuclear weapons in order to maintain American predominance and power over the weapons.⁸⁵ Achieving hegemony is the ultimate goal of every great power, including the United States.⁸⁶ According to proponents of this theory, the more states that possess

⁸² Bundy, *Danger and Survival*; Hoffman, *Primacy or World Order*.

⁸³ Hoffman, *Primacy or World Order*; Sokolski, *Best of Intentions*. Rublee argues that there was an emerging norm that was solidified in the NPT. Rublee, Maria Rost, *Nonproliferation Norms: Why States Choose Nuclear Restraint* (Athens: The University of Georgia Press, 2009), 202.

⁸⁴ Because of a lack of options to halt the Chinese program, Kennedy then Johnson considered striking the Chinese, possibly through joint U.S.-Soviet action. Johnson eventually decided against doing so. See Burr, William, and Jeffrey T. Richelson, "Whether to 'Strangle the Baby in the Cradle': The United States and the Chinese Nuclear Program, 1960-1964," 25 *International Security* 3 (Winter 2000-2001), 54-99.

⁸⁵ Maddox, *Nuclear Apartheid*; Gavin, *Nuclear Statecraft*. Hoffman argues that American superiority and dominance was at the root of many Cold War decisions. Hoffman, 8.

⁸⁶ Mearsheimer, 2.

nuclear weapons, the less capable America is in using its arsenal as a deterrent because it will need to extend commitments to many more states.⁸⁷ To maximize U.S. power and its deterrent capability, proponents argue that the U.S. should act to limit other states from acquiring nuclear weapons.⁸⁸ In this dissertation, I will review the archival documents in search of support for this theory.

Most authors agree that during the Cold War, the top U.S. priority in international affairs was the containment of the Soviet Union.⁸⁹ Founded upon an expansionist ideology, the Soviet Union was believed to be militaristic and antithetical to peaceful coexistence with the U.S. and democracy in general.⁹⁰ The recognition by the U.S. and the U.S.S.R. of mutually held goals, like the nonproliferation of nuclear weapons, allowed the rivals to pursue détente. However, the goal of nonproliferation could be cast aside when a conflict between two countries overwhelmed their mutually held goals.⁹¹ This dissertation will attempt to provide additional support for these assertions, notably in its analysis of why the U.S. chose to pressure the West Germans to become party to the NPT, why the U.S. downplayed the significance of the Indian nuclear test, and why the U.S. backtracked on its nonproliferation laws in order to provide material support to the

⁸⁷ Sokolski, *Best of Intentions*; Kroenig, *Exporting the Bomb*.

⁸⁸ Hoffman, *Primacy or World Order*.

⁸⁹ Kennan, George F., "The Sources of Soviet Conduct." 25 *Foreign Affairs* 4 (July 1947), 566-582; Gaddis, *Strategies of Containment*; George and Smoke, *Deterrence in American Foreign Policy*; Smith, Gaddis, *Morality, Reason, and Power: American Diplomacy in the Carter Years* (New York City: Hill and Wang Publishers, 1987); Craig, Campbell, and Fredrik Logevall. *America's Cold War: The Politics of Insecurity* (Cambridge: The Belknap Press, 2009).

⁹⁰ Gaddis, John Lewis, *The Cold War: A New History* (New York City: Penguin Books, 2005); George and Smoke, *Deterrence in American Foreign Policy*; Patterson, James T., *Grand Expectations: The United States, 1945-1974* (New York City: Oxford University Press, 1996); Ninkovich, Frank, *Modernity and Power: A History of the Domino Theory in the Twentieth Century* (Chicago: University of Chicago Press, 1994).

⁹¹ Bell, Coral, *The Diplomacy of Detente: The Kissinger Era* (New York City: Palgrave Macmillan, 1977); Ninkovich, *Modernity and Power*.

Pakistanis in light of the Soviet invasion of Afghanistan. It will also consider whether the goal of combatting the Soviets superseded the goal of curbing proliferation even for policymakers who believed the spread of nuclear weapons would lead to a nuclear war.

Beyond the President: Other Actors in American Foreign Policy

In addition to considering the ideological motivations for policymakers' decisions related to putting resources towards stopping proliferation, I will also examine the role of other actors. Although some authors focus on factors other than decision-makers as the drivers of foreign policy goals,⁹² this dissertation will take a Government Politics approach, as described by Graham Allison, whereby top policymakers are essential for defining policy choices. Bargaining between top decision-makers, based on their preferences and perceptions, leads to policy.⁹³

⁹² Schelling famously took a game theory approach to decision-making, which was based on rational choice theory. Schelling, *Arms and Influence*. Elinor Ostrom, within her framework for the functioning of institutions (the institutional analysis and development framework), argues that individual actors are fallible learners who make decisions that are based on bounded rationality. More notably, the choices and decisions available to an actor result from the structure and rules of the institution in which that actor operates. See Ostrom, Elinor, "Institutional Rational Choice: An Assessment of Institutional Analysis and Developmental Framework," in Sabatier, Paul A. (ed), *Theories of the Policy Process: Theoretical Lenses on Public Policy* (Boulder: Westview Press, 1999). Sabatier and Smith argue for an advocacy coalition framework for understanding policy decisions, whereby one examines the public and private actors who come together to argue for a specific policy. In this view, the change comes not from a single driver like the President but from a coalition, and the decisions will be shaped by the technical nature of the problem. See also Sabatier and Smith in Sabatier (1999). True, Jones, and Baumgartner argue for punctuated equilibrium, which is based on institution theory and bounded rationality decision-making. In punctuated equilibrium theory, the majority of decisions related to policy are primarily decisions to maintain stasis, but occasionally there are significant disruptive events. Actors such as the president then make policy to lead to a new normal after a disruptive event. True, James L., Bryan D. Jones, and Frank R. Baumgartner, "Punctuated-Equilibrium Theory: Explaining Stability and Change in Public Policymaking," in Sabatier, *Theories of the Policy Process*.

⁹³ Allison, Graham, *Essence of Decision* (Boston: Little and Brown, 1971); Hilsman, Roger. "The Foreign Policy Consensus: An Interim Research Report," 3 *The Journal of Conflict Resolution* 4 (1959), 361-382; Neustadt, *Presidential Power and the Modern Presidents*.

A president is considered one of the primary drivers in American foreign policy.⁹⁴ The ability for a president to alter the course of American foreign policy is generally well accepted in academia. Originally guided by the Two Presidencies thesis posited by Aaron Wildavsky, whereby a president must navigate both as a domestic president and a foreign policy president while having more power in the foreign policy realm, scholars built upon and deconstructed the thesis. For instance, Irwin Morris argues that “foreign policy consensus fostered the aggrandizement of presidential authority in the foreign policy realm; the absence of a similar consensus limited the exercise of presidential power in the domestic sphere.”⁹⁵ While scholars went on to define and redefine the nuances of presidential power, most agree that a president has more room to define policy in the foreign policy realm than in the domestic policy realm.

Presidential preference for specific policies is checked by other players in the policy system, most notably Congress, but also the public, allies and other significant states, business, and the press.⁹⁶ All of these other actors may have different priorities from those of the president. While Congress has specific powers to check presidential security policy, other actors take nonofficial routes by withholding support for presidential policies, or actively petitioning either the president or members of Congress

⁹⁴ Wildavsky, 7-14; Sobel, Richard, *The Impact of Public Opinion on U.S. Foreign Policy Since Vietnam* (New York City: Oxford University Press, 2001); Neustadt, *Presidential Power and the Modern Presidents*; Hilsman, Roger, “The Foreign Policy Consensus: An Interim Research Report,” 3 *The Journal of Conflict Resolution* 4 (1959), 361-382; Greenstein, *Leadership in the Modern Presidency*; Greenstein, Fred I., *The Presidential Difference: Leadership Styles from FDR to Clinton* (Princeton: Princeton University Press, 2000); Morris, Irwin L., *The American Presidency: An American Approach* (New York City: Cambridge University Press, 2010).

⁹⁵ See, for instance, Morris, 207.

⁹⁶ Greene, *The Limits of Presidential Power*; Nelson, *The Presidency and the Political System*; Pfiffner, *The Modern Presidency*; Sobel, *The Impact of Public Opinion on U.S. Foreign Policy Since Vietnam*; Theodoulou, Stella Z., and Matthew A. Cain, *Public Policy: The Essential Reader* (Upper Saddle River: Prentice Hall, Inc., 1995).

to withhold support or push for different policies. The president can attempt to gain approval from the other actors through various means, including by bringing those actors into the process or negotiating for other objectives to be represented in the president's policy objectives. Additionally, when the president negotiates to bring an actor in line with his objectives, it gives him a greater chance of success with other actors as well. For example, when the president addresses the public to garner support of a policy, he is more likely to obtain success in Congress. Similarly, if he obtains approval in Congress for his policy, he is more likely to gain public approval and increase his chances of enacting further policies.⁹⁷

Presidential preference for a specific policy is also constrained by the availability of resources to enact a policy preference, by political capital, and by whether the preference is compatible with a more central objective. The resources to enact a preference are often related to the budget, notably whether the budget allows for a new weapons system or other sort of costly initiative. However, resources may be physical as well. For instance, the president's policies may be constrained by energy resources which are limited in nature, such as access to oil.

Political capital may also constrain a president. As was noted previously, a president may be able to raise his political capital with the general public by gaining the support of Congress on an issue. Similarly, he may be able to work to gain the support of an ally or other country on a specific issue. However, the president must be aware of another state's limited ability to negotiate with the U.S. The other state's leaders must

⁹⁷ Ragsdale, Lyn, "Studying the Presidency," in Nelson, 55. See also Robert Dahl's description of how to go public effectively. Dahl, 257-264.

look out for the best interest of their own state, and in doing so, may not always align with the president. The president may have only a limited amount of political capital to push an issue, and therefore the president may prefer to push for one issue over another. Additionally, another state's leaders may be aware of appearing "in the pocket" of the Americans, and may wish to lend only limited support to presidential policies, even if those policies may be in the interest of the other state. Thus, a president is constrained by his limited political capital.

In addition, the president is also constrained by how his preference for one policy interacts with superseding political objectives. During the Cold War, this meant that the president would need to understand how a policy objective interacted with the overwhelming objective of combatting the Soviet Union. Therefore, other players' motivations and choices related to shaping the U.S. policy on nonproliferation will be considered in this dissertation.

One method for understanding how central a foreign policy objective is to the U.S. is to consider the time, energy, and resources that are allocated to address the problem. For instance, a president may use political capital to bargain with Congress to try to gain support for foreign policy decisions, such as enacting economic sanctions against a potential proliferator.⁹⁸ Alternatively, he could try to use the "bully pulpit" to appeal to the public in order to directly sway a policy, potentially undermining Congress in the process by going around the bargaining, and presenting a specific solution or

⁹⁸ Dickinson, Matthew, "The President and Congress," in Nelson, *The Presidency and the Political System*; Neustadt, *Presidential Power and the Modern Presidents*.

policy without the input of other political players.⁹⁹ He may also use diplomatic pressure to try to convince another state to become party to the treaty, even if the treaty isn't fully in that state's interest.¹⁰⁰ Thus, by considering the resources and pressure the executive is willing to expend for the NPT, the reader will gain more understanding of the centrality of a goal in American foreign policy.

In addition to developing an understanding of the centrality of a goal based on the resources allocated to achieving the goal, this dissertation will also consider the significance of a goal based on why resources are not allocated toward achieving the goal. The scarcity of resources forces the government to make choices between policy options.¹⁰¹ Limited resources, especially during times of fiscal austerity or limited political capital, force the government to choose among goals, allowing researchers to tease out the centrality of certain goals based on the willingness of presidents to expend resources to achieve the goal.¹⁰² Therefore, policy decisions in times of resource constraints are especially revealing of policy objectives.

Chapter Outline

Each chapter in this dissertation highlights an event that tested America's nonproliferation policies in order to better understand how the U.S. presidents responded to proliferation. Each includes an analysis of the actions, actors, and events that influenced the president's response.

⁹⁹ Kernell, Samuel, *Going Public: New Strategies of Presidential Leadership* (Washington, D.C.: CQ Press, 2007).

¹⁰⁰ Wildavsky, 7-14.

¹⁰¹ Ippolito, *Why Budgets Matter*.

¹⁰² *Ibid*; Newmann, 69-103.

The chapters are event-based in order to highlight the continuity and discontinuity in nuclear policy across administrations. For example, the American response to the Indian nuclear test spanned across the Nixon and Ford administrations. While administration-based chapters could highlight the differences between administrations, event-based chapters achieve the same goal while also focusing the research on proliferation events.

The five substantive chapters are ordered chronologically so the dissertation will move logically across time. Chronological chapters highlight how presidents incorporate new information into their decision-making processes. For instance, after the Indian nuclear test, President Ford worked to prevent the export of dual-use technology and materials to potential proliferators. As a result, to best understand how an event affects future responses, this dissertation orders the event-based chapters chronologically.

This author depends on both primary and secondary sources for the research and analysis of each chapter. Because this dissertation focuses on presidential calculations and preferences, documents retrieved from five presidential archives serve as the basis for analysis, along with documents from the National Archives, as well as the archives of two prominent Senators who affected presidential proliferation policy, Barry Goldwater and Henry Jackson. Because of language constraints and time, the author did not include international archives, which could have bolstered some arguments regarding the impact of allies on the president. However, because the focus of the dissertation is on how the president viewed the world and made decisions, not how the world viewed the president, this author is confident that the sources consulted are sufficient to make the argument that

the president preferred nuclear nonproliferation but prioritized Cold War objectives in the years after the signing and ratification of the treaty.

Chapter One: West Germany and Nuclear Weapons: Why Nixon Needed West Germany to Sign the NPT

In order to pursue his détente objectives, Nixon pressured the West Germans into becoming a party to the NPT. This chapter is specifically a study in how a president's goals for the NPT can be affected by an ally. The chapter is divided into three sections: first, it reviews West Germany's history since the end of World War II. West Germany's position on nuclear weapons is intricately related to its efforts to assure its security. In the second section, West Germany attempts to gain assurances for its security vis-à-vis a strong NATO and a secure U.S.-FRG partnership. In the final section I explain that Nixon exerted pressure on West Germany to obtain its membership to the NPT. Nixon calculated that West German membership to the treaty would reduce European concerns about West Germany and assure Soviet membership to the treaty. Since Nixon was most concerned about his détente goals and negotiating SALT, his willingness to pressure the West Germans to become party to the NPT was not about preventing proliferation but about Nixon's greater objectives regarding the Soviets.

Chapter Two: Peaceful Nuclear Explosions Loophole: To Close or Not to Close?

The following chapter is an analysis of U.S. policy on the Indian nuclear program before and after the 1974 Indian nuclear test. It focuses on why Nixon gave a muted

response even though the test was the first overt instance of proliferation since the enactment of the NPT, arguing that the administration wanted to limit critique of India to prevent the Indians from aligning too much with the Soviets. In trying to limit inequality, the NPT included a right for states to conduct PNEs, which had the unintended consequences of providing a loophole to get around the ban on nuclear proliferation. Instead of trying to close the loophole within the NPT, Nixon and Ford worked to limit its effects by pursuing a bilateral treaty with the Soviets. Though both presidents calculated that PNEs were a threat to the nonproliferation regime, they both assessed that the geopolitical environment would not favor a universal PNE ban, and chose to pursue a smaller correction to preserve political resources instead.

The chapter is split into three sections. The first section is an overview of American policy towards PNEs leading up to the recognition that they were essentially a loophole to proliferate within the NPT. The U.S. relented to including a right to PNEs in the NPT only because of pressure from developing countries. The second section focuses on U.S. policy towards India's nuclear program leading up to the test. It analyzes America's understanding of India's geopolitical situation and why Nixon chose against pressuring India to become a party to the NPT. The third section explores how the U.S. changed its approach to PNEs in light of India's nuclear test. Because India described the test as a PNE, it led U.S. policymakers to address PNEs as a threat to the nonproliferation regime. The U.S. became more vocal in describing PNEs as nuclear weapons tests, and Congress increased pressure on the president to limit PNEs. However, President Ford pursued a bilateral treaty with the Soviets to constrain PNEs instead of a universal treaty

because of limitations on Ford's political capital and capacity to pursue a broader treaty, even as he supported a general prohibition against PNEs in the future.

Chapter Three: Nuclear Suppliers and Curbing Proliferation: Ford versus Congress

The next chapter addresses the creation of the Nuclear Suppliers Group (NSG), an organization spearheaded by the U.S. to regulate nuclear energy suppliers whose dual-use technology could lead to nuclear weapons development. After the Indian nuclear test, both the Executive and Congress recognized that the NPT was insufficient in controlling the spread of nuclear weapons. In order to both achieve nonproliferation objectives and respond to the demands of Congress as a powerful domestic actor, Ford worked to create the NSG. Instead of focusing on norm-driven nonproliferation rules through the NPT, Ford put resources towards gaining the support of supplier states to create rules and oversight that would deny potential proliferators access to the materials needed to proliferate. He helped convince states that it was strategically better to limit proliferation through technological denial than just through the NPT. However, even as Ford was successful at creating the NSG, the episode shows that Congress can seriously constrain the ability of a president to set and pursue his own nonproliferation objectives when those objectives do not align with Congressional goals for nonproliferation.

The chapter is split into two sections, the first focusing on American nuclear supply deals before and in the aftermath of the Indian nuclear test. It analyzes the decision to continue nuclear shipments to India in 1974, and the linked Israeli and Egyptian nuclear deals that Nixon pushed for in June of that same year. This section

analyzes increased Congressional involvement in nuclear energy agreements in the aftermath of the test, especially the involvement of the JCAE. The second section focuses on Ford's efforts to establish the NSG. The development of the NSG implied a preference of policymakers to try to achieve nonproliferation goals outside the structure of the NPT.

Chapter Four: The Making and Unmaking of The Nonproliferation President

The next chapter focuses on Carter's decision to arm the Pakistanis in light of the Soviet invasion of Afghanistan, despite President Carter's strong opposition to proliferation. Carter, when confronted with a geopolitical threat, had to make the decision to prioritize achieving a Cold War objective over maintaining his nonproliferation objectives.

The chapter is split into two sections, with the first focusing on Carter's declarations and initiatives to restrict proliferation. The first section builds upon the Congressional response to proliferation overviewed in the Ford chapters. Carter articulated that nuclear energy could lead to proliferation. Carter and Congress were in sync, prioritizing nonproliferation at the beginning of Carter's term by focusing on a U.S.-centric approach to curb proliferation. In the second section, I analyze how and why Carter's nonproliferation priorities were sidetracked by the Soviet invasion of Afghanistan, and argue that Cold War objectives took precedence over nonproliferation objectives, despite Carter's preferences when he armed the Pakistanis. Carter's decision to prioritize Cold War objectives extended into his decision to send nuclear materials to India in light of Indian threats that they would align with the Soviets unless the shipments

went through. Carter eventually internalized the necessity to prioritize combatting the Soviets over nonproliferation objectives.

Chapter Five: Seeking Security: Ronald Reagan and Nuclear Nonproliferation

In the final substantive chapter, I analyze the Reagan administration's response to Israel's bombing of the Osirak nuclear reactor in Iraq. This chapter focuses on the impact allied countries can have on the presidential objectives and ability to execute his preferred nonproliferation policies. While keeping Iraq non-nuclear was preferable, Reagan assessed that maintaining peace, and in the process decreasing the power of the Soviet Union in the Middle East, outweighed the benefits of the strike.

The chapter is divided into two sections: the first section addresses Reagan's attempts to inhibit the burgeoning Pakistani and South African nuclear programs. Although Reagan preferred to prevent proliferation, he sacrificed this goal in order to combat the Soviets in Pakistan. Congress pushed the administration to pass stringent sanctions that prioritized South African reform and disarmament over the maintenance of peace, in contradiction to Reagan's Cold War objectives. The second section begins with Carter's choice to not stop the Iraqi nuclear program or prevent the strike. Because of the ability to pass responsibility to later administrations, Carter did not put significant resources towards preventing the strike. Publicly, the Reagan administration was very critical that Israel used force against Iraq because force was not taken as a last resort. In the process, he showed himself as a reasonable intermediary while he engaged in diplomacy to try to salvage the Middle East peace process. Privately, Reagan expressed

sympathy for the Israeli position, and emphasized that he would have acted to increase Israeli security if he had had knowledge of the threat to Israel. The administration gained Congressional support for its response to the strike. Reagan's preference for nonproliferation and empathy for Israeli insecurity led him to push back against attempts of serious punitive measures against Israel in international agencies. However, while trying to shield Israel, he still prioritized geopolitical objectives like the Middle East peace process.

CHAPTER TWO

West Germany and Nuclear Weapons: Why Nixon Needed West Germany to Sign the NPT

Introduction

President Nixon decided to support the NPT in the earliest days of his administration.¹ He understood that failing to obtain U.S. ratification of the NPT could have a “crucial effect” on the decisions of other states, whereby other states may not sign if the U.S. did not ratify.² He submitted the treaty to the Senate for ratification, and campaigned in the Senate to gain support for the treaty. He hoped for the swift passage of the NPT in order to move on to greater goals with the Soviets since his foreign policy objectives depended on the NPT coming into force. Nixon advocated for the NPT not to build the nonproliferation regime or bind the U.S. to nonproliferation norms, but because support for the NPT would allow him to pursue his geopolitical objectives and preserve U.S. power.

¹ Richard Nixon Presidential Library. Nixon Presidential Materials Staff; National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970; Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Report from Keeney, “Issue Paper on the NPT,” 20 January 1969. See also: Richard Nixon Presidential Library. Nixon Presidential Materials Staff; National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970; Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69) Department of State Telegram, “Presidential Letter to the Senate re NPT,” February 1969.

² Richard Nixon Presidential Library. Nixon Presidential Materials Staff; National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970; Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Folder 10: Non-Proliferation Treaty, April 1969-March 1970. “Study Requested by NSSM 13,” 1 March 1969.

The NPT was, at its heart, a treaty that codified an unequal existence between nuclear and non-nuclear weapon states. Nuclear weapon states were allowed to remain nuclear, while non-nuclear weapon states were prohibited from obtaining nuclear weapons. While nuclear weapon states like the U.S. and the Soviet Union were content with the inequality, some non-nuclear weapon states considered the inequality a threat to their future security. Nixon depended on other states agreeing to the inequality and accepting that they could not respond to future threats by developing nuclear weapons.

Nixon chose to be strategic: he hoped to get passage of the NPT as soon as possible, and wanted the treaty to go into effect. His administration believed that only by gaining passage of the NPT would the Soviets participate in the Strategic Arms Limitation Talks (SALT). He had to decide whether to exert pressure on allies or any other state to sign the treaty, knowing that expending resources to obtain new members to the NPT might diminish the administration's ability to achieve other policy objectives. He devoted only a limited amount of time and manpower to convincing other states to sign the NPT. Yet the administration surveyed the geopolitical environment and determined that one state was absolutely necessary for the success of the NPT: West Germany (also known as the Federal Republic of Germany, or FRG). Because of this assessment, Nixon chose to put resources towards gaining West German membership to the treaty as the first step to achieve his broader geopolitical objectives. This case study shows that it was not Nixon's faith in the necessity of the NPT or desire to prevent nuclear proliferation, but instead his Cold War objectives regarding the Soviets that led him to decide when to devote resources towards gaining adherents to the treaty. What's

more, even while Nixon devoted resources towards obtaining West German membership to the NPT, he downplayed the significance of the treaty in American foreign policy.

This chapter also explores ways in which a president could reassure an ally in matters of nuclear nonproliferation. When deciding whether to exert pressure on other states to sign and ratify the NPT, Nixon relied on the belief that the decision to pursue nuclear weapons stemmed from a question about security. Non-nuclear weapon states questioned whether they could remain safe when their neighbors were allowed to possess nuclear weapons. They harbored doubts that any other states would come to their aid if they were targeted with nuclear weapons. The research in this chapter reveals that the NPT led states to question the strength and plausibility of existing treaties and alliances.

Nixon decided against pressuring most states to become parties to the NPT, effectively downplaying the treaty as he was trying to get it ratified. The FRG case was idiosyncratic in the Nixon presidency as West Germany was the country towards which Nixon exerted the most effort in gaining adherence to the NPT. West Germany's relationship with nuclear weapons, NATO, and the NPT highlight the importance of the Soviet Union in West Germany's security calculations. As a result, Nixon's efforts towards convincing the West Germans to become a party to the treaty focused on addressing FRG security concerns regarding the Soviet Union. Focusing on the FRG allows for a more thorough investigation into how a president can influence another state, how he is limited by other actors, including allies like West Germany, and how the utter dominance of the Soviet threat affected Nixon's calculations for the NPT.

While some governments were unwilling to enter a treaty that reduced security, the FRG case was unique in that security assurances were already in place through NATO. Nixon could reconfirm and strengthen security assurances instead of creating new commitments. The president achieved his nonproliferation policy objectives because he worked directly with the concerned state and other actors generally aligned with his goals. He wanted West German adherence to the NPT, while the rest of Europe and the Soviets similarly wanted FRG membership to the treaty. As a result, the president did not have significant pushback from other actors, and was able to achieve his goal through diplomacy and the reconfirmation of security assurances.

This chapter fits into the dissertation as a whole because it sets the stage for understanding the relationship of presidents with the NPT. In the early years of the NPT, Nixon did not use the treaty to shape norms and focus American efforts on preventing proliferation. He personally downplayed the importance of the treaty, claiming it would neither force the U.S. into new commitments nor into protecting other states. Instead, its passage was a tool for achieving other, more important, geopolitical objectives.

Part I: West Germany and the NPT

A Brief History of West Germany after World War II

The history of the FRG after World War II is the story of reclaiming statehood, first as West Germany and then as a reunified Germany.³ After Germany surrendered at

³ Lyndon Baines Johnson Library. Papers of Francis M. Bator, Subject File; Box 28; A Nuclear Role for Germany-What do the Germans want? 4/4/66 (2 of 2). Bator memo for Johnson. "A Nuclear Role for

the end of World War II, the Allies divided the state into zones of occupation. The U.S., U.K., and France controlled West Germany from 1949 until the end to the occupation on May 5, 1955. During that time, the Allies avoided the mistakes of the end of WWI; the Nazis would “bear the full responsibility for defeat and guilt” from WWII so that the new, democratic Germany could move on without crippling reparations.⁴ According to Tony Judt, “it had become clear...that the only way to keep Germany from being the problem was to...declare it the solution...[and] ‘the best hope for the West was to encourage the Germans themselves to create a Western democratic state.’”⁵ However, even in the aftermath of West Germany regaining statehood, the West struggled with granting West Germany all the powers of other states.⁶

West Germany and NATO

Only months after the end of WWII, the U.S. realized it would need to keep bases in Germany and Austria in order to deter the Soviets.⁷ However, it was not until the Soviet-enacted Berlin blockade in 1948 and 1949 that the West Germans developed a

Germany: What do the Germans want?” 4 April 1966. See also McArdle Kelleher, Catherine, *Germany & The Politics of Nuclear Weapons* (New York City: Columbia University Press, 1975), 55.

⁴ Smyser, W.R., *Restive Partners: Washington and Bonn Diverge* (Boulder: Westview Press, 1990), 12.

⁵ Judt, Tony, *Postwar: A History of Europe Since 1945* (New York City: Penguin Books, 2005), 128.

⁶ See, for instance, McArdle Kelleher, Catherine, “Nation-State and National Security in Postwar Western Europe,” in McArdle Kelleher, Catherine, and Gale A. Mattox (eds), *Evolving European Defense Policies* (Toronto: Lexington Books, 1987), 3-15.

⁷ Spencer, Robert, “Alliance Perceptions of the Soviet Threat,” in Schweitzer, Carl-Christopher, *The Changing Western Analysis of the Soviet Threat* (New York City: St. Martin Press, 1990), 11. In the time immediately after the end of WWII, the U.S. public wanted rapid demobilization. However, Truman recognized the Soviet threat and moved both towards nuclear deterrence and conventional deterrence; these deterrence capabilities were limited until a more rapid build up in light of the Korean War. See also: Weigley, Russell F., *The American Way of War: A History of United States Military Strategy and Policy* (New York City: Macmillan Publishing Col., Inc., 1973), 364-368. Tony Judt similarly noted that, according to US officials, the Iron Curtain came down in 1947. Judt, 124.

particularly strong desire for an alliance towards the Americans after the U.S. mounted an airlift. Similarly, U.S. public opinion shifted from viewing the West Germans as aggressors to seeing them as victims of the Soviets. Public approval allowed the American government to continue the airlift as well as to support the transitioning West German society in its quest for a peaceful, successful statehood.⁸

In addition to creating unity between the American and West German people, the airlift also generated urgency among the American, British, and Canadian leaders regarding the need to create a Western security alliance. As a result, the Western leaders concluded the North Atlantic Treaty for the creation of NATO on April 4, 1949 to impede the aims of the Soviet Union.⁹ The U.S. quickly recognized that the FRG needed to be brought into NATO because it needed to rearm the Germans in order to combat a potentially aggressive Soviet Union.¹⁰ However, France and Great Britain remained concerned about rearming West Germany.¹¹ In response, West German Chancellor Adenauer reassured the NATO members by explicitly renouncing the ownership of nuclear, biological, or chemical weapon programs on German territory.¹² Adenauer

⁸ Smyser, 14.

⁹ Spencer, Robert, "Alliance Perceptions of the Soviet Threat," in Schweitzer, 12.

¹⁰ Müller, Harald, *A European Non-Proliferation Policy: Prospects and Problems* (Oxford: Clarendon Press, 1987), 10. Spencer, Robert, "Alliance Perceptions of the Soviet Threat," in Schweitzer, 18; Rosato argues that the U.S. believed Western Europe would not be able to effectively resist the Soviets. Rosato, Sebastian, *Europe United: Power Politics and the Making of the European Community* (Ithaca: Cornell University Press, 2011), 107-109. Marc Trachtenberg that argued that the U.S. adopted "a highly provocative policy toward Russia, with scant regard for European interest" [rearming Germany] so that "the Europeans could not afford to be too dependent on the United States." In the process, the U.S. brought the French and Germans together. Trachtenberg, Marc, *The Cold War and After: History, Theory, and the Logic of International Politics* (Princeton: Princeton University Press, 2012), 112-116.

¹¹ McArdle Kelleher, 55. Rosato, 116-117.

¹² Heuser, Beatrice, *NATO, Britain, France, and the FRG: Nuclear Strategies and Forces for Europe, 1949-2000* (New York City: St. Martin's Press, Inc., 1997), 124.

personally believed that nuclear war was the greatest threat to his Christian vision for the Western world.¹³ The NATO ministers agreed that the renunciation was sufficient to bring West Germany into the alliance.¹⁴ Four days after the West Germans gained full sovereignty over their state on May 5, 1955, the FRG became a full member of NATO.

Not surprisingly, while NATO viewed FRG membership as necessary for the protection of Europe, the Soviets considered a rearmed West Germany as a threat and opposed its joining of the alliance.¹⁵ While bringing West Germany into NATO strengthened Western security, it simultaneously increased tension with Eastern Europe.

West Germany, NATO, and Nuclear Strategy

After the creation of NATO, West Germany was the site of a massive military buildup. From 1952 to 1956, NATO based its defense policy on the forward defense of a large, conventionally-equipped army on a massive scale across Europe.¹⁶ However, President Eisenhower recognized that forward defense with conventional troops was burdensome, both financially and manpower-wise, and came up with an alternative: massive retaliation.¹⁷ NATO adopted the massive retaliation strategy in December of 1956, concentrating manpower along the Iron Curtain and relying primarily on U.S.-

¹³ Suri, Jeremi. *Power and Protest: Global Revolution and the Rise of Détente* (Cambridge: Harvard University Press, 2003), 26.

¹⁴ Spencer, Robert, "Alliance Perceptions of the Soviet Threat," in Schweitzer, 19.

¹⁵ Ibid.

¹⁶ The call for a large, conventional army was decided in the 1952 NATO Lisbon conference with NATO Military Command Directive MC-14/1. Cioc, Mark, *Pax Atomica: The Nuclear Defense Debate in West Germany During the Adenauer Era*. (New York City: Columbia University Press, 1988), 4-11 and 21-37. Heuser, 31-33.

¹⁷ In the fall of 1956, Eisenhower told his staff secretary that he thought U.S. forces were in Europe until NATO forces could be built up. He preferred the U.S. to eventually act as a "mobile reserve" force. Rosato, 174.

controlled nuclear weapons stationed in the FRG.¹⁸ During the 1960s, some members of NATO hoped that the U.S. would assist the European community as a whole to become a nuclear power.¹⁹ The U.S. rejected a European, or Euratom, bomb in the wake of Johnson's reelection, but agreed to enhance consultations over nuclear strategies for U.S. weapons based in Europe.

Based on the number of nuclear weapons on its territory, at the time the NPT opened for signature in 1968, the FRG was essentially the third largest nuclear power in the world after the U.S. and the Soviet Union.²⁰ The West had to work to convince the Soviets that "Germany [was] sufficiently integrated in a Western entity so she cannot act independently" nor use nuclear weapons without NATO approval.²¹ While the Soviets claimed that the troops placed along the Western borders of the Warsaw Pact states existed solely for policing and defensive capabilities, analysts in the West believed that Soviet forces were structured for a "battlefield, combat role."²² West Germany had to remain non-nuclear so as to not provoke a Soviet response; at the same time, the Soviets

¹⁸ Ibid. NATO adopted MC-14/2, the strategy of massive retaliation, in December 1956. See also Boutwell, Jeffrey, *The German Nuclear Dilemma* (Ithaca: Cornell University Press, 1999), 14.

¹⁹ Mallard, Grégoire, *Fallout* (Chicago: The University of Chicago Press, 2014), 216.

²⁰ Boutwell, 14-16. Although there were a huge number of nuclear weapons on German territory, the West Germans did not have ultimate control or ownership over the weapons as a result of "co-binding." Between NATO and the U.S., the West Germans (and other European states) did not have an independent defensive capability, but instead had the FRG depend on institutions and other liberal states. Deudney, Daniel, and G. John Ikenberry, "The Nature and Sources of Liberal International Order," *25 Review of International Studies* 2 (April 1999), 182-184.

²¹ Lyndon Baines Johnson Library. Papers of Lyndon Baines Johnson, President, 1963-1969, National Security File, Committee File; Committee on Nuclear Proliferation, Box 1; Folder: Problem 1: Europe, NATO, Germany, and the MLF. Memo from ACDA, "Europe, NATO, Germany, and the MLF," 12 December 1964.

²² Wolfe, Thomas W., "The Soviet Union's Strategic Stake in the G.D.R.," *27 The World Today* 8 (August 1971), 342.

appeared poised for a ground war. As a result, the West Germans believed they were under threat.

The West Germans Reassess the Nuclear Nonproliferation

The question of whether the FRG would become a nuclear power one day continued to weigh on the minds of American leaders. Even though Adenauer renounced nuclear weapons, President Johnson mused that the Germans may want a nuclear option because of “the importance of the Germans finding a place under the sun.”²³ In other words, he believed that the West Germans might pursue nuclear weapons in order to gain full statehood.

Additionally, while American policymakers assessed that the West Germans didn’t actually want a German-controlled nuclear weapon, they were concerned that the FRG may have wanted nuclear weapons in order to have a bargaining chip with the Soviets for reunification.²⁴ Others supposed that the West Germans might pursue nuclear weapons as an insurance policy for their defense in case the U.S. were to abandon them.

In fact, the West Germans began exploring the loopholes to Adenauer’s renunciation of nuclear weapons in 1956. Even when Adenauer declared West Germany would not pursue nuclear weapons, he “did not regard his declaration as Germany’s last

²³ Lyndon Baines Johnson Library. Papers of Francis M. Bator, Subject File; Box 28; A Nuclear Role for Germany-What do the Germans want? 4/4/66 (2 of 2). Bator memo for Johnson. “A Nuclear Role for Germany: What do the Germans want?” 4 April 1966.

²⁴ Ibid.

word.”²⁵ In light of Sputnik and the 1956 Radford plan to reduce ground troops in Europe, the FRG feared that the Soviets were pulling ahead in the arms race at the same time the U.S. was planning to pull back its support. It worried that the U.S. would not be able to defend West Germany.²⁶

The West Germans and the NPT

Even in the early stages of negotiation, the West Germans were wary of the effects the NPT could have on FRG security. The country was, in many ways, defenseless against the behemoth super power to its east, the Soviet Union. The FRG depended on NATO for its security, but the West German people worried that NATO members, especially the U.S., would not come to their defense if the Soviets attacked.²⁷ As President Johnson described in his memoir, the West Germans wanted nuclear sharing during the NPT negotiation process, “they wanted a voice in whether and when those weapons would be used.”²⁸

²⁵ Messemer, Annette, “Konrad Adenauer,” in Gaddis, John Lewis, et. al., *Cold War Statesmen Confront the Bomb: Nuclear Diplomacy since 1945* (New York City: Oxford University Press, 1999), 248-249.

²⁶ Heuser, 129. For an overview of the Radford plan (also known as the Radford Crisis), see: McArdle Kelleher, 43-49. See also Morgan, Roger, “Washington and Bonn: A Case Study in Alliance Politics,” 47 *International Affairs* 3 (July 1971), 492.

²⁷ See, for instance West German Chancellor Konrad Adenauer was deeply suspicious “that abandonment or at least withdrawal was possible at any time.” Boutwell, 19. Boutwell also claims that Kennedy’s response to the Berlin Wall crisis and the U.S.-Soviet arms negotiations in the 60’s further fed into the West German fears that the U.S. was not wholly committed to protecting the FRG. Eichenberg, Richard C., *Public Opinion and National Security in Western Europe* (Ithaca: Cornell University Press, 1989), 55-59.

²⁸ Johnson, Lyndon Baines, *The Vantage Point: Perspectives of the Presidency, 1963-1969*. (New York City: Holt, Rinehart and Winston, 1971), 476-477. For a description of the nuclear sharing issue in the NPT negotiations, see also Walker, John R., *Britain and Disarmament: The UK and Nuclear, Biological and Chemical Weapons Arms Control and Programmes 1956-1975* (Burlington: Ashgate Publishing Company, 2012), 194-201.

Internally, the West German people were divided over whether to become party to the NPT. The Christian Democratic Union Party, one of the two major political parties, advocated against signing the NPT because the Soviets asserted a right to intervene in West Germany under some circumstances.²⁹ The left-leaning Social Democratic Party of Germany did not believe the concerns about a Soviet intervention should interfere with West Germany signing the treaty. With regard to the NPT, West Germany was essentially a divided house.

The West Germans were also concerned about the future of NATO.³⁰ Presidents Kennedy and Johnson were actually willing to sacrifice the military strategy of flexible response for a reduction in troop requirements. They hoped to pursue flexible response, but their actual plan was remarkably similar to President Eisenhower's strategy of massive retaliation.³¹ Under Eisenhower's massive retaliation strategy, the U.S. would launch a large-scale nuclear attack at Soviet provocation, but under Kennedy and Johnson's flexible response, a buildup of conventional troops in Europe guaranteed military options short of nuclear war.³² Yet German leaders recognized that Kennedy and Johnson were not really creating an option for flexible response. Germany wanted a more

²⁹ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 184, Folder 8. Morgan, Dan, "Soviets Offer Terms to Bonn on Atom Pact," *The Washington Post*, 7 February 1969.

³⁰ The Nixon Administration expressed similar concerns about the future of NATO. Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 3: The Nixon Administration's First Six Months, July 1969. Memo from Halperin to Kissinger, "Accomplishments of the First Six Months," 16 July 1969. See also Messemmer, Annette, "Konrad Adenauer," in Gaddis, *Cold War Statesmen Confront the Bomb*, 253.

³¹ Gavin, Francis J., *Nuclear Statecraft: History and Strategy in America's Atomic Age* (Ithaca: Cornell University Press, 2012), 30-53.

³² See, more generally, Kaplan, Edward, *To Kill Nations: American Strategy in the Air Atomic Age and the Rise of Mutually Assured Destruction* (Ithaca: Cornell University Press, 2015).

flexible strategy which would prevent a nuclear war from being fought on its soil.

Retaining U.S. troops in the area plus maintaining a nuclear force would be the best option to deter the Soviets.

The West Germans hoped to strengthen NATO, and supported a NATO nuclear force.³³ FRG concerns about the future of the alliance rose after a March 1966 episode when French leader Charles de Gaulle announced that he intended to remove NATO military installations from French soil.³⁴ Discord between France and the rest of NATO quieted after a December 1966 agreement, but the episode highlighted to the Germans that the NATO alliance structure might not be permanent nor guarantee a robust defense against the Soviets in the future.³⁵ Because the U.S. had been “threatening to withdraw troops from West Germany at the same time that it was initiating a conciliatory policy toward the Soviet Union,” the FRG leaders were convinced that the U.S. would finally move to abandon the FRG.³⁶ Leaders in Bonn considered two possible solutions to their insecurity: develop nuclear weapons, or obtain additional guarantees related from NATO

³³ Lyndon Baines Johnson Library. Papers of Francis M. Bator, Subject File, Box 28. Folder: A Nuclear Role for Germany-What do the Germans Want? 4/4/66 (1 of 2). Telegram from the American Embassy at Bonn, “German Reaction to Secretary Rusk’s Denial of New York Times Report,” 28 April 1966.

³⁴ Spencer, Robert, “Alliance Perceptions of the Soviet Threat,” in Schweitzer, 35. See also, for instance, Lyndon Baines Johnson Library. Papers of Francis M. Bator, Subject File; Box 28; A Nuclear Role for Germany-What do the Germans want? 4/4/66 (2 of 2). McNamara Memo for Johnson, “The Nuclear Problem in NATO,” 14 May 1966.

³⁵ De Gaulle’s attempt to move NATO installations out of France met serious, and immediate, pushback from NATO leaders who recognized the West German insecurity that would result from a disunited NATO. For instance, see Lyndon Baines John Library. Papers of Francis M. Bator, Subject File, Box 28. Folder: A Nuclear Role for Germany-What do the Germans Want? 4/4/66 (1 of 2). Letter from Prime Minister Wilson to President Johnson, 29 March 1966.

³⁶ Francis Gavin asserts that, after a four-year period of occasional threats to withdraw troops from West Germany, the balance of payments crisis of 1967 led to a real push to remove troops. This led to planning at the State Department on the role of a ‘more independent’ West Germany. Gavin, Francis J., *Gold, Dollars, and Power: The Politics of International Monetary Relations, 1958-1971* (Chapel Hill: The University of North Carolina Press, 2004), 173-177.

that it would come to Bonn's defense in the case of an attack by the Soviets. Becoming a party to the NPT would remove the first option.

The FRG's leaders knew that West Germany's defenses against a Soviet attack would likely depend on how the NPT was eventually interpreted. From the beginning of the NPT negotiation process, the FRG spokesmen consistently maintained that the NPT must be interpreted to allow nuclear-sharing arrangements.³⁷ The FRG needed an interpretation of the NPT that would allow NATO to maintain nuclear weapons in Germany in order to deter the Soviets.

The Soviets repeatedly told the West Germans that the U.S.S.R. had a right to intervene in West Germany under certain conditions in the years leading up to the signing of the NPT.³⁸ For example, in December of 1967, Soviet leaders told a group of West German and Western ambassadors that the Soviets had a right to intervene in West Germany under the UN Charter, in the case of the "resumption of aggressive policies by a former enemy state."³⁹ This line is taken from Article 53 of the UN Charter, whereby regional organizations can act against aggressive policies of other states when authorized by the UN Security Council (UNSC). Additionally, Article 53 states that regional organizations do not need UNSC authorization when "enemy states" take aggressive action. An "enemy state" is "any state which during the Second World War [was] an

³⁷ Boutwell, 44.

³⁸ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 184, Folder 8. Morgan, Dan, "Soviets Offer Terms to Bonn on Atom Pact," *The Washington Post*, 7 February 1969.

³⁹ Webb, Adrian, *Longman Companions to Germany Since 1945* (New York City: Routledge, 2013), 39-40.

enemy of any signatory of the present Charter.”⁴⁰ In other words, while all other enforcement actions need to be authorized by the UNSC, the Soviets claimed the right to intervene in West Germany because, during WWII, the Germans were an enemy state. As a result, the Germans were wary of giving away their right to develop nuclear weapons that could be used to deter intervention by the USSR.

As Kenneth Bergeron argues, “the starting point for nonproliferation is convincing non-weapons states that acquiring nuclear weapons will not add to their national security.”⁴¹ John Mueller, a nuclear optimist who argues that most analysts overstate the significance and potential dangers of nuclear weapons, derisively calls the NPT simply a “piece of paper” that had little to no effect on emerging nuclear weapon states.⁴² I would argue that the West German case shows that the Germans took the signing of the NPT very seriously, and believed signing that “piece of paper” could have profound effects on the German future. The case confirms that security was, at least for West Germany, the primary consideration in its decision to relinquish nuclear weapons forever.⁴³ It considered joining the NPT as a signing away of its right to nuclear weapons. Yet the decision was far more nuanced than simply increasing its security. Possessing nuclear weapons would surely increase the likelihood that it could deter a Soviet attack if NATO dissolved. At the time it was making the decision to join the NPT, American

⁴⁰ United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

⁴¹ Bergeron, Kenneth D., *Tritium on Ice: The Dangerous New Alliance of Nuclear Weapons and Nuclear Power* (Cambridge: The MIT Press, 2002), 79.

⁴² Mueller, John, *Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda* (New York City: Oxford University Press, 2009), 120.

⁴³ Despite only subscribing to a the “piece of paper”, the West Germans appeared resigned to their non-nuclear status in the late 1970s and 1980s. Quester, George H., “The Superpowers and the Atlantic Alliance,” 110 *Daedalus* 1 (Winter 1981), 34.

weapons and security assurances were guaranteed. The big question came down to whether relinquishing nuclear weapons would affect its security in a world where the U.S. could one day abandon security guarantees.

The International Response

The FRG would sign the NPT only if West German territory was protected. While the NPT prohibited transferring nuclear weapons or control of nuclear weapons to any non-nuclear weapon state, in the American interpretation of the treaty, if the treaty did not expressly prohibit an action, it would still be allowed. Notably, President Johnson's Secretary of State, Dean Rusk, told the Senate Committee on Foreign Relations that the NPT "does not deal with, and does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control of them to any recipient, as long as such transfer doesn't involve bombs or warheads." Rusk went on to tell the Committee that the NPT "does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling."⁴⁴ The Americans asserted that the NPT would not actually prohibit or even limit the nuclear weapons currently in place in Western Europe.

The West Germans were also concerned in 1967 that they would lose the right to peaceful nuclear energy. As a result of deemphasizing nationalism after WWII, the FRG

⁴⁴ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Memo for Dr. Kissinger, Provisions of the NPT and Associated Problems, 24 January 1969.

downplayed the political and psychological importance of the nuclear energy program. At the same time, West German leaders sold the build-up of nuclear energy as primarily a business and technological endeavor. The West Germans hoped, though, that by focusing on the technological aspects of the nuclear program, they would be able to restore some German influence in Western circles through the sharing of nuclear knowledge. The FRG could prevent France from forcing it to choose between France and Washington by sharing nuclear information with both, and downplay Soviet concerns about the nuclear program.⁴⁵ It gained the support of large European states that it would have a right to develop nuclear energy. For instance, Great Britain reassured West Germany that the NPT would not interfere with the FRG right to develop nuclear energy. Great Britain sent its chief scientific advisor, Solly Zuckerman, to West Germany to speak with nuclear scientists to reassure them about the future of the nuclear energy program.⁴⁶

Three of the nuclear powers stood behind United Nations Security Council (UNSC) Resolution 255 assuring the UNSC's commitment to act if a nuclear weapon state threatened or used nuclear weapons against a non-nuclear weapon state.⁴⁷ The U.S., Great Britain, and the Soviet Union collectively agreed to hold a UNSC meeting immediately if any nuclear weapon state threatened a non-nuclear weapon state. The states would vote in the UNSC, and then hopefully take collective action against the

⁴⁵ Nau, Henry R, *National Politics and International Technology: Nuclear Reactor Development in Western Europe* (Baltimore: The Johns Hopkins University Press, 1974), 72-73.

⁴⁶ Gill, David James, *Britain and the Bomb: Nuclear Diplomacy, 1964-1970* (Stanford: Stanford University Press, 2014), 174-175.

⁴⁷ United Nations Security Council Resolution 255, "Questions Relating to Measures to Safeguard Non-Nuclear Weapon State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons," 1433rd Meeting, 19 June 1968. Adopted with 10 votes to none, with 5 abstentions (Algeria, Brazil, France, India, and Pakistan).

nuclear weapon state. While Resolution 255 gave some assurances to West Germany, it was not wholly convinced. A mere resolution did not guarantee that it would be protected.⁴⁸ The Soviet Union could easily have vetoed any action if the Security Council considered a response to a Soviet threat or attack. Resolution 255 did not do enough to assure FRG security.

The West Germans See Opportunity in the NPT

By 1967, West German leaders were appalled that the U.S. was willing to embrace the NPT and the inequality inherent in the treaty. They were dismayed that they would somehow be lumped together with other potential proliferators who were not loyal allies to the U.S. They also critiqued the NPT and détente as methods to “hasten the end of NATO.”⁴⁹ German leaders like Adenauer, the diplomat in charge of disarmament Swidbert Schnippenkötter, Finance Minister Franz Josef Strauss, and future West German Chancellor Helmut Schmidt all were skeptical of the NPT. However, while there was widespread concern about the implications of the NPT for West Germany, not all leaders were resigned to the idea that NPT would be a detriment to the future of the FRG.

While the NPT was fraught with potential dangers, the leaders in Bonn also saw that the NPT could be used to their advantage if they negotiated well. Because the Germans knew the Soviets wanted them to sign the NPT, they hoped to leverage their

⁴⁸ Records indicate that Resolution 255 was primarily an assurance to India to come to its aid if China (a nuclear state) attacked. Bunn, George, and Roland M. Timerbaev, “Security Assurances to Non-Nuclear-Weapon States,” *The Nonproliferation Review* (Fall 1993), 12.

⁴⁹ Ferguson, Niall, *Kissinger: 1923-1968 (Volume I)* (New York City: Penguin Books, 2015), 714-717.

signature into gaining Soviet recognition of their UN Charter Article 2 rights. Article 2 guaranteed the rights of political and territorial integrity of a state. Therefore, the Germans hoped to gain the assurance that the Soviets would not intervene in exchange for the West German signature of the NPT.⁵⁰

The FRG leaders wanted be able to defend West Germany, and feared that the NPT would prevent them from doing so. They were being asked to sign away their right to develop nuclear weapons that could be used to defend against a future Soviet attack. At the same time, the Soviets claimed a right to intervene in West Germany under the UN Charter. They worried that the NPT could be interpreted so that the U.S. would no longer station nuclear weapons in West Germany. However, they also believed they could leverage their adoption of the treaty in order to strengthen their position.⁵¹ The assurance that the Soviets would not use force against the FRG could make becoming a party to the NPT worth the limitations that came with it.

Part II: Nixon, West Germany, and the NPT

Diplomatic Initiatives, Détente, and Nixon's Push for the West Germans to sign the NPT

After his election, Nixon quickly pushed for the Senate to ratify the NPT. As described in the introduction, Nixon needed ratification of the NPT in order to proceed with his goals for détente. However, because a large part of his reason for obtaining

⁵⁰ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Memorandum for Kissinger from Sonnenfeldt, "FRG-Soviet Exchanges on NPT," 12 March 1969. See also United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

⁵¹ Heuser, 140.

ratification of the NPT rested in his Cold War, geopolitical objectives, Nixon had a limited strategy for urging other states to become party to the NPT. Francis Gavin even argues that the administration would avoid pressuring other states to join the NPT, “especially the Federal Republic of Germany.”⁵² As described in the previous chapter, Nixon rejected strong, or even weak, diplomatic pressure against potential proliferators. Yet he made an exception for pressuring West Germany.⁵³ Geopolitical objectives necessitated that the FRG join the NPT. This section explores the administrations’ decision against using diplomacy to get other states to become parties to the NPT. I also look at how this decision fits within Nixon’s broader détente goals, and why the Nixon administration was willing to work to gain West Germany’s membership in the NPT.

1. Diplomatic Initiatives

The U.S. pursued a large swath of strategies, including treaties, diplomacy, alliance guarantees, and missile defense in order to prevent “friend and foe alike” from pursuing nuclear weapons.⁵⁴ The NPT stigmatized nuclear proliferation by creating a “legal/normative” inhibition policy.⁵⁵ Yet the U.S. quickly realized that the NPT would not achieve universal status unless potential proliferators could be convinced to abandon their nuclear pursuits. Spurgeon Keeny, of the Arms Control and Disarmament Agency,

⁵² Gavin, *Nuclear Statecraft*, 117.

⁵³ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 10: Non-Proliferation Treaty, April 1969-March 1970. “Study Requested by NSSM 13, 1 March 1969.

⁵⁴ Gavin, Francis J., “Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation,” 40 *International Security* 1 (Summer 2015), 10-11.

⁵⁵ *Ibid*, 27.

circulated the first draft of an Issues Paper on the Non-Proliferation Treaty among the National Security Council (NSC) members on the first day of Nixon's presidency. Keeny and his staff identified a series of potential nuclear weapons states which had yet to sign the NPT, including Argentina, Australia, Brazil, India, Israel, Italy, Pakistan, South Africa, Switzerland, and West Germany.⁵⁶ Nixon had two options for addressing potential proliferators: the administration could either take no action, or it could launch a diplomatic campaign to push for becoming parties to the treaty. However, Keeny argued that U.S. relationships with allies and neutrals would suffer if the U.S. used diplomatic pressure to convince states to become parties to the treaty, and that it would harm long-term U.S. interests.

The administration recognized its limitations when it came to pressuring other states to become party to the NPT. For instance, India appeared unlikely to sign, regardless of American pressure. The Indians were pursuing great power status, which was more achievable as a nuclear state. More important to the administration, it recognized that India believed it was under threat from nuclear China to its north.⁵⁷ In part because the administration believed that a state would not become a party to a treaty which could significantly impact its security, it did not exert diplomatic pressure on India to become a party to the NPT.

⁵⁶ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). S.M. Keeny, "Issue Paper on the NPT," 20 January 1969.

⁵⁷ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Report from Fulbright to Rusk, "Positions of States for Ratification of the NPT," 17 January 1969.

The Nixon administration also explored how to urge other countries to become parties to the NPT without having to expend time or resources on those countries. This mentality aligned with the Nixon Doctrine goal of reducing America's footprint and focusing only on those goals and those states that were most vital to the U.S. For example, the administration decided that instead of pressuring a large number of countries around the world to become parties to the NPT, it would instead attempt to convince Britain to apply pressure to its former dependencies.⁵⁸ The administration would avoid overextending itself by encouraging allies to take on more responsibilities.

Nixon received a Current Problems Book in preparation for entering the presidency that described the relationship of various states with the NPT. Policymakers from Australia, Japan, Italy, and Switzerland told U.S. officials that they would await Senate ratification of the NPT before deciding whether or not to become parties to the treaty. While Sweden already signed the NPT, it would not ratify until the U.S. ratified.⁵⁹ Additionally, Great Britain recognized that persuading as many countries as possible to sign the NPT would be the best strategy to guarantee the treaty's success, but it followed Nixon's policy of avoiding giving security assurances and refraining from pressuring states to join the NPT. The British planned to avoid unilateral pressure to get states to become parties to the treaty, and instead waited till there was a movement to apply

⁵⁸ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 9: Non-Proliferation Treaty, April 1969-March 1970. Department of State Telegram on NPT Ratification, 28 November 1969.

⁵⁹ Richard M. Nixon Presidential Library. NSC Files, Henry A. Kissinger Office Files, HAK Administrative and Staff Files-Transition, Box 6. Folder 2: Current Problems Book, 1 of 6. "Current Problems Book: The Non-Proliferation Treaty," November 1968.

“universal pressure.” In other words, the British were waiting on the U.S. and other countries to prioritize pressuring states to join the NPT.⁶⁰ The Book also noted that if the U.S. waited for other states to become parties to the treaty, it could avoid having to respond to any competing interpretations to parts of the NPT after the U.S. ratified. Also, it would not have to limit its own actions in line with NPT restrictions in the case that it signed while other states remain unrestricted by not signing.⁶¹ However, Nixon understood that if more states became party to the treaty, the Soviets would be more likely to view the NPT as a success and negotiate in the Strategic Arms Limitations Talks (SALT).⁶² His team also analyzed that waiting to ratify the NPT until other states did so was a “chicken and egg” problem.⁶³ Gaining Senate ratification of the NPT would be the best way of getting more states to become party to the treaty without having to extend significant U.S. resources.

A few burgeoning nuclear weapon states, most notably Japan, South Africa, and Israel, attempted to leverage their signatures to the NPT to obtain U.S. policy changes. Japan hoped to offer its signature of the NPT in exchange for the return of Okinawa.⁶⁴

⁶⁰ Gill, 188.

⁶¹ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Memo from Walsh to Kissinger, “Ratification of the NPT,” 28 March 1969.

⁶² Notably, even though Nixon wanted to move forward with SALT and arms control, he would not do so from a position of weakness. He was willing to delay SALT until the U.S. would be in a favorable position. Black, Conrad, *Richard M. Nixon: A Life in Full* (New York City: PublicAffairs, 2007), 582.

⁶³ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Memo for Kissinger from Keeny, “Provisions of the NPT and Associated Problems,” 24 January 1969.

⁶⁴ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April

After a visit with Nixon in October of 1969, Japanese officials relented and agreed to sign the NPT without first concluding an agreement on Okinawa.⁶⁵ South Africa wanted IAEA guarantees so it could continue mining uranium.⁶⁶ For example, Israeli officials told State Department officials that they couldn't yet agree to the NPT because of "unresolved problems of American security guarantees."⁶⁷ They wanted to be included under the U.S. nuclear umbrella. However, the Nixon Doctrine called for reduced, not expanded, commitments abroad, and the administration chose against bringing Israel under the nuclear umbrella. The decision not to extend nuclear guarantees supported the larger U.S. strategic objectives since Nixon hoped to limit U.S. action to areas of greatest strategic importance.⁶⁸ Extending the nuclear umbrella to Israel could force the U.S. into conflicts even when it wasn't in the best interest of the U.S.⁶⁹ As part of Nixon's overall strategy for U.S. foreign policy, the U.S. avoided the extension of the nuclear umbrella.

1969-March 1970, Box 366. Folder 9: Non-Proliferation Treaty, April 1969-March 1970. Telegram on Japanese Signature to the NPT, October 1969.

⁶⁵ Nixon and the Japanese signed an agreement to return Okinawa on June 17, 1971. See "Okinawa Reversion Agreement, 1972," *Council on Foreign Relations*, 19 March 2013, available at: <http://www.cfr.org/japan/okinawa-reversion-agreement-1972/p30266>.

⁶⁶ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Report from Fulbright to Rusk, "Positions of States for Ratification of the NPT," 17 January 1969.

⁶⁷ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Telegram on Italian NPT Signature, January 1969.

⁶⁸ Gaddis, John Lewis, *Strategies of Containment: A Critical Appraisal of American National Security Policy During the Cold War* (New York City: Oxford University Press, 2005), 290-295.

⁶⁹ See also Black, 572.

After a debate in the NSC, the administration chose against applying diplomatic pressure on other states to become party to the NPT.⁷⁰ Nixon rejected applying serious pressure on India, South Africa, Japan and others. Instead, he pushed for the quick ratification of the treaty, which the administration hoped would bring in more signatories to the treaty.⁷¹ He would not employ coercive diplomacy, sanctions, or assurance strategies because of limited resources. The U.S. ratification of the NPT, and the resulting ratification of the NPT by the Soviets, would be a strategy of inhibition, but it would not be coupled with the more intensive (and likely effective) strategies that would interfere with other U.S. objectives. This limited strategy, devoid of supplementary initiatives with teeth, further indicates that Nixon downplayed the importance of nuclear nonproliferation in the early years of his administration.⁷² Because the administration did not assess that membership to the NPT for most states was necessary for America's geostrategic objectives, it did extend the nuclear umbrella or even apply political capital towards obtaining additional adherents to the treaty. Yet, even as the administration rejected pressuring most potential proliferators, Nixon's team assessed that it was necessary to obtain West Germany's commitment to the NPT.

⁷⁰ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 3: The Nixon Administration's First Six Months, July 1969. Memo for Kissinger from Halperin, "Accomplishments of the First Six Months," 16 July 1969.

⁷¹ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Spurgeon Keeney, "Issue Paper on the Non-Proliferation Treaty," 20 January 1969.

⁷² Gavin also asserts that Nixon, unlikely most of the post-WWII presidents, put limited resources towards preventing proliferation early in his presidency. Gavin, "Strategies of Inhibition," 34-35.

2. Détente

The pursuit of détente, the easing of tension between the U.S. and the Soviet Union, was a central strategy to the Nixon administration, and the primary reason that Nixon decided to submit the NPT for ratification. Nixon worked towards détente and in the process, became the “voice of progressivism in foreign policy” by negotiating with both major communist powers.⁷³ Kissinger believed in détente because he assessed that the U.S. did not have the capacity to continue on a path of a massive buildup in light of Vietnam fatigue, and that the U.S. could not afford to retreat from the ongoing threat from the Soviets. Détente, for Kissinger, was essentially a strategy to maintain the balance of power.⁷⁴ Détente would assure that the U.S. could maintain its superpower status, but Nixon first needed for the NPT to succeed.

The Nixon administration had a well-defined plan to achieve détente: it would negotiate with the Soviets during SALT on “substantive issues”.⁷⁵ SALT would likely limit the Soviet buildup during the Vietnam era defense budget cuts.⁷⁶ The U.S. would pursue “sufficiency” instead of superiority in nuclear weapons.⁷⁷ It would use linkage to modify Soviet behavior.⁷⁸ Additionally, it would push for an opening of China, which

⁷³ Greene, John Robert, *The Limits of Presidential Power: The Nixon and Ford Administrations* (Bloomington: Indiana University Press, 1992), 106.

⁷⁴ Ninkovich, Frank, *The Wilsonian Century: U.S. Foreign Policy since 1900* (Chicago: The University of Chicago Press, 1999), 234.

⁷⁵ Gaddis, *Strategies of Containment*, 287-288. See an in depth description of Nixon’s role in SALT in Small, Melvin, *The Presidency of Richard Nixon* (Lawrence: University Press of Kansas, 1999).

⁷⁶ Van Atta, Dale, *The Laird Legacy: A Biography of Melvin R. Laird* (Marshfield: Marshfield Clinic, 2008), 291.

⁷⁷ Ninkovich, *The Wilsonian Century*, 234.

⁷⁸ Nixon, Richard, *The Memoirs of Richard Nixon* (New York City: Grosset and Dunlap, 1978), 346.

would reduce American adversaries.⁷⁹ All these aspects of détente would be used in conjunction with one another. For instance, linkage would modify Soviet behavior, which would allow the U.S. to negotiate on SALT; SALT negotiations would increase pressure on China because of the appearance that the U.S. and Soviet relationship was thawing and allowing the opening of China.⁸⁰ Finally, the reduction in adversaries would allow Nixon to enact the Nixon Doctrine, which was a phasing down of American commitments abroad.⁸¹ Nixon believed in transforming certain policies so that the U.S. could negotiate from a position of strength.⁸² The U.S. had to be willing to delay negotiations until that strength was achieved.⁸³ The U.S. would be able to leave Vietnam with honor, and would pursue nuclear superiority.⁸⁴ It still wanted American primacy, but by disengaging from areas of the world that weren't extremely important and letting allies take on more responsibilities, primacy would be cheaper.⁸⁵

⁷⁹ Generally, see Henry Kissinger's excellent work, *On China*. Kissinger, Henry, *On China* (New York City: Penguin Books, 2012). See also, for instance, Parmet, Herbert S., *Richard Nixon and His America* (Boston: Little, Brown, and Company, 1990), 620-624; Reeves, Richard. *President Nixon: Alone in the White House*. New York City: Simon and Schuster, 2001), 344-346. For a description of U.S.-Soviet relations in regards to China in the lead up to the Sino-Soviet split, see Lüthi, Lorenz M., *The Sino-Soviet Split: Cold War in the Communist World* (Princeton: Princeton University Press, 2008), 246-272.

⁸⁰ Parmet, 624.

⁸¹ Gaddis, *Strategies of Containment*, 290-295. The Nixon administration was further committed to reductions in troop numbers in Europe because of the numbers needed for Nixon's strategy to end the Vietnam war. Stoddart, Kristan, *The Sword and the Shield: Britain, America, NATO, and Nuclear Weapons, 1970-1976* (New York City: Palgrave MacMillan, 2014), 1-2. The U.S. would not provide manpower for allies in conventional conflicts, but would respond with nuclear weapons to a nuclear strike; the U.S. would also uphold treaty commitments. Van Atta, 301.

⁸² Black, 572. Nixon was convinced that the U.S. was badly damaged by the Soviet buildup of the 60s, and argued the need for arms control to European allies soon after becoming president. Reeves, 169.

⁸³ Greene argues, and is backed up by the archival documents, that the key to this in SALT were a build-up of antiballistic missiles. Greene, 114-115.

⁸⁴ Matthews, Chris, *Kennedy and Nixon: The Rivalry that Shaped Postwar America* (New York City: Free Press, 1997), 286-287.

⁸⁵ Hoffman, Stanley, *Primacy or World Order: American Foreign Policy Since the Cold War* (New York City: McGraw Hill, 1980), 46-47. Sargent, Daniel J., *A Superpower Transformed: The Remaking of American Foreign Relations in the 1970s* (New York City: Oxford University Press, 2015), 61.

Nixon and Kissinger did not want to spend “valuable political capital trying to prevent states that were not superpowers from acquiring their own nuclear weapons.”⁸⁶ Kissinger himself had “long insisted” that a state would not accept an international order that would put it in a permanent state of inferiority.⁸⁷ The administration understood that, without security guarantees, the NPT could leave states in an inferior position. While Nixon preferred that states not proliferate, he didn’t want to extend security guarantees. The FRG was insecure and unlikely to accept a permanent position of inferiority from membership to the NPT. The administration made an exception to apply pressure to prevent West Germany from proliferating because it calculated that a non-nuclear FRG would reduce tensions in the region. Reduced tension with the Soviets fit Nixon’s overall détente goals.

Notably, neither Nixon nor Kissinger pursued détente as a substitute to the long-held Cold War strategy of containing the expansionist Soviet Union.⁸⁸ Instead, détente served as a means of achieving containment.⁸⁹ Détente, as Nixon stated emphatically in his book on leadership, could only exist when coupled with deterrence. Due to his storied history as a staunch anti-communist, Nixon could sell détente as another tool in

Mearsheimer, John J., *The Tragedy of Great Power Politics* (New York City: W.W. Norton and Company, 2001), 2.

⁸⁶ Gavin, *Nuclear Statecraft*, 106.

⁸⁷ Gaddis, *Strategies of Containment*, 287.

⁸⁸ See chapter ten in John Lewis Gaddis’ biography on George Kennan. Gaddis, John Lewis, *George F. Kennan: An American Life* (New York City: Penguin Group, 2011), 201-224.

⁸⁹ For a look at why containment became U.S. policy, see Dueck’s argument: “containment became U.S. policy because it was the first feasible strategic idea to win the support of leading executive officials, including the president, and it won their support because it suited American liberal assumptions.” Dueck, Colin. *Reluctant Crusaders: Power, Culture, and Change in American Grand Strategy*. Princeton: Princeton University Press, 2006), 82-113.

combatting the Soviets.⁹⁰ The U.S. under Nixon would not be acquiescent to Soviet expansion, but would gain strength through reduced tensions.⁹¹ With its détente strategy, the Nixon administration hoped that U.S. resources would be better allocated towards containing the Soviets. Additionally, as many scholars seem to agree, Nixon was intent on conducting an arms control agreement in fulfillment of his goal to negotiate on issues of substance.⁹²

Nixon and Kissinger valued global stability above all other objectives. Because the Soviet Union was on the verge of being able to project power beyond its borders and was approaching parity with the U.S., Nixon and Kissinger feared that the U.S.S.R. would disrupt the balance of power.⁹³ Nixon's administration pushed for détente to achieve stability. Additionally, Nixon and Kissinger hoped to convince the Soviets that it was in their interest to be contained, since containment provided stability.

SALT and arms control were about geopolitical considerations.⁹⁴ "Détente did not mean the abandonment of containment or the end of superpower rivalry...the difference was now this goal would be accomplished through diplomacy and mutual concessions."⁹⁵ Mutual concessions and détente were going to happen through a forum, and that forum

⁹⁰ For a comprehensive history of Nixon's time in Congress and on the House Un-American Activities Committee, see Morris, Roger, *Richard Milhous Nixon: The Rise of an American Politician* (New York City: Henry Hold and Company, 1990). See also Greene, 113.

⁹¹ Nixon, Richard, *Leaders* (New York City: Warner Books, 1982), 161.

⁹² Gaddis, *Strategies of Containment*, 291. Dallek, Robert, *Nixon and Kissinger: Partners in Power* (New York City: Harper Collins Publishers, 2007), 135.

⁹³ Gaddis, *Strategies of Containment*, 284.

⁹⁴ Gavin, *Nuclear Statecraft*, 106-108. See also: Gavin, Francis J., "Nuclear Nixon: Ironies, Puzzles, and the Triumph of Realpolitik," in Logevall, Fredrik and Andrew Preston (eds), *Nixon in the World: American Foreign Relations, 1969-1977* (New York City: Oxford University Press, 2008), 130.

⁹⁵ Craig, Campbell, and Fredrik Logevall, *America's Cold War: The Politics of Insecurity* (Cambridge: The Belknap Press, 2009), 261.

was going to be SALT. However, because SALT was dependent on America's support for the NPT, Nixon had to obtain the passage of the NPT in order to move forward with détente.

3. West German NPT Membership

Nixon's push for obtaining West German membership to the NPT was part of a larger focus on stability and the balance of power. The U.S. needed to maintain nuclear weapons on German territory in order to deter Soviet aggression; however, American policymakers were concerned that rearming West Germany would provoke the Soviets. The U.S. feared a nuclear Germany could turn the Cold War hot, and it was in the best interest of everyone, as well as for general stability and containment, for West Germany to remain non-nuclear.

Nixon's major goal for U.S.-FRG relations was "to restore confidence and stability in Bonn."⁹⁶ Kissinger agreed that West German membership to the NPT would be necessary for détente. He actually advised the Johnson administration about West Germany and the NPT in 1966. Kissinger argued that the West Germans believed that "nonproliferation was primarily directed against the FRG. Therefore a specific price would have to be paid to Bonn for its adherence."⁹⁷ West Germany's adherence to the

⁹⁶ Kissinger, Henry, *White House Years* (Boston: Little, Brown and Company, 1979), 98.

⁹⁷ Lyndon Baines Johnson Library. Papers of Francis M. Bator, Subject File, Box 28. Folder: A Nuclear Role for Germany-What do the Germans want? 4/4/66 (1 of 2). Memo for the White House from Henry Kissinger, "The Nuclear Issue and the German Domestic Situation," 4 April 1966. See also: McArdle Kelleher, 279.

NPT would depend upon the security assurances the U.S. was and was not willing to provide.

Congress, West Germany, and the NPT

Key to obtaining legislative support for the treaty was convincing Congress that it was in the best interest of the U.S. to subscribe to the treaty. Nixon faced a wary Congress that opposed extending security assurances in support of the NPT. Some Congressmen were concerned that the NPT would force the U.S. to extend its security commitments around the world. Notably, Senator Barry Goldwater repeatedly wrote Nixon to express his opposition to the NPT. First, he questioned why the U.S. was willing to sign a treaty with the Soviets and others “knowing full well that the enemy is ahead of us in missile numbers, missile strength, and craft capability.”⁹⁸ He was concerned about any treaty that would potentially limit America’s ability to regain parity with the Soviets on nuclear weapons and missiles. He was even more concerned as to whether the NPT would force the U.S. into new commitments. He questioned Nixon as to whether the U.S. was essentially agreeing to protect any state that was targeted by a nuclear weapon. Goldwater envisioned the U.S. exerting manpower and treasure in conflicts that were beyond the interests of the U.S., simply because the U.S. signed the NPT. Nixon responded that the NPT would not create new obligations. He downplayed

⁹⁸ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Letter from Senator Barry Goldwater to Assistant to the President Bryce N. Harlow. 26 February 1969.

the significance of the treaty, making it sound like little more than a goodwill offering to the peaceniks.⁹⁹

Interestingly, the question as to whether the NPT would force the U.S. into conflicts in the protection of West Germany or other states and our allies reached the citizenry of the U.S. In the Senator Henry M. Jackson archives in Seattle, Washington, Jackson's staff saved dozens of letters from concerned citizens. There were, at most, a small handful of letters in support of the NPT. Instead, letter after letter expressed concern that the NPT would force the U.S. into new, loosely defined obligations to protect states such as West Germany in the case of nuclear war.¹⁰⁰ Most of the authors of these letters believed that the NPT would force the U.S. to come to the defense of any non-nuclear weapon state targeted by a nuclear weapon state. At least a subsection of citizens were concerned enough to write their Congressmen because they believed that the NPT would force the U.S. into a conflict without gaining Congressional approval.¹⁰¹

Nixon had to perform a balancing act: publicly he had to support the NPT in order to maintain the posture towards West Germany that the FRG would be supported in the case of an attack by the Soviets or some other state. West Germany was already protected through the North Atlantic Treaty, and if it were attacked, the U.S. would be

⁹⁹ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Memo for Bryce Harlow from Henry Kissinger, "Senator Goldwater's Questions on the NPT," 5 March 1969.

¹⁰⁰ Henry M. Jackson Archive. University of Washington. Collection 3560-4. Box 181. Folder 1: General Correspondence-Nuclear Treaty. See, for instance, Letter from Robert F. Owsley to Senator Henry M. Jackson, 10 March 1969.

¹⁰¹ Henry M. Jackson Archive. University of Washington. Collection 3560-4. Box 181. Folder 1: General Correspondence-Nuclear Treaty. Letter from Alise Nelson to Senator Henry M. Jackson, 8 March 1969.

obligated by treaty to intervene. However, Nixon had to respond to critics in Congress and the general public who believed that the NPT meant a massive, guaranteed intervention by the U.S. in the case that a non-nuclear weapon state is attacked by a nuclear weapon state. Nixon sought the swiftest solution to quieting his critics; he had little interest nor patience in spending time building domestic support for his policies.¹⁰² Nixon never cared for courting Congress.¹⁰³ He argued that the NPT would not create new obligations since the U.S. already protected West Germany.

To Nixon, the NPT “carried no political or economic costs.”¹⁰⁴ He wanted swift passage of the NPT in large part because the treaty was not going to affect the foreign relations of the U.S., and “neither Nixon nor Kissinger thought halting nuclear proliferation merited sacrificing other geopolitical goals.”¹⁰⁵ Both were right to the extent that Nixon was willing to push for the swift passage for the NPT, but would not accept a treaty that put the U.S. at a disadvantage.¹⁰⁶ Because he didn’t believe the NPT would put the U.S. at a disadvantage, his administration moved swiftly to obtain passage of the NPT.

The case of West Germany’s NPT signature shows that failure to achieve a nonproliferation goal would carry political and economic costs, and so preventing proliferation and supporting the NPT was necessary in some circumstances. While the

¹⁰² Herring, George C., *From Colony to Superpower: U.S. Foreign Relations Since 1776* (New York City: Oxford University Press, 2008), 761.

¹⁰³ Greene, 234.

¹⁰⁴ Dallek, 136.

¹⁰⁵ Gavin, *Nuclear Statecraft*, 105. See also Gavin, “Strategies of Inhibition,” 34-35.

¹⁰⁶ Newhouse, John, *Cold Dawn: The Story of SALT* (New York City: Holt, Rinehart and Winston, 1973), 141 and 149. See also Humes, James C., *Nixon’s Ten Commandments of Statecraft* (New York City: Scribner, 1997), 36-37.

NPT itself may not have carried significant political or economic costs functionally, Nixon believed the failure of the NPT to come into effect would have costs. Failure to secure passage in the U.S. would mean the Soviets may not negotiate SALT. Failure to achieve West German membership to the NPT could lead to increased tension between the Soviets and the West. The NPT did not hold political or economic costs separate from Nixon failing to gain support for the treaty by some members of his own party. However, the NPT carried political gains by increasing the chances that Nixon could negotiate SALT and move forward with arms control and détente. As a result, Nixon was willing to put effort towards getting Congressional approval of the NPT.

Convincing West Germany

At the same time that Nixon was attempting to reassure members of Congress that the NPT wasn't going to increase U.S. commitments to non-nuclear weapon states, he knew he had to figure out how to reassure the West Germans and gain their acceptance of the NPT. The strategy he took was twofold: first, he was going to assist, to the extent the U.S. was capable, in gaining clarifications and assurances for the West Germans on the NPT.¹⁰⁷ Second, he would reassure the FRG that American commitments were credible, in part by strengthening the bonds of NATO. Kissinger even once pontificated on the importance of having credibility, saying "however fashionable it is to ridicule the terms 'credibility' and 'prestige,' they are not empty phrases; other nations can gear their

¹⁰⁷ Levite, Ariel E., "Never Say Never Again: Nuclear Reversal Revisited," *27 International Security* 3 (Winter 2002/2003), 76-77. Nixon focused on what Levite called "soft" measures to convince the West Germans to definitely abandon a future nuclear weapons program by focusing on reaffirming security guarantees.

actions to ours only if they can count on our steadiness.”¹⁰⁸ While Kissinger was speaking of the need to succeed in Vietnam, his thoughts reveal an overall attitude towards the importance of maintaining credibility with assurances.¹⁰⁹ Nixon “retained his confidence in the viability of nuclear diplomacy and brinkmanship” and remained confident that the U.S. would be able to defend its interests, including West Germany, if détente were successfully implemented.¹¹⁰ He would help convince the West Germans that the NPT would not be used to undermine their defenses, that détente would not weaken the U.S. commitment to FRG security, and that the FRG could, as a result, forgo nuclear weapons.

Nixon’s team assessed that the best way to gain West German acceptance to the NPT was to take all action behind closed doors, without leaking to the press or public what they were trying to do. West Germany would likely sign the NPT sooner if there was not public pressure to do so.¹¹¹ This was unsurprising; before Nixon came into office, he was already convinced that private meetings were more fruitful.¹¹² If the U.S. asserted pressure publicly, it could have repercussions for the West German elections in the spring

¹⁰⁸ Wills, Garry, *Nixon Agonistes: The Crisis of the Self Made Man* (New York City: Houghton Mifflin Company, 2002), 420.

¹⁰⁹ Black, 571.

¹¹⁰ Burr, William, and Jeffrey P. Kimball, *Nixon’s Nuclear Specter: The Secret Alert of 1969, Madman Diplomacy, and the Vietnam War* (Lawrence: University of Kansas Press, 2015), 51.

¹¹¹ Richard M. Nixon Presidential Library. Nixon Presidential Materials Files, White House Special Files, Staff Member and Office Files, memoranda for the president, Beginning January 21, 1969 to Beginning April 6, 1969, Box 77. Folder: Beginning March 2, 1969. Memo to the President from Patrick J. Buchanan, “One Observer’s notes of the second bipartisan leadership meeting, following the President’s visit to the Continent,” 4 March 1969.

¹¹² Wills, 21.

of 1969.¹¹³ So while Nixon's administration made the same calculations as to why it was difficult to apply pressure to West Germany as to other potential proliferators (in this case, it could be politically problematic), the administration still believed that it was necessary. Therefore, it chose to offer reassurances and to strengthen NATO while avoiding public pressure on West Germany.

Clarifying the NPT

The administration entered discussions with the FRG leaders and the Soviet Union in Nixon's first days in office in order to negotiate an understanding of the NPT which would reassure the FRG leaders. On February 3, 1969, Secretary of State William Rogers met with the Ambassador from West Germany, Rolf Pauls.¹¹⁴ First, Pauls told Rogers that the FRG was adamantly opposed to proliferation, and as a country that had already clarified its decision not to pursue nuclear weapons when it signed on to NATO. The West Germans were anxious for other states to make the same declarations. However, three issues remained: first, the West Germans were still concerned about the Soviet declarations about a right to intervene in West Germany. Second, Pauls stressed a need for the assurance that if the FRG were to sign the NPT, it would not face discrimination regarding the right to peaceful nuclear energy. Third, while NATO protected West

¹¹³ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff, National Security Council Files, Subject Files, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970, Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Memo for Kissinger from Haig, "NPT Memorandum dated January 24, 1969," 27 January 1969.

¹¹⁴ *Foreign Relations of the United States, Volume E-2, Documents on Arms Control and Nonproliferation, 1969-1972*, Document 7. "Memorandum of Conversation, Washington, February 3, 1969." Original Source: National Archives, RG 59, Central Files 1967-1969, DEF 18-6. Secret. Drafted on February 3 by Gleysteen (ACDA/IR) and approved on February 4.

Germany against the actual use of nuclear weapons, Bonn leaders were still concerned about threats of the use of nuclear force. Pauls solicited American assistance in gaining sufficient assurances for West Germany to comfortably sign the NPT.¹¹⁵

The Soviets sent a memorandum to the FRG on February 6, 1969, stating that “signing and ratification of the treaty as speedily as possible on the part of the Federal Republic of Germany would have a positive effect on the situation in Europe and on the development of the relations between the states of this region.” The Soviets went on to clarify that the FRG would also be a beneficiary to all of the rights of non-nuclear weapon states stemming from the NPT, such as the right to nuclear energy. Additionally, “the Resolution of the Security Council of the United Nations No. 255 would also apply to the Federal Republic as a party to the treaty.”¹¹⁶

The West Germans handed over the Soviet memorandum to American policymakers for review and consultation soon after receiving it. The West Germans and Americans began working on amendments to the text to clarify the FRG’s rights and privileges. The West Germans then made a formal presentation to the State Department of their amendments to the Soviet memorandum on February 27, 1969, three days after it transmitted the amendment memorandum to the Soviets. The additions to the original Soviet memorandum included making explicit that the FRG would have the all the rights of the NPT, “especially in the field of peaceful uses of atomic energy...and that the treaty

¹¹⁵ Ibid.

¹¹⁶ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Tsarapkin Statement of February 6, 1969.

will be applied in the same manner to all signatories.” The West Germans went on to write that “regardless of the fact that no peace treaty has yet been concluded, the Soviet Union declares that in its relations with the Federal Republic of Germany the principles of Article 2, paragraphs 3 and 4, of the UN Charter apply without reservation or restriction.” Finally, they added a short line to the paragraph about UNSC Resolution 255, saying that not only does Resolution 255 apply to West Germany, but the declarations of the Americans, British, and Soviets in support of Resolution 255 apply “in an unrestricted manner” to the FRG.¹¹⁷ The U.S. supported the FRG as a free state, subject to UN guarantees of territorial integrity and a right against attacks, especially nuclear attacks.

On March 10, 1969, the Soviets sent a rejoinder to the West Germans, who soon sent it on to the U.S. State Department. The memo was curt, stating upfront that “the Soviet side already gave on February 6 a comprehensive reply to the questions of interest to the West German side.”¹¹⁸ It did not, however, cut all of the West German changes. It altered the wording of the text from guaranteeing that the FRG “could make use of” of the rights and privileges to guaranteeing that the FRG would “enjoy in full measure” the rights of the NPT. However, the Soviets did not think the changes altered the actual meaning of the text. Similarly, while the Soviet text removed the FRG text on the right to

¹¹⁷ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). German Revisions of Soviet Statement given Tsarapkin by Duckwitz, February 24, 1969.

¹¹⁸ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Soviet Response from Tsarapkin to Duckwitz, March 10, 1969.

peaceful atomic energy, the Soviets gave them “assurance that rights inherent in ‘all provisions’ of the NPT will be enjoyed by the FRG.”¹¹⁹ Finally, the Soviets altered the FRG statements that conveyed the three nuclear powers (the U.S., Britain, and the U.S.S.R.) would support UNSC Resolution 255, although the Soviets added that Resolution 255 would neither give the West Germans special rights, nor discriminate against them.¹²⁰

The West German additions to the Soviet memorandum were primarily an attempt by the FRG to clarify both its rights and its freedom to be treated as any other state. It wanted the Soviets to assure that it would not be treated differently, singled out, or denied privileges that emanated from the NPT. The State Department analyzed that the new wording gave the Germans “somewhat more fulsome recognition of their rights.”¹²¹ While the Soviet rejoinder may not have gone so far as to explicitly acknowledge the specific assurances against discrimination that the FRG sought, it did repeatedly guarantee that the FRG would be given the rights of the NPT. The Soviets failed to acknowledge the FRG right to atomic energy, but since the right to peaceful atomic energy is explicit in the NPT, the Soviet text appeared to acknowledge the West

¹¹⁹ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Memorandum for Kissinger from Sonnenfeldt, “FRG-Soviet Exchanges on NPT,” 12 March 1969.

¹²⁰ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Soviet Response from Tsarapkin to Duckwitz, 10 March 1969.

¹²¹ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Memorandum for Kissinger from Sonnenfeldt, “FRG-Soviet Exchanges on NPT,” 12 March 1969.

German's right without making that acknowledgment explicit. The State Department analysis called this "a step in the FRG's direction." Finally, while the Soviets ignored the FRG request for acknowledgment of the three nuclear powers' assurances on Resolution 255, the Soviets did declare that the FRG will not be discriminated against. Thus, while the Soviets once again avoided explicit assurances of equality, the declaration that the West Germans would not suffer discrimination indicated that it would be treated as any other state, with the same privileges and right to security.

The West Germans greatest remaining problem with the Soviet memorandum was that the Soviets were not willing to renounce their right to intervene in West Germany under UN Charter Articles 53 and 107.¹²² As noted previously, over the past few years, the Soviets repeatedly told the West Germans that it had a right to intervene under the UN Charter if the FRG initiated 'aggressive' policies. The West Germans hoped to alter the Soviet position on their right to intervene by getting them to agree to acknowledge the applicability of Article 2 of the Charter, an article which assures that a state may not use force to intervene against the "territorial integrity or political independence" of any state.¹²³ The West Germans believed that if they agreed to this, the Soviets would essentially be waiving their claims related to Articles 53 and 107. Getting the Soviets to renounce the right to intervene or use force against the FRG was the price the West

¹²² United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

¹²³ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 7: Non-Proliferation through March 1969 (July 68-April 69). Memorandum for Kissinger from Sonnenfeldt, "FRG-Soviet Exchanges on NPT," 12 March 1969.

Germans appeared willing to pay to give up their right to pursue nuclear weapons.

Without this assurance, the U.S. questioned whether the FRG would sign the NPT.

While they wanted the West Germans to sign the NPT, the Soviets did not want to alter their claims to a right to intervene in West Germany. Additionally, American analysts, by the end of the exchange over the wording of the Soviet memorandum, believed that the Soviets were nearing the end of their willingness to continue negotiating over their understanding.¹²⁴ Given the choice of walking away or accepting the weaker Soviet assurances without full renunciation of the right to intervene, the West Germans chose to accept the assurances. As a result, though, the U.S. still had to put effort into guaranteeing West German security.

Assisting the FRG in gaining assurances from the Soviets fulfilled Nixon's goals in a number of different ways. First, the administration engaged with the West Germans on issues of the NPT in a private manner. It was able to obtain commitments from West Germany that it was not planning on pursuing nuclear weapons, and in the process received additional clarification on what the Germans did want, namely security assurances and protection from discrimination. Because the Americans worked with the West Germans on the clarifications, the West German policy makers were confident that the U.S. supported their proposals.

¹²⁴ Ibid.

Long-Lasting Security Assurances

West Germany's relationship with NATO was, since the beginning, associated with its status as a non-nuclear weapon state. The West German allies that formed NATO were still fearful of a resurgent Germany. The scars of World War II were still apparent across all of Europe, and Europeans were not ready for West Germany to become powerful once again. Possession of nuclear weapons could, theoretically, make the FRG powerful. Western European states and the U.S. hoped to never again participate in the destructive policies of "capitulation, preemptive surrender, or event active collaboration with a determined aggressor."¹²⁵ Instead, the West established NATO, choosing to push deterrence as the preferred antidote to aggression.

When West Germany first joined NATO, West Germany's first Chancellor, Konrad Adenauer, wanted to limit NATO's reliance on nuclear weapons and increase reliance on U.S. ground troops. Additionally, he was concerned that the U.S. would not be willing to risk New York to protect Bonn. Eisenhower increased tactical nuclear weapons but kept U.S. troop levels fairly consistent. Adenauer realized that by continually disagreeing with the Americans, he would not win favorable policies for the West Germans, and shifted his policy in September of 1956 to support NATO's goals for nuclear deterrence. This led the West German military planners to begin the development of nuclear-capable missiles and aircrafts. However, when the West German people

¹²⁵ McArdle Kelleher, Catherine, "Nation-State and National Security in Postwar Western Europe," in McArdle and Mattox, 4-5.

learned of the development plans and Adenauer's support of the deployments for nuclear deterrence, there was upwards of 64% opposition to his plans.¹²⁶

At the same time the German people opposed the nuclear deterrent, they were concerned that NATO may not always be able to guarantee FRG security. The Germans were "increasingly explicit in their security dependence and in their efforts to secure the most complete U.S. involvement" in assuring West German security.¹²⁷ During this time, American financial and military support for NATO fell. Over the course of the Johnson administration, U.S. financial support for NATO declined steadily and the U.S. removed "one and one-third Army divisions from Europe" in order to reallocate the resources and troops to Vietnam.¹²⁸ The Europeans appeared to be playing a political game during much of the Cold War that relied on reaffirming the American security guarantees. The European policymakers would emphasize burden-sharing while offering as few troops and supplies as possible to convince the American Congress to continue funding NATO.¹²⁹

The American leadership team believed that the West German leaders wanted to establish a "European defensive nuclear weapon system" before the FRG could consider reunification with East Germany.¹³⁰ For instance, European members of NATO

¹²⁶ Boutwell, 18-21. This opposition led to the contentious Bundestag debates and a series of moves by the SPD to force Adenauer out of office over his support for nuclear weapons. See also Cioc, 147.

¹²⁷ McArdle Kelleher, Catherine, "Nation-State and National Security in Postwar Western Europe," in McArdle and Mattox, 5. See also, for instance: McArdle Kelleher, 280.

¹²⁸ Laird, Melvin R., "A Strong Start in a Difficult Decade: Defense Policy in the Nixon-Ford Years," 10 *International Security* 2 (Fall 1985), 18.

¹²⁹ McArdle Kelleher, Catherine, "Nation-State and National Security in Postwar Western Europe," in McArdle and Mattox, 5.

¹³⁰ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April

established the Eurogroup in 1968 which focused on establishing better collaboration on military procurement.¹³¹ Nixon knew that even the world leader he admired the most, the ever tough French President Charles de Gaulle, “simply did not believe Americans would use NATO’s nuclear weaponry to defend Western Europe.” De Gaulle told Nixon during the president’s first European tour that the U.S. would delay any use of nuclear weapons if the Soviets marched across West Germany.¹³² A European nuclear defense system would be like an insurance policy; it was unlikely that the U.S. was going to withdraw from NATO, but in case it did, West Germany would still be protected. However, while the leaders would give speeches about strengthening European security and defense initiatives, these speeches were “meant to strengthen the Atlantic Alliance” rather than serve as an alternative model for NATO.¹³³ The West German leaders were concerned that nearly any push for the military independence of Western Europe would weaken the U.S. commitment to European security and potentially lead to the destruction of NATO.

As the Eurogroup discussed a European defense system, support for and unity within NATO was increasing. In response to the Soviet invasion of Czechoslovakia, NATO moved up the date of its Fall meeting, in part to reassure the FRG of NATO’s support.¹³⁴ NATO released a communique to condemn the Soviet invasion and warned that any further invasion “would create an international crisis with grave

1969-March 1970. Box 366. Folder 8: Non-Proliferation through March 1969 (July 68-April 69). Memo for Dr. Kissinger, Provisions of the NPT and Associated Problems, 24 January 1969.

¹³¹ Roper, John, “European Defense Cooperation,” in McArdle and Mattox, 39.

¹³² Reeves, 49 and 53. For a description of Nixon’s opinion of de Gaulle, see Nixon, *The Memoirs of Richard Nixon*, 371-375.

¹³³ Roper, John, “European Defense Cooperation,” in McArdle and Mattox, 39-44.

¹³⁴ Ranger, Roger, “NATO’s Reaction to Czechoslovakia: The Strategy of Ambiguous Response,” 25 *The World Today* 1 (January 1968), 19-26.

consequences.”¹³⁵ Significantly though, the Soviet invasion strengthened Western commitment to the alliance. The Soviet invasion was a reminder that the Eastern border of the alliance faced a continual, prodigious threat that they must counter.

Even though the U.S. remained committed to NATO, it was frustrated with the U.S. burden in the organization. Burden sharing among the NATO states was terribly unequal.¹³⁶ While the U.S. had an outsized voice in the decisions NATO made, it gave significantly more for its military contribution than the other states in the alliance.¹³⁷ According to Secretary of Defense Melvin Laird, one major goal of the Nixon Doctrine was to redistribute the burden for defense so it was shared more equally by all of America’s allies. The U.S. would, however, contribute the bulk of nuclear power. The problem lay in how cut backs would look to American allies. Deciding to cut the U.S. defense budget would look like Washington was trying to cut its defense of Western Europe. The solution was to focus most of the Nixon Doctrine cutbacks on a draw down in Vietnam while reducing military support in Japan and South Korea, and have those two states carry more of their own defense. Afterwards, the U.S. could refocus efforts on the U.S.S.R. and Europe.¹³⁸

¹³⁵ Spencer, Robert, “Alliance Perceptions of the Soviet Threat,” in Schweitzer, 38.

¹³⁶ By the early 1960s, even Britain, which was previously committed to a British nuclear deterrent, gave up its pursuit of an independent nuclear deterrent in favor of a deterrent under the U.S. Polaris missiles under Prime Minister Harold MacMillan. They devoted far fewer resources to NATO than the U.S. Stoddart, 13-14

¹³⁷ Roper, John, “European Defense Cooperation,” in McArdle and Mattox, 42-43.

¹³⁸ Laird, 7. The U.S. removed the Seventh Infantry Division from South Korea, although it developed new security assistance programs for South Korea to make up for some of the increased burden. By 1970, NATO had augmented its defense budget so Western European states increased their total contribution by \$1 billion per year between 1971-1976. This allowed the U.S. to scale back the budget while maintaining the commitment level.

In 1969, Nixon also worked to try to make a smarter military. He heavily campaigned for SAFEGUARD, an antiballistic missile program meant to protect American ICBMs, and placed low cost MIRVs on its Minuteman missiles.¹³⁹ The administration's goal was that the U.S. could create a better deterrent while saving money and providing adequate defense against the Soviets in Europe. However, while Nixon tried to create a smarter, more technologically advanced military, the administration never lost sight of the significance of NATO and troops in Europe. Melvin Laird advocated for NATO in the Department of Defense budget, and in the years after the signing of the NPT. NATO, and the preparation for any attack by the Warsaw Pact, was the most demanding situation the American military faced. The administration truly reassessed the importance of Europe at the beginning of the Nixon administration, and by reallocating funds, encouraging greater contribution from allies, and placing an emphasis on the importance of Europe and NATO, the European countries became less skeptical of America's commitment to NATO.¹⁴⁰

Not only did Nixon hope to reassure the West Germans that the U.S. was still committed to NATO and would work for its continued existence, his administration also sought to assure the West Germans that it would be an influential decision-maker within NATO.¹⁴¹ Throughout the 1960s, the West Germans and the U.S. participated in

¹³⁹ Reeves, 59-61. The eventual ABM treaty was the first limit on the growth of strategic missiles. Parmet, 624. See also Small, 101-103.

¹⁴⁰ Laird, 16. Melvin Laird argued that due to recommitting to NATO, America's nuclear guarantee went unquestioned in the years after Nixon came into office. Nixon hoped to extricate the U.S. from the Vietnam war and reduce America's defense strategy from Johnson's 2 ½ war to a 1 ½ war strategy, with the emphasis being on combatting the Warsaw Pact states in Europe.

¹⁴¹ Ibid.

negotiations over whether West Germany could have a “finger on the trigger” when it came to launching nuclear weapons, or if it could have the option to veto a launch.¹⁴² The Nixon administration agreed with the policy of the Johnson administration’s assessment that the West Germans should be given “special weight” in deciding what would happen with those nuclear weapons.¹⁴³ The administration asserted that the three countries that should have ‘special weight’ in NATO command over the nuclear weapons should be those hosting the nuclear weapons, providing the nuclear warheads, and providing the missiles. It asserted that both West Germany and the U.S. would likely have special weight in deciding how or when to use nuclear weapons.

In addition to reassuring West Germany that it would be consulted when any nuclear weapons stationed in its territory were used, the U.S., West Germany, and NATO also participated in conversations in the Spring and Summer of 1969 over how those nuclear weapons would be used.¹⁴⁴ The U.S and West Germany’s positions on these matters did not always align when it came to nuclear planning. While the U.S. was loathe to rule out certain strategies or options, such as the extensive use of nuclear

¹⁴² Müller, 22.

¹⁴³ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council (NSC) Files, Subject Files, Nuclear Planning Group to Oil 1971, Box 367. Folder 1: Nuclear Planning Group (NPG, April-Nov 1969). Nuclear Planning Group, “US Position on Consultations on Nuclear Weapon Use,” 4 April 1969.

See also: Heuser, 138.

¹⁴⁴ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council (NSC) Files, Subject Files, Nuclear Planning Group to Oil 1971, Box 367. Folder 1: Nuclear Planning Group (NPG, April-Nov 1969). Memo to Kissinger from Laird, “Comments on UK/FRG Nuclear Planning Group Paper,” 14 July 1969.

Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council (NSC) Files, Subject Files, Nuclear Planning Group to Oil 1971, Box 367. Folder 1: Nuclear Planning Group (NPG, April-Nov 1969). Nuclear Planning Group: Melvin Laird, “Agenda Item II: Strategic Use of Nuclear Weapons-Strategic Balance and Safeguard,” 28-30 May 1969.

weapons in the battle area, the West Germans opposed such an option.¹⁴⁵ West Germany itself would be the battleground of any fight between the Soviets and NATO, and it hoped to minimize the danger to its land. However, the U.S. acknowledged these concerns. For instance, Melvin Laird asserted that the U.S. would hope to limit damage in any nuclear exchange.¹⁴⁶ Although the U.S. and West Germany did not always agree on tactics, the U.S. was diligent in making the effort to acknowledge and respect FRG concerns.

While the U.S. and West Germany had different preferences in nuclear planning, the administration still attempted to assure the Germans that the U.S. would come to their defense in case of an attack. Laird told the Nuclear Planning Group in late May that the primary purpose of the NATO strategic forces was to “deter deliberate nuclear attack against the United States and its allies.”¹⁴⁷ He went on to reject a future where NATO was weak. Instead, he asserted that the U.S. would not allow nuclear deterrent to erode, nor would the commitment to collective security diminish. The public pronouncements sent a message to West Germany, the rest of the NATO members, and the Soviet Union that America continued to be committed to a strong NATO.

¹⁴⁵ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council (NSC) Files, Subject Files, Nuclear Planning Group to Oil 1971, Box 367. Folder 1: Nuclear Planning Group (NPG, April-Nov 1969). Memo to Kissinger from Laird, “Comments on UK/FRG Nuclear Planning Group Paper,” 14 July 1969.

¹⁴⁶ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council (NSC) Files, Subject Files, Nuclear Planning Group to Oil 1971, Box 367. Folder 1: Nuclear Planning Group (NPG, April-Nov 1969). Nuclear Planning Group: Melvin Laird, “Agenda Item II: Strategic Use of Nuclear Weapons-Strategic Balance and Safeguard,” 28-30 May 1969.

¹⁴⁷ Ibid.

Shoring up the commitment to NATO was the final major hurdle in gaining the West German commitment to the NPT. In fact, “the Germans stated that a prerequisite for FRG adherence to the NPT was the continued existence of NATO or a system providing similar security guarantees.”¹⁴⁸ Because West Germany recognized that the NPT could outlast NATO, it wanted the U.S. to give a nuclear guarantee and assure that it would be protected by an “effective deterrent against a nuclear attack.”¹⁴⁹ It requested that the U.S. avoid making a statement prior to the November 12, 1969 debate in the Bundestag over the NPT so as to not to unfairly bias the results, but instead to reassure the Germans at the signing of the NPT on November 28th.¹⁵⁰ Cognizant of the political imperatives in West Germany, the Nixon administration agreed to make a statement on German terms.

¹⁴⁸ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 10: Non Proliferation Treaty, April 1969-March 1970. Action Memorandum for Rogers from Emory C. Swank, “Reaffirmation of NATO at time of FRG Signing of Non-Proliferation Treaty,” [No date-after October 29, 1969].

¹⁴⁹ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 10: Non Proliferation Treaty, April 1969-March 1970. Memo for the President from Rogers, “Reaffirmation of NATO at the Time of FRG Signing of Non-Proliferation Treaty,” 11 November 1969.

The West Germans actually proposed that the NPT should be a 25-year treaty, instead of a treaty without an end date. However, their proposal was not supported. Müller, 24.

¹⁵⁰ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 10: Non Proliferation Treaty, April 1969-March 1970. Memo for Kissinger from Sonnefeldt, “The NPT and FRG Request for US Statement on NATO and Security Guarantees,” 7 November 1969.

The West Germans signed the NPT on November 28, 1969.¹⁵¹ Upon the signing, Secretary of State Rogers delivered a statement applauding the West German commitment to the NPT “under circumstances of a divided Germany, a divided Europe, and a divided world,” and that despite all the division, West Germany still decided to take a “positive and central role” in becoming a leader in “shaping the future of a Europe without divisions,” a leader who pursues peace.¹⁵² Rogers went on to stress that:

Articles 53 and 107 of the United Nations Charter confer no right to intervene in the Federal Republic of Germany. For their part, the Three Powers, the United States, the United Kingdom, and France, have formally declared that in their relations with the Federal Republic, they will follow the principles set out in Article 2 of the United Nations Charter. All other parties to the North Atlantic Treaty have associated themselves with that declaration. Moreover, as a full and equal partner in the North Atlantic Treaty, the Federal Republic is of course protected by that treaty, under which an armed attack upon any party would be met by an immediate Allied response in the form of self-defense measures pursuant to the North Atlantic Treaty.¹⁵³

¹⁵¹ In addition to gaining security assurances, “The West Germans...insisted on securing de jure and de facto access to joint development of dual-use technologies with a nuclear weapon state (and under Euratom supervision) prior to the entry into force of the NPT.” Mallard, 241.

¹⁵² Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Council Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 9: Non Proliferation Treaty, April 1969-March 1970. William Rogers, “Statement by the Honorable William P. Rogers, Secretary of State, on the Occasion of the Federal Republic of Germany’s Signature of the Treaty on the Non-Proliferation of Nuclear Weapons, Washington D.C.,” 28 November 1969.

¹⁵³ Ibid.

In making the formal statement on the West German signing of the NPT, the Nixon administration publicly declared that the Soviets could not use Articles 53 or 107 to justify intervening in West Germany. In referencing Article 2, the Three Powers agreed to recognize the sovereign equality and the full statehood of West Germany with all the benefits that statehood confers.¹⁵⁴

The Aftermath in West Germany

The West German decision to agree to the NPT was one of a number of steps that allowed it to gain additional control of its security, and contributed to the FRG claiming full statehood. While the West Germans and the Soviets were negotiating on their understanding of the NPT, the relationship between the two countries was changing. The Soviets began to reorient their policy towards the West Germans through a strategy called Westpolitik.¹⁵⁵ Although some hardliners attempted to prevent the Soviet softening, Brezhnev supported the West German Social Democrat Party in the September 1969 election cycle. When the SDP came to power, Brezhnev entered into negotiations with and softened the Soviet position toward the FRG.

Along with signing the NPT, Brandt negotiated a détente with the Soviets, just as Nixon was pushing for détente with the Soviets.¹⁵⁶ The negotiations they entered after the election of the SDP eventually led to the signing of the Moscow Treaty. When it appeared unlikely that the West Germans would ratify the treaty, Brezhnev even

¹⁵⁴ United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

¹⁵⁵ Gelman, Harry, *The Brezhnev Politburo and the Decline of Detente* (Ithaca: Cornell University Press, 1984), 123-124.

¹⁵⁶ Cioc, 187.

contacted Nixon to intervene in Bonn to help the SDP leader, Willy Brandt, gain the ratification of the Moscow Treaty.¹⁵⁷

Additionally, Bonn and Moscow negotiated a number of treaties with other Eastern European capitals in order to answer some of the leftover questions from WWII.¹⁵⁸ They also negotiated on Mutual Balanced Force Reductions and the Conference on Security in Cooperation in Europe in order to gain more agreement on the future of European stability and security.¹⁵⁹ Additionally, Bonn supported the U.S. in its SALT negotiations with the Soviets. Yet it was Ostpolitik, the normalization of relations between East and West Germany, that was the true result of the West German détente with the Soviets. Ostpolitik became an accepted policy in West Germany by 1975, which allowed the West Germans to follow through with the final step of ratifying the NPT on November 12, 1975.¹⁶⁰

America's détente and West Germany's Ostpolitik strategies were similar in many ways; both relied on treaties and summits with the Soviets, and had a cooperative component. Ironically, Nixon disliked Ostpolitik because he believed it could lead to the weakening of the NATO alliance. Privately, Nixon, Kissinger, and Rogers all believed the Moscow Treaty was foolish, and gave advantages to the Soviets while obtaining no advantages for themselves.¹⁶¹ It basically codified the status quo. Nixon, Kissinger, and

¹⁵⁷ Zubok, Vladislav M., *A Failed Empire: The Soviet Union in the Cold War from Stalin to Gorbachev*. (Chapel Hill: University of North Carolina Press, 2007), 216-217.

¹⁵⁸ Smyser, 21.

¹⁵⁹ Spencer, Robert, "Alliance Perceptions of the Soviet Threat," in Schweitzer, 39.

¹⁶⁰ Boutwell, 44-45.

¹⁶¹ Notably, Kissinger pointed out privately that the West Germans must recognize East Germany, which will make future negotiations over Berlin more difficult, although Nixon went on to say that the U.S.

Rogers preferred not to alter the status quo in West Germany in the short term, so the U.S. and the West would have a better negotiating position over the final status of West Germany. While Nixon and Bonn were not always aligned regarding their objectives for negotiations with the Soviets, for the most part the U.S. was supportive of Bonn's overtures. Ostpolitik led to some positive, long-lasting measures such as mechanisms to deescalate conflicts.¹⁶² Perhaps more significantly, through the negotiations, West Germany showed the U.S. and the rest of the world that it was reestablishing full statehood and deciding its own future.

Conclusion

The episode of Nixon's pursuit of West German membership to the treaty is perhaps the most direct example of Nixon grappling with the NPT and the treaty's significance to U.S. nonproliferation policy and broader foreign policy. As noted in the previous chapter, Nixon opposed ratification of the treaty prior to his election, but assessed that ratification was necessary for him to pursue his foreign policy goals with the Soviets. Neither preventing the spread of nuclear weapons nor establishing a norm against proliferation was central to the administration's decision-making. Most strikingly, for Nixon, the success of the treaty was consistently considered within the terms of geopolitical objectives, most notably détente. If those objectives aligned with

should agree with the purpose of the treaty. Dallek, 214-215. See also Sarotte, Mary Elise, "The Frailties of Grand Strategies: A Comparison of Détente and Ostpolitik," in Logevall and Preston, 149-151. See also Small, 100.

¹⁶² Sarotte, Mary Elise, "The Frailties of Grand Strategies: A Comparison of Détente and Ostpolitik," in Logevall and Preston, 150-153; Smyser, 22.

nonproliferation, as was the case with West Germany, he pursued the treaty and nonproliferation objectives. Yet, if an NPT or nonproliferation objective did not support the achievement of a greater foreign policy objective, or would take resources away from achieving a more prodigious goal, the NPT and nonproliferation immediately became secondary.

Nixon and his team decided that it was in the best interest of the U.S. to ratify the NPT, in large part because it would allow Nixon to fulfill his goal of negotiating the SALT treaties and achieving geopolitical objectives. The success of the NPT depended on adherents, and it was in the best interest of the U.S. to have the vast majority of states join the treaty. Yet Nixon rejected anything more than the most limited diplomatic efforts for most potential proliferators because expending political capital on gaining new members meant that capital could not be spent on more pressing objectives. He also downplayed the impact of the NPT in American foreign policy. His strategy for gaining members to the NPT was passive: he hoped that by having the U.S. ratify the treaty, other states would follow suit. However, Nixon decided that he would apply pressure to West Germany to become a member of the NPT. He did so because his administration assessed that it was in the best interest of West Germany to become a party to the treaty both to maintain West Germany's non-nuclear status as well as to minimize tensions with the Soviets over West Germany. FRG membership to the treaty aligned with Nixon's greater foreign policy objectives.

Nixon's decision to pressure some countries and not others to become parties to the NPT brings in the question of what a president is capable of doing in order to achieve

his NPT-related goals. Nixon recognized that he had limited political capital, and as a result, he was not willing to expend political capital, attempting to gain members to the NPT when the extension of capital would likely be fruitless (as in the case of India) or a passive act, just as getting the U.S. to ratify the NPT would be sufficient to convince a country to become a party to the treaty (as in the case of Japan). However, he was willing to extend political capital in the case of West Germany because he believed it was necessary for his broader objectives for West Germany to become a member to the treaty.

Nixon decided to work with the West Germans to gain assurances from the Soviets that West Germany would not be discriminated against, nor would the Soviets attack West Germany simply based on the U.N. Charter. He clarified, repeatedly, that while the NPT would not create massive new obligations for the U.S., that the U.S. would remain committed to the obligations it already had, that is, it would deter or, if necessary, defend the FRG against a Soviet attack. His administration also reassured the West Germans that they could depend on a strong NATO moving forward, and that they would have more input regarding when and how the nuclear weapons on their territory would be used. Additionally, Nixon's foreign policy goals, outlined in the Nixon Doctrine, reasserted the importance of NATO and Western Europe in combatting the Soviets in the Cold War, which confirmed to the West Germans that the U.S. would remain committed to them.

Nixon decided to pursue his goal of gaining West German membership to the treaty, but he was able to do so based on the support of other actors. In this case, three actors aligned with Nixon's goals. First, American and West German allies, in particular

France and Great Britain, wanted West Germany to remain a non-nuclear weapon state. U.S. allies supported American initiatives to gain West German membership, especially when Nixon reaffirmed U.S. commitment to NATO. Second, while the Senate was wary of extending any security assurances to non-nuclear weapon states, West Germany already held American security assurances. While Nixon did attempt to readjust the Defense budget to reflect its commitment to NATO and West Germany, he did remove some military support from places in Asia and reallocated it towards Europe. Therefore, Nixon did not have to fight Congress in affirming American support for FRG security. Additionally, because Congress wanted to transition support away from Vietnam, it was supportive of refocusing on Europe. Third, the U.S. aligned with the Soviet Union's support for West Germany becoming a member of the NPT. The Soviet Union did not want a rearmed or nuclear NATO. Because they wanted West Germany membership to the NPT, the Soviets were willing to negotiate with the West Germans (and Americans) on commitments not to discriminate against West Germany.

West Germany was willing to become a party to the treaty as long as its security was assured, and Nixon was able to assure its security. Nixon did not have to realign his goals for the world: supporting West German security was already a part of his foreign policy readjustment in the Nixon Doctrine. He was able to accomplish his goals without major spending. Finally, he was able to accomplish his goals because obtaining West German membership to the NPT was supported by most other actors in the political system. Because his goals for nonproliferation were compatible with his goals for maintaining U.S. power and achieving Cold War objectives, Nixon was both willing and

able to put resources towards pursuing the nonproliferation objective of obtaining FRG membership to the NPT.

CHAPTER THREE

Peaceful Nuclear Explosions Loophole: To Close or Not to Close?

Introduction

On May 18, 1974, India exploded the Smiling Buddha, its first successful nuclear test.¹ Although it described the test as a peaceful nuclear explosion (or PNE), the U.S. believed the test was indistinguishable from a nuclear weapons test. The test rattled the international community. The hopeful optimism that the NPT would constrain the world to five nuclear powers was dashed, and leaders had to conceive of alternative methods to constrain proliferation.

PNEs are treated as an afterthought in the story of the NPT. Neither President Nixon nor President Ford include more than a cursory reference towards PNEs in their memoirs. This leads to a few questions: what are the implications of describing a nuclear test as a PNE? Did preventing future PNEs justify expending U.S. resources? Finally, did presidential calculations, notably prioritizing U.S. power and Cold War objectives over nonproliferation objectives, remain the same in light of the PNE test?

The Smiling Buddha serves as a case for testing the presidential resolve in the fight against proliferation. The test showed that there was a glaring problem written into the NPT: countries could develop weapons without recourse just by calling them PNEs. The U.S. assessed that PNEs and nuclear weapons tests were indistinguishable from each other and a threat to the nonproliferation regime. However, the U.S. did not work to

¹ Ramana, M.V., *The Power of Promise: Examining Nuclear Energy in India* (New York City: Penguin Group, 2012), 26-34.

eliminate that threat worldwide. The Ford administration contended that it would take more political capital to close the PNE loophole than it had available. The U.S. recognized the problem within the treaty, but instead of addressing the issue within the context of the treaty, prioritized geopolitical objectives by addressing the issue only within the context of the U.S.-Soviet relationship.

This chapter is broken into three major sections, starting with the history of PNEs and their inclusion in the NPT, then Nixon's response to the test, and finally Ford's response. Scientists initially believed that PNEs had significant potential for excavation and energy extraction. By the time the Indians conducted the nuclear test, the U.S. was convinced that PNEs were unlikely to fulfill the potential scientists originally projected. At the same time, the nuclear weapons states had to avoid highlighting that the nuclear powers had more rights under the NPT than non-nuclear weapon states. In order to lessen the inequality inherent in the treaty, the U.S. eventually supported the inclusion of a right to PNEs in the NPT despite understanding that PNEs were a loophole for potential proliferators. U.S. policymakers chose not to push for an unpopular universal ban on PNEs despite naming them a threat to the treaty. Though the president would have preferred a ban, the objectives of other actors, notably non-nuclear weapons states, had to be incorporated in the NPT over the president's objectives. Having an imperfect NPT with a loophole for PNEs was more effective for U.S. nonproliferation policy than pushing the PNE issue and causing the NPT negotiation to collapse.

PNEs were included in the NPT because of political considerations, although experts believed that they were a loophole to the ban on the proliferation of nuclear weapons. While the Indian nuclear test in 1974 forced U.S. policymakers to recognize the

danger from PNEs, the Nixon administration downplayed the threat the test posed to the nonproliferation regime. Ford rejected pursuing a universal ban on PNEs because the administration determined that a ban would not be the best use of resources and political capital. However, both Nixon and Ford hoped to inhibit the spread of nuclear weapons, and pursued a bilateral treaty with the Soviets to limit PNEs.³ Additionally, other actors, notably non-nuclear weapons states, precluded the U.S. from pursuing a robust PNE ban. Cold War geopolitical objectives remained, and a PNE ban never became a pressing objective. Even when faced with an obvious case of proliferation, neither president chose to place nonproliferation objectives over other Cold War and administration goals.

Though Nixon recognized that the test threatened the nonproliferation regime, he did not significantly alter his nuclear policies in light of the test. While he took a few limited steps towards changing U.S. policy to limit the spread of dangerous PNEs, Nixon continued to place détente priorities above a robust nonproliferation regime. Nixon refrained from pressuring India to become a party to the NPT and did not respond to the frequent reports that India was working towards a nuclear explosion. He did little beyond ordering additional reviews of the Indian nuclear program. Notably, in light of the reviews, Nixon decided against extending additional American security guarantees that could have reduced the need for other states to proliferate because it would have been a burden on U.S. resources.

Ford was more overtly opposed to proliferation than Nixon. He developed a U.S. policy towards PNEs and worked to bring PNE policy in line with U.S. nuclear treaties. Ford occasionally prioritized nuclear nonproliferation and strengthened Nixon's policies.

³ Gavin, Francis J., "Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation," 40 *International Security* 1 (Summer 2015), 11.

The president aligned with Congress and even the Soviets in pursuing constraints on PNEs, culminating in the PNE Treaty. However, while Ford strengthened U.S. nonproliferation policy by limiting the use of PNEs, he did not push for a universal ban on PNEs to close the PNE loophole in the NPT. Conserving U.S. political resources remained a top priority, and closing the loophole did not justify expending resources that could better be spent conserving or expanding U.S. power.

The Brief History of Peaceful Nuclear Explosions

When states collectively chose to create the NPT, few officials focused on the glaring exception to the treaty: states had a right to explode nuclear bombs *if* states exploded a bomb for research or the explosion had a non-military purpose.⁴ These so-called peaceful nuclear explosions were intended for non-military purposes like the excavation of canals. However, as policymakers and scholars were forced to confront the problems associated with PNEs, they grew concerned that PNEs would be indistinguishable from nuclear weapons. They feared that when a country tested or used PNEs, it would effectively be testing and using nuclear weapons. As a result, by guaranteeing all states the right to PNEs, the explosions became an NPT-based exception to a prohibition on proliferation. This section will briefly review the history of PNEs from the beginning of the nuclear age. It will focus on the American government's hope for and eventual disillusionment in PNEs, describe why a right to PNEs was included in

⁴ For instance, on August 9, 1966, Representative Adrian Fisher argued before the 18-Nation Committee on Disarmament in Geneva that PNEs were indistinguishable from nuclear weapons explosions, and the technology used to develop PNEs was similar in kind to the technology used to develop nuclear weapons. Fisher was quoted in Bartels, Robert D., "The Nonproliferation Treaty and Peaceful Applications of Nuclear Explosions," 20 *Stanford Law Review* 5 (May 1968), 1030.

the NPT, and finally, overview how policymakers eventually recognized that PNEs posed a problem to the NPT.

The Origin of PNEs

PNEs captured the attention of policy makers at the beginning of the nuclear age. Soon after the Soviets tested their first atomic bomb, on September 23, 1949, the Soviet Representative to the United Nations, Andrei Vishinsky, described the test as an explosion that could bring civil and economic benefits. Although the term peaceful nuclear explosion had not yet been coined, Vishinsky's description was the essence of a PNE: a nuclear explosion conducted for non-military benefits. He also said that "the Soviet Union did not use atomic energy for the purpose of accumulating stockpiles of atomic bombs...it was using atomic energy for purposes of its own domestic economy: blowing up mountains, changing the course of rivers, irrigating deserts, charting new paths of life in regions untrodden by human foot."⁵ Despite the Soviet assurances that the test was peaceful in nature, U.S. policymakers were rightly convinced that the Soviet test was, in fact, militaristic in nature. Doubting that the test was peaceful pushed the U.S. deeper into the arms race with the Soviets.

Even though the U.S. generally rejected the notion that states would use nuclear explosions for peaceful purposes at the beginning of the nuclear age, American policymakers and engineers studied the non-military uses of the fantastic explosions during the first decade and a half of the Cold War. They began researching peaceful uses for nuclear explosions in earnest in 1958, naming the program Ploughshare. The hope for

⁵ Nordyke, Milo D., "The Soviet Program for Peaceful Uses of Nuclear Explosions," 7 *Science & Global Security* 1 (1998), 2.

Plowshare was high in the beginning: scientists and engineers imagined PNEs could be used for excavation, for creating canals, maybe even for extracting oil and gas. They hoped that the explosions would not only be better than the slow, manpower intensive manner under which these tasks were traditionally undertaken, but that PNEs would cost less. Policymakers even hoped that Plowshare might combat the spread of Soviet influence across the world, as the U.S. could develop a competitive advantage over the Soviets in PNEs.⁶ Project Plowshare was fundamentally an optimistic undertaking to bring about the promises of the atom, be they scientific, economic, or political, into reality.

By 1964, members of the Joint Committee on Atomic Energy (JCAE), the powerful Congressional committee that oversaw Plowshare, held high hopes that PNEs could someday be used in the area of nuclear excavation. Experts had estimated that these excavations would be feasible, and the government backed the optimistic assessments with action. Between 1962 and 1964, the Atomic Energy Commission (AEC) worked to develop “clean” nuclear devices that produced minimal radiation.⁷ Plowshare conducted five excavation tests in 1964 alone. Not only did the tests indicate the potential for excavation, but they also showed significant improvement from tests conducted prior to 1964. The amount of radioactive material reaching the atmosphere was reduced by a factor of one hundred, indicating that once the explosions were in use for commercial

⁶ Kaufman, Scott, *Project Plowshare: The Peaceful Use of Nuclear Explosives in Cold War America* (Ithaca: Cornell University Press, 2013), 4.

⁷ Project Sulky, a nuclear cratering experiment, led to detectable radiation, but at levels considered safe. Hacker, Barton C., *Elements of Controversy: The Atomic Energy Commission and Radiation Safety in Nuclear Weapons Testing, 1947-1974* (Berkeley: University of California Press, 1994), 236-239.

purposes, PNEs could potentially be acceptable to the general population.⁸ As the JCAE continued to study PNEs, it focused on the potential benefits of the explosions, stoking the optimistic expectation that PNEs would, like nuclear power, bring enormous civilian benefits. However, in its optimism, it did not discuss the downsides of PNEs, including that they could be scapegoats for nuclear weapons tests.

Expectations for PNEs Fade

In the time between the beginning of the Ploughshare PNE program in 1958 and the Indian test in 1974, the U.S. spent roughly \$160 million dollars developing and testing PNEs. Engineers conducted these tests in order to determine the plausibility of using PNEs in various capacities, many of them energy-related. Scientists and engineers theorized that the three most likely energy-related uses for PNEs were for shale oil extraction with in situ retorting, stimulating the flow of natural gas from rock formations, and creating caverns for storing natural gas and oil. However, upon further study, scientists estimated that in situ retorting to recover shale oil would not extract the desired amount of oil-as it generated only 25% of the potential yield. What's more, most of the sites that seemed favorable for creating caverns to store natural gas were located near population centers. The proximity of the tests to population centers led the public to protest against PNE tests. In 1969, the citizens near a PNE test site in Nevada even tried (but failed) to petition the AEC to stop a test.⁹

⁸ "Peaceful Applications of Nuclear Explosives-Plowshare." Hearing Before the Joint Committee on Atomic Energy, Eighty-Ninth Congress, First Session. 5 January 1965, 10.

⁹ Hacker, 243; Carter, Luther J., "Peaceful Nuclear Explosions: Promises, Promises," 188 *Science* 4192 (6 June 1975), 996.

While hopes for using PNEs for energy-related purposes were fading, some scientists optimistically suggested using PNEs to expand the Panama Canal, which needed to be modernized. As the 1970s approached, U.S. policymakers learned that within a few years, the Canal would no longer be able to accommodate the amount of the shipping traffic, nor could it handle the size of super tankers and aircraft carriers.¹⁰ PNEs provided hope for an efficient solution to this problem.

Congress had two options to improve the Canal: create a sea-level canal by using PNEs or renovate the lock-system canal that lifts ships to 85 feet above sea level. In 1964, Congress commissioned a report and a \$17.5 million (later amended to \$25 million) budget to determine the feasibility of creating a sea level canal via nuclear explosions.¹¹ President Johnson spoke in support of the commission and the development of the sea level canal, arguing that a sea level canal would be “more modern, more economical, and...far easier to defend. It will be free of complex, costly, vulnerable locks and seaways.”¹² The President and Congress aligned in their goal of constructing a sea level canal.

For six years, the Canal Study Commission authorized engineering surveys and PNE tests in an attempt to understand the feasibility of a sea level canal. During this time, policymakers were still hopeful that a PNE-created canal would be significantly

¹⁰ Inglis, David R., and Sandler, Carl L., “A Special Report on Ploughshare: Prospects and Problems: The Nonmilitary Uses of Nuclear Explosives,” 23 *Bulletin of Atomic Scientists* 10 (December 1967), 46-47.

¹¹ P.L. 88-609. “An Act to Provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.” S. 2701, 88th Congress, Second Session. 22 September 1964.

¹² “Remarks of the President on the Panama Canal, December 18, 1964,” Peaceful Applications of Explosives-Plowshare. Hearing Before the Joint Committee on Atomic Energy. Eighty-Ninth Congress, First Session. 5 January 1965, 32.

less expensive than a lock-based canal.¹³ However, early on, policymakers began receiving reports that questioned the likelihood that PNEs could be used for the canal.¹⁴ The Commission eventually detailed two different sea level routes that would require between 150 and 250 nuclear explosions respectively, with an estimated combined yield for 120 megatons for each route.¹⁵ For comparison, 1000 kilotons are in 1 megaton; the yield from the atomic bomb dropped on Hiroshima was roughly 15 kilotons. The yield would be extremely controversial to the public. Additionally, the Commission argued that any canal project would depend on significant advances in PNE methods, which would require years of study and further test explosions.

The Commission had even more concerns related to U.S. geopolitical objectives when it came to a PNE-developed canal. For instance, because of limitations on the release of radioactive material codified in the Limited Test Ban Treaty (LTBT), a successful excavation would need to release less radioactive material than was technologically feasible at the time.¹⁶ In addition, because of the scale of the canal project, some experts assessed that all the members of the LTBT would have to agree to the project, while others contended that the canal would require an amendment to the LTBT.¹⁷ President Johnson even broached the subject of the canal project with Soviet

¹³ Bartels, 1030.

¹⁴ In his 1965 testimony to the JCAE, when Chairman John Pastore asked Dr. Glenn Seaborg, Chairman of the Atomic Energy Commission, if he could ‘ever envision’ that the U.S. could ever use PNEs to develop a sea level canal, Dr. Seaborg replied that “I do not.” “Peaceful Applications of Nuclear Explosives-Plowshare.” Hearing Before the Joint Committee on Atomic Energy, Eighty-Ninth Congress, First Session. 5 January 1965, 11.

¹⁵ Anderson, Robert B., et. al. “Interoceanic Canal Studies 1970.” Atlantic-Pacific Interoceanic Canal Study Commission. 1 December 1970, 37-40.

¹⁶ “Peaceful Applications of Nuclear Explosives-Plowshare.” Hearing Before the Joint Committee on Atomic Energy, Eighty-Ninth Congress, First Session. 5 January 1965, at 11. See also Kaufman, 113-117.

¹⁷ “Peaceful Applications of Nuclear Explosives-Plowshare.” Hearing Before the Joint Committee on Atomic Energy, Eighty-Ninth Congress, First Session. 5 January 1965, 10-16.

Foreign Minister Andrei Gromyko and Ambassador Anatoly Dobrynin during a December 1965 meeting. Gromyko said that the Soviets likely did not have a problem with using PNEs and he did not mention an amendment to the LTBT. Yet the administration did not want to create an exception for the Soviets to avoid abiding by the LTBT themselves. His administration did not want to establish a precedent that, by calling a test a PNE, the Soviets would not have to abide by the provisions of the LTBT.¹⁸ So, while the Commission concluded that creating a sea level canal through PNEs would be technically feasible outside the limits of the LTBT, it would still be years before the U.S. could pursue the project because of a desire to only use PNEs that were within the limits of the LTBT.¹⁹

The Commission also studied the cost effectiveness of the project and determined that using PNEs would be significantly more expensive than a conventionally built canal. While the Commission assessed PNE excavated routes would cost \$250 million, the lock canal would cost only half of that amount.²⁰ The decision was easy: renovate the lock system canal and avoid the extra expense and controversy that using PNEs would bring.

While the government concluded that it would not use PNEs, industry was not privy to the problems of the explosions nor was it allowed to help bring about potential benefits. Although multiple companies, including Continental Oil Co., Richfield Oil Co., El Paso Natural Gas Co., and Columbia Gas System Service Corp. expressed interest in

¹⁸ Kaufman, 113, 195.

¹⁹ Anderson, 45-46. Also note that Article 18 of the Treaty of Tlatelolco (signed on February 14, 1967, entered into force April 25, 1969), which otherwise creates a nuclear weapons free zone in Latin America, guarantees the right to peaceful nuclear explosions. However, Art. 18.2 necessitates that countries subject to the Treaty contact the IAEA in advance of the explosion. See *Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean* (1967) 22 U.S.T. 762. 634 U.N.T.S. 281.

²⁰ The renovations ended up costing \$400 million upon total completion. Inglis and Sandler, 46-47.

the potential benefits of PNEs, none had even witnessed a PNE by 1965.²¹ As of 1965, a test of a PNE had not yet been performed to shatter rock and recover oil, the most likely use of nuclear explosion engineering for industrial purposes. By the 1970s, the energy benefits from PNEs that industry anticipated failed to materialize. Both the public in private sector in the U.S. reached the same conclusion: PNEs were not a useful tool worthy of additional investment. This conclusion shaped the future responses of presidents to PNE challenges.

PNEs, the LTBT, and the Soviets

PNEs posed a problem for the ongoing arms control talks with the Soviets. During the 1960s, the Johnson administration pushed for a variety of treaties, most notably the Limited Test Ban Treaty (LTBT). The LTBT prohibited nuclear weapons tests in the atmosphere, outer space, and under water. However, because of the wording of the treaty, U.S. policymakers feared that testing PNEs could be a loophole to the LTBT. By calling a test a “PNE,” it would not be governed by the rules and provisions of the LTBT. Fearing the Soviets would call any test exceeding LTBT limits a PNE, the Johnson administration approached the Soviets so that the two sides could engage in technical talks over PNEs in 1966.²² It proposed that the Soviets collaborate with the U.S. in creating an international agency both to regulate and distribute PNEs and to incorporate the agency into the LTBT treaty.

²¹ “Peaceful Applications of Nuclear Explosives-Plowshare.” Hearing Before the Joint Committee on Atomic Energy, Eighty-Ninth Congress, First Session. 5 January 1965, 7-8.

²² Lyndon Baines Johnson Library. Papers of Lyndon Baines Johnson, President, 1963-69, National Security File, National Security Council Histories, Non-Proliferation Treaty, Box 55. Folder: The Non-Proliferation Treaty, Volume I (5-13). Keeny to Rostow, “Alternative Approaches to the Non-Proliferation Problem,” 30 August 1966.

Not all policy makers in the Johnson administration believed that creating another sprawling international agency would be the best method to constrain PNEs. Spurgeon Keeny, a member of Johnson's NSC staff, strongly argued against the agency for three reasons. First, he contended that the agency would essentially be an endorsement that PNEs could be used for accomplishing goals like natural gas extraction, even though the government doubted whether PNEs were an efficient replacement for traditional methods. Developing an agency would serve as "encouragement and cover needed for non-nuclear countries to undertake nuclear explosive programs," even as PNEs were unusable.²³ Second, he argued that PNEs were "basically incompatible" with the LTBT or with a future Comprehensive Test Ban Treaty. An agency guaranteeing a right to PNEs would rule out an international nuclear test ban. Third, by allowing PNEs within the LTBT, the superpowers would weaken restrictions on nuclear fallout. If the administration supported a PNE governing agency, it would signal that it was not concerned about controlling nuclear weapons. The Johnson administration never had to deal with Keeny's concerns. Although the Soviets agreed that it would be useful to have talks regarding the development of an agency, the talks never materialized.²⁴ The Soviets continued pursuing their PNE program, and avoided serious discussions of bringing the PNEs in line with the LTBT.²⁵

²³ Ibid.

²⁴ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Subject Files. Near-Real-Time Satellites Reconnaissance System to Non-Proliferation Treaty April 1969-March 1970. Box 366. Folder 6 (1 of 1): Peaceful nuclear Explosions (Aug 68-Aug 74). "PNE Technical Talks with Soviets." 12 March 1969.

²⁵ Bartels argues that the IAEA would be the best agency to oversee the NPT guaranteed right to PNEs by non-nuclear weapon states. Bartels, 1030-1044. The International Atomic Energy Agency adopted a report at the General Conference in 1969 declaring that PNEs "will fall within [the IAEA's] statutory objectives and functions to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world," and would continue studying PNEs. See "Annex I, Nuclear Explosions for Peaceful

PNEs received attention early on in the U.S. discussions regarding the development of a nonproliferation treaty. Before NPT negotiations started in earnest, President Johnson ordered an analysis of the feasibility of an NPT through the Gilpatric Committee, chaired by Roswell L. Gilpatric. Gilpatric gave Johnson the findings of the Committee on January 21, 1965. The Committee assessed that, while Project Plowshare “may have long-term economic importance,” PNEs were “a loophole under which nuclear weapons could be developed.”²⁶ As a result, the Committee recommended that the U.S. avoid encouraging other countries’ interest in PNEs until the U.S. developed a policy regarding the impact of PNEs on proliferation.

The Gilpatric Committee’s analysis had a lasting impact on the administration’s interpretations of PNEs. In 1966, the State Department gave the U.S. delegation team to the NPT instructions to stress that the technology to build PNEs was the same as that needed to build nuclear weapons.²⁷ Only highly sophisticated thermonuclear devices were usable in PNEs because fission-type devices released too much radiation and PNEs were not economical tools. The delegation explained that the U.S. would interpret the development of PNEs by any non-nuclear power as militaristic in nature. As a result, the U.S. proposed that nuclear weapons states with PNE programs should make PNE services available to other states. This proposal assured states access to PNEs while eliminating a

Purposes, Resolution adopted by the Board of Governors on 13 September 1974,” International Atomic Energy Agency: Board of Governors’ Resolution and Decision on Nuclear Explosions for Peaceful Purposes, 13 September 1974.

²⁶ Lyndon Baines Johnson Library. Papers of Lyndon Baines Johnson, President, 1963-69, National Security File, National Security Council Histories, Non-Proliferation Treaty, Box 55. Folder: The Non-Proliferation Treaty Volume I (5-13). Report by the Gilpatric Committee, “A Report to the President by The Committee on Nuclear Proliferation,” 21 January 1965.

²⁷ Lyndon Baines Johnson Presidential Library. Papers of Lyndon Baines Johnson, President, 1963-39, National Security File, National Security Council Histories, Non-Proliferation Treaty, Box 56. Folder: The Non-Proliferation Treaty Volume II (#31-60). Telegram from Department of State to US Mission in Geneva, “Peaceful Nuclear Explosives,” 7 April 1966.

loophole in the NPT that would permit states to develop nuclear weapons under the guise of PNEs.

Non-Nuclear Weapons States and PNEs in the NPT

The U.S. opposed an unrestricted right to develop PNEs due to proliferation concerns, but by 1967, non-nuclear weapons states aligned against any prohibition on PNEs in the NPT. This alignment became apparent in negotiations for treaties other than the NPT. For instance, during a negotiation session that led to the Treaty of Tlatelolco, which banned nuclear weapons in Latin America, the negotiating states demanded the inclusion of an article affirming a right to PNEs.²⁸ The U.S. insisted upon inserting a provision in the Treaty of Tlatelolco that PNE states must be distinguishable from nuclear weapons states. It succeeded on including the provision in the final draft of the Treaty of Tlatelolco, but faced a larger battle regarding PNEs during the NPT negotiations. By May 1967, Brazil insisted that the NPT guarantee a right to the development of PNEs in the NPT.²⁹ The U.S. faced a dilemma: would an unregulated right to develop these explosions be included in the treaty banning the proliferation of nuclear weapons?

The non-nuclear weapon states began unifying in favor of the NPT starting in 1965 with United Nations General Assembly Resolution 2028, which called for nations to negotiate the NPT through the Eighteen Nation Committee on Disarmament (ENDC). The ENDC included Brazil and India, both of which asserted that the treaty must

²⁸ See United Nations Document A/6663, Article 18, *Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean*, Signed 14 February 1967.

²⁹ “The Gap, The Drain and Non-Proliferation,” 91 *Science News* 19 (13 May 1967), 445.

incorporate rights for non-nuclear weapon states.³⁰ The non-aligned states demand that, by giving up nuclear weapons, their security and economic development must not suffer because of the treaty.³¹ Brazilian policymakers were convinced that energy consumption was linked to a country's development, and as a result, all states should have unlimited access to nuclear technology for all peaceful uses, and there should be no discriminatory ban against developing that technology.³² Developing countries were fearful that, unless they insisted on access to technology, they would be placed in "a position of perpetual inferiority in any field of knowledge" on nuclear matters.³³ PNEs still represented a potential economic boon. As a result, the non-aligned states demanded a right to PNEs through the NPT; Brazil in particular maintained that it had a right to develop PNEs.

As the NPT was written, the U.S. transitioned from working to obtain a ban to trying to contain the threat inherent in PNEs. When the U.S. and the Soviet Union first submitted a draft of the NPT on August 24, 1967, it did not include the Article V right to PNEs.³⁴ Later, the ENDC took up the draft and developed Article V. When Article V was in discussion, instead of stalling the treaty over Article V, the U.S. worked to maximize PNE safeguards. Between the January, March, and July 1968 final draft of the

³⁰ For an overview of reasons why states were skeptical of the NPT, see Nye, Joseph S., Jr., "U.S.-Soviet Cooperation in a Nonproliferation Regime," in George, Alexander L., Philip J. Farley, and Alexander Dallin (eds), *U.S.-Security Cooperation: Achievements, Failures, Lessons* (New York City: Oxford University Press, 1988), 336.

³¹ Bourantonis, Dimitris, "The Negotiation of the Non-Proliferation Treaty, 1965-1968: A Note," 19 *The International History Review* 2 (May 1997), 350-351. General Assembly, Twentieth Session, Resolution 2028, "Non-Proliferation of Nuclear Weapons," 19 November 1965.

³² Kapur, K.D., *Nuclear Non-Proliferation Diplomacy: Nuclear Power Programmes in the Third World* (Delhi: Lancer Books, 1993), 179.

³³ Sokolski, Henry D., *Best of Intentions: America's Campaign Against Strategic Weapons Proliferation* (Westport: Praeger Publishers, 2001), 50. This is one of many examples of states fearing or fighting against American primacy. For a theoretical look into the problems of primacy, see Walt, Stephen, M., *Taming American Power: The Global Response to U.S. Primacy* (New York City: W.W. Norton and Company, 2005).

³⁴ Keens-Soper, Maurice, "Negotiating Non-Proliferation," 24 *The World Today* 5 (May 1968), 191.

NPT, negotiators inserted a provision that called for international observation of PNE tests.³⁵

Johnson was generally quiet on the issues that might result from PNEs, and became silent after the conclusion of the NPT. Although negotiators had to deal with the “problem” of PNEs during the NPT negotiations, Johnson did not even include a reference to peaceful nuclear explosions in his biography, focusing instead on the problems of verification, guaranteeing the benefits of nuclear energy, how long the treaty should be in effect, and the mechanism for withdrawing from the treaty.³⁶ Keeny asserted in a report for the National Security Council (NSC) that, for the U.S. and the Soviet Union, the major hurdle in advancing the NPT was the ability of the two superpowers to come to an agreement over nuclear sharing. The U.S. and NATO participated in nuclear sharing through the Multilateral Force/Atlantic Nuclear Force, though the Soviets opposed nuclear sharing.³⁷ Additionally, in one of the final NSC meetings on the NPT prior to its signing, the NSC discussed the next steps to assure the success of the treaty. It reviewed the prospects of a comprehensive test ban, problems of fissionable materials, strategic arms limitation talks, and arms control on the seabed; further negotiations on

³⁵ See Article V, “Draft Treaty on the Non-Proliferation of Nuclear Weapons,” submitted by the United States and the Soviet Union to the Eighteen-Nation Committee on Disarmament, 11 March 1968, printed as “Draft Treaty on the Non-Proliferation of Nuclear Weapons,” 62 *The American Journal of International Law* 3 (July 1968) at 817-22. The March 1, 1968 draft was comparable in Article V to the January 18, 1968 draft. Compare to Article V in INFIRC/140, 22 April 1970, *Treaty on the Non-Proliferation of Nuclear Weapons*, Entered into force 5 March 1970.

³⁶ Johnson, Lyndon Baines, *The Vantage Point: Perspectives of the Presidency, 1963-1969* (New York City: Holt, Rinehart and Winston, 1971), 479. Note also that the inclusion of a right was also strategic, for as long as other states were dependent on nuclear suppliers like the U.S., they would have less motive to create indigenous programs which could also be purposed for nuclear weapons. Boardman, Robert, and James F. Keeley, “Introduction,” in Boardman, Robert, and James F. Keeley, *Nuclear Exports and World Politics: Policy and Regime* (New York City: St. Martin’s Press, 1983), 7.

³⁷ Lyndon Baines Johnson Library. Papers of Lyndon Baines Johnson, President, 1963-69, National Security File, National Security Council Histories, Non-Proliferation Treaty, Box 55. Folder: The Non-Proliferation Treaty Volume 1 (1-3). Report by Spurgeon Keeny, “The Non-Proliferation Treaty,” no date.

PNEs were not discussed.³⁸ Once the administration finalized the NPT, addressing the PNE problem became less important.

The first decade of the PNE program suffered from high expectations and minimal output. Policymakers understood that the tests were equivalent to nuclear weapons tests and posed a threat to arms control agreements like the LTBT. The U.S. opposed the spread of nuclear weapons and generally employed strategies of inhibition in order to prevent proliferation.³⁹ Yet, in this case, Johnson chose not to pursue any strategies that would prevent the inclusion of a loophole to the NPT that could potential allow proliferation. Why? The Johnson administration understood the problem of PNEs in the larger context of the NPT. The NPT would not succeed without the support of non-nuclear weapons states and the Soviets, and the U.S. had to be willing to sacrifice its preferences by including a right to PNEs to secure universal membership to the treaty. The NPT, even with a loophole, was more important to U.S. nonproliferation policy than the failure of NPT negotiations.

In the December 1967 issue of the *Bulletin of the Atomic Scientists*, an article declared that the name Ploughshare⁴⁰ was a misnomer, claiming that PNEs under the program were, in fact, weapons not just tools. The article traced the roots of the name from a prophecy from the book of Isaiah in which people at war would establish peace, and beat their swords into ploughshares to create a new use for them.⁴¹ However, PNEs had little in common with the biblical concept; while the swords were fashioned into

³⁸ Lyndon Baines Johnson Library. Papers of Bromley K. Smith, Box 32. 584th NSC MTG-3/27/68-Draft Treaty on Non-Proliferation of Nuclear Weapons. Memo for the National Security Council on ACDA Report for the March 27 1968 NSC Meeting, "Status Report on the Draft Treaty of the Non-Proliferation of Nuclear Weapons," 23 March 1968.

³⁹ Gavin, "Strategies of Inhibition," 19-25.

⁴⁰ Inglis and Sandler, 46.

⁴¹ Isaiah 4:3.

tools and lost their power to kill, a PNE could still be used as a weapon. The inclusion of the PNEs were a political calculation: the U.S. wanted to conclude the NPT, but because of the preferences of developing countries, the U.S. could not conclude the NPT without the inclusion of PNEs. It was better to sign and NPT that guaranteed the right to PNEs than to give up on negotiations, wasting the resources and political capital put into the treaty.

Nixon and the Indian Nuclear Test

On May 18, 1974, India conducted a nuclear test in an operation called Smiling Buddha. The test was the first publicly successful test outside of the five confirmed nuclear powers, the U.S., the U.S.S.R., Great Britain, France, and China. Additionally, the test was the first major threat to the new nonproliferation regime. Since the NPT intended to codify a worldwide prohibition against the spread of nuclear weapons, India suddenly stood as a symbol of defiance against a nonproliferation norm.

India's categorization of the Smiling Buddha as a PNE did not sit well with the world's non-proliferation regime; in fact, the international community refused to accept this description of the test. The U.S. itself had been warning the Indians since as early as 1970 that it would not differentiate between a nuclear weapons test and a PNE so if any nuclear explosion took place, the U.S. would have to take action.⁴²

Despite the warnings that the U.S. would take action in the event of a nuclear test, after the explosion occurred, Nixon chose not to take any major response. In fact, even though he had received many warnings about an impending test over the course of

⁴² Sakar, Jayita, "India's Nuclear Limbo and the Fatalism of the Nuclear Non-Proliferation Regime, 1974-1983," 37 *Strategic Analysis* 3 (2013), 323.

several years and repeatedly chose not to prevent the test. To understand how Nixon ranked the NPT among his various foreign policy objectives, one must consider not only his response after India conducted the test, but also the limited efforts the U.S. made in the years prior to the test. This section will review the events leading up to the test, highlighting the reports of an impending test and the administration's policies toward the Indian nuclear program, and then it examines Nixon's response to the test. Overall, Nixon minimized the importance of the test because of geostrategic calculations.

Reports on India: The Years Before the Smiling Buddha

In the 1960s, India was surrounded by adversaries with the populous China to the north and Pakistan to its west. For years before the embarrassing defeat in the 1962 border dispute with China, Indian officials subscribed to a foreign policy that advocated nuclear disarmament.⁴³ While they pursued nuclear energy, this work did not translate to a nuclear weapons program initially. They believed the Himalayan Mountains offered protection against their powerful neighbor to the north, and therefore, they would not require the protection of powerful weapons. However, the defeat from the Chinese made Indian officials reassess their defense policy.⁴⁴

⁴³ See Wilson Center, "Memorandum of Conversation Between Chinese Vice Foreign Minister Zeng Yongquan and Charge d'Affaires of the Embassy of the Soviet Union in China S. Antonov," History and Public Policy Program Digital Archive, PRC FMA 109-00873-12, 76-79, 10 September 1959. Obtained by Dai Chaowu and translated by Brands. See also Wilson Center, "Notes on Conversation between Sardar Swaran Singh and Marshal Chen Yi," History and Public Policy Program Digital Archive, Nehru Memorial Museum and Library, P.N. Haksar Papers (1-II Installment), Subject File #26, 23 April 1960.

⁴⁴ Reiss, Mitchell, *Without the Bomb: The Politics of Nuclear Nonproliferation* (New York City: Columbia University Press, 1988), 206. For a description of India's nuclear energy program in the 1940s and 1950s, see: Phalkey, Jahnvi, *Atomic State: Big Science in Twentieth-Century India* (Ranikhet: Permanent Black, 2013). The Indian nuclear energy program had consistently been rooted in aspirations and hope that it would someday pay off, although more than sixty years later, it still fails to produce the electricity benefits of a state such as France. Ramana, M.V., *The Power of Promise: Examining Nuclear Energy in India* (New York City: Penguin Group, 2012).

At the same time that India was reassessing its own security, states were coalescing around the NPT. Indian officials expressed concern that China would essentially be rewarded through the NPT as one of the five states allowed to maintain its nuclear weapons program, while India would be relegated to a second tier, non-nuclear status.⁴⁵ Because India showed restraint by not developing its program and exploding a nuclear weapon in the 1960s, it would suffer disadvantages by signing the NPT. India took great issue with the codification of unequal rights conferred to nuclear powers in the treaty. India would be restrained from nuclear weapon development, and as a result, could not deter a nuclear China.⁴⁶ Additionally, India aspired to Great Power status.⁴⁷ More generally, Great Powers tend to have economic and military strength accompanied by the capability to project influence beyond a state's borders. In an international system with no central authority and a continuing reason to fear the intentions of rival states, "the more powerful [states were] relative to their rivals, the better their chances of survival." As a result, states aspired to Great Power status.⁴⁸ Because the Great Powers were all nuclear powers, the NPT could prevent India from achieving Great Power status.

⁴⁵ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Subject Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969- March 1970. Box 366. Folder 8: Non-Proliferation through March 1969 (July 1968-April 1969). Report on Positions of Principal NPT Non-Signatories, 17 January 1969.

⁴⁶ Sokolski, 46-52. For a history of India's aspirations for great power status, see, Perkovich, George, *India's Nuclear Bomb: The Impact on Global Proliferation* (Berkeley: University of Berkeley Press, 2001). An interesting counterfactual would be to consider what would have happened had the U.S. and the Soviets targeted the burgeoning Chinese nuclear weapons program in 1964. Would a strike have changed the Indian calculations to develop their own nuclear weapons program? See, for instance, Burr, William, and Jeffrey T. Richelson, "Whether to "Strangle the Baby in the Cradle": The United States and the Chinese Nuclear Program, 1960-1964," 25 *International Security* 3 (Winter 2000-2001), 54-99.

⁴⁷ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Subject Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969- March 1970. Box 366. Folder 10: Non-Proliferation Treaty, April 1969-May 1970. Study Requested by NSSM 13, 1 March 1969.

⁴⁸ Mearsheimer, John J., *The Tragedy of Great Power Politics* (New York City: W.W. Norton and Company, 2001), 3.

The Indians were determined not to be controlled by Cold War imperatives. India opposed the unequal balance of power in the world. Both the U.S. and the U.S.S.R. would have preferred to have India tethered to it, in part because of its size and in part because of its access to the Indian Ocean.⁴⁹ Yet India maintained a policy of nonalignment, simultaneously avoiding becoming a pawn of either the U.S. or the Soviets.⁵⁰ India also attempted to manipulate the superpowers by dangling its nonaligned position to maximize assistance from both superpowers. In doing so, India aspired to become a leader for the rest of the developing world.⁵¹

Because of its insecurity, its aspirations to Great Power status, and its avoidance of alignment in the Cold War, India opposed becoming a party to the NPT. Additionally, it refused to renounce its right to develop nuclear weapons.⁵² U.S. policymakers long understood that India would not become a party to the treaty unless its needs were met, especially its need for security. For instance, the Gilpatric Committee reported on the the feasibility of the NPT to President Johnson and argued that the President would need to apply strong pressure to the Indians to become party to the treaty. It suggested that the U.S. could give India security assurances in the case of a nuclear attack, assist India in its scientific and nuclear energy pursuits, advocate for India to have a larger role in the United Nations commiserate with a Great Power, and warn the Indians that they would

⁴⁹ By 1970, Nixon was concerned that the U.S. would have restricted access to the Indian Ocean due to Soviet activity in the ocean. See, for instance, National Security Study Memorandum 104, "Soviet and Friendly Naval Involvement in the Indian Ocean Area, 1971-1975," 9 November 1970. Available through Nixon Presidential Library and Museum, "National Security Study Memorandum," Virtual Library, available at: http://www.nixonlibrary.gov/virtuallibrary/documents/nssm/nssm_104.pdf.

⁵⁰ Reiss, 204.

⁵¹ Reiss, 205.

⁵² Ganguly, Sumit, and S. Paul Kapur, *India, Pakistan, and the Bomb: Debating Nuclear Security in South Asia* (New York City: Columbia University Press, 2010), 17-19.

lose economic and military assistance if they tested a nuclear weapon.⁵³ Around the same time of the Commission's report, the administration began receiving reports that India would soon conduct an underground nuclear explosion and call it a PNE.⁵⁴ Despite the warnings that India would likely pursue a nuclear weapon unless many or all these steps were taken, Johnson did not pursue the most important step: extending security assurances to India.

Notably, the U.S. did not provide a security guarantee for India, even if it were attacked by a nuclear China, which Indians feared might happen. India had already been defeated by China in the 1962 Sino-Indian War, and Chinese threat still loomed. China tested a nuclear weapon in 1964, and India had no guarantee the next war would not include nuclear strikes.⁵⁵ Though Johnson publicly declared that any non-nuclear weapon state that was threatened or blackmailed by a nuclear weapon state would have the strong support of the U.S., he refused to give Indian leaders anything beyond the general assurance for strong support.⁵⁶ The Johnson administration rejected the possibility of the U.S. and the Soviets granting a joint or parallel nuclear assurance to India for fear that it

⁵³ Lyndon Baines Johnson Library. Papers of Lyndon Baines Johnson, President, 1963-69, National Security File, National Security Council Histories, Non-Proliferation Treaty, Box 55. Folder: The Non-Proliferation Treaty Volume I (5-13). Report by the Gilpatric Committee, "A Report to the President by The Committee on Nuclear Proliferation," 21 January 1965.

⁵⁴ See, for instance, Lyndon Baines Johnson Presidential Library. Papers of Lyndon Baines Johnson, President, 1963-39, National Security File, National Security Council Histories, Non-Proliferation Treaty, Box 56. Folder: The Non-Proliferation Treaty Volume II (#31-60). Telegram for Department of State from US Mission to Geneva, "Text Letter from Syg U Thant," 26 July 1966; Lyndon Baines Johnson Presidential Library. Papers of Lyndon Baines Johnson, President, 1963-39, National Security File, National Security Council Histories, Non-Proliferation Treaty, Box 56. Folder: The Non-Proliferation Treaty Volume II (#31-60). Telegram to Secretary of State, "GOP Anticipates Indian Nuclear Test," 20 July 1966; Lyndon Baines Johnson Presidential Library. Papers of Lyndon Baines Johnson, President, 1963-39, National Security File, National Security Council Histories, Non-Proliferation Treaty, Box 56. Folder: The Non-Proliferation Treaty Volume II (#31-60). Telegram from Department of State to Embassy in New Dheli and US Mission to Geneva, "Rawalpindi's 211, Geneva's 446 and 435," 27 July 1966.

⁵⁵ Hagerty, Devin T., *The Consequences of Nuclear Proliferation: Lessons from South Asia* (Cambridge: MIT Press, 1998), 72.

⁵⁶ Cheema, Zafar Iqbal, *Indian Nuclear Deterrence: Its Evolution, Development, and Implications for South Asian Security* (New York City: Oxford University Press, 2010), 76-77.

would cause Japan to adopt a nonaligned status and move away from the U.S.⁵⁷ It may have appeared “paradoxical” for India to seek a security guarantee from the U.S., the Soviets, or a joint guarantee from both, because of its nonaligned status, but the attempt to receive such a guarantee aligned with India’s strategy of extracting concessions from the two superpowers.⁵⁸ The failure to receive nuclear assurances guaranteed that India would remain in a precarious security situation.

India attempted to obtain security assurances within the context of the NPT. It became a leader for non-nuclear states in the movement to secure a promise from the United Nations that would guarantee the safety of non-nuclear weapons states if they were threatened or attacked by nuclear weapons states.⁵⁹ The non-aligned states also attempted to gain assurances from nuclear weapon states to enshrine a promise not to use nuclear weapons against non-nuclear weapon states in the NPT.⁶⁰ All nuclear weapons states failed to fully accept both pleas by non-nuclear states.

The signing of the NPT coincided with Nixon coming into office. The new administration did not rank proliferation high compared to other geopolitical threats. I argued in the previous chapter that Nixon only applied political and diplomatic effort in obtaining West Germany’s signature to the NPT because FRG membership was necessary for broader U.S. foreign policy objectives.⁶¹ The Nixon administration

⁵⁷ Gavin, Francis J., *Nuclear Statecraft: History and Strategy in America’s Atomic Age* (Ithaca: Cornell University Press, 2012), 90.

⁵⁸ Cheema, 76-77.

⁵⁹ Ibid. See also S/RES/255, “Questions Relating to Measures To Safeguard Non-Nuclear Weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,” United Nations Security Council Resolution 255, 19 June 1968.

⁶⁰ Schwartz, Lowell H., in Fields, Jeffrey R. (ed), *State Behavior and the Nuclear Nonproliferation Regime* (Athens: The University of Georgia Press, 2014), 150.

⁶¹ See again, for instance: Nixon Presidential Library and Museum, Yorba Linda, California. Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon

recognized the geographic significance of India, but it contended that a nuclear India would not similarly alter America's power in the region or disrupt other geopolitical goals. Nixon's advisors assessed that India was unlikely to become a party to the NPT. They expressed concern that if India developed a nuclear weapon, it may lead to a series of nuclear dominoes in Southeast Asia.⁶² They argued that if a nuclear domino ensued, coupled with tension in the region, the NPT regime could collapse. They received reports, for instance, that even though Iran was not considered a proliferation risk, it would reconsider its non-nuclear status should India test a weapon.⁶³ However, despite these concerns, the policymakers did not believe that a nuclear India would hamper Nixon's détente goals. Additionally, the Nixon Doctrine called for reduced American action unless the action was directed towards areas of significant strategic interest to the United States.⁶⁴ Because the policymakers did not believe a nuclear India would interfere with

Presidential Materials Staff, National Security Council Files, Subject Files; Folder 7: Non-Proliferation through March 1969 (July 68-April 69); Letter; Goldwater to Harlow; 3 March 1969. See also: Nixon Presidential Library and Museum, Yorba Linda, California. Memo; Box 366, Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty April 1969-Mar 70; Nixon Presidential Materials Staff, National Security Council Files, Subject Files; Folder 8: Non-Proliferation through March 1969 (July 68-April 69); Keeny to Kissinger; 24 January 1969. See Richard M. Nixon Presidential Library. National Security Council Files, Henry A. Kissinger Office Files. HAK Administrative and Staff Files-Transition. Box 6. Folder 3: 3 of 6 (Desirable). Report on Non-Proliferation Treaty. See also Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Subject Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969- March 1970. Box 366. Folder 8: Non-Proliferation through March 1969 (July 1968-April 1969). Issue Paper on the NPT, Draft #1. 20 January 20, 1969; Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Subject Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 10, Non-Proliferation Treaty, April 1969-March 1970. Study Requested by NSSM 13, 1 March 1969.

⁶² Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Council Files, Subject Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969- March 1970. Box 366. Folder 8: Non-Proliferation through March 1969 (July 1968-April 1969). Issue Paper on the NPT, Draft #1. 20 January 1969.

⁶³ Alvandi, Roham, *Nixon, Kissinger, and the Shah: The United States and Iran in the Cold War* (New York City: Oxford University Press, 2014), 131.

⁶⁴ In the Guam speech articulating the Nixon Doctrine, Nixon explained that the U.S. would keep its treaty commitments, notably nuclear, military, and economic assistance that is treaty based. However, the threatened country should take the majority of responsibility for its defense. Most notably, the U.S. would not stand in defense of the whole free world, and U.S. commitments would be defined by U.S. interests.

U.S. strategic objectives or its control in the region, they did not call for significant investment to obtain Indian membership to the NPT, nor to prevent an Indian bomb.

While the Nixon administration chose not to push for Indian membership to the NPT or to promise India stronger guarantees of safety, it did establish policies towards India in line with the administration's overarching foreign policy goals. Nixon's team assessed that the U.S. should act as a military supplier for India to prevent the Indians from seeking out support from the Soviets.⁶⁵ If India were secure, it would not need to approach the Soviets for security assurances, which, if provided would expand the Soviet sphere of influence. Nixon's India strategy was dominated not by the potential dangers from proliferation, but by the traditional Cold War objective of containing the Soviets.

India's security predicament became more precarious during Nixon's first term.⁶⁶ The China threat continued to loom, but it became preoccupied by Bangladesh (formerly East Pakistan), which gained its independence in 1971.⁶⁷ The resulting December 1971 Indo-Pakistani conflict caused the U.S. to move closer to Pakistan. The administration feared that India would "humiliate" Pakistan, a U.S. ally.⁶⁸ Nixon feared one thing even more: Gandhi might use the Bangladesh crisis to invade West Pakistan.⁶⁹ An Indian

Gaddis, John Lewis, *Strategies of Containment: A Critical Appraisal of American National Security Policy During the Cold War*. (New York City: Oxford University Press, 2005), 296.

⁶⁵ Richard M. Nixon Presidential Library. National Security Council Files, Henry A. Kissinger Office Files. HAK Administrative and Staff Files-Transition. Box 6. Folder 3: 4 of 6. Military Supply Policy for India and Pakistan in 1969, no date.

⁶⁶ Kissinger once called the conflict "the most complex issue of Nixon's first term." Small, Melvin, *The Presidency of Richard Nixon* (Lawrence: University Press of Kansas, 1999), 106-108.

⁶⁷ For a description of the 1971 South Asia Crisis, see McMahon, Robert J., "The Danger of Geopolitical Fantasies: Nixon, Kissinger, and the South Asia Crisis of 1971," in Logevall, Fredrik and Andrew Preston (eds), *Nixon in the World: American Foreign Relations, 1969-1977* (New York City: Oxford University Press, 2008), 249-268.

⁶⁸ Gavin, *Nuclear Statecraft*, 114-116.

⁶⁹ Van Atta, Dale, *The Laird Legacy: A Biography of Melvin R. Laird* (Marshfield: Marshfield Clinic, 2008), 492. The administration was not wholly supportive of the "tilt towards Pakistan" which some, including Melvin Laird, believed could lead the U.S. into defending a sometimes indefensible Pakistan.

victory over Pakistan would be equivalent to a Soviet victory. Based on U.S. law, Nixon couldn't directly provide arms to Pakistan during the conflict, but he urged Iran, Jordan, and Israel to do so.⁷⁰ The administration also gave notification to China that it would “look with favor on steps taken by that government to demonstrate its determination to intervene by force if necessary to preserve the territorial integrity of West Pakistan.”⁷¹ Even though China did not intervene, the episode showed the Indians that the U.S. would support Pakistan over India.

Even before the December 1971 war, the Indians decided to strengthen their relationship with the Soviet Union in 1971, signing the Indo-Soviet Treaty of Peace, Friendship and Cooperation on August 9, 1971.⁷² The administration ascertained that the Soviets wanted the treaty in order to prevent a large scale Indo-Pakistani war, and in the process, also prevent China from entering into a conflict with India.⁷³ To some analysts, the treaty signaled that India was de facto abandoning its cherished non-aligned status (despite Article IV in the treaty which articulated that the treaty in no way altered India's

⁷⁰ Gandhi, Sajit, “The Tilt: The U.S. and the South Asian Crisis of 1971,” The National Security Archive, George Washington University, 16 December 2002. NSC List, *Courses of Actions Associated with India/Pakistan Crisis*, Top Secret/Sensitive, December 8, 1971, 2 pp. Source: NPMP, Country Files: Middle East, Box 643. Available at: <http://nsarchive.gwu.edu/NSAEBB/NSAEBB79/BEBB33.pdf>.

⁷¹ Ibid.

⁷² Bangladesh, formerly East Pakistan, declared its independence on March 26, 1971. For a brief history of the declaration, see: Rahman, Mashuqur, and Mahbubur Rahman Jalal, “Swadhin Bangla Betar Kendro and Bangladesh's Declaration of Independence,” 3 *Forum: A Monthly Publication of The Daily Star* 2 (March 2008), available at: <http://archive.thedailystar.net/forum/2008/march/declaration.htm>. Grenville, J.A.S., and Bernard Wasserstein, *The Major International Treaties of the Twentieth Century: A History and Guide with Texts. Volume One* (New York City: Routledge, 2001), 418. After signing the treaty, the U.S. withdrew some technological partnerships, such as support for the Indian Institute of Technology. Wolfe, Audra J., *Competing with the Soviets: Science, Technology, and the State in Cold War America* (Baltimore: The Johns Hopkins University Press, 2013), 69.

⁷³ “Memorandum from the President's Assistant for National Security Affairs (Kissinger) to President Nixon,” *Foreign Relations of the United States, 1969-1976, Volume XI, South Asia Crisis, 1971*, 24 August 1971, available at: <https://history.state.gov/historicaldocuments/frus1969-76v11/d132>.

non-aligned status) and aligning with the Soviets. India maintained the position that the treaty was simply a response to Bangladesh, not an official alignment in the Cold War.⁷⁴

A Reagan-era analysis on Soviet military power assessed that the Indians wanted the 1971 treaty in order to project the idea that India did not stand alone against the Pakistanis or the Chinese. It concluded more generally that the Soviet Union believed that India was pivotal to its strategies for the Middle East, as well as its objectives for containing China.⁷⁵ For the Indians, the treaty with the Soviets was a “protective response” against the U.S.-China-Pakistan alignment.⁷⁶ The Soviet Union’s strategy was likely opportunistic in nature.⁷⁷ Both India and the Soviet Union appeared to enter into the hastily agreed upon treaty not because they believed it would fundamentally alter their commitments, but as a signal to threatening states.

According to Conrad Black, “Nixon resented what he considered the duplicitous activities of the Indian government” in regards to the timing of the treaty with the Soviets, and similarly thought that Moscow was “inciting” India’s response to Pakistan.⁷⁸ This anger pushed Nixon even further towards supporting Pakistan. For instance,

⁷⁴ See, for instance, M.R. Masani, who concluded that “it is clear from a reading of the terms of the Indo-Soviet Treaty that it is a treaty of alliance and that, by entering into it, the government of India accepted the position of a Soviet ally,” and thus is no longer non-aligned in the Cold War. Masani, M.R., “Is India a Soviet Ally?” 1 *Asian Affairs* 3 (January-February 1974), 121-126. Article IV: “The Union of Soviet Socialist Republic respects India’s policy of non-alignment and reaffirms that this policy constitutes an important factor in the maintenance of universal peace and international security and in lessening of tensions in the world.” The timing of the treaty also appeared significant, as the treaty was signed a mere month after Kissinger’s ‘secret’ trip to China, a prelude to Nixon’s May 1972 visit which served as America’s opening to China. For an in depth account of the opening of China, see Kissinger, Henry, *On China* (New York City: Penguin Books, 2012), 202-274.

⁷⁵ Miyoshi, Osamu, “Soviet Collective Security Pacts,” in Cline, Ray S., et. al. (eds), *Asia in Soviet Global Strategy* (Boulder: Westview Press, 1987), 27.

⁷⁶ For a description of the 1971 South Asia Crisis, see McMahon, Robert J., “The Danger of Geopolitical Fantasies: Nixon, Kissinger, and the South Asia Crisis of 1971,” in Logevall and Preston, 249-268.

⁷⁷ Schneider, William, Jr., “Nature of Soviet Global Strategy,” in Cline, Ray S., et. al. (eds), *Asia in Soviet Global Strategy* (Boulder: Westview Press, 1987), 12.

⁷⁸ Black, Conrad, *Richard M. Nixon: A Life in Full* (New York City: PublicAffairs, 2007), 751.

Pakistan became the intermediary secret channel between the U.S. and China, which eventually allowed Nixon to fulfill one of the central tenets of his détente policy by opening China.⁷⁹ However, Nixon's foreign policy decisions intentionally or unintentionally may have led to proliferation. The strengthened U.S. alignment towards Pakistan in light of the 1971 war, plus Nixon's opening of China, likely hastened the development of India's nuclear weapons program.⁸⁰ U.S. movements towards India's adversaries increased its perception of external threats.⁸¹ Even though Kissinger made a trip to India to try to smooth things over after the opening of China, India's nuclear program development continued to accelerate in 1972.⁸²

Between 1969 and 1972, the administration did not produce a comprehensive report on the ramifications of a nuclear India. However, frequent reports of an imminent nuclear test caused the Nixon administration to take note.⁸³ As a result, on July 4, 1972, Kissinger prepared National Security Study Memorandum (NSSM) 156 requesting answers to the following questions: in the event of an Indian nuclear test, how would the support of various actors associated with nonproliferation or a comprehensive test ban change? How would a test affect the attitudes of the Soviet Union and China towards South Asia, and would Pakistan demand more military support from the U.S.? Finally,

⁷⁹ Singh, S. Nihal, "Can the U.S. and India be Real Friends?" 23 *Asian Survey* 9 (September 1983), 1017.

⁸⁰ Gavin, *Nuclear Statecraft*, 118.

⁸¹ Black notes that Indira Gandhi sent Nixon a public letter blaming him for the Indian-Pakistani conflict, although Black notes that the conflict was certainly not Nixon's fault. Black, 757.

⁸² Singh, 1017.

⁸³ See, for instance, National Archives, Record Group 59, Subject-Numeric Files 1970-1973. Def 12-1 India. State Department cable 3088 to Embassy New Delhi, 6 January 1972. U.S. See also National Archives. Record Group 59, Subject-Number Files 1970-1973, Def 18-8 India. "A Concerted Effort by India to Conceal Preparations May Well Succeed" State Department Bureau of Intelligence and Research Intelligence Note, "India to Go Nuclear?" 14 January 1972.

how would a test affect India's other policies, and how might it behave as a nuclear weapon state?⁸⁴

The administration received the NSSM 156 study on January 16, 1973. The report was revealed that India stood on a nuclear precipice: "at present India's relatively sophisticated nuclear energy program provides the capability of conducting a test on short notice and of mounting rudimentary weapons program at relatively low cost, in the \$10-20 million annual range."⁸⁵ It argued that, despite the ability to produce actual nuclear weapons, India would have to spend roughly two billion dollars to develop intercontinental ballistic missiles (ICBMs) capable of reaching their assumed target, China. India could produce nuclear weapons but was far from being able to use missiles to deliver them.

The report contended that an Indian nuclear test would conflict with U.S. nonproliferation goals in three ways: 1) the U.S. wanted to limit the number of nuclear powers, 2) the U.S. hoped to support a stable and prosperous South East Asia, without the complications to the Sino-Indo relationship a nuclear test would bring, and 3) the U.S. hoped to develop a mutually positive relationship with India, but the test would disrupt the relationship.⁸⁶ Because a test would interfere with those three goals, the report suggested a variety of unilateral or multilateral actions the U.S. could take to prevent

⁸⁴ "Henry Kissinger to President Nixon, 'Proposed NSSM on the Implications of an Indian Nuclear Test,' with cover memorandum from Richard T. Kennedy," 4 July 1972, History and Public Policy Program Digital Archive, Nixon Presidential Library, National Security Council Institutional Files, Box H-192, NSSM-156. Obtained and contributed by William Burr and included in NPIHP Research Update #4. <http://digitalarchive.wilsoncenter.org/document/113903>.

⁸⁵ Available through the National Security Archive, George Washington University. Burr, William, "The Nixon Administration and the Indian Nuclear Program, 1972-1974," National Security Archive Electronic Briefing Book No. 367, 5 December 2001. "A Set-Back to Nonproliferation Efforts," H. Daniel Brewster to Herman Pollack, "Indian Nuclear Developments," 16 January 1973, enclosing "Summary," 1 September 1972, Secret Source-RG 59, SN 70-73, AE 6 India.

⁸⁶ Ibid, 2.

testing. The report indicate that the US could assure the Indians the right to a PNE at cost, or even approach the Soviets with a proposal asking for their help in pressuring the Indians.

The report was clear that if the U.S. did not take action after an Indian nuclear test, it would signal to potential proliferators, especially Argentina, Australia, Brazil, South Africa, and Republic of China, that the U.S. was unlikely to take action against any other potential proliferator.⁸⁷ However, it also gave a hope-filled assessment that there was probably no more than a fifty-fifty chance that the Indians would explode a nuclear weapon in the coming years.

Despite the proclaimed importance of nuclear nonproliferation to the administration, the final study for NSSM 156 “languished” on Kissinger’s desk for months,⁸⁸ and the administration never acted upon the findings asked for by NSSM 156. In fact, it made no attempt to halt the Indian nuclear program. Because a nuclear India did not significantly weaken U.S. power or strengthen Soviet power, Nixon did not calculate that action against India to stop a test would be justified. Once again, U.S. power calculations trumped nonproliferation objectives.

Nixon’s Approach to PNEs Prior to the Smiling Buddha

After Nixon sent the NPT to the Senate for ratification, his administration began working with the Soviets to develop a framework for sharing PNEs. In March of 1969, the U.S. proposed technical talks with the Soviets about the obligation to provide PNEs,

⁸⁷ Ibid, 16.

⁸⁸ Burr, William, “The Nixon Administration and the Indian Nuclear Program, 1972-1974,” National Security Archive Electronic Briefing Book No. 367, 5 December 2001.

enshrined in Article V of the NPT:

“Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development.”⁸⁹

The U.S. and other nuclear states had to minimize the inequality codified in the NPT between the nuclear haves and the nuclear have-nots.⁹⁰ Mollifying non-nuclear states through a continuation of nuclear energy support, and also through inexpensive PNEs, was the administration’s strategy for assuring the success of the NPT.

The administration continued the PNE technical talks with the Soviets throughout Nixon’s presidency. The talks took shape within the context of the Threshold Test Ban Treaty (TTBT) negotiations, which eventually limited nuclear test yields to below 150-kilotons.⁹¹ While the negotiators hoped to obtain Soviet support for provisions that would mandate that upcoming PNEs were announced before explosions occurred and that

⁸⁹ *Treaty on the Non-Proliferation of Nuclear Weapons*. 1 July 1968. 729 U.N.T.S. 161. Entered into Force March 5, 1970.

⁹⁰ Indian leader Indira Gandhi actually argued against the NPT partially out of the discriminatory nature of the treaty, for codifying the nuclear haves and have nots. Tabassum, Shaista, *Nuclear Policy of the United States in South Asia: Proliferation or Non-Proliferation (1947-1990)* (Karachi: Royal Book Company, 2003), 60-61.

⁹¹ The Threshold Test Ban Treaty, officially called the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapons Test (and Protocol Thereto) (TTBT), was eventually signed on July 3, 1974, establishing a ‘threshold’ of 150 kilotons for underground nuclear tests. The TTBT came as a follow up to the Limited Test Ban Treaty, officially called the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and Under Water, signed on August 5, 1963 and entered into force on 10 October 1963.

international observers must be present for each test, the political matters were left to higher-level officials. The American negotiators were forbidden from talking about any goals beyond the technical minutiae of the PNEs, with orders stressing that the “US Del would not, repeat not, be authorized to discuss political or legal matters related to categorizing the PNEs in relation to the LTBT.”⁹² The strong boundaries for the negotiation team were necessary because the administration did not have a defined policy for PNEs; and therefore, the negotiating team wouldn’t write a PNE policy for Nixon.

In October of 1969, the Undersecretaries Committee (a subgroup to the National Security Council) met to discuss PNE questions: how do you conduct PNEs without violating the LTBT, what ‘objective, internationally valid criteria’ could be used to measure ‘acceptable’ levels of radiation from a PNE, and is it possible to reach an agreement with the Soviets on providing PNEs to other States?⁹³ Questions remained: would a state that exploded a PNE be considered a proliferator? Would the U.S. support a right to PNEs, how should the U.S. react to a peaceful nuclear explosion from a non-nuclear state, and finally, if the U.S. wanted to react, what would it do? None of these questions were answered definitively by the Undersecretaries Committee; these questions remained unanswered into the Ford years.

⁹² Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Files, Subject Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 6 (1 of 1): Peaceful Nuclear Explosions (August 1968-August 1974). Department of State Telegram on Proposed Talks on PNEs, 11 May 1971.

⁹³ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Files, Subject Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 6 (1 of 1): Peaceful Nuclear Explosions (August 1968-August 1974). Memo for Kissinger on Undersecretaries Meeting on 14 October 1969.

The Smiling Buddha and Nixon's Response

In May of 1974, Watergate preoccupied the Nixon White House, sidelining many foreign policy concerns. A federal grand jury issued indictments for Watergate related crimes and implicated Nixon in knowledge of the crimes on March 1, 1974. On May 9, 1974, the House Judiciary Committee began hearings on the articles of impeachment for the president.⁹⁵

In the midst of this crisis of confidence in the American president, India conducted its first successful nuclear test.⁹⁶ American officials estimated the explosion as a 15 kiloton plutonium bomb. India developed it in a Canadian-built research reactor in Trombay, at the Bhabha Atomic Research Center. At the time of the explosion, the U.S. State Department estimated that the reactor had produced upwards of 80-kilotons of plutonium, enough for several more so-called PNEs.⁹⁷ Ominously, the State Department also estimated that, because two unsafeguarded nuclear power reactors would become operational in the late seventies, India would soon be capable of producing 50-70 nuclear weapons every year. The test brought India into the nuclear club and significantly altered the Asian nuclear balance.⁹⁸

The U.S. told the Indians that exploding a nuclear device would violate the condition regarding nuclear exports that mandated that all nuclear supplies be used for

⁹⁵ See "The Watergate Files," Gerald R. Ford Library and Museum, accessed 17 February 2016, available at: https://fordlibrarymuseum.gov/museum/exhibits/watergate_files/content.php?section=5&page=a.

⁹⁶ Perkovich, George, *India's Nuclear Bomb: The Impact on Global Proliferation* (Berkeley: University of Berkeley Press, 2001).

⁹⁷ "State Department cable 104613 to Consulate, Jerusalem, 'India Nuclear Explosion,'" 18 May 1974, History and Public Policy Program Digital Archive, State Department mandatory declassification review request. Obtained and contributed by William Burr and included in NPIHP Research Update #4. <http://digitalarchive.wilsoncenter.org/document/113912>.

⁹⁸ Rabinowitz outlines how nuclear explosions, not just nuclear weapons explosions, were intentionally included in the NPT to clarify which states have gone nuclear. Rabinowitz, Or, *Bargaining on Nuclear Tests: Washington and its Cold War Deals* (New York City: Oxford University Press, 2014), 29.

solely for peaceful purposes. Yet, even in the telegram from the State Department on May 18, 1974, the day of the explosion, State argued that India never accepted the U.S. condition to refrain from a test, and therefore wasn't obligated to abide by the condition.⁹⁹ After the Smiling Buddha, the administration accepted that India was not obligated by the U.S. condition to refrain from a test both because Canadian, not American, materials were used for the test, and because the Indians never accepted the American prohibition on tests in the first place.

On May 21, 1974, Nixon asked Japanese Foreign Minister Masayoshi Ohira about Japan's reaction to the nuclear explosion in order to ascertain whether the Indian test would alter Japan's decision to remain non-nuclear. While Ohira explained that Japan was "not shocked substantively and [the explosion] is not likely to affect [its] policy substantively," Nixon was actually the one concerned about the repercussions of the test. Nixon mused over whether the test would create nuclear dominoes, stating that "the question is of a chain reaction for others to go nuclear." While Ohira seemed concerned about giving Nixon assurances that Japan wasn't planning on going nuclear, Nixon appeared more intent on continuing to express his fears: "I would just point out the increasing likelihood of nuclear war as more states acquire these devices."¹⁰⁰

Nixon's concerns about nuclear war are unsurprising in light of the research conducted by William Burr and Jeffrey P. Kimball on the secret nuclear alert Nixon

⁹⁹ "State Department cable 104613 to Consulate, Jerusalem, 'India Nuclear Explosion'," 18 May 1974, History and Public Policy Program Digital Archive, State Department mandatory declassification review request. Obtained and contributed by William Burr and included in NPIHP Research Update #4. <http://digitalarchive.wilsoncenter.org/document/113912>. See also Jaipal, Rikhi, "The Indian Nuclear Explosion," 1 *International Security* 4 (Spring 1977), 44-45.

¹⁰⁰ Gerald R. Ford Presidential Library. National Security Adviser. Memoranda of Conversation. Box 4. Folder: May 21, 1974-Nixon, Japanese Foreign Minister Masayoshi Ohira. Memcon between Nixon and Ohira, 21 May 1974.

ordered in the fall of 1969. Their research shows that Nixon relied on the Madman Theory, whereby he would threaten the use nuclear weapons against an adversary in order to pressure them to capitulate to American demands. Even though he never followed through, Nixon repeatedly considered using nuclear weapons. For instance, he discussed using nuclear weapons against North Vietnam on April 19, 1972.¹⁰¹ While nuclear strategists focused on debating the importance of deterrence and how to avoid a nuclear war with the Soviets, Nixon contemplated how to use nuclear weapons to the benefit of the U.S.¹⁰² He did not think of nuclear weapons within the traditional boundaries determined by most nuclear experts. To Nixon, deterrence through nuclear weapons “only tempts nations into efforts to prove the credibility of those threats or to exploit their lack of credibility.”¹⁰³ Nixon understood that nuclear weapons may decrease stability. He knew how close the U.S. and the Soviet Union came to war during the Cuban Missile Crisis. By the time of the Indian test, Nixon recognized that possession of nuclear weapons could have dire consequences, with and without nuclear war.

In addition to revealing India’s burgeoning nuclear program, the test revived traditional concerns about nuclear proliferation among policymakers. For example, policymakers feared that the test might set off nuclear dominoes, increasing the chance of nuclear war. As a result, on May 23, 1974, Nixon ordered a review of the U.S. Nuclear

¹⁰¹ As Burr and Kimball wrote, the 1972 incident “was not the first time Nixon had threatened the use of nuclear weapons in Vietnam. Nor would it be the last.” Burr, William, and Jeffrey P. Kimball, *Nixon’s Nuclear Specter: The Secret Alert of 1969, Madman Diplomacy, and the Vietnam War* (Lawrence: University of Kansas Press, 2015), 319-320.

¹⁰² Feaver, Peter D. and Kristin Thompson Sharp in Born, Hans, Bates Gill, and Heiner Hanggi, *Governing the Bomb: Civilian Control and Democratic Accountability of Nuclear Weapons* (New York: Oxford University Press, 2010), 30.

¹⁰³ Gaddis, John Lewis, “Nuclear Weapons and International Systemic Stability,” Emerging Issues, Occasional Paper Series of the American Academy of Arts and Sciences. International Security Studies Program. (Cambridge: Occasional Paper No. 2, January 1990), 1.

Nonproliferation Policy and directed that the NSC Undersecretaries Committee study the impact of the Indian test on the NPT regime.¹⁰⁴

Although Nixon was originally concerned about the ramifications of the test, he showed less concern for proliferation as the week went on by avoiding the topic and limiting expectations for an American response. For example, on May 22, 1974, Nixon delivered a forty-five minute monologue to the Central Treaty Organization (CENTO) Foreign Ministers. CENTO was a defense alliance between Iran, Turkey, and Pakistan, with the U.S. and Great Britain as associate members.¹⁰⁵ During this long speech, Nixon did not mention the Indian nuclear test or even the impact of Indian proliferation on Pakistani security.¹⁰⁶

In private, the Pakistanis were extremely worried about the test. In a meeting on May 23rd between Nixon, Brent Scowcroft, and Pakistan's Minister of Defense and Foreign Affairs, Aziz Ahmed, Ahmed asked Nixon a very pointed question: "Could the nuclear powers give a guarantee to the non-nuclear powers against nuclear attack?" Ahmed went on to say, "We think [a guarantee] would be helpful, not just for us but also for many others if more countries get nuclear weapons. It is an immediate problem for us, but a general one for all. We are worried."¹⁰⁷

¹⁰⁴ National Security Study Memorandum 202, "Nuclear Non-Proliferation Treaty, 23 May 1974, available at: http://fas.org/irp/offdocs/nssm-nixon/nssm_202.pdf. See also Gavin, "Strategies of Inhibition," 35. Nixon's history with the Nuclear Suppliers Group will be addressed in the following chapter.

¹⁰⁵ CENTO became less important as the decade went on and disbanded in 1979 after the Iranian revolution. Stoddart, Kristan, *The Sword and the Shield: Britain, America, NATO, and Nuclear Weapons, 1970-1976* (New York City: Palgrave MacMillan, 2014), 204.

¹⁰⁶ Gerald R. Ford Presidential Library. National Security Adviser, Memoranda of Conversation. Box 4. Folder: May 22, 1974-Nixon, CENTO Foreign Ministers. Memcon: Nixon and CENTO Foreign Ministers.

¹⁰⁷ Gerald R. Ford Presidential Library. National Security Adviser, Memoranda of Conversations. Box 4. Folder: May 23, 1974-Nixon, Pakistani Foreign Minister Aziz Ahmed. Memcon of Nixon, Scowcroft, and Ahmed, 23 May 1974.

Nixon's answer to Ahmed's question about a security guarantee in the case of a nuclear attack was equally candid. He stated that the U.S. was "not able to do very much" and that the U.S. would study the situation and the impact of an Indian nuclear weapon, and would "keep you informed of our analysis." Nixon effectively avoided providing a concrete answer to the question.¹⁰⁸ His response aligned with his Nixon Doctrine goal that America would refrain from extending resources to states that were not strategically significant to U.S. goals.

The Pakistanis were not satisfied with Nixon's response and made overtures to other senior American policy makers to muster support for a stronger American response to the test. For example, Ambassador of Pakistan Sahabzada Yaqub-Khan sent a letter to Senator Barry Goldwater (who previously spent considerable effort to gain assurances from Nixon that the NPT would not lead to additional security demands on the U.S.), which both outlined Pakistani concerns about the Indian test and included a request from Prime Minister Bhutto for:

"a joint undertaking in the nature of an obligation by all permanent members of the Security Council to act collectively or individually on behalf of the threatened State. In other words, a nuclear umbrella of all the five great powers or, failing that, of at least one of them is the irreducible minimum of protection that is required to give States like Pakistan a real assurance of security against nuclear threat or blackmail."¹⁰⁹

¹⁰⁸ Ibid.

¹⁰⁹ Arizona State University Archive. The Personal and Political Papers of Barry M. Goldwater. Series III: Legislation. FM MSS1. Box 200, Folder 11. Ambassador of Pakistan Aide Memoire on US and Canadian Participation in the Indian Nuclear Program, 17 June 1974.

The Security Council did not grant Bhutto's requests. While the Pakistani Ambassador hoped to muster support for extending security assurances, neither Congress nor Nixon were willing to extend a nuclear umbrella in the case of nuclear threats against Pakistan.

As the summer passed, the administration was increasingly willing to admit that it would not develop a significant response to the test. When Kissinger met with a group of Canadian ministers on June 18, 1974, Canadian Secretary of State for External Affairs Mitchell Sharp asked "why was the reaction of the United States and the Soviet Union [to the Indian nuclear test] so muted?" Kissinger responded that although he didn't specifically know the Soviets' reasoning behind a muted response, he did know that "our motives were that we didn't see much purpose in making a big issue out of an accomplished fact."¹¹⁰

Even though Nixon expressed concern about the possibility that the test could lead to nuclear dominoes or increase the chance of nuclear war, the administration did not have a plan to respond to the test. When pressed to give Pakistan security assurances, the administration followed its Nixon Doctrine framework and avoided a commitment. The decision not to provide a security guarantee is unsurprising; at the time, Pakistan was not under threat from the Soviets, the threat most likely to provoke a response from the Nixon administration. Nonproliferation objectives were not central to the administration at the time. As a result of the test and the lack of security guarantees, Pakistan changed its nuclear strategy and began actively pursuing a nuclear weapon.¹¹¹ Pursuing nuclear

¹¹⁰ National Archives II. Box: RG General Records of the Department of State, Records of Henry Kissinger, 1973-1977. Box 7, NN3-059-00-005; NND 009029; RG #59, Entry 5403, Box #8. Folder: Nodis Memcons, June 1974. Memcon, Kissinger with Canadian Ministers, 18 June 1974.

¹¹¹ Sokolski, Henry D., and Bruno Tertrais, (eds), *Nuclear Weapons Security Crisis: What Does History Teach?* (Carlisle: Army War College Press, 2013), 155.

nonproliferation in Pakistan did not justify disrupting the extending U.S. commitments unless absolutely necessary.

One may wonder if the reason the U.S. did not respond more vigorously to the test was because Nixon was overwhelmed by the Watergate hearings.¹¹² Nixon was “now completely distracted.”¹¹³ What’s more, he had limited political capital for a diplomatic initiative. Nixon’s presidency was enfeebled at the time; he didn’t have the support necessary to mount a successful effort to pressure the Indians, and he was undeniably distracted by the Watergate scandal.¹¹⁴ He had very little capability to govern because his credibility and support had been compromised by the scandal. If he had tried to start a new initiative, he likely would have been “ignored or resisted.”¹¹⁵ If he wanted to mount a significant diplomatic initiative or put in place economic sanctions against India, he would have needed the support of Congress, which would have been nearly impossible. At the time, few in Washington were willing to support Nixon publicly. But lack of support for Nixon belied the true convictions of Congress. While the administration calculated that Congress had little motivation to support an anti-proliferation initiative, later events indicated that Congress actually wanted a stronger response to the test from the administration.

Nixon’s détente strategy guided his actions before the test, and his response after the test indicate that he continued dedicated to détente. Because his actions were in line

¹¹² See, for instance, Morgan, Ruth P., “Nixon, Watergate, and the Study of the Presidency,” 26 *Presidential Studies Quarterly* 1 (Winter, 1996), 217-238.

¹¹³ Black, 962.

¹¹⁴ See, for instance, Nixon’s memoirs on his presidency in 1974. Nixon, Richard, *The Memoirs of Richard Nixon* (New York City: Grosset and Dunlap, 1978), 969-1090. See also Dalleck’s description of Nixon in Dallek, Robert, *Nixon and Kissinger: Partners in Power* (New York City: Harper Collins Publishers, 2007), especially pages 581-583.

¹¹⁵ Neustadt, Richard E., *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York City: The Free Press, 1990), 186.

with détente, it is unlikely that he would have responded very differently even if Watergate had not happened. Within days he downplayed the test, he did not pursue sanctions against India's nuclear program, and he avoided addressing Pakistani concerns regarding the test. Kissinger's statements that the administration did not believe a strong response would have changed anything is likely the most telling explanation of the response: as part of its larger détente strategy, the administration only placed resources towards initiatives that it calculated would bring change that was in the best interest of the United States. The administration did not consider stopping the Indian program or offering security guarantees to the Pakistanis to be necessary parts of its larger Cold War strategy.

Nixon's détente strategy led to the opening of China. Although the opening did not establish an allied relationship between the U.S. and China, it signaled that the U.S. would have a friendly relationship with India's greatest rival. Nixon's opening of China and alignment with China and Pakistan during the Bangladesh conflict propelled India to move forward with its nuclear program.¹¹⁶ India went on to sign the Indo-Soviet Treaty of Friendship to strengthen its relationship with the Soviets. As a result, the Nixon administration tried to reassure the Indians and downplay the significance of the opening of China.¹¹⁷ The administration likely took a similar approach when it came to critiquing or sanctioning the Indians in light of the Smiling Buddha test. Nixon could not afford to push the Indians too hard out of fear that it would lead to a stronger alliance between the Indians and the Soviets, which would shift the balance of power in South Asia towards the Soviet Union.

¹¹⁶ Gavin, *Nuclear Statecraft*, 118. Black, 757.

¹¹⁷ Singh, 1017.

When Nixon received reports that India was in the process of developing a nuclear weapon, the administration did not apply diplomatic pressure, nor did it alter its nuclear shipments to India. In fact, the U.S. did not employ any of the coercive or assurance strategies one would expect if the Nixon administration was attempting to get India to relinquish its nuclear weapons program.¹¹⁸ The administration's downplaying of the significance of the test appears in line with its ongoing policy regarding the Indian nuclear program.

President Ford and the Smiling Buddha

Gerald R. Ford became president on August 9, 1974. On August 10, 1974, Ford held his first Cabinet meeting, laying out his ideas on decision-making during his presidency. Like many presidents before him, he ordered a review of White House operations, assessing that he would make some changes because "it is important for the organization to be in tune with my methods." He also explained that "we will talk before I act, and I will listen to anyone who thinks my proposals may be wrong."¹¹⁹ Ford explained how his administration would be different from his predecessor's.¹²⁰ In fact, every new president comes into the White House with the intention of reshaping the executive branch.¹²¹ However, while he intended to alter the way the White House made decisions, he planned on keeping many of the policies the same, especially détente. He

¹¹⁸ Gavin, "Strategies of Inhibition," 25-30.

¹¹⁹ Gerald R. Ford Presidential Library. National Security Adviser's Memoranda of Conversation Collection. Box 4. Memcon. Cabinet Meeting, 10 August 1974.

¹²⁰ Ford judiciously attempted to create a White House that was noticeably different in function from the Nixon White House. Osborne, John, *White House Watch: The Ford Years* (Washington D.C.: Simon and Schuster, 1977), 11-13.

¹²¹ Pfiffner, James P., *The Modern Presidency, Second Edition*. (New York City: St. Martin's Press, 1998), 44-88. Pfiffner notes that even Johnson, who planned on having continuity from Kennedy's presidency to his own chose to develop a second staff to work alongside Kennedy's staff in his first year.

valued continuity, retaining a large number of Nixon's remaining advisors, including the influential Henry Kissinger.¹²² In his first speech to the American people, while he explained his goals for domestic policies would vary from Nixon's, he declared that "in Congress and as Vice President, I have fully supported the outstanding foreign policy of President Nixon...[and] this policy I intend to continue."¹²³ Ford planned to govern differently, but détente policy would stay the same.

Ford, like Nixon, also chose to limit his response to the Indian nuclear test, but he did strengthen U.S. nonproliferation overall. Ford's administration increased bilateral cooperation on PNEs with the Soviets, and developed nuclear supplier regulations (n.b. the Nuclear Suppliers Group will be addressed in the following chapter). Compared to Nixon, Ford prioritized nuclear nonproliferation even when an NPT-related goal was not part of a larger Cold War objective.

President Ford Increasingly Prioritizes Nonproliferation

Since the Indian nuclear test occurred when criticism of Nixon was high, only months before Nixon's resignation, it was up to the Ford administration to determine the impact of the test on American nuclear policy.

Secretary of State Henry Kissinger promoted a view that things were business as usual with India, downplaying the test.¹²⁵ In August of 1974, when Kissinger discussed the concept of a PNE versus a nuclear weapon test with two Indian representatives,

¹²² See Rodman, Peter W., *Presidential Command: Power, Leadership, and the Making of Foreign Policy from Richard Nixon to George W. Bush* (New York City: Alfred A. Knopf, 2009), 82-96.

¹²³ Cannon, James, *Gerald R. Ford: An Honorable Life* (Ann Arbor: The University of Michigan Press, 2013), 209.

¹²⁵ *Ibid.*, 205-206.

Foreign Secretary Kewal Singh and Ambassador T.N. Kaul, Kissinger argued that a nuclear explosion could be a PNE. Despite the consensus in the U.S. that PNEs and nuclear weapons tests were indistinguishable, he argued that when a state first attempts to develop nuclear explosion technology, “it is not possible to differentiate with this kind of precision.”¹²⁶ While this discussion was certainly diplomatic in nature, Kissinger was more concerned with maintaining the status quo than in critiquing the new nuclear power.

Like Nixon, Ford also refrained from pressuring states to become parties to the NPT. On January 25, 1975, NSC staff member Helmut Sonnenfeldt sent a memo to Kissinger about a proposed UK-USSR joint statement on nonproliferation. Sonnenfeldt expressed concern that the statement, while generally acceptable, could unnecessarily pressure states like France to sign the NPT.¹²⁷ The U.S. was not overly worried about France, as it long said that it would act as if it were a party to the NPT. However, despite assuring the US that it would act in accordance to the treaty, France showed long held reticence about the treaty, rooted in the fears that the NPT was a tool of “U.S. nuclear initiatives... animated by an interest in political-military dominance and commercial advantage.”¹²⁸ Because of France’s suspicions of the NPT, U.S. officials avoided pressuring the French. Taking such a relaxed approach meant that not all of the nuclear weapon states would officially (and legally) abide by the NPT. Like Nixon, Ford

¹²⁶ National Archives II. RG 59, Central Foreign Policy Files, P820097-0933. Department of State. Memorandum of Conversation, Washington, 2 August 1974. Quoted in Sakar, Jayita, “India’s Nuclear Limbo and the Fatalism of the Nuclear Non-Proliferation Regime, 1974-1983,” *37 Strategic Analysis* 3 (2013).

¹²⁷ Gerald R. Ford Presidential Library. National Security Adviser, Presidential Subject File, (1973) 1974-1977; Presidential Subject File: Naval Force Requirements Study (1), Box 14. Folder: Nuclear Non-Proliferation (3). Memo for Brent Scowcroft from David Elliott, 14 July 1976.

¹²⁸ National Archives. RG General Records of the Department of State, Records of Henry Kissinger, Box 7, NN3-059-00-005; NND 009029; RG#59, Entry 5403, Box #6. Folder: Nodis Memos, Jan-June 1974, Folder 1. Report on French nonproliferation position. No Date.

chose to refrain from expending political resources for nonproliferation goals.

Even while Kissinger downplayed the significance of the Indian nuclear test, Ford knew he needed to review U.S. nuclear policy. By October 1974, the administration had established updated succinct, coherent goals for nonproliferation, based on the assessment that “the danger of nuclear war, as well as world instability, would significantly increase with an unrestrained spread of nuclear weapons.” The strategy advocated two goals: “(1) deny non-nuclear weapons states the full range of materials and equipment needed to produce nuclear explosives and (2) strengthen the political, legal, and security inhibitions against proliferation.”¹²⁹

The administration asserted that preventing the spread of PNE programs was one of the primary objectives in its nonproliferation strategy. One of the administration’s nonproliferation goals was to,

“develop an internationally agreed approach to minimizing the risk of indigenous “peaceful” nuclear explosives (PNE) developments in non-nuclear weapons states through agreements not to assist such states in acquiring PNEs, and giving more attention to means of assisting non-nuclear weapons states to obtain PNE services, should legitimate needs for services arise.”

The administration would work to “limit the adverse consequences of the Indian explosion by such measures as seeking India’s utilization of international safeguards for any supply of nuclear materials by it to others, and attempting to reduce the scope and

¹²⁹ Gerald R. Ford Presidential Library. National Security Adviser, Presidential Subject File, (1973) 1974-1977; Presidential Subject File: Naval Force Requirements Study (1), Box 14. Folder: Nuclear Non-Proliferation (1). Memo for Scowcroft, S/S-7420449, Briefing Paper on Nonproliferation, 17 October 1974.

pace of the Indian nuclear explosive program.”¹³⁰ It asserted that it must restrain the development of the Indian nuclear program and prevent India from contributing to horizontal proliferation. Additionally, the administration would work towards developing a legal framework to reduce the likelihood of proliferation through PNEs.¹³¹

On December 4, 1974, Ford received the report from the NSC Undersecretaries Committee that Nixon ordered after the Indian test.¹³² The Undersecretaries recommended that, in order to “minimize the risk of indigenous...PNE development in non-nuclear weapons states not party to the NPT” and to develop a PNE strategy consistent with nonproliferation goals, the U.S. should take a three pronged strategy. First, it needed to seek out agreements with non-nuclear weapon states, which weren’t parties to the NPT, that would insure that those states wouldn’t develop or acquire PNEs. Second, any time the U.S. would make a deal for nuclear exports, agreements between the US and the other nation should include explicit confirmation that the materials wouldn’t be used for a PNE. Third, the U.S. should establish that materials subjected to IAEA safeguards would be prohibited from use in PNEs.¹³³

In addition to developing a basic strategy for PNEs through the Undersecretaries Committee, the administration developed a more comprehensive policy for PNEs via the

¹³⁰ Ibid.

¹³¹ See, generally, Gavin, “Strategies of Inhibition.”

¹³² Clements National Security Papers. Gerald R. Ford Presidential Library. U.S. National Security Council: Institutional Files, (1969) 1974-77 (1980), IFM (Institutional Files-Meetings), 1974-77, Box 4. Folder: Verification Panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. NSC Under Secretaries Committee, Memo for the President, “U.S. Nuclear Non-Proliferation Policy,” 4 December 1974. See also Clements National Security Papers. Gerald R. Ford Presidential Library. U.S. National Security Council: Institutional Files, (1969) 1974-77 (1980), IFM (Institutional Files-Meetings), 1974-77, Box 4. Folder: Verification Panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. NSSM 202 Study, Executive Summary, “U.S. Non-Proliferation Policy,” 4 December 1974.

¹³³ Clements National Security Papers. Gerald R. Ford Presidential Library. U.S. National Security Council: Institutional Files, (1969) 1974-77 (1980), IFM (Institutional Files-Meetings), 1974-77, Box 4. Folder: Verification Panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. NSC Under Secretaries Committee, Memo for the President, “U.S. Nuclear Non-Proliferation Policy,” 4 December 1974.

Verification Panel, which oversaw technical issues related to nuclear weapons for the NSC and the President.¹³⁴ The Panel wrote a report reviewing the terms under which PNEs would be provided to states that were party to the NPT. The U.S., the U.S.S.R., and France, the three states capable of providing PNEs to other countries, all agreed with the September 1974 IAEA assessment that the IAEA would govern PNE services in compliance with NPT Article V.¹³⁵ The Panel expected that some states, most notably Sweden, would soon push for an international agreement governing PNE development, use, and verification. The Panel recognized that any efforts the administration took to dissuade such an agreement would cause blowback--the U.S. would be accused of not caring about the NPT or nonproliferation.¹³⁶ The Panel argued that the U.S. may be best served by allowing other states to lead the development of an international PNE agreement. If the agreement were led by non-nuclear weapon states, these states and others could not critique the US and other nuclear weapons states for once again controlling the nonproliferation regime.

The Panel then considered whether the U.S. should make PNEs available to non-nuclear weapon states that were not a part of the NPT. The report argued that, while making PNEs available to all these states might decrease the likelihood that a state would develop an indigenous PNE program and proliferate, it would also decrease the

¹³⁴ Clements National Security Papers. Gerald R. Ford Presidential Library. U.S. National Security Council: Institutional Files, (1969) 1974-77 (1980), IFM (Institutional Files-Meetings), 1974-77, Box 4. Folder: Verification Panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. "US Strategies in International Activities Concerning Peaceful Nuclear Explosions (PNEs) and Their Use," 30 January 1975.

¹³⁵ The U.S. and the Soviet Union both had PNE programs; France would need to continue developing its program before it was advanced enough to supply PNEs to other states.

¹³⁶ Clements National Security Papers. Gerald R. Ford Presidential Library. U.S. National Security Council: Institutional Files, (1969) 1974-77 (1980), IFM (Institutional Files-Meetings), 1974-77, Box 4. Folder: Verification Panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. "US Strategies in International Activities Concerning Peaceful Nuclear Explosions (PNEs) and Their Use," 30 January 1975.

likelihood that those states would need to become party to the NPT.¹³⁷ The Panel noted that, since the Indian test, France, Egypt, and Thailand all increased their level of interest in PNEs, indicating that the spread of indigenous programs would become increasingly likely in the future. If the administration's ultimate nonproliferation goal was to prevent the spread of PNE programs, thereby preventing the spread of nascent nuclear weapons programs, then participating fully in a PNE lease program would likely be the best method to prevent proliferation.

Actors Align and a Treaty is Negotiated

When Ford's team developed a stronger stance on proliferation, they focused on the problems associated with PNEs and how to regulate their spread and use. They pursued a PNE agreement at a time when détente was collapsing, the Soviets were building up arms, and most arms control negotiations for SALT II were coming to a virtual standstill after the Vladivostok agreement in November 1974.¹³⁸ Additionally, Congress was making a strong push to constrain the president by opposing many of his initiatives. Despite the obstacles, Ford worked with the support of Congress and the Soviet Union to address the PNE problem.

On September 10, 1974, the JCAE Subcommittee on Military Applications met to

¹³⁷ Ibid.

¹³⁸ Schulzinger, Robert D., "The Decline of Détente," in Firestone, Bernard I., and Alexij Ugrinsky (eds), *Gerald R. Ford and the Politics of Post-Watergate America, Volume 2* (Westport: Greenwood Press, 1993), 407-420.

review the state of nonproliferation.¹³⁹ The JCAE was comprised of both members of the House and Senate and was authorized under the Atomic Energy Act of 1946 to oversee the laws and regulations governing civilian and military nuclear power.¹⁴⁰ Notably, throughout the entire hearing, the Subcommittee referred to India as a nuclear power. The Indian description of the test as a PNE had no bearing on the Subcommittee labeling India as a nuclear weapon state.

Senator Stuart Symington opened the Subcommittee meeting by asking “whether this obviously dangerous trend toward further expansion of the nuclear club” after the Indian test would continue. Symington went on to ask for unanimous consent of the Subcommittee to include an excerpt from a *Time* magazine article:

“Until the Indian test, there was a general if naïve belief that nations outside the club would be constrained from producing nuclear weapons by the widespread moral revulsion against such arsenals. India’s explosion, however, removed much of the taint of going nuclear. In a wave of empathetic machismo following the test, Buenos Aires’ independent daily *La Opinion* declared: ‘India is more respectable now.’ New Delhi insists that its nuclear ‘devices’ will be used for peaceful purposes only, such as petroleum and natural-gas exploration. Most experts snicker at the disclaimer. “A bang is a bang. The technology is the same” insists a Canadian official.”¹⁴¹

¹³⁹ Congress of the United States, Subcommittee on Military Applications of the Joint Committee on Atomic Energy. Washington, D.C., September 10th, 1974, 93rd Congress, Second Session. Y 4.AT 7/2:W 37/5. Session on Proliferation of Nuclear Weapons. 10 September 1974.

¹⁴⁰ Atomic Energy Act of 1946. Public Law 585, 79th Congress. Volume 1, Principal Documents, U.S. Atomic Energy Commission, Washington, 1965. Section 15.(a-e). Joint Committee on Atomic Energy.

¹⁴¹ “Mushrooming Spread of Nuclear Power,” *Time Magazine*, 9 September 1974. Quoted in Congress of the United States, Subcommittee on Military Applications of the Joint Committee on Atomic Energy.

Symington's decision to include the excerpt affirmed that he, like the administration, saw PNEs as indistinguishable from a nuclear weapons test. He then told the Subcommittee that it should come together with members of the international community to halt the spread of nuclear weapons.

The JCAE agreed that PNEs were antithetical to a successful nonproliferation regime. Symington noted that the U.S. had given nuclear materials to 30 countries, and now all those states had the raw materials to create nuclear explosions. Additionally, as Rear Admiral Gene La Rocque from the U.S. Atomic Energy Commission (the commission that oversaw the development of nuclear science and technology) testified, PNEs were indistinguishable from any other explosive devices. The PNE loophole in the NPT would have to be closed to prevent nuclear proliferation.¹⁴² The U.S. needed to regulate its own sharing capabilities and come to a bilateral agreement with the Soviets on similar regulations.

In addition to achieving the support of the major committee in Congress that oversaw nuclear issues, the administration also gained Soviet agreement that PNEs were a problem for the nonproliferation regime. The Indian test altered the Soviet calculus on PNEs. As noted previously, the Soviets remained committed to their PNE program since its inception in 1965. While the Americans were coming to understand that PNEs were not cost effective tools or publicly acceptable because of their levels of radiation, the Soviets were conducting dozens of PNE tests.¹⁴³ The U.S. and the Soviets engaged in

Washington, D.C., September 10th, 1974, 93rd Congress, Second Session. Y 4.AT 7/2:W 37/5. Session on Proliferation of Nuclear Weapons. 10 September 1974.

¹⁴² Ibid.

¹⁴³ Between 1965 and 1982, the Soviets conducted an estimated 122 PNE tests. Nordyke, M.D., "The Soviet Program for Peaceful Uses of Nuclear Explosions," U.S. Department of Energy, Lawrence

PNE technical talks but never seriously engaged in negotiations for a PNE treaty.

However, in large part because of the changing Soviet views on PNEs in light of the Indian treaty, when the U.S. and the Soviets negotiated the TTBT in June and July of 1974, they agreed to negotiate a treaty on PNEs by 1976.¹⁴⁴

The administration's decision to negotiate a PNE treaty with the Soviets fulfilled two objectives. First, Ford remained committed to negotiating arms control treaties with the Soviets, in line with détente objectives. Negotiating a PNE treaty helped Ford find common agreement with the Soviets over contentious issues. Second, the successful conclusion of a PNE treaty would assure that the PNE loophole in the TTBT would be closed. A treaty would assure that the Soviets could not label a test a PNE to provide cover for a TTBT violation.

Kissinger assured the Indians in August 1974 that he understood that the test was a PNE. A month later, on September 21, 1974, Kissinger told Soviet Minister of Foreign Affairs Andrei Gromyko that the Indian PNE had military implications.¹⁴⁵ He openly admitted that the technology used to manufacture a PNE was identical to the technology needed to manufacture a nuclear weapon. India now had the technology and materials to produce nuclear bombs. It became a nuclear weapon state under the guise of the development of PNEs.

In the fall of 1974, as the U.S. prepared for the PNE talks, NSC staffers Jan Lodal

Livermore National Laboratory, 1 September 2000, 10-11. By 1990, the best estimates on Soviet PNEs is that they had conducted 124 PNEs with 32 additional detonations to develop PNEs. Norris, Robert S. and Thomas B. Chochran, "Nuclear Weapons Test and Peaceful Nuclear Explosions by the Soviet Union, August 29, 1949 to October 24, 1990," Draft Working Paper, Natural Resource Defense Council, October 1996, 2. The Soviet program officially ended in 1988.

¹⁴⁴ Kissinger, Henry, *Years of Upheaval* (Boston: Little, Brown and Company, 1982), 1167.

¹⁴⁵ Gerald R. Ford Presidential Library. National Security Adviser's Memoranda of Conversation Collection. Box 6. Folder: September 21, 1974. Memcon on Ford, Kissinger, Soviet Foreign Minister Andrei Gromyko, 21 September 1974.

and Helmut Sonnefeldt sent a memo to Kissinger arguing that the Indian nuclear test both altered the goals and called into question the necessity of a PNE agreement for the Soviets.¹⁴⁶ The Soviets, whose primary concern traditionally focused on how to maintain legitimate PNE programs while avoiding restrictions on their own program, were voicing “nonproliferation concerns which have been exacerbated by India’s nascent ‘PNE’ program.” By contrast, the U.S. position remained unaltered. It wanted to establish specific conditions on PNEs such as maximum kilotons for a PNE under the TTBT and methods for observation and verification of the explosions.¹⁴⁷

After the Vladivostok summit on November 23-24, 1974, Ford and Brezhnev announced in a Joint Communiqué that they discussed the need for a PNE treaty.¹⁴⁸ The Communiqué noted that, in light of the agreement during the TTBT signing in June, the U.S. and the Soviets established contact between government representatives to negotiate a PNE treaty. The first meeting commenced in Moscow on October 7, 1974.¹⁴⁹

The administration continued to develop additional regulations to curb proliferation alongside the treaty negotiations. An Undersecretaries Committee report to Ford on December 4, 1974 recommended an “intensified program to inhibit the further spread of independent nuclear explosives capabilities.” Even if the U.S. couldn’t halt all

¹⁴⁶ Richard M. Nixon Presidential Library. Nixon Presidential Materials Staff. National Security Files, Subject Files. Near-Real-Time Satellite Reconnaissance System to Non-Proliferation Treaty, April 1969-March 1970. Box 366. Folder 6 (1 of 1): Peaceful Nuclear Explosions (August 1968-August 1974). Memo from Lodal and Sonnefeldt to Kissinger on PNE Talks with the Soviets, 5 August 1974.

¹⁴⁷ Kissinger, *Years of Upheaval*, 1167.

¹⁴⁸ Gerald R. Ford Presidential Library. White House Press Release Unit. Box 4B-November 23-26, 1974. “Joint US-Soviet Communiqué,” 24 November 1974. Available at: <https://www.fordlibrarymuseum.gov/library/exhibits/vladivostok/communique.pdf>.

¹⁴⁹ Gerald R. Ford Presidential Library. National Security Adviser Study Memoranda and Decision Memoranda, Box 1. National Security Decision Memorandum 273. “Instructions for U.S. Delegations to the PNE Negotiations, Moscow, October 7, 1974,” 7 October 1974. Available at: <https://www.fordlibrarymuseum.gov/library/document/0310/nsdm273.pdf>.

proliferation, it could slow it down through a coordinated strategy of tightening controls on “weapons-usable material” like plutonium, and “through maintaining and making more widely applicable the legal and political barriers to acquisition of independent nuclear explosive capabilities.”¹⁵⁰ In other words, it recommended both regulating and overseeing the nuclear supply while bolstering the barriers for non-nuclear weapon states to develop nuclear explosives.

Interestingly, despite the occasional note by Kissinger to the Pakistanis or other leaders that the Indian PNE test was a nuclear weapon test,¹⁵¹ Kissinger continued to tell Ford that PNEs were a non-issue for proliferation.¹⁵² For instance, in a 1975 memo from Kissinger to Ford, Kissinger argued against the position of Fred Ikle, the director of the U.S. Arms Control and Disarmament Agency, who supported a ban on all PNEs.

Kissinger asserted that,

“while there might be some hypothetical advantage to such a ban, an argument can also be made that it is important for non-proliferation reasons to ensure that PNE services are provided to the non-nuclear weapon sites. On balance, I believe there is little relation between non-proliferation and PNEs and that the Soviets—who have a large interest in PNEs—would regard it as a major sign of bad faith if we now

¹⁵⁰ Gerald R. Ford Presidential Library. US NSC Institutional files, 1974-77. IFM (Institutional Files-Meetings): Verification Panel Meeting, 1/20/75- SALT (1), Box 4. Folder: Verification panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. NSC Under Secretaries Committee Memorandum for the President on U.S. Nuclear Non-Proliferation Policy, 4 December 1974.

¹⁵¹ National Archives II. RG Generals Records of the Department of State, Records of Henry Kissinger, 1973-77. Box 7. NN3-059-00-005; NND 009029; RG #59, entry 5403, Box #6. Folder: Nodis, Memcons, Nov. 1974, Folder 2. Memcon of Henry Kissinger and Zulfikar Ali Bhutto, 31 October 1974.

¹⁵² See, for instance, Gerald R. Ford Presidential Library. U.S. National Security Council Institutional Files, 1974-77. IFD (Institutional Files-NSDMs): NSDM 287-Instructions for U.S. Delegation to the TTB/PNE Negotiations, 2/10/75 (1). Box 58. Folder: NSDM 287-Instructions for U.S. Delegations to the TTB/PNE Negotiations, 2/10/75 (2). Memo from Kissinger to Ford, 9 February 1975.

tried to ban PNEs.”¹⁵³

Kissinger also maintained his stance against a multilateral treaty that would pressure “even tacitly” third states¹⁵⁴

Kissinger’s assessment that PNEs do not significantly impact the nonproliferation regime stood in stark contrast to the Undersecretaries Committee report from two months earlier, whereby the committee argued that:

“Notwithstanding Indian claims to the contrary, a nuclear explosive device, regardless of its intended purpose, can be used as a nuclear weapon, and the technology for making such devices for peaceful purposes is indistinguishable from the technology for making nuclear weapons for a country in an early stage of nuclear explosives development. This view is consistent with the NPT and is shared by the UK, Canada, over a dozen nations participating in the multilateral Zangger (Nuclear Exporters’) Committee, and the IAEA Director General.”¹⁵⁵

Ford was in the middle of a struggle between Kissinger and the Undersecretaries.

The administration determined that PNE yields should fall below the upper yield limits of the TTBT and the explosions should be subject to verification.¹⁵⁶ The U.S. originally hoped to limit PNEs to a 100 kiloton yield during negotiations with the

¹⁵³ Gerald R. Ford Presidential Library. U.S. National Security Council Institutional Files, 1974-77. IFD (Institutional Files-NSDMs): NSDM 287-Instructions for U.S. Delegation to the TTB/PNE Negotiations, 2/10/75 (1). Box 58. Folder: NSDM 287-Instructions for U.S. Delegations to the TTB/PNE Negotiations, 2/10/75 (2). Memo from Kissinger to Ford, 9 February 1975.

¹⁵⁴ Kissinger, *Years of Upheaval*, 1167.

¹⁵⁵ Gerald R. Ford Presidential Library. US NSC Institutional files, 1974-77. IFM (Institutional Files-Meetings): Verification Panel Meeting, 1/20/75- SALT (1), Box 4. Folder: Verification panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. NSC Under Secretaries Committee Memorandum for the President on U.S. Nuclear Non-Proliferation Policy, 4 December 1974.

¹⁵⁶ Clements National Security Papers. Gerald R. Ford Presidential Library. U.S. National Security Council: Institutional Files, (1969) 1974-77 (1980), IFM (Institutional Files-Meetings), 1974-77, Box 4. Folder: Verification Panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. “US Strategies in International Activities Concerning Peaceful Nuclear Explosions (PNEs) and Their Use,” 30 January 1975.

Soviets.¹⁵⁷ During the PNE Treaty negotiations in June 1975, the Soviets tried to negotiate for a much larger acceptable yields for PNEs than were allowed for nuclear weapons tests. The Soviet Union originally hoped for a maximum yield of 500 kilotons, which it believed would be necessary for larger canal excavation projects.¹⁵⁸ Ford did not spend a prodigious amount of time in consultations with Congress over the treaty while in the negotiation stage with the Soviets, but understood that the treaty would need to meet basic Congressional requirements to be passed.¹⁵⁹ Specifically, he knew that Congress would defeat the agreement if the treaty allowed explosions above the 150 kiloton TTBT yield limit. Additionally, the administration assessed that the Soviets would not come to an agreement if they believed Congress would not ratify the PNE treaty.¹⁶⁰ Both Congress and the Soviets needed to be on board for the treaty to succeed.

After the October 1974 U.S.-Soviet meeting on PNEs, the administration participated in further negotiations in February 1975, June 1975, September 1975, and March 1976.¹⁶¹ It completed the last of the six negotiations with the Soviets over PNEs in

¹⁵⁷ Clements National Security Papers. Gerald R. Ford Presidential Library. U.S. National Security Council: Institutional Files, (1969) 1974-77 (1980), IFM (Institutional Files-Meetings), 1974-77, Box 4. Folder: Verification Panel Meeting, 2/8/75-TTB/PNE and Non-Proliferation. "US Strategies in International Activities Concerning Peaceful Nuclear Explosions (PNEs) and Their Use," 30 January 1975.

¹⁵⁸ Clements National Security Papers. Gerald R. Ford Presidential Library. U.S. National Security Council Files, (1969) 1974-77 (1980), IFU (Institutional Files-Under Secretaries Committee), 1974-77. IFD (Institutional Files-NSDMs), 1974-77, Box 60. Folder: NSDM 297-Instructions for the U.S. Delegation to the PNE Negotiations, Moscow, 6/3/75. Memo from Kissinger to Ford, "Instructions for the US Delegation to the PNE Negotiations, Moscow, June 3, 1975," 11 June 1975.

¹⁵⁹ Platt, Alan, and Lawrence D. Weiler, (eds.), *Congress and Arms Control* (Boulder: Westview Press, 1978), 6.

¹⁶⁰ Gerald R. Ford Presidential Library. National Security Adviser. Memoranda of Conversations, 1973-1977. Box 8: Memoranda of Conversations-Ford Administration. Folder: January 6, 1975-Ford, Ikle. Memcon with Ford and Ikle, 6 January 1975.

¹⁶¹ Gerald R. Ford Presidential Library. National Security Adviser Study Memoranda and Decision Memoranda, Box 1. National Security Decision Memorandum 287. "Instructions for U.S. Delegations to the TTB/PNE Negotiations, Moscow, February 10, 1975," 9 February 1975. Available at: <https://www.fordlibrarymuseum.gov/library/document/0310/nsdm287.pdf>. Gerald R. Ford Presidential Library. National Security Adviser Study Memoranda and Decision Memoranda, Box 1. National Security Decision Memorandum 297. "Instructions for the U.S. Delegation to the PNE Negotiations, Moscow, June

April of 1976, signing the Treaty Between The United States of America and The Union of Soviet Socialist Republics on Underground Nuclear Explosions For Peaceful Purposes, on May 28, 1976.¹⁶² The treaty capped the maximum PNE yield at 150 kilotons in line with the TTBT as Congress required. It also reaffirmed a Soviet objective to guarantee the right to carry out PNEs on other state's territory if requested.¹⁶³ Although neither state ratified the treaty until 1990, both committed to abiding by the provisions of the treaty.

Congress was not appeased by treaty developments. It introduced, via the JCAE and the Senate Foreign Relations Committee, legislation that condemned the Nuclear Regulatory Commission and the Arms Control and Disarmament Agency for failing to adequately prevent the development of PNEs via U.S. nuclear materials. The Nuclear Explosive Proliferation Control Act of 1976, introduced on September 2, 1976 failed, but highlighted that Congress was concerned that Ford was not adequately addressing the problem.¹⁶⁴

3, 1975," 12 June 1975. Available at:

<https://www.fordlibrarymuseum.gov/library/document/0310/nsdm297.pdf>. Gerald R. Ford Presidential Library. National Security Adviser Study Memoranda and Decision Memoranda, Box 1. National Security Decision Memorandum 304. "Instructions for the U.S. Delegations to the PNE Negotiations, Moscow, September 5, 1975," 8 September 1975. Available at:

<https://www.fordlibrarymuseum.gov/library/document/0310/nsdm304.pdf>. Gerald R. Ford Presidential Library. National Security Adviser Study Memoranda and Decision Memoranda, Box 1. National Security Decision Memorandum 321. "Instructions for the US Delegation to the PNE Negotiations, Moscow, March 10, 1976," 11 March 1976. Available at:

<https://www.fordlibrarymuseum.gov/library/document/0310/nsdm321.pdf>.

¹⁶² Gerald R. Ford Presidential Library. Box 34, "5/28/76 -Remarks at the Signing Ceremony for the Treaty on Underground Nuclear Explosions" of the President's Speeches and Statements: Reading Copies, 28 May 1976, available at: <https://www.fordlibrarymuseum.gov/library/document/0122/1252892.pdf>. See also Ford, Gerald R., "Message to the Senate Transmitting United States-Soviet Treaty. and Protocol on the Limitation of Underground Nuclear Explosions," 29 July 1976. Available online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=6245>.

¹⁶³ Bureau of Arms Control, Verification, and Compliance, *Treaty Between The United States of America and The Union of Soviet Socialist Republics on Underground Nuclear Explosions For Peaceful Purposes*, 28 May 1976.

¹⁶⁴ Beckman, Robert L., *Nuclear Non-Proliferation: Congress and the Control of Peaceful Nuclear Activities* (Boulder: Westview Press, 1985), 260-262.

By September of 1976, Ford claimed his administration had taken the strongest nuclear nonproliferation stance of any administration.¹⁶⁵ Ford's administration worked to fulfill Nixon's détente strategy by addressing the problems PNEs posed. It developed a comprehensive policy towards PNEs and signed the PNE Treaty with the Soviets in order to close a loophole in the TTBT. However, the PNE Treaty failed to address the primary problem of PNEs, which came back to haunt Ford during the reelection campaign: PNEs were still nuclear explosives with military implications that could be used as weapons. Even though the U.S. and the U.S.S.R.'s PNE programs were now governed by a treaty, the rest of the world's PNE programs would not be governed by anything more than the NPT's Article V provisions. Ford did not rally the world around closing the loophole to the NPT, hoping another state would lead the charge instead. Ford didn't go far enough to escape Carter's critiques that he was soft on proliferation.

Conclusion

Peaceful nuclear explosions proved a unique problem to the United States. They had the potential to be cost saving tools in multiple industries. Also, policymakers believed that PNE tests and nuclear weapons tests were indistinguishable from each other. By the time President Johnson signed the NPT in 1968, American officials came to two major conclusions: 1) PNEs were unlikely to become useful, economical tools and 2) by assuring all countries had a right to PNEs in the NPT, potential proliferators could use PNEs as a guise to justify the proliferation of nuclear weapons. However, because of the

¹⁶⁵ Gerald R. Ford Presidential Library, Domestic Council; James M. Cannon; Executive Director and Assistant to the President for Domestic Affairs; No Fault Insurance, May 2, 1975 to Nuclear Policy Statements, October 28-November 5, 1976, Box 24. Folder: Nuclear Policy Statement, August 1-September 14, 1976. Draft Nonproliferation Message, September 1976.

imperative of maximizing the number of states that would become party to the NPT, the U.S. agreed to include a right to PNEs in the NPT.

When Nixon came into office, nonproliferation goals were secondary to Cold War objectives. President Nixon chose against pressuring India to become a party of the NPT. He would not expend resources to pursue proliferation goals unless it would further his other détente goals. He did not act to halt India's burgeoning nuclear program, nor did he push to alter the NPT to remove the PNE loophole. Even after India conducted its first successful nuclear test, the Nixon administration downplayed the test. Nixon's actions indicate that he neither prioritized the NPT nor tried to strengthen the treaty, even when the Smiling Buddha test highlighted the potential failures of the treaty and the threat of PNEs to America's nonproliferation goals.

The timing of the Indian test reveals the continuity and discontinuity between two presidents in a short period of time. Because Nixon resigned less than three months after the Indian nuclear test, both Nixon and Ford had to deal with the repercussions of the test. Nixon recognized that PNEs could pose a problem for the TTBT. Ford followed through and negotiated a PNE Treaty with the Soviets so that a nation could not avoid the TTBT by labeling a test a PNE. He also had the NSC work on developing a U.S. policy towards PNEs. However, while Ford took some steps to strengthen the nonproliferation regime (many of which are related to nuclear suppliers and will be explored fully in the next chapter), he worked towards a bilateral PNE treaty instead of pursuing a multilateral treaty restricting all PNEs.

Ford's decision to pursue a bilateral treaty revealed his approach to the nonproliferation regime: any action taken to strengthen the regime would result from

bringing the most important actors to the table. However, he did not call for changes to the NPT. The decision to pursue a bilateral treaty also supports the claim by UN Diplomat Seymour Maxwell Finger that Ford did not attach “a great deal of importance” to the United Nations (UN) or broad international institutions as a whole.¹⁶⁶ During this time period, the U.S. had only minimal sway in a UN that was controlled in large part by developing countries. In fact, the U.S. was often at odds with the primary objectives of the majority in the UN, which often focused on critiquing U.S.-aligned South Africa and Israel. The Ford administration was willing to use the UN when it served U.S. purposes, but it did not base its decisions on the opinion in the UN. The decision to pursue a bilateral PNE treaty likely brought the same considerations into play. It was not only easier to pursue a bilateral treaty, but after the developing countries made such a concerted effort to include PNEs in the NPT, there was likely no way to address the problem of the PNEs in an international forum without the “solution” being watered down by developing countries that wanted unfettered access to PNEs. Finally, Ford’s efforts in pursuing a bilateral treaty show his commitment to détente, since closing the loophole to the TTBT constrained the Soviets.

PNEs were not merely a footnote in history. The government put forward a large amount of money to determine their usefulness to society. Multiple administrations recognized the threat PNEs posed to the world’s nonproliferation regime. While the administrations, especially Ford’s administration, worked to close the PNE loophole in arms control treaties with the Soviets, the administrations did not push for an

¹⁶⁶ Finger, Seymour Maxwell, “The Ford Administration and the United Nations,” in Firestone and Ugrinsky, 431.

international agreement to ban PNEs because of political imperatives with non-nuclear weapons states.

CHAPTER FOUR

Nuclear Suppliers and Curbing Proliferation: Ford versus Congress

Introduction

The NPT codified a right to nuclear energy, but states could only make use of this right if they had access to nuclear materials. One of the unintended consequences of the NPT is that it guaranteed states access to nuclear materials so that they could exercise their right to nuclear energy. Yet the right to nuclear energy and access to nuclear materials proved to be a threat to the nonproliferation regime after the Indians diverted materials intended for its nuclear energy program to its nuclear explosion program. In response, the Ford administration took steps to strengthen the nonproliferation regime, but chose to do so outside the parameters of the NPT because it assessed that an effective response was only possible through a group of supplier states willing to place strict controls on nuclear supplies.

The Indian nuclear test forced the U.S. president to counter proliferation. Between the test, an increase in Congressional pressure to inhibit proliferation, and the focus of other states on addressing factors that contribute to proliferation, the president had to act. Yet, even as nonproliferation became a more pressing foreign policy objective for the U.S., geopolitical objectives remained central in the presidential response to proliferation. The president responded by working on a policy to maximize America's ability to inhibit proliferation, while minimizing the likelihood that the policy would interfere with or reduce the ability of the U.S. to address other goals.

When Kissinger discussed the Indian nuclear test, the Smiling Buddha, with the Canadians on June 18, 1974, he said that he didn't see the point in 'making a big issue' out of the explosion.¹ The Nixon administration did not sanction the Indians, nor did it impose additional safeguards on American nuclear materials bound for India in the month after the test. The State Department International Scientific and Technological Affairs Director, Herman Pollack, claimed in a memo that "there has been no diversion [of American nuclear materials] for use in nuclear explosive devices."² Officials agreed it was Canadian, not American, nuclear fuel that was diverted to the test.³ Because no American nuclear materials were diverted, the administration was sure that the future of U.S. nuclear shipments to India would not be subject to serious critique.

The Nixon administration failed to predict how supplying India after the test would be perceived by policy makers. Nixon still gave lip service to the idea that the U.S. should work to prevent nuclear proliferation. Yet the decision to go through with the shipment immediately after the test appeared to Congress as a shaky commitment to nonproliferation, and it soon became incredulous that the existing safeguard regime would be sufficient to guarantee that the U.S. did not contribute to proliferation.

Ford, as a foreign policy realist, maintained many of Nixon's policies. He

¹ National Archives II. RG General Records of the Department of State, records of Henry Kissinger, 1973-77, Box 7, NN3-059-00-005; NND 009029; RG#59, Entry 5403, Box #8. Folder: Nodis Memcons, June 1974. Memcon between Henry Kissinger and Simcha Dinitz, 18 June 1974.

² National Archives, Doc 52, June 21, 1974. National Archives II. RG General Records of the Department of State, Records of Henry Kissinger, 1973-77, Box 7, NN3-059-00-005; NND 009029; RG#59, Entry 5403, Box #8. Folder: Nodis Memcons. Briefing Memo from Herman Pollack, June 1974.

³ Canada determined that because India used the Canadian CIRUS reactor to process the plutonium, in violation of a 1971 Indo-Canadian agreement. Canada went on to halt assistance on two Indian reactors. See Trubull, Robert, "Canada Says India's Blast Violated Use of Atom Aid," *New York Times*, 21 May 1974.

prioritized the Soviets, negotiated in SALT II, fought to maintain détente, and attempted to enact the Nixon Doctrine.⁴ He also retained Nixon's most trusted adviser and architect of détente, Henry Kissinger, who continued to hold a prodigious role in determining foreign policy.⁵ Yet he developed a much more robust nonproliferation policy rooted in an effort to curb the supply of unsafeguarded nuclear materials. He cultivated a hybrid political and technical response to proliferation: in pursuit of political solutions, the U.S. would continue to act as a reliable nuclear supplier. By being a reliable supplier, the U.S. would prevent the need for other states to pursue indigenous nuclear energy programs or buy nuclear materials that were not safeguarded. In pursuit of technical solutions, the U.S. would develop stronger safeguards for sales to assure dual-use technology and materials would not be diverted to nuclear weapons programs. Most importantly, the Ford administration pursued technical solutions through the establishment of a Nuclear Suppliers Group (NSG), a group that created rules so that supplier states would regulate nuclear supplies to prevent proliferation.

⁴ Détente became so precarious that in the 1976 campaign, Ford banned using the word. For a discussion on the failures of détente, see Hemmer, Christopher, *American Pendulum: Recurring Debates in U.S. Grand Strategy* (Ithaca: Cornell University Press, 2015), 85-87. After Helmut Sonnenfeldt was misquoted for advocating a "permanent organic solution" that basically would guarantee the Eastern Europeans had no claim to sovereignty. As a result, Ford was criticized for "going soft on communism" from Reagan during the election campaign. Greene, John Robert, *The Presidency of Gerald R. Ford*, Lawrence: University Press of Kansas, 1994), 29, 124-126, and 167. Détente also came into questions in light of the fight over Angola. Ninkovich, Frank, *The Wilsonian Century: U.S. Foreign Policy since 1900* (Chicago: The University of Chicago Press, 1999), 248. For a critique of what he calls Nixon and Ford's "continental realism," see Mead, Walter Russell, *Special Providence: American Foreign Policy and How It Changed the World* (New York City: Alfred A. Knopf, 2001), 72-74.

⁵ Hal Brands makes the interesting argument for the failures of Nixon and Kissinger's grand strategy (as described in West Germany chapter of this dissertation), arguing that the sputtering of détente was in part due to the fact that grand strategy as a concept was subject to limitations, such as from unexpected actions taken by the Soviets and the end of the Vietnam War. Additionally, they hid their grand strategy from the public to some extent, and while concentrating power in the executive brought early rewards, it made the other branches of government less willing to go along with their initiatives over time. Brands, Hal, *What Good is Grand Strategy? Power and Purpose in American Statecraft from Harry S. Truman to George W. Bush* (Ithaca: Cornell University Press, 2014), 100-101.

The Indian nuclear test betrayed the idea that weak safeguards and mere pledges would be enough to inhibit nuclear proliferation.⁶ The Ford administration combatted proliferation, but chose not to go through the NPT. To reduce proliferation, Ford could pursue two different paths: one was to alter the demand for nuclear weapons, while the other was to alter the supply of materials to develop nuclear weapons. Demand policies included reducing incentives of nuclear weapons, preventing arms transfers, providing security guarantees, and guaranteeing fuel supplies. Supply approaches included strengthening safeguards, bolstering export controls, and restricting the widespread availability of nuclear technology and materials.⁷ The NPT was primarily a series of demand policies. Ford focused on supply policies.

Soon after coming into office, Ford determined that the best way to prevent future proliferation would be to assure that suppliers prevented the diversion of nuclear materials to nuclear weapons programs. Ford led the effort to work with allies to solve the nuclear supply issue.⁸ The administration led the establishment of the Nuclear Suppliers Group, which reduced proliferation by addressing how supplying nuclear materials could increase the likelihood of proliferation. In the process, Ford oversaw the initial shift of the U.S. from thinking about nonproliferation as a global control problem to a technological denial problem.⁹

⁶ Sokolski, Henry D., *Best of Intentions: America's Campaign Against Strategic Weapons Proliferation* (Westport: Praeger Publishers, 2001), 56.

⁷ Potter, William C., *Nuclear Power and Nonproliferation: An Interdisciplinary Perspective* (Cambridge: Oelgeschlager, Gunn and Hain, Publishers, Inc., 1982), 197-217.

⁸ Sargent, Daniel J., *A Superpower Transformed: The Remaking of American Foreign Relations in the 1970s* (New York City: Oxford University Press, 2015), 175.

⁹ Lavoy, Peter R., "Cooperation in Nuclear Nonproliferation Activities," in Breslauer, George W., and Philip E. Tetlock, *Learning in U.S. and Soviet Foreign Policy* (Boulder: Westview Press, 1991), 762.

During this time period, Congress focused on constraining the power of the president, including in the executive-centric arena of foreign affairs.¹⁰ After years of watching executive power expand, Watergate concentrated Congressional efforts on reining in executive excess and on legislating guarantees of Congressional oversight.¹¹ Ford faced repeated Congressional attempts to dictate the direction of his foreign policy, and had to fight Congress for the ability to define U.S. nonproliferation policy.¹²

The Joint Committee on Atomic Energy (JCAE), the uniquely powerful Congressional committee with co-decision-making authority with the president over nuclear matters, a committee once described as “a continuing violation of the separation of the powers principle of the Constitution,” came down particularly hard on the President’s nuclear choices.¹³ While it rallied around constraining proliferation, its initiatives often interfered with what Ford believed was best policy: constraining proliferation while simultaneously supporting the American nuclear industry.

This chapter centers on the process by which nuclear suppliers became central to the Ford presidency. First, Nixon administration’s miscalculated the political

Joseph Nye argued that the Soviets actually transitioned to technological denial in 1958, due to attempts to deny China the technology for a bomb. Nye, Joseph S., Jr., “U.S.-Soviet Cooperation in a Nonproliferation Regime,” in George, Alexander L., Philip J. Farley, and Alexander Dallin (eds), *U.S.-Security Cooperation: Achievements, Failures, Lessons* (New York City: Oxford University Press, 1988), 338.

¹⁰ For instance, Congress began organizing the Organization of the Government for the Conduct of Foreign Policy in 1972. Grimmett, Richard F., *Executive-Legislative Consultation on U.S. Arms Sales* (Washington, D.C.: U.S. Government Printing Office, 1982), iii.

¹¹ See, for instance, the chapter “Congress and the Ford Administration” in Katz, James Everett, *Congress and National Energy Policy* (New Brunswick: Transaction, Inc., 1984), 57-77.

¹² For instance, see “The Vladivostok Arms Control Agreement,” 28 *Bulletin of the American Academy of Arts and Sciences* 5 (February 1975), 5. See also Memorandum of Conversation with Gerald R. Ford, Henry A. Kissinger, and Brent Scowcroft,” 8 January 1975, *Foreign Relations of the United States, 1969-1976, Volume XVI, Soviet Union, August 1974-December 1976*, Office of the Historian, Document 113, available at: <https://history.state.gov/historicaldocuments/frus1969-76v16/d113>.

¹³ Allardice, Corbin, and Edward R. Trapnell, *The Atomic Energy Commission* (New York City: Praeger Publishers, 1974), 165.

ramifications of a series of nuclear shipments to India. For Nixon, the test did not alter the geopolitical environment so he didn't see the need to alter policy in order to address it. However, basing his response on geopolitical and Nixon Doctrine imperatives led to a failure to grasp the importance of Congress in achieving his policy objectives. The shipments led to a groundswell of support for a stronger nonproliferation policy in Congress. Congress began to argue that the administration's nonproliferation policy was weak and would not prevent further proliferation. As a result, Congress began to pass laws to strengthen U.S. nonproliferation policies, and in turn provide a stronger check on presidential power on nuclear matters. The president could only pursue geopolitical goals and minimize nonproliferation policy when Congress supported that objective.

Finally, Ford responded to U.S. nonproliferation failures by developing a more robust nonproliferation policy rooted in the pursuit of the NSG and added safeguards. He calculated that this path would simultaneously prevent proliferation while supporting the nuclear industry and assuring that the U.S. would continue to be a reliable supplier of nuclear energy. Just as Nixon pressured West Germany to become a party to the NPT so that the treaty would succeed, Ford strategically put diplomatic pressure on France to become a member of the NSG since French participation was necessary for the success of the group.

The Tarapur Shipments

While the diplomatic response to the Indian test was muted, the Nixon administration had to confront whether or not its policies toward India would change as a

result of the test. The test forced the president to think about proliferation. Yet geopolitics still mattered, and Nixon needed to conserve political resources. He needed to decide whether confronting nuclear proliferation in India was worth disrupting geopolitical objectives or using diplomatic resources. Since the U.S. acted as a nuclear supplier to India, it had one major lever over India. The U.S. came to an agreement with India to act as a nuclear supplier years earlier, and the test forced the administration to confront whether it would alter its supply policy. When the nuclear agreement was made, India was a non-nuclear weapon state. Since India had become a nuclear weapon state, but was unconstrained by the NPT, Nixon had to determine whether his administration would alter its supply policies toward a state that changed its nuclear weapons status.

A mere week before the Smiling Buddha test, the administration signed an updated nuclear fuel shipment agreement with India.¹⁴ The Americans and Indians originally concluded the nuclear fuel agreement in 1968, whereby the U.S. would provide enriched uranium for the American-supplied Tarapur nuclear reactors over the course of 30 years.¹⁵ In light of the test and of America's commitment to nuclear nonproliferation, the administration understood that the shipment could become a lightning rod for criticism of the administration's nonproliferation policies. As a result, the administration hoped to keep the remaining shipments out of the public eye.

¹⁴ In the period between President Eisenhower's Atoms for Peace declaration and the signing of the NPT, the U.S. entered into many nuclear agreements and was generally committed to sharing the benefits of peaceful nuclear energy. Dewitt, David (ed), *Nuclear Non-Proliferation and Global Security* (New York City: St. Martin's Press, 1987), 86.

¹⁵ The U.S. supplied India the Tarapur reactor in 1963. It was under safeguards established by the India-US Agreement for Tarapur Reactor of August 8, 1963. See Arizona State University Archive. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 200, Folder 11. Ambassador of Pakistan Aide Memoire on US and Canadian Participation in the Indian Nuclear Program, 17 June 1974.

The quiet follow-through aligned with the three response options to an Indian nuclear test outlined in the report from NSSM 156 on Indian nuclear developments, delivered in January of 1973.¹⁶ First, the U.S. could issue penalties after a test, such as “reducing all economic and technical assistance programs...and mobilizing an international campaign to condemn the Indians.” A moderate response, one which was potentially feasible and in line with many U.S. nonproliferation objectives, would mean “terminat[ing] the supply of enriched uranium to the Tarapur nuclear reactor and curtail[ing] or end[ing] other U.S.G. cooperation with India in the nuclear energy and space fields...and urg[ing] other nations to follow suit.” This moderate response would require allies and other states party to the NPT to pressure the Indians, an effort that would take diplomatic resources and political capital. However, the report suggested the result would not produce enough pressure on India to end its program. The administration chose the weakest response, focusing on “some public indication of displeasure, but few, if any, tangible penalties” and no change in the uranium shipments to Tarapur.¹⁷

When Indian officials concluded that they would go through with the test in February of 1974, they counted on a limited response from the Americans. Homi Sethna, India’s chairman of the Atomic Energy Commission, explained that “we [the leaders of the Indian nuclear program] thought the U.S. would stick to its agreement. We thought

¹⁶ National Security Study Memorandum 156, “Indian Nuclear Developments,” 5 July 1972. Available through the Federation of American Scientists: Intelligence Resource Program, National Security Study Memorandums (NSSM), Nixon Administration 1969-74, updated 9 September 2014, available at: <http://fas.org/irp/offdocs/nssm-nixon/index.html>.

¹⁷ Available through the National Security Archive, George Washington University. Burr, William, “The Nixon Administration and the Indian Nuclear Program, 1972-1974,” National Security Archive Electronic Briefing Book No. 367, 5 December 2001. “A Set-Back to Nonproliferation Efforts” H. Daniel Brewster to Herman Pollack, “Indian Nuclear Developments,” 16 January 1973, enclosing “Summary,” 1 September 1972, Secret Source- RG 59, SN 70-73, AE 6 India.

the fuel supply relationship was a treaty the U.S. would not break.”¹⁸ India bet that the Nixon administration would not withhold nuclear shipments if it conducted a nuclear test, and its calculations were correct.

Just as any other American nuclear shipment at the time, International Atomic Energy Agency (IAEA) safeguards covered the uranium shipments. The administration added one “condition” to the June shipment: “in light of the Indian test, we have therefore asked the Indians for confirmation of their acceptance of this policy [for IAEA safeguards] and have made receipt of the confirmation a prior condition to further shipments.”¹⁹ The Indians reaffirmed that American nuclear materials would not be diverted to a nuclear weapons program. The first shipment of 6,150 kilograms of enriched uranium sailed out of a New York City port on June 19, 1974. The next shipment’s intended sail date was October of 1974.

Kissinger repeatedly downplayed the significance of the nuclear shipments in light of the Indian nuclear test. For instance, Kissinger jokingly told the Canadians on June 18, 1974 that he had to push through the Tarapur shipment, because if he didn’t, the Canadians would. Canadian Secretary of State for External Affairs Mitchell Sharp was defensive, firing back that although their safeguards were inadequate, so were the Americans’ safeguards. Kissinger went on to laugh (a laugh noted in the Memoranda of Conversation text) and said, “there were no other safeguards then...yours were lousy, but

¹⁸ Perkovich, George, *India’s Nuclear Bomb: The Impact on Global Proliferation* (Berkeley: University of Berkeley Press, 2001), 174.

¹⁹ National Archives II. Box RG General Records of the Department of State, Records of Henry Kissinger, 1973-1977. Box 7, NN3-059-00-005; NND 009029; RG #59, Entry 5403, Box #6. Folder: Nodis Briefing Memos 1974. Memo from Sisco to Kissinger on Shipment of Enriched Uranium to India, 20 June 1974.

so were ours.”²⁰ Notably, Canada and most other states soon cut off their “extensive foreign support” for India’s nuclear program in the wake of the test.²¹ The U.S. did not, similarly, withdraw support for India.

The Smiling Buddha forced the world to confront an assumption held since Eisenhower’s Atoms for Peace initiative. Prior to the Smiling Buddha, experts generally agreed that the spread of nuclear energy programs and technology would inhibit the spread of nuclear weapons. Empirically, the opposite is true: while many states may obtain nuclear energy programs with no original intent to develop nuclear weapons, only a small number went on to pursue nuclear weapons.²² There is a variation in the number of years between adopting a nuclear energy program and adopting a nuclear weapons program. Sometimes an event causes a country to pursue nuclear weapons, yet in others there are no obvious precursors – as in the case of Iraq – where no obvious event caused Saddam Hussein to decide to pursue a nuclear weapons program. These variations could lead an analyst to over or under-assume a state’s likelihood to pursue nuclear weapons. The outward event, China’s nuclear test, propelled India to shift its energy program to nuclear weapons development.

When confronted with the extraordinary event of the Indian nuclear test, Nixon’s administration avoided any real alteration to its nuclear policy towards India, as evident

²⁰ National Archives, Doc 54, 18 June 1974. National Archives II. Box: RG General Records of the Department of State, Records of Henry Kissinger, 1973-1977. Box 7, NN3-059-00-005; NND 009029; RG #59, Entry 5403, Box #8. Folder: Nodis Memcons, June 1974. Memcon, Kissinger with Canadian Ministers, 18 June 1974.

²¹ Ramana, M.V., *The Power of Promise: Examining Nuclear Energy in India* (New York City: Penguin Group, 2012), 30.

²² Fuhrmann, Matthew, *Atomic Assistance: How “Atoms for Peace” Programs Cause Nuclear Insecurity* (Ithaca: Cornell University Press, 2012), 155.

through the U.S. shipment of uranium to Tarapur. As explored in the previous chapters, in order to prevent a stronger alliance between India and the Soviet Union, the Nixon administration downplayed the test. In support of this policy, it chose against altering America's role as a nuclear supplier, since such a decision could injure U.S. relations with India and push it towards the U.S.S.R. Nixon determined that while it was preferable to develop future nuclear deals with significant safeguards, he believed it was unacceptable to alter existing nuclear deals.²³ Changing the terms of a deal after the fact would bring into question America's reliability as a supplier so the administration wanted to remove focus from the event. However, as I will show in the next section, Congress determined that a failure to strengthen nonproliferation policy was a dereliction of duty, and as a result, it stepped in to assure a stronger policy would result from the test.

Congress and the Indian Nuclear Test

In the days after the Indian test, Congress did not express a great deal of concern about the state of U.S. nonproliferation policy. Nuclear safeguards were in place with every nuclear shipment. However, the administration seriously underestimated the impact of the Indian nuclear test on Congress. This section will overview the initial Congressional response to the test, then review the JCAE response to the test. It will highlight the administration's attempt to downplay the impact of the test in Congress just as Congress was taking a more active role in inhibiting the spread of nuclear weapons.²⁴

²³ Jones, Rodney W. et. al. (eds.), *The Nuclear Suppliers and Nonproliferation: International Policy Choices* (Toronto: Lexington Books, 1985), 18.

²⁴ Gavin, Francis J., "Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation," 40 *International Security* 1 (Summer 2015), 36.

The president is usually the most powerful player in U.S. foreign policy. The increasing importance of foreign policy in the U.S. in the mid-twentieth century led to an extremely powerful “imperial presidency.” Nixon organized the executive branch to avoid outside influences on his foreign policy, and worked to reduce Congressional power through techniques like impounding, or withholding, appropriated funds, and employing the pocket veto.²⁵ Nixon actually entered the presidency with a generally hostile Congress that grew more combative over the years (primarily because of Vietnam), but even so, Congress rarely attempted to restrict his foreign policy decisions.²⁶ However, the Indian nuclear test came at the time in the Watergate scandal when Congress no longer allowed Nixon free range in expanding his power.²⁷ There was a swing towards checking presidential powers in the wake of the Watergate scandal, including in foreign policy. For instance, Congress passed the Jackson-Vanik amendment, which threatened the withdrawal of the most favored nation status from the Soviet Union unless it changed its policy on Jewish emigration. The Jackson-Vanik amendment symbolized to Kissinger what was wrong with Congressional interference in foreign policy: Congress could undermine détente and other major foreign policy

²⁵ Schlesinger, Arthur M., Jr., *The Imperial Presidency* (New York City: Houghton Mifflin Company, 2004), 209-212 and 235-246.

²⁶ Matthews, Chris, *Kennedy and Nixon: The Rivalry that Shaped Postwar America* (New York City: Free Press, 1997), 275. Matthews also asserts that the press was hostile toward Nixon from the beginning. There were obvious exceptions. Democratic opponents of SALT, most notably Senators Henry Jackson, claimed SALT it didn't do enough to control the arms race, cut the Arms Control and Disarmament Agency by 1/3, reducing the percentage of employees by 20%. Small, Melvin, *The Presidency of Richard Nixon* (Lawrence: University Press of Kansas, 1999), 110.

²⁷ For example, Congress restricted Nixon's tendency to use impoundment as a policy tool when it passed the Congressional Impoundment and Control Act of 1974. Silver, Howard J., “Presidential Power and the Post-Watergate Presidency,” 8 *Presidential Studies Quarterly* 2 (Spring 1978), 200.

initiatives.²⁸ Kissinger was prepared to fight against Congressional incursions on presidential power and strategy.

Congress tried to regain power from the president in light of Watergate, but Watergate was not the sole driver of the power grab. The failures of Nixon and Kissinger's grand strategy and the sputtering of détente stemmed from two major problems. First, foreign policy failures like the Vietnam War provided an opening for Congress to assert control since the president's strategy wasn't working. Additionally, Nixon and Kissinger hid their grand strategy from the public. While Nixon and Kissinger's tendency to concentrate power in the executive branch brought early rewards, this strategy made the other branches of government less willing to go along with their initiatives over time. In part because of Kissinger's attempts to shield executive strategy from Congressional input, Congress checked the president.²⁹

As noted in the previous section, the administration originally assessed that Congress would not push for serious changes in U.S. nonproliferation policy as a result of the Indian test. Even a month after the test, certain members of the administration still believed that the test had few repercussions in Congress. For instance, Joseph Sisco, Undersecretary of State on Political Affairs, reported to Kissinger on June 20, 1974 that he had authorized a June 19th shipment of enriched uranium to India. During this report, he noted that "the Tarapur question has not become a matter of controversy with

²⁸ Hemmer, Christopher, *American Pendulum: Recurring Debates in U.S. Grand Strategy* (Ithaca: Cornell University Press, 2015), 86-87.

²⁹ Brands, Hal, *What Good is Grand Strategy? Power and Purpose in American Statecraft from Harry S. Truman to George W. Bush* (Ithaca: Cornell University Press, 2014), 100-101.

Congress.”³⁰ This assessment aligned with the administration’s choice to downplay the test and continue with the nuclear shipments to India.

However, while some members of the administration were clinging to the notion that the test would not lead to policy changes, Congressmen began expressing concern about U.S. nonproliferation policy by mid-June, especially in the Joint Committee of Atomic Energy, or JCAE. The JCAE was comprised of both members of the House and Senate, which held the impetus under the Atomic Energy Act of 1946 to exclusively oversee the laws and regulations governing civilian and military nuclear power.³¹ During the JCAE hearing on June 18, 1974, the members of the committee, serving in their capacity on the JCAE as nuclear “watchdogs,” were concerned about the U.S. exports to India and whether the U.S. could maintain control over spent fuel rods.³² Representatives Mike McCormack and Chet Holifield peppered Dr. Abraham Friedman, Director of the Division of International Programs for the Atomic Energy Commission (AEC), with questions about the effectiveness of nuclear safeguards and whether the Indians were capable of diverting American supplies to their own reprocessing facility.³³ While Friedman assured the committee that the IAEA safeguards were sufficient to prevent diversion, the Committee members remained wary as to whether nuclear safeguards

³⁰ National Archives II. Box RG General Records of the Department of State, Records of Henry Kissinger, 1973-1977. Box 7, NN3-059-00-005; NND 009029; RG #59, Entry 5403, Box #6. Folder: Nodis Briefing Memos 1974. Memo from Sisco to Kissinger on Shipment of Enriched Uranium to India, June 20, 1974.

³¹ Atomic Energy Act of 1946. Public Law 585, 79th Congress. Volume 1, Principal Documents, U.S. Atomic Energy Commission, Washington, 1965. Section 15 (a-e). Joint Committee on Atomic Energy.

³² The JCAE had four functions: legislative, watchdog, policy and review, and information. Allardice, and Trapnell, 166-167.

³³ Hearings Before the Joint Commission on Atomic Energy. Congress of the United States. Ninety-Third congress, Second Session on Amending the Atomic Energy Act of 1954, as amended, and the Atomic Rewards Act of 1955. 30 April and 18 June 1974.

could effectively prevent the diversion of exports to nuclear weapons programs.

Within a month of the Indian test, Congressional committees were becoming aware of the administration's decision to continue supplying India. For instance, a staff member of the Armed Services Sub-Committee on Preparedness Investigating received a leak from someone at the AEC on June 21st alerting the staff member about the Tarapur shipment. According to the question and answer sheet, the AEC issued a new export license covering five separate shipments of uranium to India on May 16, 1974, a mere two days before the Smiling Buddha explosion, with the first shipment to go out in June of 1974.³⁴ These leaks and Congressional inquiries eventually led to a groundswell of Congressional interest in the shipments and nuclear supply policy in general.

When he was in negotiations with Ambassador Dinitz of Israel on June 21, 1974, Kissinger explained that certain Senators, notably Frank Church, were very concerned that the U.S. supplied nuclear reactors to foreign states. Dinitz then said that the administration needed to focus on "getting the Senators off the NPT" when it came to supplying reactors.³⁵ Already Congressional interference in supply problems was leading U.S. allies who relied on nuclear imports to question whether Congress would interfere so that America would no longer be a reliable partner. Such a move could disrupt America's relations with other states and, in the process, interrupt the president's ability to achieve geopolitical objectives since states that could not count on the U.S. would not

³⁴ National Archives II. Box RG General Records of the Department of State, Records of Henry Kissinger, 1973-1977. Box 7, NN3-059-00-005; NND 009029; RG #59, Entry 5403, Box #6. Folder: Nodis Briefing Memos 1974. Memo from Sisco to Kissinger on Shipment of Enriched Uranium to India, 20 June 1974.

³⁵ National Archives II. RG General Records of the Department of State. Records of Henry Kissinger, 1973-77. Box 7, NN3-059-00-005; NND 009029; RG#59, Entry 5403, Box #8. Folder: Nodis Memcons, June 1974. Memcon of Dinitz and Kissinger, 21 June 1974.

have an incentive to work with the U.S. to achieve the president's objectives.

Ford, Congress, and the Indian Nuclear Test

Ford came into office on August 9, 1974 after a “hysterical” final summer of the Nixon presidency.³⁶ He was a centrist-conservative and a traditional hawk.³⁷ He also came in with an established view on Constitutionally-appropriate congressional-executive relations.³⁸ He had faith that Constitutionally-created institutions were fundamentally healthy and were not in need of radical reform, even as he understood the need to bring back faith in the presidency.³⁹ Like Kissinger, he refused to passively accept the post-Watergate power shakeup between Congress and the Executive.⁴⁰ He, like many Republicans of his time, remained committed to the Hamiltonian view of strong executive power in foreign relations.⁴¹

³⁶ For a description of the transition, see, for instance, Cannon, James, *Time and Chance: Gerald Ford's Appointment with History* (Ann Arbor: The University of Michigan Press, 1998). See also Greenstein, Fred I., (ed), *Leadership in the Modern Presidency* (Boston: Harvard University Press, 1995), 199.

³⁷ Kissinger, Henry A., “Between the Old Left and the New Right,” 78 *Foreign Affairs* 3 (May/June 1999), 112. Herbert Parmet argues that a number of people in Washington believed that Watergate “nullified” the conservative movement and made it difficult for conservative views not to be dismissed. Parmet, Herbert S., *Richard Nixon and His America* (Boston: Little, Brown, and Company, 1990), 640.

³⁸ Ford supported a strong Congressional role, but opposed the War Powers Resolution both as a Congressman and as president. Ford, Gerald R., “Congress, The Presidency, and National Security Policy,” 16 *Presidential Studies Quarterly* 2 (Spring 1986), 201. Notably, some authors in Ford's time actually argued that a constitutional argument supporting specific Congressional and Executive powers was more about policy than about a fundamental understanding of appropriate roles. Ford did not appear to share this view. See Lehman, John, *The Executive, Congress, and Foreign Policy: Studies of the Nixon Administration* (New York City: Praeger Publishers, 1974), 24.

³⁹ Cheney, Dick, “The Ford Presidency in Perspective,” in Firestone, Bernard I., and Alexij Ugrinsky (eds), *Gerald R. Ford and the Politics of Post-Watergate America, Volume 1* (Westport: Greenwood Press, 1993), 4.

⁴⁰ Greene, *The Presidency of Gerald R. Ford*, 192; Rodman, Peter W., *Presidential Command: Power, Leadership, and the Making of Foreign Policy from Richard Nixon to George W. Bush* (New York City: Alfred A. Knopf, 2009), 112-116.

⁴¹ Lehman, 25. See also Wildavsky, Aaron, “The Two Presidencies,” 4 *Trans-action* 2 (December 1966), 7-14. Nixon advocated a similar concept of the presidency. Reeves, Richard, *President Nixon: Alone in the White House* (New York City: Simon and Schuster, 2001), 43.

Ford took his role as a foreign policy leader seriously. Few Congressmen focused broadly on foreign affairs because those issues rarely had a significant effect on constituents. Despite fourteen years of experience on the House Appropriation Committee's Defense Subcommittee, Ford came in with only nominal foreign policy knowledge.⁴² He spent time learning new information in order to get a better bearing on relevant issues.⁴³ Yet Ford never articulated a unique, overarching foreign policy agenda, even as the administration followed the policies of Nixon and the moderate Republican wing.⁴⁴ While he didn't develop a grand strategy, his conservative internationalist beliefs including a commitment to conservative issues (like being pro-business while pursuing intelligently designed international agreements), shaped his approach to nuclear policy.⁴⁵

Ford understood working in the minority party with less political capital than the majority, but believed that he would have a significantly different relationship with the legislative branch than his predecessor and could work with a Democratic-controlled Congress, meeting with his legislative liaisons two or three times a day.⁴⁶ Within months, Ford learned that he could expect nothing but opposition from Congress, even when his

⁴² Muskie, Edmund S., Kenneth Rush, and Kenneth W. Thompson, *The President, The Congress, and Foreign Policy* (Lanham: The Atlantic Council of the United States, Inc., 1986), 270. Reichley, A. James, *Conservatives in the Age of Change: The Nixon and Ford Administrations* (Washington, D.C.: The Brookings Institution, 1981), 337.

⁴³ Reporter John Hersey, for instance, described a long, "meandering" conversation Ford had with Dr. Robert Goodwin on American history in preparation of an interview. Hersey commented that Ford didn't have significant understanding of the American history past 1949. Hersey, John, *Aspects of the Presidency* (New York City: Ticknor and Fields, 1980), 180. Ford's lack of in depth knowledge of foreign affairs was not surprising for a Congressman. John Lehman argued that there was little to no incentive for Congressmen to focus on foreign affairs over domestic issues. Lehman, vii.

⁴⁴ Greene, *The Presidency of Gerald R. Ford*, 192; Black, Conrad, *Richard M. Nixon: A Life in Full* (New York City: PublicAffairs, 2007), 1003.

⁴⁵ Reichley, *Conservatives in the Age of Change*, 338. A. James Reichley describes Ford's brand of conservative internationalism as nationalist goals and internationalist strategies.

⁴⁶ Hersey, 144. See also Heaphy, Maura E., "Executive Legislative Liaison," *5 Presidential Studies Quarterly* 4 (Fall 1975), 45-46. See also Ford, "Congress, The Presidency, and National Security Policy," 200.

policies aligned with Congressional goals.⁴⁷ Between the passage of laws and pressure on the administration, policy making to address supply side issues during this time period shows that an activist Congress can have a large impact on presidential decision-making on nuclear issues.

On September 10, 1974, the JCAE Subcommittee on Military Applications met to review the state of nonproliferation, discuss nuclear supplier states, and analyze nuclear energy programs.⁴⁸ Senator Stuart Symington highlighted three nuclear states not party to the NPT of particular concern as nuclear suppliers: France, China, and India.⁴⁹ France, Symington stated, supplied a “Middle Eastern” country (either Israel, for whom France supplied through the mid-1960s, or perhaps Iraq, with whom France just concluded a deal), which could use the “plutonium automatically in the reactor waste” to make a “minimum of 200 Hiroshima bombs a year.” Symington later questioned Admiral La Rocque as to whether the 30 or so countries with reactor information could produce plutonium for a nuclear explosive, receiving the answer from La Rocque that, although states would most likely self-censor because of internal or external influences, it was possible for those countries to develop nuclear explosives.⁵⁰ Finally, after Symington hypothesized that Canada most likely believed it had placed sufficient restraints on its

⁴⁷ Greene, John Robert, *The Limits of Presidential Power: The Nixon and Ford Administrations* (Bloomington: Indiana University Press, 1992), 205-207

⁴⁸ Congress of the United States, Subcommittee on Military Applications of the Joint Committee on Atomic Energy. Washington, D.C., September 10th, 1975, 93rd Congress, Second Session. Y 4.AT 7/2:W 37/5. Session on Proliferation of Nuclear Weapons, 10 September 1975.

⁴⁹ China and India were also noncompliant with the IAEA. Lovins, Amory B., et. al., “Nuclear Power and Nuclear Bombs,” 58 *Foreign Affairs* 5 (Summer 1980), 1145.

⁵⁰ Congress of the United States, Subcommittee on Military Applications of the Joint Committee on Atomic Energy. Washington, D.C., September 10th, 1975, 93rd Congress, Second Session. Y 4.AT 7/2:W 37/5. Session on Proliferation of Nuclear Weapons, 10 September 1975.

exports to India, India nonetheless made a bomb, implying that the U.S. could similarly unwittingly contribute to a nuclear weapons program.

Congressional questions regarding the competency of nuclear safeguards soon translated into one of the most obvious indicators of a policy change, that is, budget increases for nuclear safeguards.⁵¹ On September 22, 1974, the JCAE debated the funding of the Atomic Energy Committee (AEC). The AEC requested an additional \$22 million to the FY1975 budget for additional nuclear safeguards. Dr. Herbert Scoville, formerly an Arms Control and Disarmament Agency Assistant Director and a noted nuclear expert, argued that even that boost in funding was insufficient for all necessary nonproliferation safeguards, especially in light of U.S. exports to tumultuous areas of the world.⁵² Scoville won the budget argument and the JCAE recommended a \$23 million increase to the safeguard budget. The bill passed the House, and Ford signed the budget increase into law on December 31st, 1974.⁵³

By the end of September, not only Congress but also the Ford administration knew the status quo regarding the change to the nonproliferation regime. On September 26, 1974, in a conversation between Ford, Kissinger, Brent Scowcroft, Soviet Foreign Minister Andrei Gromyko, and Soviet Ambassador Anatoly Dobrynin, Kissinger stated

⁵¹ Ippolito, Dennis S., *Why Budgets Matter: Budget Policy and American Politics* (University Park: The Pennsylvania State University Press, 2003), 18.

⁵² Hearing Before the Joint Commission on Atomic Energy. Congress of the United States. Ninety Third Congress, Second Session on Atomic Energy Commission Request for Supplemental Fiscal Year 1975 Funding for the Testing of Nuclear Weapons, Y 4.AT 7/2:N 88/15, 23 September 1974.

⁵³ Gerald R. Ford Presidential Library. White House Records Office: Legislation Case Files. Box 18, Folder: 1974/12/31 HR 16609 AEC Supplemental Appropriations Bill. Memo for Ford from Cole, "Enrolled Bill H.R. 16609, AEC Supplemental Appropriations Authorization Bill," 28 December 1974. See also H.R. 16609. "An Act to amend Public Law 93-276 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes," 93rd Congress (1973-1974), Public Law 93-576, 31 December 1974.

frankly that the “Indian explosion obviously had military implications.”⁵⁴ While Gromyko wanted to focus on the issue of India being outside the NPT regime, Ford steered the conversation towards the competitive sales of nuclear reactors. The problem, for Ford, was not that India did not subscribe to the normative values of the NPT, but that it had capabilities because other states supplied them those capabilities. Ford asserted that reactor sales and safeguards were the primary concerns of both the administration and Congress when it came to preserving the nonproliferation regime, and in the process downplayed the importance of the NPT while elevating the urgency of finding technical solutions to nonproliferation.

In the first five months after the Smiling Buddha test, Congress was determined to strengthen U.S. nonproliferation policy. Nixon’s plan to downplay the test failed. Congress tried to take his place, leading initiatives to develop nuclear safeguards. Ford faced the choice of allowing Congress to dictate the direction of future nonproliferation policy, or creating a new venue to curb proliferation. He chose to act.

The Safeguard Regime and Presidential Power

Ford became a president without significant presidential power. After he pardoned Nixon, he lost the ability to effectively advocate for his policy preferences in Congress. What’s more, because Ford’s foreign policies were incredibly similar to Nixon’s, the two

⁵⁴ Gerald R. Ford Presidential Library. National Security Adviser’s Memoranda of Conversation Collection. Box 6. Folder: September 21, 1974. Memcon on Ford, Kissinger, Soviet Foreign Minister Andrei Gromyko, 21 September 1974.

presidencies were even more linked.⁵⁵ The push for better nuclear safeguards turned out to be one avenue where Congress could exert its power, and as a result the legislative branch outpaced Ford in determining nonproliferation policy.⁵⁶

Congress is generally a reactive body, “particularly in a president’s first year.”⁵⁷ This was not the case during Ford’s presidency. In fact, Congress passed an extraordinary amount of legislation related to foreign policy in the first few months of Ford’s term. It even took an “unprecedented” step of developing a “unilateral congressional initiative to set American policy toward an important ally” by initiating an arms embargo on Turkey after a July 1974 crisis between Turkey, Greece, and Cyprus.⁵⁸ The embargo contradicted Ford’s policies, and showed that Congress was willing to take action in pursuit of foreign policy separate from, and sometimes even in opposition to, the president’s policy goals.

Congress passed the first major new nuclear initiative on October 11, 1974 with the Energy Reorganization Act of 1974.⁵⁹ The Act, first conceived in 1973, replaced the Atomic Energy Commission (AEC). The AEC was in charge of regulating American nuclear energy, but was reorganized into two separate bodies, the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Energy Research and Development

⁵⁵ Silver, 203-207. Greene, *The Limits of Presidential Power*, 204. Black, 990-1003.

⁵⁶ Congress had been attempting to reassert power since at least 1973 through the War Powers Act. Greene, *The Limits of Presidential Power*, 205. The Congressional attempts to reorganize the safeguard regime, though specifically prompted by the Indian test, were part of a larger effort to change the system in the wake of the oil shock. Jones, Charles O., and Randall Strahan, “The Effect of Energy Politics on Congressional and Executive Organization in the 1970s,” *10 Legislative Studies Quarterly* 2 (May 1985), 153. This was likely part of a broader trend, as Edward Laurance showed that Congress spent more time on arms control policies from 1968-74 as compared to 1945-67. Platt, Alan, and Lawrence D. Weiler (eds), *Congress and Arms Control* (Boulder: Westview Press, 1978), 4 and 143.

⁵⁷ See I. M. Destler in Ornstein, Norman J. (ed), *President and Congress: Assessing Reagan’s First Year* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1982), 66.

⁵⁸ Laipson, Ellen B., *Congressional-Executive Relations and the Turkish Arms Embargo* (Washington, D.C.: U.S. Government Printing Office, 1981), 3.

⁵⁹ Energy Reorganization Act of 1974. H.R. 11510. 42 USC 5801. P.L. 93-438. 11 October 1974.

Administration (ERDA), in order to better respond to the energy crisis.⁶⁰ The AEC had been under scrutiny for its insufficient safety measures and failures in protecting nuclear materials.⁶¹ For instance, Senator Barry Goldwater wrote in his diary that Admiral Lewis Strauss informed Nixon soon after coming into office that there were possible wrongdoing and missteps by the AEC under the Johnson administration; half a ton of fissionable material went “missing”.⁶² Additionally, the AEC generally suffered from an even more damning trait: general inefficiency.⁶³ Nixon and later Ford both supported the reform since the Act intended to increase the efficiency of a fragmented energy system, improving nuclear energy development and exports.

The tone of the debates regarding the Act to create the NRC and ERDA was quite different between the pre and post Indian test. During a February 26, 1974 meeting, Senator Ribicoff, Chairman of the Subcommittee on Reorganization, Research, and International Organization for the Committee on Government Operations, presented the 1974 Rosenbaum report detailing the risks of terrorists or other political organizations stealing nuclear material for the development of nuclear weapons and dirty bombs.⁶⁴ The

⁶⁰ For a description of the new procedures, size, and budget of the NRC and ERDA in 1975, see Aviel, S. David, *The Politics of Nuclear Energy* (Washington, D.C.: University Press of America, 1982), 62-65. For a description of the best intentions of the AEC, see Allardice and Trapnell, 97-133. Allardice and Trapnell explained on page 124 that “price was involved on the AEC side in the recasting of the original atomic energy law to relieve the government monopoly and open the field to private enterprise under regulation.” They described that the AEC wanted to have an efficient licensing program, but members of the public, the EPA, and the Council on Environmental Quality all questioned the effectiveness of the safeguards on the plants built in the 1960s. See also Walker, J. Samuel, *Three Mile Island: A Nuclear Crisis in Historical Perspective* (Berkeley: University of California Press, 2004), 31.

⁶¹ There was also concern that the AEC was too “pro nuclear.” Walker, 29-33.

⁶² Arizona State University Archives. The Personal and Professional Papers of Barry Goldwater. Series I: Personal. FM MSS1. Box 15, Folder 14. Goldwater Memo for Diary File, 24 April 1969.

⁶³ The AEC was extremely slow to issue permits, inhibiting construction of otherwise authorized nuclear power reactors. Aviel, 59.

⁶⁴ Platt and Weiler, 143.

U.S. needed to assure its materials would be safeguarded. Yet Ribicoff was primarily concerned about energy shortages since the U.S. was still recovering from the OPEC oil embargo of 1973.⁶⁵ He asserted that designing a more effective nuclear regulatory organization would assure that the U.S. could compete internationally and work towards energy independence. By the time the Act was ready for a final vote, the focus of the Act transitioned from increasing efficiency in energy regulation to imposing safeguards to limit the ability of states to divert nuclear material for explosive devices.⁶⁶ Congress was still intent on increasing energy efficiency, but its main objective was to prevent the use of American nuclear material in a way contrary to U.S. nonproliferation objectives.

Although the Act was originally conceived to focus on increasing energy

⁶⁵ Legislative History on P.L. 93-438: To Reorganize and Consolidate Certain Functions of the Federal Government in a New Energy Research and Development Administration and in a New Nuclear Regulatory Commission in Order to Promote More Efficient Management of Such Functions (1974). To Establish a Department of Energy and Natural Resources, Energy Research and Development Administration, and a Nuclear Safety and Licensing Commission - Hearings on S. 2135 and S. 2744 February and March 1974, *Senate Hearings*, 3246. Nixon described the OPEC embargo as spurring a national awareness that the U.S. could not take for granted an ongoing, unlimited supply of energy. Nixon, Richard, *The Memoirs of Richard Nixon* (New York City: Grosset and Dunlap, 1978) at 982. Ford was committed to energy matters, once being quoted as saying “I’m more interested in...getting oil than I am in what agency runs the place.” Hersey, 168. See Evans, Douglas, *The Politics of Energy: The Emergence of the Superstate* (New York City: The MacMillan Press, LTD, 1976), 26. Ford adopted Project Independence and its basic tenets from a project that was initially started under the Nixon administration in March 1973, in response to the OPEC crisis. The administration never expected total independence from OPEC, but instead hoped to develop reduced dependence on foreign sources of energy. See, for instance, Osborne, John, *White House Watch: The Ford Years* (Washington D.C.: Simon and Schuster, 1977), 158-163. Author of Ford biography, James Cannon, describes Ford’s proposals in Project Independence as “broad and ambitious but practical.” Cannon, James, *Gerald R. Ford: An Honorable Life* (Ann Arbor: The University of Michigan Press, 2013), 291. See also Douglas, 42-47. Ford pursued a strategy of decontrol to increase production. Reichley, *Conservatives in the Age of Change*, 366. Both branches of government became committed to exploring avenues to reduce reliance on foreign sources of energy, to increase proficiency in U.S. energy production, and to increase conservation of energy. He asserted that designing a more effective nuclear regulatory organization assured the U.S. could compete internationally and work towards energy independence.

⁶⁶ 3 Legislative History on P.L. 93-438: To Reorganize and Consolidate Certain Functions of the Federal Government in a New Energy Research and Development Administration and in a New Nuclear Regulatory Commission in Order to Promote More Efficient Management of Such Functions (1974). Joint Conference Committee - Report of Proceedings 10/3/74, 1767.

efficiency, by October 1974, Congress pushed the restructuring of the AEC as a way to assert control in the energy field. The reorganization centralized the administration and research of energy issues, guaranteeing significant input from Congress. The Act also developed a bent that was significantly out of step with Ford's energy goals.⁶⁷ One JCAE member claimed that he was "appalled" by the Act's "anti-nuclear bias."⁶⁸ So while Congress was aligning with Ford's basic goals of strengthening the energy field, it created an oftentimes anti-nuclear energy bureaucracy which worked to prevent Ford from achieving his energy and policy objectives.

The Act also created the Energy Research Council, an interagency energy policy council based in the Executive Office of the president, which would serve in an advisory capacity on energy matters.⁶⁹ Interestingly, only three days before the Act was passed, on October 8, 1974, Ford proposed the creation of a National Energy Board, which would have served the same advisory role as the Council. Through an Executive Order, Ford rescinded his plan for the Board and declared that he would instead establish the Energy Research Council in compliance with the law.⁷⁰ He didn't renew any plans to establish a new energy role solely under his authority in his cabinet.⁷¹ Ford and Congress wanted the same thing—dedicated advisors for the President for energy decisions—and the Congress made sure through the Act that the Board would be created through Congressional

⁶⁷ Katz, 50-52.

⁶⁸ Walker, 33.

⁶⁹ Gerald R. Ford Presidential Library, White House Records Office: Legislation Case Files. Box 8, Folder "1974/10/11 HR11510 Energy Reorganization Act of 1974 (1)," Memo for the President on Enrolled Bill H.R. 11510, 10 October 1974.

⁷⁰ Gerald R. Ford Presidential Library, White House Records Office: Legislation Case Files. Box 8, Folder "1974/10/11 HR11510 Energy Reorganization Act of 1974 (1)," Executive Order 11814, 11 October 1974.

⁷¹ Jones and Strahan, 157-158.

mandate. The President's authority was the same, with the same result, but Congress was now a player in the creation of the Council.

In addition to the Energy Reorganization Act, on October 26, 1974, Congress passed an amendment to the Atomic Energy Act of 1954, designed to restrain presidential power regarding nuclear exports. The amendment required that international agreements on nuclear cooperation, such as the export of nuclear reactor technology and nuclear materials, must be submitted to Congress for review.⁷² Congress had to pass a concurrent resolution; if Congress did not agree to the transfer, it would suspend the shipments. This amendment was a check on presidential power, and a direct response to Congressional concerns on nonproliferation that had been developing since the Indian test.

Congress continued on its path of checking presidential power on nuclear decisions throughout the fall. One of the most significant, non-Constitutionally based reasons that Congress had less power than the president in foreign policy was that Congress often had an intelligence deficit compared to the president.⁷³ The JCAE was traditionally an exception to this rule because it was supposed to have access to the same information as the president. Congress decided to contract the knowledge gap even further. On December 6, 1974, it passed Public Law 93-514 which amended the Atomic Energy Act so that those House and Senate members who sat on the JCAE must present a report to the whole Congress by June 30th of every year detailing JCAE knowledge of and involvement on issues related to the "development, use, and control of nuclear energy for

⁷² Atomic Energy Act of 1954, Amendment. 42 USC 2153. Agreements for Cooperation, Submittal to Congress. 42 USC 2121, 2164. 42 USC 2073, 2074, 2133, 2134. P.L. 93-485. S. 3698, 26 October 1974.

⁷³ Dahl, Robert A., *Congress and Foreign Policy* (Westport: Greenwood Press, 1983), 26. Kessler, Frank, "Presidential-Congressional Battles: Toward a Truce on the Foreign Policy Front," 8 *Presidential Studies Quarterly* 2 (Spring 1978), 116-118.

the common defense and security and for peaceful purposes.”⁷⁴ Additionally, the law intended to make those reports available to the public whenever possible, with the hope that the reports will lead to public understanding of U.S. nuclear policies. The new law led to a greater transparency on nuclear policies, which would then restrict presidential power by helping close the information gap.

Ford attempted to work with Congress, despite the increasing resistance against his nuclear supply policies. Ford believed that when the U.S. stopped acting as a supplier state, two things would result: first, some states would seek out alternative suppliers, most notably France and the Soviet Union. Second, some states would consider the failure an abdication of the NPT commitment to nuclear energy, and those states would pursue their own indigenous nuclear programs in contradiction to U.S. nonproliferation goals. In 1974, the U.S. had to stop taking new nuclear supply orders from other states because it had committed all its nuclear plants to working on existing orders and was facing opposition to building new nuclear plants. In response to the shortages, Ford wanted to expand the nuclear enrichment plant at Portsmouth, Ohio so the U.S. could continue supplying other states. He needed an act of Congress in order to expand the plant for use by private industry. He submitted the Nuclear Fuel Assurance Act of 1975 to Congress.⁷⁵ After debate by the JCAE, the House supported the Act by one vote, but it lost by two votes in the Senate.⁷⁶ France soon overtook the U.S. as a nuclear supplier.

⁷⁴ Nuclear Information, Report to Congress. 42 USC 2252. An Act To provide available nuclear information to committees and Members of Congress. Public Law 93-514. S.3802, 6 December 1974.

⁷⁵ Cannon, *Gerald R. Ford*, 351.

⁷⁶ The JCAE debated the Nuclear Fuel Assurance Act of 1975 at length. See S. 2035 and H.R. 8401: Nuclear Fuel Assurance Act of 1975, Hearings before the Joint Committee on Atomic Energy. Congress of the United States, Ninety-Fourth Congress, First Session. 2, 3, 4, 9, 10 December 1975. See also S. 2035

The vote on the Nuclear Fuel Assurance Act indicated that Congress was not only trying to place limits on presidential power, but it was also opposed to Ford's unwavering support for nuclear energy.

American Export: Israel and Egypt

One of the first major tests of America's newfound commitment to nonproliferation through export controls came via a linked June 1974 Egyptian and Israeli nuclear reactor deal.⁷⁷ In his memoirs, Kissinger described the motive for the deal: the U.S. could simultaneously prevent European suppliers from using nuclear energy as a means to exert power in the Middle East, while putting in place effective safeguards against the diversion of nuclear materials.⁷⁸

When Nixon originally conceived of the reactor deal, he planned to put strong safeguards in place. On June 14, 1974, the month following the Indian nuclear test, Nixon was in the Middle East for meetings with Egyptian President Anwar Sadat, a trip he described as widely successful with "phenomenal crowds."⁷⁹ During one of his meetings, he offered Sadat assistance with building a nuclear power reactor. As one author put it, Sadat "enthusiastically accepted" Nixon's offer. Nixon then described the condition: the

and H.R. 8401: Nuclear Fuel Assurance Act of 1975, Hearings before the Joint Committee on Atomic Energy. Congress of the United States, Ninety-Fourth Congress, Second Session. 6 February 1976, 23 March 1976, 6, 7 April 1976.

⁷⁷ Muskie, et. al., 175. In the volume, Harold H. Saunders argued that the administration had to support both deals. Supporting only Egypt would make it appear to Congress that the U.S. was cozying up to the Arabs and possibly abandoning Israel.

⁷⁸ Kissinger, Henry, *Years of Upheaval* (Boston: Little, Brown and Company, 1982), 1129.

⁷⁹ Nixon, *The Memoirs of Richard Nixon*, 1012.

reactor would be under both IAEA safeguards and additional U.S. safeguards.⁸⁰ Three days later, the administration announced that, in conjunction with the Egyptian deal, the administration would also move forward to negotiate an identical deal for an Israeli nuclear reactor.

The deal was controversial from the beginning. The U.S. had been more or less aligned with Israel since the Kennedy administration. If the deal fell through, it could signal that the alliance was waning.⁸¹ Even more significantly, Egypt and Israel had been at war only a year earlier. Despite the initial Sinai disengagement agreement signed by the two countries in January of 1974, Israel still occupied much of Sinai, and there was no guarantee that another spark would not ignite another conflict.⁸² Israel maintained an ambiguous nuclear status, though the *New York Times* and others reported that Israel had a turnkey nuclear weapons program.⁸³ The U.S. supplied India despite the Smiling Buddha because the deal was already in place. But with the Israeli-Egyptian reactors, the president was pushing a new deal with two recently-at-war states, one being quasi-nuclear, at the same time that Congress believed that the U.S. did not have sufficient

⁸⁰ Rublee, Maria Rost, *Nonproliferation Norms: Why States Choose Nuclear Restraint* (Athens: The University of Georgia Press, 2009), 120.

⁸¹ Sargent, Daniel J., *A Superpower Transformed: The Remaking of American Foreign Relations in the 1970s* (New York City: Oxford University Press, 2015), 147.

⁸² National Archives II. Box RG General Records of the Department of State. Records of Henry Kissinger, 1973-1977. Box 7. NN3-059-00-005; NND 009029; RG#59, Entry 5403, Box #7. Folder: NADIS Memcons, March 1974, Folder 5. Memcon of the NSC, 28 March 1974.

⁸³ Smith, Hedrick, "U.S. Assumes the Israelis Have A-Bomb or Its Parts," *New York Times*, 18 July 1970. Referred to in Cohen, Avner, *The Worst-Kept Secret: Israel's Bargain with the Bomb* (New York City: Columbia University Press, 2010). See also Reiss, Mitchell, *Without the Bomb: The Politics of Nuclear Nonproliferation* (New York City: Columbia University Press, 1988), 158-170. Israel maintained an ambiguous nuclear program in order to maintain a non-nuclear status among Middle Eastern states and to avoid antagonizing the U.S. and Europe. See Potter, 169.

safeguards on its nuclear exports.⁸⁴ Congress saw India's diversion of Canadian nuclear materials as a lesson that non-nuclear countries with access to reactors could divert nuclear materials to nuclear weapons programs. As a result, the Israeli-Egyptian deal looked to many in Congress as a shortsighted decision that could lead to proliferation.

A major issue for the administration, separate from the post-India test concerns, stemmed from the nature of the agreement. While most nuclear fuel purchases were negotiated before being announced, Nixon rushed to publicize the fuel agreements without finalizing the scope of the safeguards.⁸⁵ Nixon's administration hoped to put in place strict safeguards and obtain assurances that Egypt and Israel would not conduct PNEs. However, because Nixon announced the deal without these provisions in place, Congress jumped on the idea that the deal could lead to proliferation.

As soon as the nuclear reactor deal with Egypt became public, Congress began giving feedback to the administration. As noted previously, Congress passed an Amendment to the Atomic Energy Act of 1954 in October of 1974, requiring that international agreements on nuclear cooperation, such as the export of nuclear reactor technology and nuclear materials, be submitted to Congress.⁸⁶ The goal, as noted previously, was to assure that there was an "adequate, clear-cut mechanism for

⁸⁴ In fact, the Ford administration was similarly concerned about acting as a supplier of nuclear materials for regions that they considered unstable, although he supported the Egypt-Israeli deal. Sokolski, 63.

⁸⁵ National Archives II. RG 59, Transcripts of Secretary of State Henry A. Kissinger Staff Meetings, 1973-1977. Box 4. Folder: Transcript, Under Secretary Sisco's Principals' and Regionals' Staff Meeting, Friday, June 21, 1974, 3 p.m., 26 June 1974.

⁸⁶ Atomic Energy Act of 1954, Amendment. 42 USC 2153. Agreements for Cooperation, Submittal to Congress. 42 USC 2121, 2164. 42 USC 2073, 2074, 2133, 2134. P.L. 93-485. 26 October 1974. S. 3698.

responsible congressional participation in these sensitive nuclear areas.”⁸⁷ The Amendment was introduced by Senator John Pastore on June 26th, days after the Egyptian nuclear reactor deal became public knowledge.⁸⁸ The JCAE submitted a report accompanying the initial House bill for the Amendment, outlining the Committee’s rationale for the bill. Chairman Melvin Price argued that, in light of the Egyptian nuclear power agreement and the planned negotiation, and despite the

“excellent record to date in regard to safeguards pertaining to the international agreements for nuclear power...it would be prudent to review the present statutorily prescribed system applicable to proposed agreements for cooperation in peaceful nuclear areas and to determine whether or not they should be revised in light of the experience to date and probable future developments.”

In light of the Indian test and these surprise reactor deals, Congress wanted to make sure it had oversight over presidential decision-making to assure that the president would not encourage or be passive in the face of proliferation.⁸⁹

When Ford came into office, he was in a difficult position; he could forgo the deal with the Israelis and Egyptians and avoid the inevitable criticism from Congress. Alternatively, by going forward with the deal, Ford would lend his support to the nuclear energy industry. He decided to support the deal and bolster commitment to a strong American energy industry. The administration learned from the oil embargo of 1973, and

⁸⁷ House of Representatives. 93rd Congress, 2nd Session. Report No. 93-1149. Report by the Joint Committee on Atomic Energy to accompany H.R. 15582. Amending the Atomic Energy Act of 1954, As Amended to Enable Congress to Concur In or Disapprove Certain International Agreements for Peaceful Cooperation 31 July 1974.

⁸⁸ S.3698, A bill to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology.

⁸⁹ Gavin, “Strategies of Inhibition,” 36.

committed to reducing dependence on a volatile world. Ford declared that he wanted the U.S. to strive for energy independence and developed policies to regain America's place as a leading exporter of nuclear materials and for the U.S. to remain a reliable supplier.⁹⁰

The Ford administration tried to make the case to Congress that the reactor deals were not only safe and economically sound, but in the long run would possibly even prevent proliferation. In a statement by Under Secretary of State Joseph P. Sisco before the Subcommittee of the House Committee on Foreign Affairs on September 16, 1974, Sisco argued that

“if the United States did not cooperate with Egypt and Israel in their desire to obtain nuclear power reactors, others—who are far less concerned with nonproliferation goals—would. Only by taking a positive stance could we help shape the manner in which this technology was brought into a geographic area of vital concern to us.”⁹¹

In other words, if Egypt and Israel sought out reactors from other nuclear suppliers, the reactors would not be accompanied by safeguards at U.S. standards, increasing the likelihood that the reactors would be diverted to a nuclear weapons program.

Despite the administration's assurances regarding safeguards, congressional fears were not totally assuaged and certain Congressmen mounted an effort to stop the reactor

⁹⁰ See, for instance, Gerald R. Ford Presidential Library. Frank Zarb Papers. Box 5. Folder: Energy Independence Authority. “The Need for EIA [Energy Independence Act]: An Overview of the National Energy Outlook,” No Date. Among the Ford energy goals, the Administration hoped to “Increase nuclear energy's share of electric power generation to about 26 percent, from about 8.6 percent in 1975.” See the problem of energy markets since the quadrupling of oil prices in 1973. Pinto, Frank J., “International Energy Issues during the Ford Administration,” in Firestone and Ugrinsky, 335-352.

⁹¹ Gerald R. Ford Presidential Library. The Department of State Bulletin, Volume LXXI, No. 1841, October 7, 1974. Statement by Joseph P. Sisco, Department Discusses Proposed Nuclear Reactor Agreements with Egypt and Israel, 16 September 1974.

deal. For example, in the October issue of *Foreign Affairs*, Senator Adlai Stevenson III publicly urged a change in U.S. nuclear reactor export policy in light of the Indian test and the Egyptian and Israeli reactor deal. He stressed that the current policy allowed the diversion of nuclear materials toward nuclear bombs and the problem of placing nuclear reactors in unstable states.⁹²

As a result of the Congressional reaction to the deal, the Israelis began to worry that the U.S. would not be a reliable supplier. As noted previously, when Israeli Ambassador Dinitz talked with Kissinger about the reactors, Dinitz expressed concern about interference from Congress. Kissinger told Dinitz that Senator Church was attempting to tie the Egyptian reactor agreement to the NPT, though Kissinger was trying to convince Church that the deal would not affect the NPT. What's more, the administration's own Secretary of Defense, James Schlesinger, contended that an Egyptian reactor could be dangerous, implying that it might lead Egypt to develop nuclear weapons. Dinitz then explained that the mere fact that the American Secretary of Defense was concerned about the Egyptian reactor led the Israeli people to be concerned about an Egyptian nuclear weapons program.⁹³

Dinitz expressed to Kissinger the longstanding concerns about proliferation in the Middle East while Israel was repeatedly threatened by its Arab neighbors.⁹⁴ Though Israel generally avoided oversight, it agreed to American visits to its nuclear site.

⁹² Stevenson, Adlai E., III, "Nuclear Reactors: America Must Act," *53 Foreign Affairs* 1 (October 1974), 64-76.

⁹³ National Archives II. RG General Records of the Department of State. Records of Henry Kissinger, 1973-1977. Box 7. NN3-059-00-005; NND 009029; RG#59, Entry 5403, Box #8. Folder: Memcon, Dinitz and Kissinger, June 21, 1974.

⁹⁴ For a chronology of the significant events of the Israeli nuclear program, see Reiss, 144-146.

However, it would not agree to comprehensive IAEA safeguards.⁹⁵ Israel's status as a 'near nuclear' country could have been a problem since the deal would almost certainly contain a clause assuring full IAEA safeguards. The 'opacity,' along with the deterrent capability, of the Israeli nuclear program would be lost to the transparency of the safeguards, putting Israel in a decidedly worse security position.⁹⁶ These arguments, coupled with the concerns that an Egyptian nuclear reactor could someday become dangerous, led the Israelis to question the wisdom of following through with the deal the Americans presented.

Policymakers in the Nixon and Ford administrations argued that more stringent export controls were the best way to maintain a balance between being a reliable nuclear supplier and assuring U.S. supplies would not lead to proliferation. Just as Nixon told Sadat in Cairo, the U.S. developed "IAEA plus" safeguards. In the last weeks of his presidency, the Nixon administration even considered making enhanced safeguards a prerequisite in nuclear deals not just for Egypt and Israel, but to countries in any "sensitive areas of the world." The options for the enhanced safeguards included a prohibition against the "transfer of highly enriched uranium; U.S. rights to approve the location of plutonium fabrication and reprocessing facilities and the disposition of plutonium (e.g., insist on external storage); commitments and consultations regarding adequate physical security; and confirmation of no PNE use of U.S.-derived material."⁹⁷

⁹⁵ Cohen, 302.

⁹⁶ See Quester, George H, 53 *Foreign Affairs* 1 (October 1974), 77-97. For a discussion on Israel's nuclear 'opacity', see Cohen, Chapter 17.

⁹⁷ National Archives II. RG 59, Executive Secretariat Records, Memorandums of the Executive Secretariat, 1964-1975. Box 12, S/S Staff Meeting. Briefing Memorandum from Lord to Kissinger, "Analytical Staff Meeting on Nuclear Non-Proliferation," 12 July 1974.

The U.S. was fast seeing the need for strong export controls. Weak controls, and vaguely described controls like those in the Egyptian and Israeli deals, left the administration open to criticism. Ford's administration admitted by October 1974 that the pressure from Congress was one of the reasons that it was going to take such a strong stance on tight export controls for the Egyptian and Israeli nuclear reactors.⁹⁸ Congress was concerned, and the administration needed to take action. The U.S. also had to tread lightly, though; states did not want the United States to dictate their nuclear decisions.

The Nuclear Suppliers Group

The Indian test was a wake-up call to U.S. nonproliferation policy. Within months of the test, the U.S. was leading the charge to contain problems like the lack of safeguards in the supplied nuclear materials. The Ford administration responded to the proliferation risk by pursuing a strategy of inhibition that incorporated both a legal agreement and technology and information controls in order to deny potential proliferators the materials needed to pursue nuclear weapons.⁹⁹ It pushed for the Nuclear Suppliers Group (NSG), less formally known as the London Suppliers Group, to develop a series of safeguard procedures that would transform the nonproliferation goals codified

⁹⁸ Gerald R. Ford Presidential Library. National Security Adviser, Presidential Subject File (1973) 1974-1977. Presidential Subject File: Naval Force Requirements Study (1), Box 14. Folder: Nuclear Non-Proliferation (1). Memo for Scowcroft on Nuclear Non-Proliferation, 17 October 1974. Additionally, Kissinger's shuttle diplomacy between Israel and Egypt in late 1974 and early 1975 failed to bring an Israeli-Egyptian Accord. Greene, *The Presidency of Gerald R. Ford*, 127-128.

⁹⁹ Gavin, "Strategies of Inhibition," 11. Burr, William, "A Scheme of 'Control': The United States and the Origins of the Nuclear Suppliers' Group," 1974-1976," 36 *The International History Review* 2 (2014), 254-260.

in the NPT into actionable, even enforceable, directives.¹⁰⁰ The NSG was founded upon the idea that, in order to prevent proliferation, one did not have to alter fundamentally the political imperatives that would cause a state to pursue proliferation, one would only have to control and safeguard nuclear exports.¹⁰¹

The NSG was not the first incarnation of an international organization that intended to develop safeguards for nuclear supplies. The NSG's roots are in the Zangger Committee (ZAC), formally known as the NPT Exporters Committee. Additionally, when the NPT came into force in 1970, the IAEA established the Safeguards Committee, which would create a model for bilateral nuclear safeguard agreements between non-nuclear weapon states and the IAEA.¹⁰² Both groups intended to constrain suppliers, but neither had the teeth or the clout to change policies for a nuclear supplier state.

In March of 1971, under the chairmanship of Claude Zangger, a group of nuclear supplier states met for an informal session through the ZAC to discuss how to fulfill their nuclear supplier obligations. The group quickly defined its objectives: develop a common understanding of what nuclear material and equipment is, use that common understanding to develop procedures for the export of nuclear materials, and then develop a common understanding of how the members states of ZAC would interpret and implement the procedures.¹⁰³ It determined that these procedures would govern states that were party to

¹⁰⁰ See the NPT, Article III.2.

¹⁰¹ Dewitt, 92.

¹⁰² See the International Atomic Energy Agency, "The Structure and Content of Agreement between The Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons." INFCIRC/153, June 1972.

¹⁰³ Schmidt, Fritz W., "The Zangger Committee: Its History and Future," 2 *The Nonproliferation Review* 1 (1994), 38-39. See also Beckman, Robert L., *Nuclear Non-Proliferation: Congress and the Control of Peaceful Nuclear Activities* (Boulder: Westview Press, 1985), 228-237.

the NPT.¹⁰⁴ Yet the procedures suffered from two flaws: first, they were not legally binding, and second, they did not govern supplier states that weren't parties to the NPT.

Not only did the Nixon administration cooperate with the ZAC goal of creating an international regime to oversee nuclear supply, it also conducted its own study of nuclear supply issues. After issuing an NSSM on March 13, 1972 which called for a study of U.S. policy transfers of highly enriched uranium, Nixon then approved NSDM 235 on October 1973 which set up the basic guidelines for uranium transfers.¹⁰⁵ NSDM 235 also requested that the NSC Undersecretaries Committee develop an action plan for “diplomatic and other steps the U.S. can consider taking with other nations, and in particular other supplier nations, with regard to the security, non-proliferation, political, and economic aspects associated with the increasing growth and dissemination of nuclear power industries.”¹⁰⁶

The NSC Undersecretaries Committee submitted its plan for enacting NSDM 235 on March 25, 1974, a little less than two months before the Indian nuclear test. It was supportive of the ZAC results, especially the “trigger list” whereby a nuclear transfer would trigger the application of the export procedures established through ZAC.¹⁰⁷ Yet

¹⁰⁴ For a brief review of the Zanger Committee's initial pursuits, see Müller, Harald, et. al., *Nuclear Non-Proliferation and Global Order* (New York City: Oxford University Press, 1994), 20-22.

¹⁰⁵ Richard M. Nixon Presidential Library. National Security Council Institutional H-Files. Policy Papers (1969-1974). National Security Decision Memorandum. Box H-190. Folders: NSSM 150 [1 of 2], NSSM 150[2 of 2]. NSSM 150: U.S. Policy on Transfer of Highly Enriched Uranium, 13 March 1972.

¹⁰⁶ Richard M. Nixon Presidential Library. National Security Council Institutional H-Files. Policy Papers (1969-1974). National Security Decision Memorandum. Box H-242. Folders: NSDM 235 [1 of 2], NSDM 235[2 of 2]. NSDM 235, on NSSM 150, United States Policy on Transfer of Highly Enriched Uranium for Fueling Power Reactors, 4 October 1973.

¹⁰⁷ ZAC's first trigger list was agreed upon on August 22, 1974 with the receipt of letters from 8 of the ZAC members, although the initial list was tentatively agreed upon in 1972. See: International Atomic Energy Agency, Communications Received from Members Regarding the Export of Nuclear Material and

the Committee suggested going beyond the ZAC's recommendations. It believed that the rules governing nuclear suppliers must apply to all suppliers, not just those that were parties to the NPT.¹⁰⁸ The Undersecretaries noted that the ZAC has "not covered transfers of technology, per se, inasmuch as Article III.2. of the NPT does not call for safeguards when only technology is involved. Neither have other constraints that appear to go beyond the NPT been discussed in the Zangger Committee."¹⁰⁹ Nixon then went on to issue NSDM 255 on June 3, 1974 in support of the Undersecretaries recommendations, requesting the U.S. establish "consultations" with other nuclear supplier states.¹¹⁰

In the wake of the Indian test, some U.S. officials recommended going beyond the ZAC guidelines and even the Undersecretaries recommendations, calling for a moratorium on uranium reprocessing and advocating for multilaterally run re-processing facilities for the storage of nuclear materials.¹¹¹ However, although the more extreme calls for reform didn't lead to policy changes, the administration's officials agreed that there needed to be an international conference, not just bilateral negotiations, on nuclear exports. The administration would work with a limited number of countries that were nuclear suppliers. It would not work through the NPT, a universal treaty, so that states

of Certain Categories of Equipment and Other Material, INFCIRC/209, 3 September 1974. See also Dewitt, 88.

¹⁰⁸ Notably, the NPT stipulates that all states party to it must come to a supplier agreement with the IAEA. By 1987, 40 of the 125 states party to the NPT still had not come an agreement to oversee nuclear supplies. See Dewitt, 81.

¹⁰⁹ Richard M. Nixon Presidential Library, National Security Council Institutional H-Files. Box H-242. Folder: NSDM-235 [1 of 2]. Report, Action Plan for Implementing NSDM 235. 25 March 1974.

¹¹⁰ Richard M. Nixon Presidential Library, National Security Council Institutional H-Files. Box H-293. Folder: NSDM 255. NSDM 255, Security and Other Aspects of the Growth and Dissemination of Nuclear Power Industries, 3 June 1974.

¹¹¹ Gerald R. Ford Presidential Library. National Security Adviser, Presidential Subject File (19730, 1974-1977. Presidential Subject File: Naval Force Requirements Study (1), Box 14. Folder: Nuclear Non-Proliferation (3). Memo from Robinson to Kissinger on Nuclear Proliferation, 3 July 1974.

that weren't nuclear suppliers could undermine the mission of regulating nuclear exports.

The decision to establish a suppliers-only NSG highlights that the Nixon and Ford administrations had similar frameworks on how to use resources. The Ford administration continued to employ the Nixon Doctrine strategy of only putting resources towards areas of greatest concern to the U.S.¹¹² It assessed that suppliers, and only suppliers, were necessary actors in determining supply rules. Convincing non-supplier states to the join NSG and fighting non-suppliers on rules were poor uses of the administration's time and resources.

By October of 1974, the Ford administration determined that the primary course of action in response to the Indian nuclear test would be to address the dangers of nuclear exports. In addition to unilaterally strengthening American export controls, as it had decided to do with the Egyptian and Israeli reactor deals, it would develop a conference of nuclear supplier states.¹¹³ On behalf of the Ford administration, Deputy Secretary of State Ingersoll distributed a memo to the Soviets, French, British, Canadians, and Germans on five objectives for the nuclear suppliers conference, focusing on the necessity that the nuclear exporter issue be addressed in a multilateral (as compared to bilateral) fashion.¹¹⁴ When governed by multilateral agreements, exporter states would

¹¹² Gaddis, John Lewis, *Strategies of Containment: A Critical Appraisal of American National Security Policy During the Cold War* (New York City: Oxford University Press, 2005), 287-288.

¹¹³ Gerald R. Ford Presidential Library. National Security Adviser, Presidential Subject File (1973) 1974-1977. Presidential Subject File: Naval Force Requirements Study (1), Box 14. Folder: Nuclear Non-Proliferation (1). Memo for Scowcroft on Nuclear Non-Proliferation, 17 October 1974.

¹¹⁴ Notably, the Soviets, who under most circumstances would have preferred a more open group that included developing nations, supported the founding of the NPT because they were similarly concerned about the Indian nuclear test, as well as the energy crisis and the German fuel sale to Brazil. Nye, Joseph S., Jr., "U.S.-Soviet Cooperation in a Nonproliferation Regime," in George, Alexander L., Philip J. Farley, and Alexander Dallin (eds), *U.S.-Security Cooperation*, 344-345.

not loosen their standards as other exporter states tightened theirs, assuring that there would not be an unfair advantage from a state unilaterally choosing to have lax export safeguards.¹¹⁵ What's more, since safeguard inspections were necessarily an infringement on state sovereignty, making exports dependent on safeguards would increase the likelihood that states that otherwise would oppose the infringement of sovereignty would allow inspections over nuclear programs.¹¹⁶

The Ford administration decided to put diplomatic pressure on other states to participate in the NSG, even while maintaining Nixon's position against applying pressure on states to join the NPT.¹¹⁷ In particular, Ford decided to apply diplomatic pressure on France, a nuclear supplier that was not a party to the NPT. The U.S. actively avoided pressuring France to sign the NPT because French membership to the NPT, unlike West German membership, would not affect whether the NPT would go into effect or alter the ability of the U.S. to pursue geopolitical objectives.¹¹⁸ French participation in

¹¹⁵ See, for instance, National Archives II, Policy Planning Staff, box 369, WL Sensitive Non-China. Action Memorandum: Talks on Reactor Safeguards and Related Matters with the Soviet on October 15, 5 October 1974. Obtained and contributed by William Burr.

¹¹⁶ Kokoski, Richard, *Technology and the Proliferation of Nuclear Weapons* (New York City: Oxford University Press, 1995), 151.

¹¹⁷ The Ford Administration, by this time, had determined that it would exert diplomatic pressure (in conjunction with Germany and the UK) to the Italians and the Japanese to become members of the NPT. However, it was still unwilling to do the same with France, to the extent that it only partially supported a UK-USSR nonproliferation message out of concerns that it would inadvertently pressure the French and Chinese to sign the NPT. Gerald R. Ford Presidential Library. National Security Adviser, Presidential Subject File (1973) 1974-1977. Presidential Subject File: Naval Force Requirements Study (1), Box 14. Folder: Nuclear Non-Proliferation (3). Memo from Sonnefeldt on Proposed UK-USSR Joint Statement on Non-Proliferation, 24 January 1975.

¹¹⁸ France was ambivalent to proliferation (except to Germany) under Gaulle. However, after become a major nuclear supplier they began to realize they had to take a position on nuclear proliferation. Lellouche, Pierre, "Giscard's Legacy: French Nuclear Policy and Non-proliferation, 1974-81," in Boardman, Robert, and James F. Keeley, *Nuclear Exports and World Politics: Policy and Regime* (New York City: St. Martin's Press, 1983), 38-39. Gerald R. Ford Presidential Library. National Security Adviser, Presidential Subject File (1973) 1974-1977. Presidential Subject File: Naval Force Requirements Study (1), Box 14. Folder: Nuclear Non-Proliferation (1). Memo for Scowcroft on Nuclear Non-Proliferation, 17 October

the NSG was pivotal for its success. First, France was one of the world's biggest nuclear suppliers and had much weaker export controls than the U.S. If France did not adopt more stringent controls, the world risked more proliferation.¹¹⁹ Second, the U.S. wanted to assure there was a competitive market as NSG states enacted controls. Importer states would instead go to France as a supplier if there were fewer hurdles.

The administration's second objective in getting France to become party to the NSG was primarily about business. The U.S. was losing out to other nuclear suppliers.¹²⁰ The American companies Westinghouse and General Electric were previously the dominant suppliers of nuclear reactor technology both at home and abroad. However, by the mid-1970s, at least five European companies, Framatone (France), Kraftwerk Union (West Germany), ASEA-Atom (Sweden), and Brown-Boverie (Swiss-German), became major competitors in the field. European companies originating in Great Britain, Belgium, Spain, and Italy, as well as the Soviet Union, were also becoming more dominant players.¹²¹ The administration knew that U.S. companies could not compete in the international market if their technology was under much more stringent safeguards

1974. Burr, 253. Ford also hoped to stop the West Germans from supplying Brazil in a deal conducted soon after the Indian nuclear explosion. For a historical overview of the deal, see Gall, Norman, "Atoms for Brazil, Dangers for All," *Foreign Policy* 23 (Summer 1976), 156. France's nuclear program was historically about regaining its national self confidence in the post WWII world, as well as maintaining independence. Nau, Henry R., *National Politics and International Technology: Nuclear Reactor Development in Western Europe* (Baltimore: The Johns Hopkins University Press, 1974), 68-72.

¹¹⁹ See, for instance, National Archives II. RG 59, Records of the Policy Planning Staff, Director's Files (Winston Lord), 1969-1977 [hereinafter PPS], Box 344, July 1974. Memorandum to the Secretary of State from ACDA Director Fred Ikle and Policy Planning Staff Director Winston Lord, "Analytical Staff Meeting on Non-Proliferation Strategy," Annex A, France and Other Key Suppliers, 31 July 1974. See also Lellouche, Pierre, "Giscard's Legacy: French Nuclear Policy and Non-proliferation, 1974-81," in Boardman, Robert, and James F. Keeley, *Nuclear Exports and World Politics*, 34-37.

¹²⁰ More broadly, the U.S. was losing its position as the dominant world trader since at least the early 1970s. Reeves, 340.

¹²¹ Brown, Walton L., "Presidential Leadership and U.S. Nonproliferation Policy," 24 *Presidential Studies Quarterly* 3 (Summer 1994), 564-565.

than companies in other countries. In fulfillment of his conservative worldview, Ford was committed to assuring that the U.S. could compete in foreign markets.¹²² Ford also knew that the U.S. had to enhance safeguards. The only solution was to level the playing field through an international NSG.

By December 1974, the administration was in talks with the French about a nuclear suppliers conference and described the French as “mildly receptive” to the idea.¹²³ In general, Ford was highly skilled at obtaining support from foreign leaders in direct talks, and was especially successful in talks with French President Valery Giscard d’Estaing.¹²⁴ Giscard explained, after Ford and Kissinger proposed the idea of a suppliers conference, that the French were cautious. France’s nuclear program had, from its inception, been rooted in the notion of political independence.¹²⁵ “In principle” Giscard told Ford, “I share the idea of participation,” but explained that because of the experience with the needless bureaucracy of COCOM (an export control agreement between Western countries in the aftermath of WWI which regulated exports of strategic materials to non-Western countries on a case-by-case basis), the French were very wary of participating in another export regulation conference. Kissinger tried to assure Giscard that this group

¹²² Reichley, A. James, “The Conservative Roots of the Nixon, Ford, and Reagan Administrations,” 96 *Political Science Quarterly* 4 (Winter 1981-1982), 539.

¹²³ The talks with France took place with between Ford and French President Valery Giscard d’Estaing (and others) on December 15-16, 1974. See, especially, Gerald R. Ford Presidential Library. National Security Adviser. Memoranda of Conversation, 1973-1977. Box 8, Memoranda of Conversation-Ford Administration. Folder: December 16, 1974. Ford, Kissinger, French President Valery Giscard d’Estaing, Foreign minister Jean Sauvagnargues, 16 December 1974. See also Gerald R. Ford Presidential Library. National Security Adviser. Memoranda of Conversation, 1973-1977. Box 9. Memoranda of Conversation-Ford Administration. Folder: January 31, 1975. Memocon, Ford, Kissinger, UK Prime Minister Harold Wilson, Foreign Secretary James Callaghan, 31 January 1975.

¹²⁴ Sargent, 175.

¹²⁵ Heuser, Beatrice, *NATO, Britain, France, and the FRG: Nuclear Strategies and Forces for Europe, 1949-2000* (New York City: St. Martin’s Press, Inc., 1997), 93-123.

would be very different than COCOM, with uniform, agreed upon rules, but without a bureaucratic central authority. Ford supported Kissinger's assertion, telling Giscard that "we want uniform rules only." They ended the discussion with an agreement that they would continue bilateral talks about France joining the suppliers group.

By the end of February 1975, France was deep in discussions with the U.S. about the NSG. France agreed that it was necessary to enact controls over nuclear exports through common export safeguards.¹²⁶ After more meetings and exchanges of understanding with Kissinger, in April of 1975, France conditionally agreed to participate in the NSG.¹²⁷

The NSG quietly convened its first meeting in London in April of 1975, with a second meeting in November of 1975.¹²⁸ The group, first comprised of the U.S., the Soviet Union, the U.K., France, West Germany, Japan, and Canada, was initially divided between "those who preferred political and institutional options, and those who preferred technological denial."¹²⁹ After the November meeting, the NSG added 15 supplier states to the 1976 and 1977 meetings.¹³⁰ The Group continued to meet periodically, and

¹²⁶ National Archives II. State Department releases from P-reels. Record ID 119786. Memcon on French Participation in the Nuclear Suppliers Conference, 24 February 1975. Contributed by William Burr. Available at: <http://digitalarchive.wilsoncenter.org/document/119786>.

¹²⁷ National Archives II. National Archives Access to Archival Databases On-line collections, State Department telegrams for 1974 and other years. Record ID 119789. Memo: French Foreign Minister's Response on Nuclear Suppliers Meeting, 9 April 1975. Contributed by William Burr. Available at: <http://digitalarchive.wilsoncenter.org/document/119789>. See Kissinger's leading role in the talks in Burr, 260-264.

¹²⁸ See Gerald R. Ford Presidential Library. Domestic Council: James M. Cannon; Executive Director and Assistant to the President for Domestic Affairs. No Fault Insurance, May 2, 1975 to Nuclear Policy Statements, October 28-November 5, 1976. Box 24. Folder: Nuclear Policy Statement, August 1-September 14, 1976. Ford's Draft Nonproliferation Message, September 1976.

¹²⁹ Miles, Edward L., *Environmental Regime Effectiveness: Confronting Theory with Evidence* (Cambridge: MIT Press, 2002) at 285-286. See also Sokolski, 63-65.

¹³⁰ Dewitt, 92.

eventually agreed to approach the export issue by combining technological denial with regulated transfers of nuclear exports.¹³¹ It agreed to expand the ZAC's trigger list guidelines on the peaceful transfer of export material. The Group came to agreements on an impressive range of topics, including a prohibition on nuclear explosives, physical protection of nuclear materials and facilities, IAEA safeguards, additional safeguards triggered by the transfer of certain technology, special controls on sensitive exports, special controls on export of enrichment facilities, equipment and technology, controls on supplied or derived weapons-usable material, and controls on retransfer of the nuclear materials and technology.¹³²

When Ford and his team first proposed the NSG to include all nuclear suppliers, they were motivated to negotiate effective international nuclear export controls. The NSG was not a novel idea, with roots in the Zangger Committee. Nixon's team even submitted the initial proposals of the NSG in the waning months of Nixon's term. However, Ford's team quickly made the NSG its own. The administration subscribed to the idea that nuclear exports were the basis for proliferation, and for proliferation to be stopped or limited, nuclear exports must be regulated.¹³³ The administration was willing to put diplomatic effort into convincing exporters, notably the French, that it was in the best interest of the nonproliferation regime and all exporters of nuclear technology, to come to

¹³¹ Miles, 286.

¹³² International Atomic Energy Agency, Information Circular. "Guidelines for Nuclear Transfers," INFCIR/254, February 1978.

¹³³ See an overview of nuclear exports leading to proliferation in Kroenig, Matthew, "Exporting the Bomb: Why States Provide Sensitive Nuclear Assistance," 103 *The American Political Science Review* 1 (February 2009), 113.

an agreement on safeguards.¹³⁴ It even helped assure that American business would stay competitive as the U.S. unilaterally strengthened its own controls in light of Congressional pressure. While Congress supported the development of international nuclear export guidelines, the administration led the charge for the NSG to deny potential proliferators access to sensitive nuclear materials.

Although this section does not focus on separating Kissinger's objectives from Nixon's or Ford's, it can shed light on the role of the presidents versus their powerful advisors. In William Burr's article on the origins of the NSG, Burr minimizes Ford's role and argues that Kissinger had a change of heart after the Indian nuclear test, leading him to spearhead the campaign for the NSG.¹³⁵ Although Burr is certainly correct, with Kissinger leading negotiations with the French, Burr fails to recognize that Kissinger minimized the Indian test through much of the summer and even into the fall, indicating that he did not have a quick change of heart. Kissinger was a political animal and recognized the political necessity of acting in light of pressure from other actors. A resurgent Congress that was increasingly convinced the Nixon administration had not done enough in response to the Indian test forced the Ford administration to address supply-side problems. The NSG aligned with many of Ford's goals for the U.S., including maintaining its role as a leader in business and assuring that the executive, not Congress, directed foreign policy. So, while Kissinger had a prodigious role in the establishment of the NSG, scholars should not dismiss Ford's leadership in the evolution

¹³⁴ Müller, 23. France agreed to refrain from exporting reprocessing and enrichment technology until they could put in place sufficient safeguards in 1976. Burr, 271.

¹³⁵ Burr, 252-276.

of U.S. nonproliferation policy.

Opposing Nuclear Legislation

After the U.S. and the other supplier states established nuclear supplier safeguard rules, the administration should have been in a position of strength when it came to potential criticisms of its nonproliferation efforts. Yet in the time leading up to the 1976 election, Congress and presidential challenger Jimmy Carter routinely critiqued Ford for not doing enough.

Some members of Congress were not appeased by the efforts of the NSG.¹³⁶ For example, Senator John Pastore, who served as the Committee Chair for the JCAE, introduced on July 26, 1975 and passed December 12, 1975 a simple Senate Resolution critiquing Ford's efforts.¹³⁷ Senate Resolution 221 called on Ford to support "a cooperative international effort to strengthen and improve international safeguards on peaceful nuclear activities" primarily to limit theft and poorly safeguarded nuclear transfers and supply, as well as to seek "restraint" in supply decisions.¹³⁸ These issues were in line with what the goals of the NSG, yet Pastore expressed his concern that the international safeguards would not happen. The very nature of the NSG meant getting a variety of countries with differing objectives to agree, a notoriously slow and laborious

¹³⁶ Pritchard, Anita, "Presidents Do Influence Voting in the U.S. Congress: New Definitions and Measurements," 8 *Legislative Studies Quarterly* 4 (November 1983), 692. A president is most likely to get support from members of Congress of the same political party; the Democrats controlled Congress when Ford was in office.

¹³⁷ "Simple resolutions" are changes in the rules for just one chamber (in this case, the Senate). The other chamber, the House, doesn't need to enforce the simple resolution.

¹³⁸ S.Res.221, 94th Congress, 1st Session. Resolution relating to international cooperation in strengthening safeguards of nuclear materials, 12 December 1975.

process that eventually led to safeguards. Ford could not defend himself from critique, as the NSG did not manage to produce results in the short time between its first meeting and the start of the presidential election campaign.

The JCAE moved forward with S.1439, the Export Reorganization Act (not to be confused with the previously discussed Energy Reorganization Act of 1974) to establish nuclear export laws in 1975, with hearings in January and March of 1976. The administration, along with multiple government departments and advisory groups, opposed the Act as unnecessary and potentially damaging to the nonproliferation regime. For example, on June 22, 1976, Dr. Robert Seamans, administrator of the recently created ERDA, argued that since the administration and Congress were working together to form an international framework for nuclear exports, the Act was superfluous. Additionally, because of Executive Order 11902, issued on February 2, 1976, the administration already had export arrangements in place that were “workable and effective,” further making the Act unnecessary.¹³⁹ Seamans went on to argue that some of the Act’s proposals would lead America’s nuclear partners to question its reliability as a nuclear supplier, causing the U.S. to lose business to other suppliers, or even propelling those partners to develop their own nuclear programs.

The administration also opposed the 1976 Nuclear Weapons Nonproliferation Act. First introduced in April of 1975, the Act prohibited the transfer of nuclear materials to any state not party to the NPT “unless the President determines, and the Congress by

¹³⁹ S.1439: Export Reorganization Act of 1976. Hearing Before the Joint Committee on Atomic Energy. Congress of the United States, Ninety-Fourth Congress, Second Session. 22 June 1976.

concurrent resolution approves, that such sale is essential to national security.”¹⁴⁰ Co-sponsored by members of the JCAE, including Pastore and Symington in the Senate and Representative Price in the House, the bill did not pass, but was of great concern to Ford in the lead up to the 1976 election.¹⁴¹ The JCAE members argued that Congress needed “to come down hard on proliferation [because] the Administration ha[d] not.”¹⁴² The administration assessed that the Act would disrupt export cooperation with Canada, Euratom nations, the IAEA, and potentially cripple the U.S. export program. It argued that the Act would severely hinder America’s reputation as a reliable nuclear supplier. While the Act did not pass, the administration was clearly on the defense when it came to its export policies.

While the administration pushed for energy independence and supported the development of nuclear energy, the American public remained wary of nuclear power. Support for nuclear power dropped from about 60% in 1974 to about 50% in 1976. What’s more, by 1976 there were eight different states with anti-nuclear power referendums on the ballot.¹⁴³ Despite Ford’s nuclear successes and support for the nuclear energy industry, he failed to persuade and gain the trust of the public enough to support

¹⁴⁰ H.R.6082-94th Congress (1975-1976). “Nuclear Non-Proliferation Act”. Introduced 16 April 1975.

¹⁴¹ Gerald R. Ford Presidential Library. Domestic Council: James M. Cannon; Executive Director and Assistant to the President for Domestic Affairs. No Fault Insurance, May 2, 1975 to Nuclear Policy Statements, October 28-November 5, 1976. Box 24. Folder: Nuclear Policy Statement, August 1-September 14, 1976. Memo for Ford from Bob Fri on Congressional Action on Non-Proliferation Act, 26 August 1976.

¹⁴² Gerald R. Ford Presidential Library. Domestic Council: James M. Cannon; Executive Director and Assistant to the President for Domestic Affairs. No Fault Insurance, May 2, 1975 to Nuclear Policy Statements, October 28-November 5, 1976. Box 24. Folder: Nuclear Policy Statement, August 1-September 14, 1976. Tab A, JCAE Bill Summary, No Date.

¹⁴³ *Nuclear Power in an Age of Uncertainty* (Washington, D.C.: U.S. Congress, Office of Technology Assessment, OTA-E-216, February 1984), 211.

his nuclear initiatives.¹⁴⁴

Ford was on the defensive in the lead up to the 1976 election.¹⁴⁵ Similarly, despite the resources he devoted to nuclear export controls during his presidency, Ford was constantly critiqued by the Democratic candidate, Jimmy Carter, for failing to address nonproliferation problems.¹⁴⁶ For example, Ford touted the Israel and Egypt deals as successes not only for exemplifying America's role as a world nuclear supplier, but also for preventing proliferation. While campaigning, he delivered his Statement on Nuclear Policy outlining the administration's multiple successes, and explained that the Israeli and Egyptian deal had the "strictest reprocessing provisions and other nuclear controls ever included in the 20-year history of our nuclear cooperation program."¹⁴⁷ In 1975, he even obtained an agreement with the Israelis that no American nuclear supplies could be used in the development of a nuclear explosive device.¹⁴⁸ However, even with strict controls, Congress continued to stymie his efforts. Ford failed to conclude the deal by the election.¹⁴⁹ With nonproliferation advocates opposing the nuclear arrangement, and nuclear energy proponents supporting the deal, negotiations continued through both the

¹⁴⁴ Morris, Irwin L. *The American Presidency: An Analytical Approach* (New York City: Cambridge University Press, 2010), 92-94.

¹⁴⁵ Black, 211-213. He tried to pursue energy independence, but ended up being associated with the spike in oil prices. John Robert Greene argues that Ford addressed energy issues almost immediately after he became president and even managed to get an energy bill despite significant Congressional opposition. Ford signed the Energy Policy and Conservation Act of 1975 on December 22, 1975. Greene, *The Limits of Presidential Power*, 213.

¹⁴⁶ Ford stumbled in a number of issues besides nuclear policy, most notable with a famous gaffe that the Soviets did not occupy Eastern Europe. Greene, *The Presidency of Gerald R. Ford*, 185.

¹⁴⁷ Gerald Ford, "987-Statement on Nuclear Policy," 28 October 1976, The American Presidency Project at The University of California-Santa Barbara. Available at: <http://www.presidency.ucsb.edu/ws/?pid=6561>.

¹⁴⁸ Reiss, 148.

¹⁴⁹ At some point, Ford insisted that Israel sign the NPT for the nuclear deal to conclude, which Israel rejected. Reiss, 150.

Carter and Reagan administrations.¹⁵⁰

Carter sold himself as the man who would be *the* nonproliferation president.¹⁵¹ Ford tried to defend his record, and explain to the public his successes and post-election nuclear policy goals.¹⁵² Yet he never had the stage presence to convince the public to stand with him.¹⁵³

Ford argued that “early in my Administration I became concerned that some nuclear supplier countries would become tempted to offer less rigorous safeguard requirements to potential customers in order to increase their competitive advantage.”¹⁵⁴ The administration determined that the U.S. needed to develop an international conference on nonproliferation problems, focusing on issues related to uranium reprocessing, how best to deal with re-processing facilities for the fuel cycle, as well as nuclear storage.¹⁵⁵ In less than nine months, the administration organized the world’s major nuclear suppliers into an export control group (the NSG), which went on to create

¹⁵⁰ See, for instance, Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series I: Personal. FM MSS1. Box 18, Folder 6. Letter from Barry Goldwater to President Reagan on the Egyptian Nuclear Reactor Deal, 8 June 1984.

¹⁵¹ Gerald R. Ford Presidential Library. Gerald R. Ford Library, Domestic Council; James M. Cannon; Executive Director and Assistant to the President for Domestic Affairs; No Fault Insurance, May 2, 1975 to Nuclear Policy Statements, October 28-November 5, 1976, Box No. 24. Folder: Nuclear Policy Statement, August 1-September 14, 1976. Report on Carter’s Promises vs. Presidential Performance, September 1976.

¹⁵² Gerald R. Ford Presidential Library. Gerald R. Ford Library, Domestic Council; James M. Cannon; Executive Director and Assistant to the President for Domestic Affairs; No Fault Insurance, May 2, 1975 to Nuclear Policy Statements, October 28-November 5, 1976, Box No. 24. Folder: Nuclear Policy Statement, August 1-September 14, 1976. Speech rebutting Carter position, September 1976.

¹⁵³ Greene, *The Limits of Presidential Power*, 235. Similarly, Greene argues that Ford believes he was treated extremely unfairly by the press, which bolstered an image of a directionless buffoon. Ford’s response was to “kill them with kindness.” Greene, *The Presidency of Gerald R. Ford*, 62-63.

¹⁵⁴ Gerald R. Ford Presidential Library. Gerald R. Ford Library, Domestic Council; James M. Cannon; Executive Director and Assistant to the President for Domestic Affairs; No Fault Insurance, May 2, 1975 to Nuclear Policy Statements, October 28-November 5, 1976, Box No. 24. Folder: Nuclear Policy Statement, August 1-September 14, 1976. Draft Nonproliferation Message, September 1976.

¹⁵⁵ Gerald R. Ford Presidential Library. National Security Adviser, Presidential Subject File, (1973) 1974-77; Presidential Subject File: Naval Force Requirements Study (1), Box 14. Folder: Nuclear Nonproliferation (3). Memo from Robinson, 14 July 1976.

significant controls to curb potential proliferation. Yet the 1976 campaign was Ford's first as a presidential candidate. He had to rise beyond the failures of Nixon in Watergate to restore faith in the presidency, and show the American public the policy successes of his presidency. He set out to prove that establishing the Nuclear Suppliers Group was the best way to prevent proliferation while retaining faith in America's status as a reliable supplier. Yet, despite the achievements in his short tenure as president, he failed to win the public's support for another term.

Conclusion

When Ford came into office, he had to address the problem of nuclear proliferation in light of the Indian nuclear test. He faced a Congress that was bent on preventing any U.S. role in proliferation. As a result, within three months of coming into office, Ford developed a new nonproliferation policy.

The story of the establishment of the NSG highlights two important points about presidential decision-making and nonproliferation policy. First, Ford looked outside of the NPT to stem proliferation. Although he supported the goals of the NPT, especially the call to stop proliferation and the support for nuclear energy, he did not consider the NPT an appropriate venue to hamper proliferation. He put diplomatic effort towards obtaining French membership to the NSG while maintaining the position that he would not pressure the French to join the NPT. Obtaining French membership to the NSG would stymie proliferation, while pursuing French membership to the NPT would deplete Ford's political capital without actually reducing proliferation. Second, Ford pursued

nonproliferation goals within the context of broader geopolitical objectives. For instance, the administration based its nuclear energy calculations not only on what was best for American industry, but also on what would be least likely to disrupt allied and partner relationships so the administration could continue pursuing its strategic objectives.

Finally, addressing the nuclear supply side shows how important another actor, Congress, could be in checking presidential preferences for nonproliferation policy. Congress became a stronger check on presidential decision-making with regard to nuclear policy during Ford's tenure. The JCAE had always had a voice in nuclear policy, holding a co-decision-making authority with the president. Yet it was in the wake of Watergate, that the JCAE, alongside much of Congress, asserted its own authority in checking presidential decision-making on nuclear policy. In doing so, it codified additional avenues to guarantee that Congress would continue to have a significant voice in future nuclear decisions and assuring that many of a president's nonproliferation policies would not be enacted without the input of Congress.

CHAPTER FIVE

The Making and Unmaking of The Nonproliferation President

Introduction

Less than a decade after President Johnson signed the NPT, the United States elected its nonproliferation president. Jimmy Carter came into office with a strong opposition to the spread of nuclear weapons and concern for the dangers of nuclear energy development. In his inaugural address, he called for the elimination of nuclear weapons.¹ As part of a broader push to reorient American foreign policy away from Cold War priorities, Jimmy Carter developed objectives for his presidency such as reducing nuclear dangers stemming from nuclear weapons and nuclear energy. In order to prevent proliferation, he developed policies to deny potential proliferators access to information, technology, and nuclear exports.² He enacted unilateral nonproliferation policies, supported the passage of laws which prevented the U.S. from acting as a nuclear supplier to potential proliferators, and pursued stronger safety standards at nuclear plants at home and abroad.

Although Carter planned on being the nonproliferation president, the Soviet invasion of Afghanistan forced him to reassess his nonproliferation policies. Carter's dramatic policy reversals highlight the difficulty in prioritizing nuclear policy objectives over Cold War objectives. He entered the presidency believing that diplomacy needed to

¹ See Strong, Robert A., *Working in the World: Jimmy Carter and the Making of American Foreign Policy* (Baton Rouge: Louisiana State University Press, 2000), 10-44.

² Gavin, Francis J., "Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation," 40 *International Security* 1 (Summer 2015), 11.

incorporate idealism; he was forced to reconsider this belief in light of Cold War realities.³ Even when the president had the support of the public and Congress for his nuclear policies, he still remained at the mercy of political realities. He had only limited unilateral ability to redefine U.S. nuclear policy when pressed by a greater threat than nuclear proliferation, the Soviet Union.

The first section of this chapter reviews how a nuclear accident shaped Carter's view of the potential dangers stemming from the use of nuclear energy. In his presidential campaign, he set himself up to be the nonproliferation president while critiquing Ford as lax on proliferation. Carter tried to decrease the chance that the U.S. could contribute to proliferation by applying pressure to states to join the NPT and supporting the passage of the Nuclear Nonproliferation Act of 1978, which required him to renegotiate all existing nuclear treaties to align with stronger nonproliferation verification requirements. Finally, Carter aligned with the public and Congress to create better safety standards for nuclear energy. Even though Carter clashed both with other states and the nuclear industry, he managed to enact his preferred policies.

The second section analyzes the Soviet invasion of Afghanistan, which caused Carter to reorient his foreign policy back towards Cold War objectives and to downgrade nonproliferation priorities. In addition to reversing his stance against arming a country pursuing nuclear weapons, Carter similarly altered his nuclear policy by advocating for providing nuclear materials to a known proliferator.

³ Talbot, Strobe, *Endgame: The Inside Story of SALT II* (New York City: Harper Collins Publishers, 1982), 291. See also Thompson, Margaret (ed), *President Carter 1980* (Washington, D.C.: Congressional Quarterly Inc., 1980), 19.

Jimmy Carter and Nuclear Weapons

Carter advocated for nuclear safety and opposed nuclear proliferation. Carter's United Nations speech which set the stage for his focus on nonproliferation in his presidency, where he was willing to critique the worldwide nonproliferation regime for its failure to prioritize and strengthen nonproliferation policy. More broadly, he accused Ford of putting the interests of the nuclear industry before the safety of the American people and the wellbeing of the nuclear nonproliferation regime. In response, he worked to remedy the failures of past presidents by pushing for the strongest nonproliferation and nuclear-safety policies in U.S. history.

Carter's personal history that led him to focus on nuclear nonproliferation and safe nuclear energy. His experience as a self-described nuclear engineer in the Navy included time working on a nuclear reactor that enriched plutonium for American nuclear explosives in Chalk River, Canada in 1952.⁴ In his 1975 autobiography, he describes his experiences after an explosion at the Chalk River nuclear laboratories. After the explosion, Carter and a group of other members of the U.S. military were sent to help with the repair. Despite the 90-second limit for exposure in the reactor, he still tested positive for radioactivity for six months later. Carter stated that "we had confidence in the

⁴ Carter was not actually a nuclear engineer. He described himself as a nuclear engineer multiple times during the 1976 election. He holds a Bachelor of Science from Annapolis, worked on the Atomic Energy Commission's Division of Reactor Development, trained a crew to work on a nuclear submarine, and took a semester of nuclear engineering classes before leaving the Navy to take of his family in 1953. While these credentials do not equate to being a nuclear engineer, it gave him a small amount of nuclear expertise and exposure to nuclear issues that shaped his outlook. Wade, Nicholas, "Carter as Scientist or Engineer: What Are His Credentials?" 193 *Science: New Series* 4252 (August 1976), 462. See also Committee of the House Administration, U.S. House of Representatives, *The Presidential Campaign 1976. Volume 1, Part 1, Jimmy Carter* (Washington: United States Government Printing Office, 1978), 183.

safety of the reactors which we studied and operated.”⁵ Yet, while the Chalk River nuclear failure did not lead to casualties, it instilled in him a great sense of what can go wrong with nuclear energy.

Carter’s exposure to a nuclear failure shaped who he was and the nuclear dangers that he would allow the U.S. to face.⁶ Carter did not believe it was moral for more states to proliferate and to endanger even more people. What’s more, he was never going to be assuaged completely by the assurances that nuclear energy would be safe because he knew first hand the dangers from an accident. As a result, Carter hoped to address nuclear dangers stemming from proliferation and nuclear energy both at home and abroad.

Carter focused on the dangers of nuclear proliferation early in his campaign, most notably during a speech on Nuclear Energy and World Order to the United Nations on May 13, 1976. He outlined a series of steps the world needed to take to curb proliferation. First, the world must work to reduce dependence on nuclear energy overall by supporting the development of non-nuclear energy sources. Carter argued that nuclear energy held inherent risks, such as the danger posed by accidents, and there was a ‘moral imperative’ for the U.N. to support a move away from nuclear energy. Despite the economic incentives to rely on nuclear energy during the oil price hikes during the 1970s, he argued

⁵ Carter, Jimmy, *Why Not the Best? The First 50 Years* (Nashville: Broadman Press, 1975), 54.

⁶ People close to Jimmy Carter believe that his nuclear proliferation and nuclear energy policies were significantly shaped by his experience at the Chalk River laboratories. See “Japan’s Nuclear Cleanup,” *The Economist*, 2 April 2011, available at: http://www.economist.com/blogs/banyan/2011/04/japans_nuclear_clean-up.

that the world must search for alternatives to nuclear energy in spite of the hardships. Nuclear energy was simply too dangerous.⁷

Carter argued that the world needed new international actions to prevent proliferation. He asserted that the U.S. ranked nuclear nonproliferation objectives second to the Cold War priorities, and Ford failed for not pursuing universal ratification of the NPT. Carter critiqued Ford's support for supplying reactors to non-NPT states, creating a system where the supplier states "conferred special benefits on non-treaty members, thereby largely removing any incentive for such recipients to join the Treaty." He advocated to expand the IAEA to fund additional safeguards on nuclear energy facilities and to assure that reprocessing spent fuel did not lead to the production of plutonium or highly enriched uranium that could be used in nuclear weapons.⁸ Finally, Carter called for a complete moratorium on the worldwide sale of reprocessing plants.

After his U.N. speech, Carter gained the upper hand on nuclear issues during the 1976 presidential campaign. Despite Ford's accomplishments in nonproliferation, including the Nuclear Suppliers Group (NSG), Carter depicted Ford as a supporter of the nuclear energy industry even when support for the industry at the expense of safety.⁹ Carter portrayed himself as an alternative who would stand up to industry whenever necessary to keep nuclear accidents and nuclear proliferation at bay. In response, Ford

⁷ Cook, Earl, "The Role of History in the Acceptance of Nuclear Power," 63 *Social Science Quarterly* 1 (March 1982), 4; and Committee of the House Administration, U.S. House of Representatives, *The Presidential Campaign 1976. Volume 1, Part 1, Jimmy Carter* (Washington: United States Government Printing Office, 1978), 183-187.

⁸ Ibid, Committee of the House Administration, 188-190.

⁹ For a detailed description of the 1976 campaign, see Howell, David, Margaret-Mary Howell, and Robert Kronman, *Gentlemanly Attitudes: Jerry Ford and the Campaign of 1976* (Washington, D.C.: HKJV Publications, 1980).

took an even stronger stance against proliferation. For example, to match Carter's position, Ford altered his policy from maintaining the right to veto reprocessing of "U.S.-supplied materials and facilities" by other states to "insisting...recipient [states] forego...reprocessing whether or not U.S. supplied material or facilities are involved."¹⁰

A number of Carter's proposals were already in place or being developed under the Ford administration. For instance, Carter called for increasing the IAEA budget to strengthen the safeguard system. The Ford administration doubled the 1974 IAEA budget for technical assistance, requested a \$5 million increase in the IAEA budget from Congress in 1976, and promising to raise the budget even more if reelected. Carter argued that he wanted to put in place IAEA safeguards over U.S. civilian nuclear energy facilities. Ford's administration spent 1976 negotiating how to place the facilities under the IAEA safeguards, and by September 17, 1976, the IAEA Board of Governors accepted a safeguard agreement.¹¹

During the foreign policy debate with Ford, Carter argued that Ford "hadn't moved" to prevent the U.S. allies from supplying reprocessing plants to the potential proliferators Pakistan and Brazil, but he would. He critiqued the Ford administration's push to move enrichment from the public to the private sector, and argued for government control over all reprocessing and re-enrichment.¹² As one Carter biographer

¹⁰ Gerald R. Ford Library. Domestic Council; James M. Cannon; Executive Director and Assistant to the President for Domestic Affairs; No Fault Insurance, May 2, 1975 to Nuclear Policy Statements, October 28-November 5, 1976, Box 24. Folder: Nuclear Policy Statement, August 1-September 14, 1976. "Carter's Promises versus Presidential Performance," September 1976.

¹¹ Ibid.

¹² "Transcript of Foreign Affairs Debate Between Ford and Carter; Rival Candidates Discuss Issue of Proliferation of Nuclear Arms Summation of Candidates' Views on Foreign Affairs," *The New York Times*, 7 October 1976. See also Ford Presidential Library. National Security Adviser, Presidential Subject File,

explained, “while dedicated to the preservation of private property, when private exploitation threatened public interest, Carter did not hesitate to recommend public control.¹³ His proposal reflected his belief that the private nuclear industry was putting the public in danger. Strikingly, Carter argued that, as a result of Ford’s total “absence of leadership” in establishing policies to prevent proliferation, the U.S. was facing an “increasing threat of atomic weapons throughout the world.”¹⁴ Carter was going to shift the direction of U.S. nonproliferation policy, supporting more restrictions and even prohibitions on various nuclear activities than his predecessors.

Carter’s First Year

In his first year, Carter’s nuclear policy reform efforts followed two different avenues: restricting the possibility that the U.S. could contribute to proliferation abroad, and reducing the danger from nuclear energy both at home and abroad.¹⁵ While Ford took a hybrid political and technological approach towards proliferation, Carter focus almost wholly on technological denial to prevent proliferation.¹⁶ He capitalized on the sentiment in Congress that Ford did not do enough to prevent proliferation and that was too cozy with the nuclear energy industry, as well as on the growing agreement among civilians

(1973) 1974-1977; Presidential Subject File: Naval Force Requirements Study (1), Box 14, Folder: Nuclear Non-Proliferation (3). “Memo for Scowcroft from David Elliott on Harold Agnew’s Proposal to Lease rather than Sell Nuclear Fuel,” National Security Council, 14 July 1976.

¹³ Fink, Gary M., *Prelude to the Presidency: The Political Character and Legislative Leadership Style of Governor Jimmy Carter* (Westport: Greenwood Press, 1980), 11.

¹⁴ “Transcript of Foreign Affairs Debate Between Ford and Carter; Rival Candidates Discuss Issue of Proliferation of Nuclear Arms Summation of Candidates’ Views on Foreign Affairs,” *The New York Times*, 7 October 1976.

¹⁵ Gavin, “Strategies of Inhibition,” 11.

¹⁶ Ibid. Lavoy, Peter R., “Cooperation in Nuclear Nonproliferation Activities,” in Breslauer, George W., and Philip E. Tetlock, *Learning in U.S. and Soviet Foreign Policy* (Boulder: Westview Press, 1991), 763.

that nuclear energy was dangerous. Carter's nonproliferation goals fit into a broader scheme to shift American foreign policy away from its focus on the Cold War to objectives he considered more important. Overall, his first year followed three goals: restrict, reduce, and eliminate.

Carter intended to shift the entire direction of American foreign policy. He "started out with the view that East-West conflict should be less determinative of U.S. foreign relations and pledged himself to drastic cuts in arms."¹⁷ Although Republicans found Carter's plans as terribly naïve and would allow the Soviets to dominate Carter in foreign policy, in Carter's view, U.S. foreign policy was obsessed with the Soviet Union.¹⁸ Carter did not have a grand strategy in large part because, without a static overarching threat like the Soviets, it is difficult to develop a grand strategy.¹⁹ In the first year review of his foreign policy, National Security Advisor Zbigniew Brzezinski gave Carter the NSC report, arguing that one of the major failings of the Ford years was the "emphasis on the Soviet relationship." While 'recognizing' the importance of the U.S.-Soviet relationship, the Carter administration worked to deemphasize the Soviet's centrality to American foreign policy in their first year. The report then stated that "they [the Soviet Union] have come to understand that while we recognize the importance of U.S.-Soviet relations, we have also other foreign policy purposes in shaping a

¹⁷ Glad, Betty, *An Outsider in the White House: Jimmy Carter, His Advisers, and the Making of American Foreign Policy* (Ithaca: Cornell University Press, 2009), 1.

¹⁸ Carter Presidential Library. Plains File, Box 9, Folder 13. Memo for Carter from Brzezinski. "NSC Report for 1977: A Critical Self Appraisal," 12 January 1978. See also Black, Conrad, *Richard M. Nixon: A Life in Full* (New York City: PublicAffairs, 2007), 1008. See also, for instance, Brzezinski, Zbigniew, *Power and Principle: Memoirs of the National Security Adviser, 1977-1981* (New York City: Farrar, Straus and Giroux, 1983), 515.

¹⁹ Note that Hemmer discusses Gaddis's Strategies of Containment in his analysis. Hemmer, Christopher, *American Pendulum: Recurring Debates in U.S. Grand Strategy*. Ithaca: Cornell University Press, 2015), 88-89.

constructive world order that cannot be subordinated to or driven by the U.S.-Soviet relationship.”²⁰ Unlike his predecessors, Carter did not abide by a strategy of containment. He believed resources invested into containment and the Cold War competition drew attention away from other possible goals such as nuclear nonproliferation, democracy promotion, and aligning U.S. foreign policy with its human rights ideals.²¹ The de-emphasis was strategic: by reducing focus on the Soviet Union, Carter could focus on his ten central objectives, including restricting “the level of global armaments” and inhibiting “nuclear proliferation through international agreements as well as unilateral U.S. acts.”²²

Carter maintained a few traditional Cold War objectives. He followed through with negotiating the SALT II arms control objectives originally set in the Nixon and then Ford administrations. His administration also came to support the modernization of the strategic deterrent through intercontinental ballistic missiles (ICBMs) like the “Missile Experimental,” or MX missile, and the enhanced radiation warhead (ERW), misnamed

²⁰ Carter Presidential Library. Plains File, Box 9, Folder 13. Memo for Carter from Brzezinski. “NSC Report for 1977: A Critical Self Appraisal,” 12 January 1978.

²¹ For a critique of the “liberal internationalist patten of disjuncture between ends and means” and the historical difficulty of U.S. leaders is successfully strategizing how to achieve its stated objectives, see Duek, Colin, “Hegemony on the Cheap: Liberal Internationalism from Wilson to Bush,” 20 *World Policy Journal* 4 (Winter 2003/2004), 2. For a discussion of Carter’s struggles to implement his human rights campaign, see Smith, Tony, *America’s Mission: The United States and the Worldwide Struggle for Democracy* (Princeton: Princeton University Press, 1994), 239-265.. Smith argues that Carter’s difficulties stemmed not from Wilsonianism/liberalism (which he believed must be implemented selectively) or downplaying American security, but from Carter’s failures as an organizer and his failures in seeing his limits.

²² Carter Presidential Library. Plains File, Box 9, Folder 13. Memo for Carter from Brzezinski. “NSC Report for 1977: A Critical Self Appraisal,” 12 January 1978.

the neutron bomb.²³ In the years before Carter came into office, NATO was modernizing its defenses.²⁴ Even though Carter didn't want to be associated with the ERW, he was willing to support its development if it strengthened NATO's deterrence capabilities.²⁵ The bomb would quickly kill people in the target area, but leave buildings intact. If the Soviets crossed into Western Europe, NATO could quickly bomb them then take back the battle field. However, the missiles could lower the threshold at which NATO would use nuclear weapons. Only when the Europeans strongly opposed the warhead's development did Carter defer its development.

Carter was more successful gaining support for the MX missile than for the neutron bomb. MX missile development began in the early 1970s in response to the development of Soviet heavy bombers, Soviet intercontinental ballistic missile, and a perception that the U.S. Minuteman missiles were vulnerable to being wiped out with a single Soviet attack.²⁶ Early in his administration, Carter talked about banning ICBMs, including the MX because he thought they were a destabilizing influence since the Soviets believed MX may even be an attempt to develop a first strike capability.²⁷ The administration originally slated the MX missile for elimination in SALT II in exchange

²³ Brzezinski, 337. Carter did not support upgrades and acquisitions in every circumstance, famously halting the B-1 bomber program. Lehman, John F., and Seymour Weiss, *Beyond the SALT II Failure* (New York City: Praeger Publishers, 1981), 49.

²⁴ Stoddart, Kristan, *Facing Down the Soviet Union: Britain, the USA, NATO and Nuclear Weapons, 1976-1983* (New York City: Palgrave Macmillan, 2014), 76-77.

²⁵ Strong, 133.

²⁶ Talbot, 27-29; Yost, David S., *Soviet Ballistic Missile Defense and the Western Alliance* (Cambridge: Harvard University Press, 1988), 77.

²⁷ Grover, William F., *The President as Prisoner: A Structural Critique of the Carter and Reagan Years* (Albany: The State University of New York Press, 1989), 142-145; Lehman and Weiss, 16-17. Lehman critiques Carter for weakening his commitment to ICBMs quickly after facing a hardliner Soviet negotiating team, though he reaffirmed his support for MX eventually.

for significant reductions in Soviet land based strategic missiles.²⁸ After the tentative agreement over the MX fell apart, the Defense Department became even more committed to MX missile development.²⁹ National Security Advisor Zbigniew Brzezinski described in his memoirs that, as a precondition for a final agreement on SALT II, he wanted to obtain a decision from Carter to deploy the MX missile.³⁰ Carter eventually negotiated an agreement in SALT II which prohibited new systems but allowed the continued development and eventual deployment of the MX missile. More significantly, he eventually rejected outright that the MX would be destabilizing, instead arguing that it was necessary to maintain the “essential equivalence” of nuclear power with the Soviets.³¹ The MX debate exemplifies “the hardening” of Carter’s defense policies as well as an infusion of realism.³² Carter’s concerns about the MX missile show his internal concerns about nuclear weapons, yet the episode highlights that Carter came to believe in the Cold War objective that America’s nuclear arsenal needed to be at least as powerful as the Soviet’s arsenal.

While Carter maintained some policies from the previous administrations, he generally pursued a foreign policy reorientation and worked to strengthen nonproliferation policies. To the significant dismay of the U.S. nuclear energy industry,

²⁸ The Soviets also opposed the cruise missile, the neutron bomb, the B-1 Bomber, and the Trident submarine. Lehman and Weiss, 49.

²⁹ Talbot, 158-159.

³⁰ Brzezinski, 332.

³¹ Grover, 145. See Talbot, 180.

³² Auten, Brian J., *Carter’s Conversion: The Hardening of American Defense Policy* (Columbia: University of Missouri Press, 2008).

Carter banned domestic commercial nuclear fuel reprocessing.³³ His team created a temporary moratorium for supplying breeder reactors and reprocessing plants abroad. Carter hoped that the moratorium would force countries to reevaluate the necessity of breeder reactors and reprocessing plants.³⁴ Additionally, Carter attempted to use international restrictions to ban breeder reactors and outlaw plutonium reactors.³⁵ His attempts failed and led to strained relations with both industry and allies.³⁶

The administration saw an early win for its international nonproliferation goals. In September of 1977, the NSG adopted the Guidelines on Nuclear Transfers to govern the sale of nuclear facilities and the equipment. The administration hoped to achieve standards within the Nuclear Suppliers Group which would complement what Francis Gavin calls a “strategy of inhibition” by denying potential proliferators access to nuclear exports that would contribute to proliferation.³⁷ The administration failed to get the NSG to adopt full scale safeguards as a condition for nuclear transfers, but the Guidelines aligned with Carter’s other goals, including a mandate that sales be accompanied by a non-explosion agreement, control on re-transferring nuclear equipment purchased from a supplier state, and agreements on IAEA safeguards.³⁸

³³ Abbotts, John, “All the King’s Horses and All the King’s Men,” 45 *Bulletin of the Atomic Scientists* 1 (January/February 1989), 49.

³⁴ Carter Presidential Library. Plains File, Box 9, Folder 13. Memo for Carter from Brzezinski. “NSC Report for 1977: A Critical Self Appraisal,” 12 January 1978.

³⁵ Müller, Harald, *A European Non-Proliferation Policy: Prospects and Problems* (Oxford: Clarendon Press, 1987), 27.

³⁶ Carter did end government support for plutonium production on April 7, 1977, even though he failed to gain a worldwide ban. Platt, Alan, and Lawrence D. Weiler, (eds.), *Congress and Arms Control* (Boulder: Westview Press, 1978), 147.

³⁷ Gavin, “Strategies of Inhibition,” 11.

³⁸ Strulak, Tadeusz, “The Nuclear Suppliers Group,” 1 *The Nonproliferation Review* 1 (Fall 1993), 3. See also Carter Presidential Library. Plains File, Box 9, Folder 13. Memo for Carter from Brzezinski. “NSC Report for 1977: A Critical Self Appraisal,” 12 January 1978.

Carter also hoped to go even farther in constraining potentially dangerous nuclear supply issue than the agreements made in the Nuclear Suppliers Group. Early in his presidency, he spoke directly with the leaders of West Germany, Great Britain, Canada, France, Japan, and Italy on the ‘divisive issue’ of nuclear energy and its problems for nonproliferation. After these talks, Carter wrote in his diary that he spent three hours defending the U.S. position to limit the sale of enriched uranium. He described the pushback against his nonproliferation initiatives from the leaders as stemming from “national pride” which prevented “their acceptance of intrusion into their right to reprocess and do as they please with the reprocessed fuel, which does contain plutonium suitable for bombs.”³⁹ Carter failed to grasp that these allies viewed Carter’s efforts as contrary to their right to nuclear energy. He remained unconcerned about how the image of America as an unreliable nuclear supplier would affect U.S. foreign policy or his ability to address geopolitical objectives.

The administration worked directly to halt a new state from joining the nuclear club when it tried to prevent South Africa from testing its first nuclear weapon.⁴⁰ In August of 1977, the Soviets notified Carter that South Africa appeared to be working towards an underground nuclear weapons test in the Kalahari Desert. U.S. intelligence confirmed the Soviets’ suspicions.⁴¹ Analysts assessed that South Africa’s domestic

³⁹ Entry from May 6-7, 1977. Carter, Jimmy, *White House Diary* (New York City: Farrar, Straus and Giroux, 2010), 46-48.

⁴⁰ Carter Presidential Library. Plains File, Box 9, Folder 13. Memo for Carter from Brzezinski. “NSC Report for 1977: A Critical Self Appraisal,” 12 January 1978.

⁴¹ Carter Presidential Library. NSC Institutional Files, Box 3, Folder 8. Christopher to Hyland, “Response to Soviet Message on South Africa,” 12 August 1977. See also Carter Presidential Library. Brzezinski Material: President’s Daily Report File, Box 3, Folder 5. Brzezinski to President, “Information Items,” 25 August 1977.

politics and military concerns favored the test; U.S. efforts would not affect whether or not South Africa tested.⁴² However, Carter still chose to take action. The administration teamed with the Soviets to pressure the South Africans not to test.⁴³ The U.S. submitted a formal protest, with the backing of the U.S.S.R., to the South African government.⁴⁴ Even the French approached the South Africans to protest against testing. The South Africans gave in, shutting down the Kalahari site.

During his first year, Carter's calculations were not made within the general context of geopolitical objectives. Carter reversed the policies of Ford and Nixon, deciding that it was in America's best interest to try to pressure India to become a party to the NPT. While Nixon and Ford believed such a diplomatic overture to India would be unfruitful, Carter had his diplomats try to convince the Indians to end their nuclear weapon pursuits. In January of 1978, Carter met with Indian officials and pressured them to sign the NPT and agree to international safeguards on their nuclear facilities.⁴⁵ They refused. After the details of the meeting were leaked to the press Carter was "unhinged" and "never regained the same buoyancy and confidence he showed initially" in his latter talks to convince the Indians to give up their pursuits.

⁴² Carter Presidential Library. Staff Material: North/South, Box 115, Folder 9. Memo for the National Foreign Intelligence Board, "Interagency Assessment: South Africa: Policy Considerations Regarding a Nuclear Test," 18 August 1977.

⁴³ Carter Presidential Library. Brzezinski Material: President's Daily Report File, Box 3, Folder 5. Brzezinski to President, "Information Items," 22 August 1977.; Carter Presidential Library. Brzezinski Material: President's Daily Report File, Box 3, Folder 5. Brzezinski to President, "Information Items," 25 August 1977. Pabian, Frank V., "South Africa's Nuclear Weapons Program: Lessons for U.S. Nonproliferation Policy," 3 *The Nonproliferation Review* 1 (Fall 1995), 4.

⁴⁴ Heald, Geoffrey Ronald, *South Africa's Voluntary Relinquishment of its Nuclear Arsenal and Accession to the Treaty on the Non-Proliferation of Nuclear Weapons in terms of International Law*. Dissertation, University of Witwatersrand, August 2010, 35

⁴⁵ Carter Presidential Library. Brzezinski Material: Trip File. Box 7, Folder 3. "Carter-India." January 1978.

Carter's efforts to downplay the significance of the Cold War in American foreign relations, with some notable exceptions such as continuing negotiations for SALT II and addressing potential weapons vulnerabilities by continuing the development of the MX missile, allowed a reorientation to nonproliferation. Carter pushed for stricter supply regulations and the prevention of plutonium production. Additionally, he worked to prevent specific states from proliferating, notably South Africa and India. His efforts to limit the sales of enriched uranium contributed to a divide between the U.S. and its allies on nuclear energy. Even while his nonproliferation efforts hurt U.S. relations with its allies, Carter remained committed to U.S. actions to prevent proliferation.

The Public Aligns

The public played a role in nuclear policies since the beginning of the nuclear age, but in the mid 1970s, citizens organized to oppose nuclear proliferation and nuclear energy in numbers that had not before been seen in the United States.⁴⁶ There was a roughly fifteen-year period of nuclear apathy prior to the Carter era where the dangers of nuclear war and nuclear energy were overshadowed by other pressing concerns.⁴⁷ Upon the superpowers reaching nuclear parity, people became skeptical about deterrence and turned to nuclear abolitionism within the peace movement instead.⁴⁸ Skepticism was coupled with the growth of mistrust in officials after Watergate, propelling the growth of

⁴⁶ There was some opposition to nuclear energy in the 1960s as well, but it was not as prevalent. Beckman, Robert L., *Nuclear Non-Proliferation: Congress and the Control of Peaceful Nuclear Activities* (Boulder: Westview Press, 1985), 100.

⁴⁷ Boyer, Paul, "From Activism to Apathy: The American People and Nuclear Weapons, 1963-1980," 70 *The Journal of American History* 4 (March 1984), 821-844.

⁴⁸ Gavin, Francis, J., *Nuclear Statecraft: History and Strategy in America's Atomic Age* (Ithaca: Cornell University Press, 2012), 128-129.

anti-nuclear citizen groups which did not trust the reassurances by government officials that nuclear facilities were safe. Carter campaigned on the promise that he would take into consideration the opinions of the American people.⁴⁹ The growth of anti-nuclear groups coincided with decreased support for nuclear power among the general population, which in turn strengthened Carter's pushback against the nuclear energy industry. The alignment of the populace with Carter's goals allowed him to push a broader anti-proliferation and nuclear safety agenda.

U.S. citizens were torn over whether to support nuclear energy.⁵⁰ While 70% of the public supported nuclear energy in 1977, opposition to building nuclear power plants within five miles of towns rose from 45% in June of 1976 to 60% in 1979, reaching 70% in 1986.⁵¹ Additionally, the press developed an anti nuclear bias in televised journalism starting in the early 1970s and an anti-nuclear bias in print journalism around the beginning of Carter's term.⁵² The growth of opposition to nuclear power coincided with

⁴⁹ Moore, Raymond A., "The Carter Presidency and Foreign Policy," in Abernathy, M. Glenn, Dilys M. Hill, and Phil Williams (eds), *The Carter Years: The President and Policy Making* (New York City: St. Martin's Press, 1984), 56.

⁵⁰ The public, in the 1960s and 1970s, had unrealistic expectations based on AEC cost projections that nuclear plants would be extremely cheap to build as more were ordered because of economies of scale. The public understood that nuclear power would only get cheaper as it became more prevalent. Melosi, Martin V., *Atomic Age America* (Saddle River: Pearson, 2013), 223. See also Craig Nelson's chapter entitled "Too Cheap to Meter" in Nelson, Craig, *The Age of Radiance: The Epic Rise and Dramatic Fall of the Atomic Era*. New York City: Scribner, 2014), 303-311.

⁵¹ Reproduction of a Gallup/Newsweek poll of 762 individuals. De Boer, Connie, and Ineke Catsburg, "A Report: The Impact of Nuclear Accidents on Attitudes Toward Nuclear Energy," *52 The Public Opinion Quarterly* 2 (Summer 1988), 258-260. People generally supported nuclear energy after the Oil Embargo in 1973; see Osif, Bonnie A., et. al., *TIMI 25 Years Later: The Three Mile Island Nuclear Power Plant Accident and Its Impact* (University Park: The Pennsylvania State University Press, 2004), 76.

⁵² Rothman, Stanley, and S. Robert Lichter, "Elite Ideology and Risk Perception in Nuclear Energy Policy," *81 The American Political Science Review* 2 (June 1987), 392. See also Walker, J. Samuel, *Three Mile Island: A Nuclear Crisis in Historical Perspective* (Berkeley: University of California Press, 2004), 11. One estimate asserted that coverage by the press of anti-nuclear viewpoints went up 400% between 1972-1976.

loss of confidence in American institutions that began in the 1960s.⁵³ Even though officials reassured people that nuclear power was safe, the falling confidence in authorities is reflected in the falling confidence in nuclear safety.⁵⁴

The lack of confidence in the nuclear industry translated into the public constraining the energy industry. For example, on June 8, 1976, Californians voted on Proposition 15, the California Nuclear Initiative.⁵⁵ The proposition was the first major public initiative to oppose the nuclear power industry.⁵⁶ The initiative mandated the state legislature guarantee that each nuclear plant meets safety and waste disposal standards; otherwise, they'd have to cut output by 60% and halt future plants.⁵⁷ The proposition had the potential to shut down most of the nuclear energy industry. It failed by a large margin (2 to 1), but led to the Warren bills that effectively put a moratorium on new nuclear energy plants.⁵⁸

⁵³ See, for instance, Dalton, Russell J., et. al., *Critical Masses: Citizens, Nuclear Weapons Production, and Environmental Destruction in the United States and Russia* (Cambridge: The MIT Press, 1999), 287-290.

⁵⁴ A sizeable percentage of the population remained convinced that a nuclear power plant could explode like a nuclear bomb, despite a campaign to assure that they could not. Walker, *Three Mile Island*, 25-27.

⁵⁵ Gerald R. Ford Library, Presidential Handwriting File, Box C44, Folder: Presidential Handwriting 7/19/76 (2). Memo for Ford, "Nuclear Policy-Issues and Problems Requiring Attention and Potential Policy Statement," 13 July 1976. See more generally Thomas Raymond, *Critical Masses: Opposition to Nuclear Power in California, 1958-1978* (Madison: University of Wisconsin Press, 1998).

⁵⁶ Weir, David, "California's Proposition 15: Fearful Little People," *Rolling Stone*, 3 June 1976. See also Carter, Luther J., "Nuclear Initiative: Californians Vote "No," but Legislature Acts," 192 *Science: New Series* 4245 (25 June 1976) 1317.

⁵⁷ For a fascinating look at the history fault lines and the California nuclear energy industry, see Meehan, Richard L., *The Atom and the Fault: Experts, Earthquakes, and Nuclear Power*, (Cambridge: The MIT Press, 1984).

⁵⁸ Joppke, Christian, *Mobilizing Against Nuclear Energy: A Comparison of Germany and the United States* (Oakland: University of California Press, 1993), 67. See also Carter, Luther J., "Nuclear Initiative: Californians Vote "No," but Legislature Acts," 192 *Science: New Series* 4245 (25 June 1976), 1317. The Initiative raised awareness of nuclear safety to nearly 95% according to Wellock. Wellock, Thomas Raymond, *Critical Masses: Opposition to Nuclear Power in California, 1958-1978* (Madison: University of Wisconsin Press, 1998), 171. The Warren Bills mandated that no new nuclear energy plants could be built until after the construction of a nuclear waste repository.

In addition to growing citizen opposition to the nuclear industry, this era saw a significant rise in nuclear protestors. The organizers of the anti-nuclear movement were split into two camps: those who protested for the environment, and those who protested against all nuclear weapons.⁵⁹ The environmental group wanted enhanced environmental protections while the anti-nuclear weapons group opposed all nuclear activity. However, at the protestor level, the camps were indistinguishable and aligned in opposition to the nuclear industry.

The Seabrook Nuclear Power Plant in New Hampshire became a flashpoint in the battle between industry and anti-nuclear activists. To accommodate the electricity needs of the New England area, which were increasing by 11% per year, the Nuclear Regulatory Commission (NRC) granted a permit for construction in 1976. In 1977, the site drew protests because of local seismic activity. The chronically underfunded Seacoast Anti-Pollution League (SAPL) managed to spend upwards of \$20,000 to protest the state hearing for the plant. After protestors held a 56-hour vigil outside the NRC's Washington offices on June 30, 1978, the NRC temporarily suspended construction of the Seabrook Plant, inspiring demonstrations across the country.⁶⁰

⁵⁹ Daubert, Victoria L., and Sue Ellen Moran, *Origins, Goals, and Tactics of the U.S. Anti-Nuclear Protest Movement* (Santa Monica: Rand Publications Series, 1985), V. See also Stever, Donald W., Jr., *Seabrook and the Nuclear Regulatory Commission: The Licensing of a Nuclear Power Plant* (Hanover: University Press of New England, 1980), 3.

⁶⁰ Barkan, Steven E., "Strategic, Tactical and Organizational Dilemmas of the Protest Movement Against Nuclear Power," *27 Social Problems* 1 (October 1977), 24. See also "Seabrook Symbolizes Nuclear 'Troubles'," *114 Science News* 3 (15 July 1978), 37. The name "Clamshell Alliance" stemmed from the (unsupported) testimony at a state hearing of a Fish and Game Department fisheries biologist that the completed Seabrook water-cooling system would kill much of the clam population in the area. Stever, 8-19. The plant was eventually constructed in 1986. See also Epstein, Barbara, *Political Protest and Cultural Revolution: Nonviolent Direct Action in the 1970s and 1980s* (Berkeley: University of California Press, 1991), 64.

By June of 1978, researchers estimated that half of the country's 65 nuclear plants faced organized protestors.⁶¹ The slow and steady growth of the anti-nuclear movement gained steam after a nuclear meltdown at the Three Mile Island nuclear generating station in Pennsylvania on March 28, 1979.⁶² The Abalone Alliance organized 25,000 people to rally in San Francisco against the Diablo Canyon plant, and another 40,000 rallied in San Luis Obispo in 1979.⁶³ A single protest rally in New York City had an estimated 200,000 participants.⁶⁴

Protestors continued slowing the growth of the nuclear energy industry in the United States even after Carter's term ended. Citizens came to demand input into nuclear decisions.⁶⁵ During the Carter era, citizens stopped believing in the reassurances from government and industry figures that they were doing all they could to protect civilians from the dangers nuclear energy could pose. They aligned with Carter in his concerns about the safety of the nuclear energy industry, which gave him more room to advocate for stronger constraints on the industry.

⁶¹ Barkan, 24. Daubert and Moran, V.

⁶² Sabatier, Paul A. (ed), *Theories of the Policy Process: Theoretical Lenses on Public Policy* (Boulder: Westview Press, 1999), 82-85. Craig Nelson also argued that Jane Fonda's movie critiquing the nuclear industry called *The China Syndrome* helped propel the nuclear protests. Nelson, 309-310.

⁶³ Wills, John, *Conservation Fallout: Nuclear Protest at Diablo Canyon* (Reno: University of Nevada Press, 2006), 3.

⁶⁴ Herman, Robin, "Nearly 200,000 Rally to Protest Nuclear Energy: Gathering at Battery is Largest of Kind to Date," *New York Times*, 24 September 1979. The Clamshell Alliance protests grew to as large as 20,000 individuals in May 1978, but the Alliance split into two groups in 1979 then disbanded entirely by 1981 due to internal problems. Downey, Gary L., "Ideology and the Clamshell Identity: Organizational Dilemmas in the Anti-Nuclear Power Movement," 33 *Social Problems* 5 (June 1986), 357-361.

⁶⁵ For example, the AEC projected in 1974 that the light water reactors would supply about 16% of America's electrical energy by the end of Carter's term, but they only provided only about 11% of the nation's electrical energy by 1981. Kash, Don E., and Robert W. Rycroft, *U.S. Energy Policy: Crisis and Complacency* (Norman: University of Oklahoma Press, 1984), 137. See also Heefner, Gretchen, *The Missile Next Door: The Minuteman in the American Heartland* (Cambridge: Harvard University Press, 2012), 146.

The President and Industry

In the early 1970s, industry officials described the attitude towards development of the nuclear energy industry in the U.S. as “one of enthusiastic optimism.” However, the antinuclear activists were “remarkably successful” at slowing the expansion of the nuclear energy industry by arguing that there was a high likelihood of terrible radioactive fallout.⁶⁶ Additionally, after the Indian nuclear test, the government grappled with how nuclear suppliers were contributing to nuclear proliferation. Starting in 1975, industry leaders cancelled more nuclear power plants than they ordered, with no new orders for nuclear power plants from 1978 through the end of Carter’s tenure.⁶⁷ The obstacles the nuclear industry were vast, from concerned citizens to an unsupportive president acting in an unpredictable world.⁶⁸

For decades, experts told U.S. citizens that nuclear power was the only viable path toward energy independence.⁶⁹ Yet, during Carter’s term, citizens came to question whether nuclear energy should be the path forward. Environmental groups disputed the safety, environmental sustainability, and proliferation consequences of nuclear energy. While industry and energy-producing states advocated for limited regulation, Carter and energy-consuming states (mostly those in the Northeast) called for heavier regulation and

⁶⁶ Walker, *Three Mile Island*, 7-11.

⁶⁷ Barkenbush, Jack N., “Nuclear Power and Government Structure: The Divergent Paths of the United States and France,” 65 *Social Science Quarterly* 1 (March 1984), 37.

⁶⁸ Kokoski, Richard, *Technology and the Proliferation of Nuclear Weapons* (New York City: Oxford University Press, 1995), 69-95.

⁶⁹ See also Carter, Luther J., “Nuclear Initiative: Californians Vote “No,” but Legislature Acts,” 192 *Science: New Series* 4245 (25 June 1976), 1317.

better safeguards.⁷⁰ Citizens questioned whether industry could even be trusted; a mere 8% of the population considered industry representatives “very reliable.”⁷¹ In regards to nuclear energy, the actors were divided, and many lost faith that nuclear energy would be a boon to the country.

Carter focused on constraining what he identified as the most problematic aspect of the industry: the production of plutonium.⁷² In the mid-70s, nuclear energy relied on 3-4% enriched uranium to fuel water-cooled nuclear reactors. Miners extracted uranium ore, then converted it to yellowcake. They further processed the yellowcake into uranium hexafluoride, which they enriched by isolating the U-235 isotope for fuel for light water nuclear reactors. After about three years of use, workers removed the spent fuel comprised of 1 to 2% plutonium.⁷³ This spent fuel was highly energetic, could fuel a breeder reactor, and could make more plutonium that could potentially be used for nuclear weapons. The industry downplayed that possibility and argued that breeder reactors would be good both for supply and for the overall longevity of the nuclear energy industry. Carter battled against allowing funding for the domestic Clinch River Breeder Reactor for fear that it would produce plutonium that could be diverted to nuclear weapons. He opposed supplying similar breeder reactors to other countries for the

⁷⁰ Kash, Don E., and Robert W. Rycroft, *U.S. Energy Policy: Crisis and Complacency* (Norman: University of Oklahoma Press, 1984), 95.

⁷¹ Rothman and Lichter, 384.

⁷² At the beginning of the nuclear age, in the Acheson Lilienthal Report, scientists argued incorrectly that plutonium could be ‘denatured’ so that it would be unusable in nuclear weapons. Gilinsky, Victor, “Nuclear Power, Nuclear Weapons—Clarifying the Links,” in Sokolski, Henry D., *Moving Beyond Pretense: Nuclear Power and Nonproliferation* (Carlisle: United States War College Press, 2014), 120. See also: Lovins, Amory B., et. al. “Nuclear Power and Nuclear Bombs.” 58 *Foreign Affairs* 5 (Summer 1980), 1137-1177.

⁷³ Rossin, A. David, “U.S. Policy on Spent Fuel Reprocessing: The Issues,” *Frontline: PBS*, available at: <http://www.pbs.org/wgbh/pages/frontline/shows/reaction/readings/rossin.html>. Kash and Rycroft, 139-142.

same reason.⁷⁴ According to Carter, the development of breeder reactors at home would eventually lead to the spread of those dangerous reactors abroad. On April 7, 1977, Carter issued a moratorium on reprocessing spent fuel that could be used in breeder reactors out of fear that the plutonium it produced could be stolen and used for nuclear weapons development.⁷⁵ To Carter, giving free reign to the nuclear industry at home would eventually lead to proliferation abroad.

Carter considered mollifying the nuclear energy industry by calling for additional nuclear power plants, as long as they weren't breeder reactors, posing light water reactors as an alternative. After all, no one had died in a nuclear power plant since the U.S. nuclear energy program began.⁷⁶ Then the Three Mile Island nuclear meltdown occurred on March 28, 1979.⁷⁷ After the accident, Carter could not reduce pressure on the nuclear energy industry to increase safety.⁷⁸ Even though there was little radiological impact on the environment, and no deaths, the meltdown solidified the dangers of nuclear energy

⁷⁴ Shapley, Deborah, "Engineer's Memo Stirs Doubts on Clinch River Breeder," 197 *Science* 4301 (July 1977), 350.

⁷⁵ Andrews, Anthony, "Nuclear Fuel Reprocessing: U.S. Policy Development," *CRS Report for Congress*, 27 March 2008, 4.

⁷⁶ Cook, 9.

⁷⁷ Osif, 76-90. See also Walker, *Three Mile Island*, 83.

⁷⁸ Carter, Luther J., "Political Fallout from Three Mile Island," 204 *Science*, New Series 4389 (April 1979), 154. Bourne, Peter G., *Jimmy Carter: A Comprehensive Biography from Plains to Postpresidency* (New York City: Scribner, 1997), 439-440. Vandoren, Peter M., "Can We Learn the Causes of Congressional Decisions from Roll-Call Data?" 15 *Legislative Studies Quarterly* 3 (August 1990), 311. Vandoren's literature review includes a collection of studies on the likelihood that a congressman will be swayed by public opinion. They're most likely to be swayed by the public in foreign policy than in, for instance, social-welfare policy. See Burgin, Eileen, "Representatives' Decisions on Participation in Foreign Policy Issues," 16 *Legislative Studies Quarterly* 4 (November 1991), 521 on influences of a congressman to get involved on a foreign policy issue. See also See also Bond, Jon R., and Richard Fleisher, "The Limits of Presidential Popularity as a Source of Influence in the U.S. House." 5 *Legislative Studies Quarterly* 1 (February 1980), 69.

industry in the minds of the public. He rejected outright shutting down the nuclear energy plants in the U.S., but he had to push for even stronger safeguards.⁷⁹

Congressional-Presidential Alignment

At the beginning of the Carter administration, the goals of the president and the goals of Congress for nonproliferation policy aligned.⁸⁰ Congress spent the Ford years pushing for a stronger nuclear nonproliferation policy, and continued to assert its authority during the Carter administration to assure that a president would act when faced with a proliferator.⁸¹ While Ford took a primarily international approach to proliferation, Carter aligned with Congress by pursuing stronger domestic proliferation policies, especially through the passage of the domestically-oriented Nuclear Nonproliferation Act of 1978 (NNPA). Neither Congress nor Carter focused on the geopolitical consequences of the NNPA, and in the process injured U.S. standing in much of the world.

Congress pursued multiple venues to reduce the possibility that the U.S. would contribute to nuclear proliferation in other states, most notably through the NNPA.⁸² Carter supported the passage of NNPA, which further constrained the U.S. nuclear export

⁷⁹ Osif, 80.

⁸⁰ For instance, Carter promised to reduce the number of federal agencies from 1900 to 200. Yarbrough, Tinsley E., "Carter and the Congress," in Abernathy, et. al., M. Glenn, 177; Caldwell, Dan, *The Dynamics of Domestic Politics and Arms Control: The SALT II Treaty Ratification Debate* (Columbia: University of South Carolina Press, 1991), 125. Note that Carter's exaggerated campaign promises and outsider status angered some members of Congress.

⁸¹ Gavin, "Strategies of Inhibition," 36.

⁸² 22 USC 3201. Nuclear Non-Proliferation Act of 1978. Public Law 95-242, 95th Congress. H.R. 8638, 10 March 1978.

regime.⁸³ The NNPA forbade the president from concluding nuclear deals without full scope safeguards. As a result of the NNPA, the president had to negotiate for “consent rights” over foreign reprocessing and the transfer of spent reactor fuel to other countries in order to assure those states would not use or sell spent fuel to produce plutonium.⁸⁴ Perhaps most strikingly, it mandated that the president go back and renegotiate all standing nuclear arrangements so those deals would forbid states to produce plutonium, regardless of the stances of those other states.

Congress enacted reforms to assure that outside interests would not interfere with their nonproliferation objectives. Under Ford, Congress passed laws to restrict the president’s power generally, and specifically his authority to approve nuclear exports. One major strategy Congress followed to assure power with the executive on foreign policy decisions was to insert a legislative veto into legislation.⁸⁵ Yet it decided to go after the Congressional committee that had the legislative veto written into its powers. The JCAE came into the crosshairs of those committed to congressional reform after it argued against certain restrictions Congress proposed for nuclear fuel shipment authorizations. For the U.S. to remain a reliable nuclear supplier, according to the JCAE, the president needed the authority to authorize nuclear deals.⁸⁶ The JCAE also argued that it needed to balance nonproliferation and business objectives. Not all Congressmen

⁸³ Smith, Gerard, and George Rathjens, “Reassessing Nuclear Nonproliferation Policy,” 59 *Foreign Affairs* 4 (Spring 1981), 882. Cowen, Barton Z. “A Look at U.S. Nuclear Nonproliferation Policy.” 73 *Proceedings of the Annual Meeting American Society of International Law* (26-28 April 1979), 159.

⁸⁴ Squassoni, Sharon, “Looking Back: The 1978 Nuclear Nonproliferation Act,” 38 *Arms Control Today* 10 (December 2008), 65.

⁸⁵ Gibson, Martha Liebler, “Managing Conflict: The Role of the Legislative Veto in American Foreign Policy,” 26 *Polity* 3 (Spring 1994), 443.

⁸⁶ See, for instance, 94th Congress, Second Session, House of Representatives, Report No. 94-1613, Joint Committee on Atomic Energy, “The Nuclear Explosive Proliferation Control Act of 1976,” 18 September 1976.

agreed with this approach, and the JCAE gained the reputation of being weak on proliferation.⁸⁷ Democratic Representative Richard Bolling headed up a committee to review the functions of the JCAE. Despite the many examples of the JCAE critiquing U.S. nonproliferation policy in the mid-1970s, the Bolling Committee accused the JCAE of siding with industry over strong safety standards and nonproliferation policy.⁸⁸ As a result, Congress abolished the JCAE on September 20, 1977. In the process, it swiftly undercut Congressional power to act as a co-decision maker in nuclear issues.⁸⁹

Congress generally stopped fighting with the president on nonproliferation once Carter was elected, instead finding a partner with shared goals. Both Congress and Carter hoped to prevent nuclear proliferation, and pursued unilateral American constraints on materials, most notably through the NNPA of 1978. Congress even abolished the JCAE, one of the most powerful Committees in history, because the JCAE did not appear sufficiently committed to nonproliferation and nuclear safety. The alignment of the two branches of government allowed both more room to push for the shared nuclear agendas.

International Response to U.S. Nonproliferation Efforts

When Carter first came into office, the U.S. had positive relationships with most European nations. However, unlike his predecessors who put geopolitical relations before

⁸⁷ See the dissenting view of Representative George E. Brown, Jr. in 94th Congress, Second Session, House of Representatives, Report No. 94-1613, Joint Committee on Atomic Energy, “The Nuclear Explosive Proliferation Control Act of 1976,” 18 September 1976.

⁸⁸ The Bolling Committee was part of a broader House push to reform the power dynamics in Congress by reducing the significance of committees, increasing the power of subcommittees, and more generally spreading power across all members of the House. Oppenheimer, Bruce I., “Policy Effects of U.S. House Reform: Decentralization and the Capacity to Resolve Energy Issues,” *5 Legislative Studies Quarterly* 1 (February 1980), 7-8.

⁸⁹ 42 U.S. Code § 2258, “Joint Committee on Atomic Energy Abolished,” 20 September 1977. See also Gibson, 266-269.

nonproliferation policy, Carter's prioritization of nonproliferation threatened to disrupt these relationships.⁹⁰ German and French leaders expressed trepidation over Carter's campaign promises about how U.S. nuclear nonproliferation policy would change under his tenure.⁹¹ When the 1978 Nuclear Nonproliferation Act passed, requiring Carter to renegotiate fuel agreements, many allies grew hostile. Opposition came in two main categories. First, nations disagreed with Carter on how to approach proliferation. Second, the international community believed the U.S. laws infringed on the right to nuclear energy.

The U.S. and its allies had very different views on how to prevent proliferation. The U.S. approached proliferation as a technical issue, while its allies preferred the U.S. instead address the political reasons behind a state's decision to pursue nuclear weapons.⁹² In particular, the Europeans advocated addressing military insecurity and a state's lack of allies.

Carter's policies created discord in the international community. When his team first developed its supplier policies in 1977, reports suggested that the U.S. would lose out on export opportunities and seriously strain relations, especially with developing countries.⁹³ Additionally, analysts argued that France, Germany, and Japan would be particularly hurt from the U.S. rules on uranium enrichment plants and reprocessing

⁹⁰ For a historical analysis of atomic energy developments in Europe, including the technological relations between the U.S. and Europe, see Nau, Henry R., *National Politics and International Technology: Nuclear Reactor Development in Western Europe* (Baltimore: The Johns Hopkins University Press, 1974), 43-123.

⁹¹ Carter Presidential Library. Donated Historical Materials-Mondale, Walter F., Box 227, Folder 4. "Intelligence Memorandum: Foreign Perceptions of the Incoming US Administration," Central Intelligence Agency, 7 January 1977.

⁹² Carter Presidential Library. White House Central Files-Subject Files, Box 65, Folder 1. "March/April 1980 Nonproliferation Survey," State Department, 11 April 1980.

⁹³ Carter Presidential Library. National Security Council Institutional Files, 1977-81, Box 64, Folder 1. "Political Perspectives on Key Global Issues," Central Intelligence Agency, March 1977.

facilities. France, for instance, believed that Carter's anti-plutonium stand would even interfere with its cherished nuclear independence.⁹⁴

U.S. allies were dismayed by the extent of Congressional involvement in the nonproliferation policies during Carter's presidency.⁹⁵ Congressional involvement contributed to a sense of unease that states would have to respond to both presidential and congressional policies and that there would be little continuity between the two.⁹⁶ Congress even declared its own nonproliferation and nuclear export policy.⁹⁷ The foreign policy decisions usually made in the executive branches of all other governments were being made, or at least heavily influenced, by the legislative branch in the U.S.⁹⁸ The 1977 bills on nonproliferation policy "all contemplated diplomatic initiatives to win the agreement of other countries for export controls."⁹⁹ Diplomatic initiatives were a tool of foreign policy almost solely residing in the executive branch of most other states. Richard Nixon himself observed that the president's power was far more circumscribed than that of other world leaders.¹⁰⁰ Congress passed laws to significantly reduce the president's

⁹⁴ Lellouche, Pierre, "Giscard's Legacy: French Nuclear Policy and Non-proliferation, 1974-81," in Boardman, Robert, and James F. Keeley, *Nuclear Exports and World Politics: Policy and Regime* (New York City: St. Martin's Press, 1983), 46.

⁹⁵ The variations of government makeup, such as the difference between the role of the British parliament versus the American congress may also have contributed to the confusion about the congressional role in Carter's nuclear policy. King, Anthony, "Modes of Executive-Legislative Relations: Great Britain, France, and West Germany," 1 *Legislative Studies Quarterly* 1 (February 1976), 11-36.

⁹⁶ Platt and Weiler, 194.

⁹⁷ Hearing before the Subcommittee on Arms Control, International Organizations, and Security Agreements of the Committee on Foreign Relations, United States Senate, Ninety-Fourth Congress, Second Session. S. Con. Res. 69, "Nuclear Reduction, Testing and Non-Proliferation," 18 March 1976.

⁹⁸ Müller, 28.

⁹⁹ Platt and Weiler, 148-149.

¹⁰⁰ Greene, John Robert, *The Limits of Presidential Power: The Nixon and Ford Administrations* (Bloomington: Indiana University Press, 1992), 233.

ability to adjust nonproliferation policy to political realities, including the needs and preferences of America's strongest allies.

After Carter's first year, analysts noted that there was 'unnecessary friction' with other states over his nonproliferation efforts.¹⁰¹ By the time the CIA released its 1979 report on the consequences of the nonproliferation efforts, the Carter and Congressional efforts were met with stiff resistance by most other states. A small group of countries, notably Norway, the Netherlands, Canada, and Australia, supported America's nonproliferation efforts. These states had their own energy reserves. They were not reliant on nuclear energy and supported strong nuclear nonproliferation policies.¹⁰² Yet the vast majority of states opposed the U.S. policies. The opposition fell into three main categories. The first category came from strong U.S. allies, including Great Britain, France, West Germany, and Japan. These allies all planned to use nuclear energy on a large scale, but did not have energy reserves and imported nuclear materials.¹⁰³ The U.S. attempted to enforce the NNPA requirement of 'prior consent' whereby the U.S. needed to consent before spent fuel could be reprocessed.¹⁰⁴ 'Prior consent' proved to be unduly burdensome on allies; they did not want to continually obtain permission from the U.S.

¹⁰¹ Carter Presidential Library, Plains File. Box 9, Folder 13. "NSC Report for 1977: A Critical Self-Appraisal," National Security Council, 13 January 1978.

¹⁰² "Foreign Reactions to US Nonproliferation Laws and Initiatives," 12 March 1979. CIA-RDP81B00080R001400180014-3. CIA Records Search Tool (CREST), National Archives and Records Administration, College Park, MD.

¹⁰³ Europe came to rely heavily on nuclear energy for power. By 2010, nearly 80% of electricity in France came from nuclear energy plants. Hodgson, Peter E., *Energy, the Environment and Climate Change* (London: Imperial College Press, 2010), 52.

¹⁰⁴ Müller, 27.

for their own nuclear energy endeavors. These states argued that U.S. laws seriously restricted their nuclear activities and threatened their energy security.¹⁰⁵

The second group of states opposed to Carter's nonproliferation policies were developing countries like Brazil and Niger that argued that the policies were discriminatory. They believed the U.S. stymied the rights of developing countries to access advanced nuclear technology and achieve energy independence.¹⁰⁶ For example, Carter pressed Germany to recant a nuclear deal with Brazil, and the Brazilian president responded that the statements were 'humiliating.'¹⁰⁷ These policies reinforced the idea that elites in Western countries were using the NPT and nonproliferation policies to maintain dominance in the political system.

The final category of states that opposed Carter's nonproliferation policies were the potential proliferators, the states Carter intended to target with the stringent new nonproliferation policies.¹⁰⁸ Notably, Israel and South Africa, known potential proliferators, worried that Carter's efforts could hurt their nuclear programs.

The 1980 report on the effects of U.S. nonproliferation policies on relationships with allies described increasing strains due to unilateral nonproliferation efforts. While the new laws and policies increased the awareness of the dangers of nuclear proliferation,

¹⁰⁵ "Foreign Reactions to US Nonproliferation Laws and Initiatives," 12 March 1979. CIA-RDP81B00080R001400180014-3. CIA Records Search Tool (CREST), National Archives and Records Administration, College Park, MD.

¹⁰⁶ Ibid.

¹⁰⁷ Carter Presidential Library. Donated Historical Materials-Mondale, Walter F., Box 227, Folder 4. "Intelligence Memorandum: Foreign Perceptions of the Incoming US Administration," Central Intelligence Agency, 7 January 1977.

¹⁰⁸ "Foreign Reactions to US Nonproliferation Laws and Initiatives," 12 March 1979. CIA-RDP81B00080R001400180014-3. CIA Records Search Tool (CREST), National Archives and Records Administration, College Park, MD.

“all but two countries (Canada and Norway) now consider the U.S. to be an unreliable partner in nuclear cooperation, forcing countries to find alternative sources of LEU [low enriched uranium] supply or go to natural uranium reactors which are less proliferation resistant than LWRs. Unilateralism, the NNPA and U.S. interference in their nuclear programs are singled out.”¹⁰⁹

The report went on to argue that many countries saw the U.S. nonproliferation laws as *overly* non-discriminatory. The laws treated every country as a potential proliferator. Thus, while the U.S. viewed the laws as impartial, allies saw the laws as penalizing all states in order to penalize a handful of potential proliferators.

Carter’s policies created a divide between the U.S. and the international community on how to prevent proliferation. Carter used valuable political capital to push for the widespread adherence to U.S. laws, but most European allies refused to incorporate all safeguards, continuing to act as suppliers to states that had yet to incorporate all the IAEA safeguards and complete IAEA review of all nuclear activities.¹¹⁰ Few states continued to view the U.S. as a reliable supplier.

The president is constrained in his ability to put forth an agenda item on the international stage based on the “degree of freedom” the president has on putting forth an “independent agenda” in a given international system.¹¹¹ Carter’s ability to set the nonproliferation agenda was always going to depend on the tolerance for that agenda in the broader international system. He failed to assess that the tolerance for his agenda was

¹⁰⁹ Carter Presidential Library. White House Central Files-Subject Files, Box 65, Folder 1. “March/April 1980 Nonproliferation Survey,” State Department, 11 April 1980.

¹¹⁰ Müller, 28.

¹¹¹ Peake, Jeffrey S., “Presidential Agenda Setting in Foreign Policy,” 54 *Political Research Quarterly* 1 (March 2001), 70.

generally low, and that tolerance reduced the support of other states for following Carter's leadership.

Carter as a Disruption

Carter entered the presidency planning to disrupt the status quo in nonproliferation policy. Although most presidents pursued some strategies to inhibit proliferation, Carter believed that his predecessors failed to put in place sufficient measures to assure the U.S. would not contribute to proliferation.¹¹² He wanted to create "the nation's first post-Cold War strategy."¹¹³ Not only did he attempt to downgrade the prominence of the Soviet Union in American foreign policy, he supported laws that would assure that the U.S. would no longer sacrifice its principles. The U.S. valued human rights, supported democracy, and rejected authoritarianism. He viewed eliminating the danger emanating from U.S. nuclear policies as a moral imperative. By strengthening unilateral nonproliferation policies and increasing the safety of nuclear plants, Carter would create a better, safer America.

Although Carter aligned with Congress and citizens, he failed to gain support among U.S. allies for his nonproliferation initiatives. Instead of working with other states in developing policies which could be mutually beneficial, Carter's policies hurt allies without providing benefits. These and other restraints created a rift between the U.S. and

¹¹² Gavin, "Strategies of Inhibition," 11.

¹¹³ Sargent, Daniel J., *A Superpower Transformed: The Remaking of American Foreign Relations in the 1970s* (New York City: Oxford University Press, 2015), 11.

the states it supplied. Carter tried to convince his counterparts that his policies were in the best interest of all, but in effect he hurt U.S. relationships with many of its allies.

Part II

Soviet Invasion of Afghanistan

On December 24th, 1979, the Soviets invaded Afghanistan, deposing the Afghan leader Hafizullah Amin and imposing Babrak Karmal as a figurehead.¹¹⁴ Overwhelmed by the energy crisis, a weak dollar, the failing SALT II agreement, and an aggressive Soviet Union, Carter no longer had the will or political capital to continue pursuing many of the goals of his early presidency.¹¹⁵ The invasion forced him to reassess his objectives, including his attempt to downplay the significance of Cold War in American foreign policy.

In the lead up to the invasion of Afghanistan, the Soviets told the Carter administration that the world was shifting in a way that was making it “more complex.”¹¹⁶ The Soviet officials wanted the Carter administration to understand that their actions may expand beyond their current sphere of influence. The “positive changes” in the world, according to the Soviet Union, included a “fundamental

¹¹⁴ Carter Presidential Library. Brzezinski Material: Schecter/Friendly (Press) File, Box 6, Folder 6. “Chronology of Recent Developments Related to Afghanistan,” May 1980. Gaddis, John Lewis, *The Cold War: A New History* (New York City: Penguin Books, 2005), 210.

¹¹⁵ Kaufman, Burton I., *The Presidency of James Earl Carter, Jr.* (Lawrence: University Press of Kansas, 1993), 151-153.

¹¹⁶ Carter Presidential Library. Brzezinski Material: Office File. Box 82, Folder 2. “Soviet-American Relations: The Outlook of Brezhnev’s Successors. An Intelligence Assessment,” 9 November 1979.

alteration” in the correlation of forces of the world in favor of socialism.¹¹⁷ It wanted to bolster socialist gains, in its sphere of influence and beyond. However, the Soviets argued to their American counterparts that détente was still feasible. They wanted to simultaneously strengthen Soviet gains but continue friendly relations with the U.S.

When the Soviets launched a full-scale invasion of Afghanistan in December of 1979, President Carter altered U.S. policy towards Afghanistan. He determined that Afghanistan was significant in two ways.¹¹⁸ First, the Soviets could not be allowed to expand beyond the Iron Curtain. Second, the invasion was a threat to America’s strategic goals in Western Asia and the Middle East.¹¹⁹ Carter declared that “we must recognize the strategic importance of Afghanistan to stability and peace. A Soviet-occupied Afghanistan threatens both Iran and Pakistan and is a steppingstone to possible control over much of the world’s oil supplies.”¹²⁰ Historically, the U.S. did not consider Afghanistan strategic to the interests of the United States, but the invasion made it strategically significant.

¹¹⁷ Carter Presidential Library. Brzezinski Material: General Odom File. Box 59, Folder 6. Memo for Gates from Odom, “CIA Paper on U.S./Soviet Relations,” 27 November 1979. See also Johnson, John, “Correlation of Forces,” 2 *Harvard International Review* 6 (March 1980), 7. The Soviets had made this point since at least 1975.

¹¹⁸ Vance, Cyrus, *Hard Choices: Critical Years in America’s Foreign Policy* (New York City: Simon and Schuster, 1983), 391.

¹¹⁹ Kaufman, 163.

¹²⁰ Carter, Jimmy, “Address to the Nation on the Soviet Invasion of Afghanistan,” 4 January 1980, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=32911>.

Carter Responds to the Soviet Invasion

In February of 1979, the Carter administration determined that the Soviets believed the U.S. would not respond to Soviet provocation in the third world.¹²¹ The Soviets were wrong. The administration experienced infighting between Brzezinski and Secretary of State Cyrus Vance over how to respond. For Brzezinski, the invasion highlighted the Soviet Union's goals for the region, while Vance believed the invasion likely was nuanced and was in large part a defensive response and a sign of Soviet insecurity.¹²² Carter believed that if the Soviets acted outside the bounds of the Cold War without repercussions, they would move into other states such as Pakistan and into the Persian Gulf.¹²³ Carter's team immediately worked to develop actions that could shame the Soviets into withdrawing from Afghanistan.

The Soviet invasion brought attention to the mounting tensions between the U.S. and many of its Western allies. The U.S., the U.K., and Canada "believed that the continental Europeans were not prepared to face the hard political decisions the crisis involved, while the Europeans had reservations about the way the United States was handling it."¹²⁴ Though there was a limited international response in the form of an Olympic boycott, the lack of a unified response highlighted a fracture between the U.S. and its allies.¹²⁵ The

¹²¹ Carter Presidential Library. Brzezinski Material: Country File. Box 85, Folder 4. Memo for Brzezinski from Griffith, "Soviet Policy in the Third World," 27 February 1979. See also Vance, 389.

¹²² Glad, 204-205.

¹²³ In the State of the Union, Carter affirmed the U.S. commitment to the security of the Persian Gulf. Brzezinski, 430-443. Brzezinski noted in his memoirs that he never expected some of the actions, like the grain sanctions, would actually cause the Soviets to leave Afghanistan.

¹²⁴ Spencer, Robert, "Alliance Perceptions of the Soviet Threat," in Schweitzer, Carl-Christopher, *The Changing Western Analysis of the Soviet Threat* (New York City: St. Martin Press, 1990), 41.

¹²⁵ Carter Presidential Library. Brzezinski Material: Brzezinski Office File. Box 1, Folder 8. Cable for Secretary of State, "Post-Afghanistan Sanctions: Some Thoughts on Strategy," July 1980. See also Meyer, Evelyn S., "The Olympic Games and World Politics: A Select Annotated Bibliography," 23 *RQ* 3 (Spring

Europeans believed Americans were overly reliant on the threat of force, and the Americans believed that the Europeans were overly reliant on diplomacy, even if it resulted in ‘Finlandization’ or giving in to Soviet pressure.¹²⁶ Although Carter hoped to lead the Europeans in pressuring the Soviets as a unified group, he assessed that the U.S. must respond with or without the backing of the Europeans.

Carter’s decision to arm the Pakistanis meant that the administration had to go back on some of its strongest nonproliferation policies. When faced with a Cold War objective, Carter reversed his position on downgrading the significance of the Soviet Union in American foreign policy and readjusted the ordering of his objectives. Carter’s reassessment extended beyond arming the Pakistanis; he chose Cold War objectives over nonproliferation objectives by sending nuclear materials to India despite its burgeoning nuclear program.

1984), 298; Carter, Jimmy, “‘Meet the Press’ Interview with Bill Monroe, Carl T. Rowan, David Broder, and Judy Woodruff,” The American Presidency Project, 20 January 1980. See also Carter, Jimmy, “Address to the Nation on the Soviet Invasion of Afghanistan,” The American Presidency Project, 4 January 1980, when Carter first hinted at a boycott. See Civiletti, Benjamin R., “Authority of the United States Olympic Committee to Send American Teams to the 1980 Summer Olympics, 10 April 1980,” *Opinions of the Office of the Legal Counsel of the United States Department of Justice, Volume 4A* (Washington: U.S. Government Printing Office, 1980). Carter failed to gain international support for his grain embargo. Carter Presidential Library. Staff Material: Office. Box 2, Folder 18. National Security Council Meeting, “Iran, Christopher Mission to Afghanistan, SALT and Brown Trip to China,” 2 January 1980. See also Paarlberg, Robert L., “Lessons of the Grain Embargo,” *59 Foreign Affairs* 1 (Fall 1980), 144-162; Carter, *White House Diary*, 393; Vance, 392; Carter Presidential Library. Brzezinski Material: Brzezinski Office File. Box 12, Folder 4. Memo from Brzezinski to Carter, “Western European Reaction to U.S.-Soviet Tension in Wake of Afghan Crisis,” 7 January 1980. Carter Presidential Library. Staff Material: Office. Box 131, Folder 4. Memo from Brzezinski to Carter, “NSC Meeting,” 18 March 1980.
¹²⁶ Geert Siccama, Jan, “Towards a European Defense Entity,” Alford, Jonathan, and Kenneth Hunt, *Europe in the Western Alliance: Towards a European Defense Entity?* (New York City: St. Martin’s Press, 1988), 13-19.

Carter's Nonproliferation Policy Adjusts to the International Environment

After the invasion, the most significant alteration Carter made to his foreign policy in light of the invasion was reversing nonproliferation policy. In his first two years, Carter worked to end U.S. policies that could directly or indirectly contribute to the development of a nuclear weapons program. However, when confronted with the danger of a Soviet Union bent on expanding its power beyond the traditional scope of the iron curtain, Carter was willing to abandon measures intended to prevent proliferation to combat the Soviets. Carter's nonproliferation objectives conflicted with Cold War objectives, and Carter was forced to choose.¹²⁷ This crisis forced Carter to put geostrategic objectives before nonproliferation objectives, just like Nixon and Ford.

Carter's nonproliferation policies directly impacted Pakistan. The administration understood that Pakistan held a strategic position geographically, and even worked for peace in the region. For example, in June of 1978, Carter discussed in his diary the possibility of working out an Afghan-Iranian-India-Pakistani peace agreement.¹²⁸ He hoped for a future where Pakistan would be secure. Yet the Pakistani nuclear program posed a serious problem for U.S. nonproliferation goals. Pakistani officials decided, in light of the Indian nuclear test in 1974, that they would pursue the first "Islamic Bomb." U.S. analysts believed that a Pakistani nuclear program would disrupt both U.S.

¹²⁷ Gavin, "Strategies of Inhibition," 36.

¹²⁸ Carter, Jimmy, *White House Diaries* (New York City: Farrar, Straus and Giroux, 2010), 200.

nonproliferation goals and the security balance in the Middle East and Persian Gulf.¹²⁹ In this respect, nonproliferation objectives and strategic objectives aligned.

On March 1, 1979, Ambassador to Pakistan Arthur W. Hummel, Jr. argued that the U.S. relationship with Pakistan wouldn't "survive satisfactorily the imposition of the Symington Amendment and the renewed suspension of aid."¹³⁰ Pakistan wanted to 'de-link' U.S. aid to Pakistan from the nuclear weapons issue.¹³¹ However, American laws precluded de-linking the U.S.-Pakistan relationship from the nuclear issue, even though the administration recognized that if it cut all aid, the Pakistanis could develop a closer relationship with the Soviets.¹³² Even though the nuclear program had the ability to disrupt the strategic balance in the region, combatting the Pakistani program could end up strengthening the Soviets.

In May of 1979, the CIA Foreign Assessment Center compiled a report on the problems and prospects of limiting arms to South Asia, most notably to Pakistan. The Center evaluated that in order for Pakistan to be defended and secure, it would need U.S. aid, and without aid, Pakistan, and potentially the region, could become less stable. The

¹²⁹ Carter Presidential Library. National Security Council Institutional Files, 1977-1971. Box 74, Folder 3. "Interagency Working Group Paper. South Asian Nuclear and Security Problems: Analysis of Possible Elements in a US Strategy," 28 March 1979.

¹³⁰ Carter Presidential Library. Brzezinski Material: President's Daily Report File. Box 9, Folder 8. Memo for Carter from Brzezinski, "Daily Report," 1 March 1979.

¹³¹ Carter Presidential Library. National Security Council Institutional Files, 1977-1971. Box 75, Folder 5. "Issue Paper: U.S. Nuclear Strategy Toward India and Pakistan," 16 May 1979.

¹³² Carter Presidential Library. Plains File. Box 10, Folder 7. Special Coordination Committee Meeting, "Pakistan/Saudi Arabia," 6 February 1980.

CIA assessed that the administration would have to work around U.S. law in order to send Pakistan arms.¹³³

As 1979 progressed, Carter recognized that Pakistan would be better off with American aid. Yet he was restricted from providing aid by the very laws that he supported, notably a law prohibiting arms sales to potential proliferators and human rights violators. The best way to get around the law was for Pakistan to stop pursuing nuclear weapons, so Carter hoped to cut off Pakistan's nuclear suppliers and convince Pakistan to suspend its program.¹³⁴ Carter urged France to discontinue nuclear shipments to Pakistan.¹³⁵ Carter also took the diplomatic approach, pursuing a commitment from Pakistan that it would not conduct a nuclear explosive test and that the program was peaceful in nature. Carter requested that President Zia of Pakistan give written confirmation that Pakistan did not have the capability to conduct a peaceful nuclear explosion or nuclear weapons test.¹³⁶

Zia did not give Carter all the nonproliferation commitments he requested. In his August 9, 1979 letter, Zia assured that "Pakistan has no intention of acquiring or

¹³³ Carter Presidential Library. Staff Material: Global Issues. Box 5, Folder 11. Central Intelligence Agency National Foreign Assessment Center, "Limiting Conventional Arms Transfers to the South Asian Subcontinent: Problems and Prospects," 19 May 1978.

¹³⁴ Interestingly, there was a political disagreement within Pakistan in 1978 and 1979 that Zia was not committed to the nuclear weapons program and would potentially barter it away from economic or military aid. The Carter administration didn't appear to recognize this conflict. Sokolski, Henry D., and Bruno Tertrais, (eds), *Nuclear Weapons Security Crisis: What Does History Teach?* (Carlisle: Army War College Press, 2013), 157.

¹³⁵ Carter Presidential Library. National Security Council Institutional Files, 1977-1971. Box 74, Folder 3. "Interagency Working Group Paper. South Asian Nuclear and Security Problems: Analysis of Possible Elements in a US Strategy," 28 March 1979. Saudi Arabia was a vocal critic that the U.S. was trying to prevent a Muslim bomb while the U.S. accepted that Israel could have a bomb. See also Carter Presidential Library. Plains File, Box 9, Folder 13. Memo for Carter from Brzezinski. "NSC Report for 1977: A Critical Self Appraisal," 12 January 1978.

¹³⁶ Carter Presidential Library. Brzezinski Material: Brzezinski Office File. Box 37, Folder 5. Memo for Brzezinski, "Letter of August 9 from President Zia of Pakistan to President Carter," 27 August 1979.

manufacturing nuclear weapons,” but he refrained from precluding Pakistan from pursuing PNEs. The U.S. soon had intelligence that Pakistan had no intention of honoring Zia’s assurances against developing nuclear weapons. President Zia himself gave a public speech only weeks later explaining that Pakistan was pursuing nuclear weapons. He critiqued the system by which some states are allowed nuclear weapons while others are not as discriminatory against poor countries like Pakistan.¹³⁷ He argued that Pakistan needed nuclear technology in order to “improve the lot of its people.” Zia ended his speech by proclaiming that Pakistan has accepted IAEA safeguards. The speeches made Carter’s job even more difficult. U.S. law prohibited Carter from arming potential proliferators. With public proclamations, he could not plausibly deny that Pakistan was a proliferator. Carter needed to cut off aid to Pakistan.

Both working to end the Pakistani nuclear program while declaring that America supported Pakistani security proved untenable. As the Soviets increased their presence in Afghanistan, Pakistan became less and less secure. By November 1979, the Pakistani Ambassador opined that Pakistan may even be willing to halt its enrichment activities in order to receive significant economic and military aid.¹³⁸ However, since the Carter administration hadn’t offered specifics on the aid Pakistan would receive in exchange for the moratorium, it did not alter its nuclear program. It had little faith that the U.S. would be a reliable ally even if it ended its nuclear program.

¹³⁷ Carter Presidential Library. Brzezinski Material: Trip File. Box 38, Folder 1. Telegram for the Vice President, “Current Reports,” 1 September 1979.

¹³⁸ Carter Presidential Library. Brzezinski Material: Staff Evening Reports File. Box 25, Folder 5. Memo for Brzezinski, “Global Issues: Evening Report,” 28 November 1979.

The Administration Grapples with the Symington Amendment

The U.S. Congress passed the Symington Amendment to the Foreign Assistance Act of 1961 in June of 1976.¹³⁹ The amendment prohibited the U.S. from providing economic or military assistance to any country giving or receiving nuclear technology that wasn't under strict, international safeguards. For instance, the U.S. would be prohibited from acting as a conventional weapons supplier to any state pursuing a covert nuclear program. The amendment went into effect on August 4, 1977.

By March 9, 1979, Carter's Policy Review Committee (Review Committee or PRC) met to discuss the future of U.S. policy on Pakistan. The Review Committee assessed the Pakistani program could have nuclear weapons within 3-5 years. It estimated that the Pakistanis would have enough nuclear material for a nuclear explosion by the first quarter of 1982.¹⁴⁰ In a later Review Committee meeting, it estimated that Pakistan would be able to test as early as 1983.¹⁴¹ In the March 9th meeting, the policymakers discussed how to comply with the Symington Amendment, what strategy to use to prevent the Pakistanis from securing nuclear material for its weapons program, how to get the Pakistanis to agree to halt the program, and finally, how to achieve these first three objectives while maintaining a good relationship with Pakistan.¹⁴²

¹³⁹ See the Symington Amendment, Section 669, *Foreign Assistance Act of 1961*, P.L. 87-195, 4 September 1961. See also the Glenn Amendment, Section 670, *Foreign Assistance Act of 1961*, P.L. 87-195, 4 September 1961, which prohibits giving aid to a country participating in the transfer of nuclear reprocessing technology, and the transfer of explosive devices or nuclear weapons.

¹⁴⁰ Carter Presidential Library. National Security Council Institutional Files, 1977-1971. Box 73, Folder 6. "Minutes: PRC Meeting on Pakistan," 9 March 1979.

¹⁴¹ Carter Presidential Library. National Security Council Institutional Files, 1977-1971. Box 74, Folder 3. "PRC Meeting on Pakistan," 28 March 1979.

¹⁴² Carter Presidential Library. National Security Council Institutional Files, 1977-1971. Box 73, Folder 6. "Minutes: PRC Meeting on Pakistan," 9 March 1979.

Deputy Secretary of State Warren Christopher told the Review Committee that the U.S. had photographic evidence of the transfer of critical equipment and materials needed to build a nuclear weapon. While Deputy National Security Advisor David Aaron stated that he didn't believe that Pakistani actions would automatically trigger the Symington Amendment, Director of Central Intelligence Admiral Stansfield Turner argued that the Pakistanis didn't have a nuclear power program that needed that type of enriched uranium.¹⁴³ The enriched uranium was most likely bound for a nuclear weapons program, triggering the Symington Amendment.

The Review Committee members theorized ways to circumvent the amendment.¹⁴⁴ One person proposed urging Congress to change the amendment language; another argued that Carter could request a one-year moratorium on implementing the amendment. Assistant Secretary for Developing Nations David McGiffert proposed that saying that Pakistan had yet to decide that it would pursue nuclear weapons and leave the details of the program ambiguous.

Christopher argued that the U.S. would not be allowed to enter into any new agreements with Pakistan without putting the person signing the agreement under legal jeopardy.¹⁴⁵ The Symington Amendment was law, and the administration could not single-handedly choose to ignore the law. In the end, the Committee members agreed that, since the Symington Amendment had been triggered, it would push for as lax an implementation of the amendment provisions as possible.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

On March 28, 1979, the Review Committee discussed three options for dealing with Pakistan's nuclear weapon program. These included sanctioning Pakistan, renouncing both Pakistan and India so as not to appear biased against only Pakistan, or establishing a U.S.-Pakistan security arrangement to increase Pakistan security and decrease the need to build a defensive nuclear capacity. However, the Review Committee argued that none of the options were likely to succeed, and proposed bringing up the Pakistani program at the UN Security Council. It hoped that by highlighting the program at a world forum, the meeting might galvanize the creation of a multilateral coalition to "solve" the problem of the Pakistani program.¹⁴⁶

The Review Committee debated whether the U.S. should enter into a new, open-ended security commitment with Pakistan.¹⁴⁷ It was concerned that any such commitment would draw the U.S. into a Pakistani conflict with India or Afghanistan. It suspected that the only type of treaty the Pakistanis would value was one that would essentially alienate India. Such an agreement would be nearly impossible to sell to Congress and the public. Even if it were possible to come to an agreement palatable to the U.S. and Pakistan, it would be difficult to convince Congress that Pakistan was strategically important enough to justify a new commitment.

¹⁴⁶ Carter Presidential Library. National Security Council Institutional Files, 1977-1971. Box 74, Folder 3. "UN Security Council Option," 28 March 1979.

¹⁴⁷ Carter Presidential Library. National Security Council Institutional Files, 1977-1971. Box 74, Folder 3. "Interagency Working Group Paper. South Asian Nuclear and Security Problems: Analysis of Possible Elements in a US Strategy," 28 March 1979.

Carter Reassesses

The Soviet invasion caused Carter to reassess some of his strongest proliferation-related policies. He reprioritized the Soviet Union, designating it as a much greater threat to international security than his administration originally believed.¹⁴⁸

The Soviet incursion into Afghanistan rattled the Pakistani leadership. Already under threat from the Indians, the Pakistanis believed that they'd soon be attacked by the Soviets, the Indians, or both.¹⁴⁹ Carter agreed that without arms, Pakistan would not be able to protect itself. The administration thought that the Soviets might even attempt to conquer Pakistan, then move into Iran, expanding the scope of the conflict into the Persian Gulf.¹⁵⁰ Any expansion of the war would require military force on the part of the U.S. to protect the oil fields; the policy to preserve access to oil became known as the Carter Doctrine.¹⁵¹ More and more, Carter came to recognize that he had no choice but to focus on containing the Soviets.

The CIA and State Department's reported to Brzezinski that while the Soviet invasion of Afghanistan wasn't threatening the internal stability of Pakistan, the key to 'doing something' in Afghanistan was Pakistan, and Carter couldn't give aid to Pakistan because of the Symington Amendment and Section 502B.¹⁵² Carter could get around Section 502B of the Foreign Assistance Act with little problem simply by avoiding

¹⁴⁸ Tony Judt quoting a *New York Times* article from January 1, 1980, in Judt, Tony, *Postwar: A History of Europe Since 1945* (New York City: Penguin Books, 2005) at 590.

¹⁴⁹ Carter Presidential Library. Plains File. Box 10, Folder 7. Special Coordination Committee Meeting, "Pakistan/Saudi Arabia," 6 February 1980.

¹⁵⁰ Carter Presidential Library. Staff Material: Defense/Security. Box 206, Folder 5. Memo, Welch to Brzezinski, "Soviet Union Moves into Iran—Next Steps," 26 February 1980.

¹⁵¹ Carter, *White House Diary*, 394-395.

¹⁵² Carter Presidential Library. Staff Material: North/South. Box 102, Folder 1. Memo for Brzezinski from Thornton and Bremet, "PRC on West Africa," 27 December 1979.

naming Pakistan as a gross violator of human rights. Getting around the Symington Amendment required an explicit reversal of policy.

The discussions on the Symington Amendment took on new urgency in the days after the Soviet invasion. While the NSC spent over a year discussing the nuances of the Symington Amendment leading up to the invasion, the Soviet takeover forced the team into making decisions. In a meeting on December 27, 1979, the NSC discussed how to get around the Pakistani nuclear program to give Pakistan aid.¹⁵³ When Secretary of Defense Harold Brown suggested that the U.S. make a distinction between the nuclear program that Pakistan has and the nuclear program that Pakistan was developing, Secretary of State Cyrus Vance responded that the distinction would not matter. The U.S. nonproliferation legislation made no distinction between enrichment programs and testing. The amendment would be triggered either way.

Carter's Review Committee considered requesting a revision of the Symington Amendment from Congress. It rejected asking for a repeal of the amendment, but recognized that keeping the amendment in place would not force Pakistan to give up its nuclear program, and it would injure America's ability to act.¹⁵⁴ The Review Committee agreed to seek a waiver of the Symington amendment and arm the Pakistanis; U.S. nonproliferation goals would have to suffer in order to combat the spread of the Soviet empire.¹⁵⁵

¹⁵³ Carter Presidential Library. Staff Material: North/South. Box 102, Folder 1. Memo for Brzezinski from Thornton, "PRC Minutes: Southwest Asia," 27 December 1979.

¹⁵⁴ Ibid.

¹⁵⁵ Some decision makers, such as the NSC staffer Marshall Bremant, believed that nonproliferation goals wouldn't necessarily suffer by arming Pakistan. Carter Presidential Library. Staff Material: North/South.

The administration tried to bolster support in Congress for arming Pakistan. Initially, Congress supported Carter's initiatives but by the beginning of February 1980, the Special Coordination Committee (a crisis management policy making committee within the NSC) determined that Congress was confused about Carter's plan.¹⁵⁶ It questioned whether the administration had a comprehensive, actionable policy which would strengthen Pakistan.

The administration also calculated it needed European allies to support any major initiatives. Carter wanted to "make it clear that we in the West now regard the Persian Gulf as an area that is of critical importance to our long-term vital security interests" in case the Soviets moved into Pakistan or Iran.¹⁵⁷ He used diplomacy, sending letters to many European countries and Japan, and had Vance discuss support for Pakistan at a meeting of foreign ministers.¹⁵⁸

The administration hoped to rely on Arab allies as well. It approached Saudi Arabia to contribute aid to Pakistan. The Saudis were receptive, agreeing on the condition that the U.S. would speed up arms shipments to Saudi Arabia. The Pakistanis even theorized, for a time, that they may pursue a primarily "Islamic option" of security

Box 98, Folder 5. Memo for Brzezinski from Thornton and Brent, "PRC on West Africa," 27 December 1979.

¹⁵⁶ Carter Presidential Library. Plains File. Box 10, Folder 7. Special Coordination Committee Meeting, "Pakistan/Saudi Arabia," 6 February 1980.

¹⁵⁷ Carter Presidential Library. NSC Institutional Files, 1977-1981. Box 122, Folder 9. Letter of Jimmy Carter to Helmut Schmidt, Undated but context indicates February 1980.

¹⁵⁸ Carter Presidential Library. Plains File. Box 10, Folder 7. Special Coordination Committee Meeting, "Pakistan/Saudi Arabia," 6 February 1980. See, for instance: Carter Presidential Library. NSC Institutional Files, 1977-1981. Box 122, Folder 9. Letters of Jimmy Carter to Helmut Schmidt and Margaret Thatcher, Undated but context indicates February 1980.

support from states in the Islamic Conference.¹⁵⁹ Despite the proposed “Islamic option,” the Carter administration was realistic. It knew it “had no choice but to become the “integrator” of a defense package for Pakistan.”¹⁶⁰ To combat the Soviets, the U.S. would need to arm the Pakistanis.¹⁶¹

The decision to arm the Pakistanis came with much deliberation because it was such a dramatic reversal of one of Carter’s most closely held beliefs. Withholding American support for countries pursuing nuclear weapons could serve as an impetus for those states to refrain from weapons development. At the very least, withholding support for a proliferator would align American values with American actions. In light of the Soviet invasion of Afghanistan, Carter had to reconsider his priorities. He hoped to downplay the significance of the Soviet Union in American foreign policy, yet the invasion forced him to make the Soviets central to his policies. In the process, he downgraded a variety of his former policy positions, including his commitment to nuclear nonproliferation, in order to fight a more pressing battle.

The relationship between the U.S. and the Soviets continued to deteriorate as the U.S. made that tough decision to arm the Pakistanis. Talks between Soviet and American officials took a hostile tone. For instance, the administration received a harsh letter from Soviet Minister of Foreign Affairs Andrei Gromyko on February 16, 1980, in which

¹⁵⁹ The Islamic Conference of Foreign Ministers is made up of representatives from the Organization of Islamic Cooperation, which at the time was composed of the majority of Islamic states.

¹⁶⁰ Carter Presidential Library. Plains File. Box 10, Folder 7. Special Coordination Committee Meeting, “Pakistan/Saudi Arabia,” 6 February 1980.

¹⁶¹ See Carter, *White House Diaries*, 391. See also Goshko, John M., “U.S. Forging Ahead on Aid to Pakistan,” *The Washington Post*, 19 January 1980. Carter offered Pakistan a \$400 million defensive aid package over two years, which Zia turned down, declaring it peanuts. President Reagan obtained a waiver from Congress on the Symington amendment in 1981. See “Aid for Pakistan,” *CQ Almanac 1987, 43rd Ed.* (Washington, DC: Congressional Quarterly, 1988), 168-169. Available at: <http://library.cqpress.com/cqalmanac/cqal87-1144691>.

Gromyko stated that the U.S. was the reason that the Soviets were in Afghanistan in the first place.¹⁶² Gromyko took an aggressive tone when meeting with the new Secretary of State Edmund Muskie on May 16, 1980. He accused Carter of disrupting U.S.-Soviet relations, failing to gain approval of SALT II, trying to achieve military gains in Europe, building its relationship with China to threaten the Soviets, and striving to gain superiority over the Soviet Union. Whenever Muskie attempted to argue that the Soviets brought disruptions upon themselves, Gromyko doubled down that the “situation” in Afghanistan was an “internal matter” and America had no business responding.¹⁶³

When speaking with the Americans, Soviet leaders refused to flinch when it came to their incursion into Afghanistan. They viewed the invasion as outside the purview of American interests. They claimed Carter’s initiatives were unnecessary, and that the U.S. was needlessly escalating the Cold War. No American diplomat was holding his own against Gromyko, and the administration grew disillusioned about its ability to alter Soviet behavior.

By the end of May, the administration believed it reached a stalemate.¹⁶⁴ The NSC assessed that the American grain embargo and the Olympic boycott were unsuccessful. Neither caused the Soviets to leave Afghanistan.¹⁶⁵ Pakistani President Zia allowed Carter to use Pakistan to funnel military equipment to rebels in Pakistan, but

¹⁶² Carter Presidential Library. Plains File. Box 5, Folder 1. Letter from Gromyko to Secretary of State, 16 February 1980.

¹⁶³ Carter Presidential Library. Plains File. Box 5, Folder 1. “Meeting Between Secretary of State Muskie and Foreign Minister Gromyko,” 16 May 1980.

¹⁶⁴ Kaufman, 190.

¹⁶⁵ Carter Presidential Library. Brzezinski Material: General Odom File. Box 1, Folder 4. Memo for Vice President, “Discussion Paper for PRC Meeting,” 29 May 1980.

rejected Carter's defense package as insufficient.¹⁶⁶ Zia argued that the \$200 million yearly package was not enough to keep Pakistan safe, and would instead entice the Soviets into attacking a U.S.-backed Pakistan.¹⁶⁷

Carter rebuffed calls in Congress to increase the defense budget beyond the original projections in light of the invasion. The administration assessed that the Soviets were increasing their defense budget by 5% per year, but still decided to pursue a plan of underinvestment for defense.¹⁶⁸ Though Carter campaigned to decrease the defense budget by as much as 5%, most members of Congress believed he would alter his commitment to defense cuts in light of the instability in the Afghanistan and the Middle East.¹⁶⁹ Concerns about Carter's resolve in Afghanistan increased when Carter tried to delete many of the FY1981 "add-ons" included in the Congressional budget for the military. With the deletion of the "add-ons," the budget that was much smaller than the House Armed Services Committee believed was necessary for military capabilities.¹⁷⁰ The American people were already pessimistic about the ability of the government to solve problems, which weighed on Carter.¹⁷¹ The administration no longer seemed to be

¹⁶⁶ Carter, *White House Diaries*, 401.

¹⁶⁷ Gwertzman, Bernard, "Washington Plans \$500 Million in Aid for Pakistanis," *New York Times*, 24 March 1981, available at: <http://www.nytimes.com/1981/03/24/world/washington-plans-500-million-in-aid-for-pakistanis.html>.

¹⁶⁸ Gray, Colin S., and Jeffrey G. Barlow, "Inexcusable Restraint: The Decline of American Military Power in the 1970s," 10 *International Security* 2 (Fall 1985), 31.

¹⁶⁹ Auten, 82-83.

¹⁷⁰ Jones, Frank L., *Letort Paper: A "Hollow Army" Reappraised: President Carter, Defense Budgets, and the Politics of Military Readiness* (Carlisle: U.S. Army War College, 2012), 5-6. See also Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. FM MSS1. Box 88, Folder 5. Reagan Bush Committee: Defense, received 3 October 1980.

¹⁷¹ Johnson, Haynes, *In the Absence of Power: Governing America* (New York City: The Viking Press, 1980), 282.

fighting for the Soviets to leave, and by July 1980, both Americans and their allies were resigned to the Soviets staying in Afghanistan past six months.¹⁷²

Carter and the Limits of Linkage

Carter's nuclear goals always included protecting the American public from nuclear dangers, be they from nuclear energy, proliferation, or the chance of a nuclear strike. While Carter deprioritized the Soviet Union, the administration did invest time and resources into negotiations to limit the chance of nuclear war with the Soviets through SALT II. However, just as the Soviet invasion of Czechoslovakia interfered with ratification of the NPT, the Soviet invasion of Afghanistan interfered with U.S. ratification of SALT II.¹⁷³

After American and Soviet leaders came to the SALT I agreement, they moved on to negotiate SALT II. After the 1972 SALT I agreement, analysts assessed that the Soviets quadrupled the number of warheads on their ballistic missiles.¹⁷⁴ SALT II was a particularly difficult negotiation because it addressed ICBMs (intercontinental ballistic missiles) and MIRVs (multiple independently targetable reentry vehicles).¹⁷⁵ Negotiators in SALT II also had to eliminate the ambiguities in SALT I, such as the failure to define "heavy bombers," to assure the Soviets could not take advantage of loopholes and pursue

¹⁷² Carter Presidential Library. Brzezinski Material: Brzezinski Office File. Box 1, Folder 8. Cable for Secretary of State, "Post-Afghanistan Sanctions: Some Thoughts on Strategy," July 1980.

¹⁷³ See, generally, Talbot, Strobe, *Endgame: The Inside Story of SALT II* (New York City: Harper Collins Publishers, 1982).

¹⁷⁴ Yost, 116.

¹⁷⁵ Warnke, Paul, "Possible Outcomes of SALT II," 67 *The American Journal of International Law* 5 (November 1973), 42-44; Talbot, 281. MIRVs increased the number of warheads per missiles; it is also called fractionation.

buildups of offensive weapons.¹⁷⁶ They eventually agreed to set ceilings on MIRVs on ICBMs and “freeze...Soviet ICBMs at the number of warheads already tested on each type of rocket.” As Strobe Talbott, later the Deputy Secretary of State under Bill Clinton, wrote in his work on SALT II, “while it was not disarmament, it was certainly arms control.”¹⁷⁷ Carter may not have eliminated nuclear weapons, but he prevented the development of additional and more dangerous nuclear weapons.

After nearly five years of negotiations, Carter and Brezhnev signed the agreement on June 18, 1979, and Carter sent it to the Senate for ratification.¹⁷⁸ Multiple committee hearings later, the Senate Foreign Relations Committee voted 9-6 to recommend the Senate vote for the treaty’s ratification.¹⁷⁹ Yet SALT II ratification was quickly delayed based on a series of international provocations: the Soviets deployed SS-20 missiles aimed at Europe, Soviet troops were discovered in Cuba, and the Soviets invaded Afghanistan.¹⁸⁰ Carter decided that the Senate should postpone consideration of the treaty.¹⁸¹

¹⁷⁶ Talbot, 30.

¹⁷⁷ Ibid, 280. See more generally “Basic Provisions of the SALT II Agreement,” 9 *Arms Control Today* 7 (July/August 1979), 2. They agreed to limit heavy bomber ICBMs, submarine launcher ballistic missiles, air to service ballistic missiles “to an aggregate total of 2400 and dismantle any excess within six months” which would be lowered to 2250 on January 1, 1981. They also put a ceiling on advanced strategic launchers, air launched cruise missiles, launchers for ICBMs and SLBMs, and ASBMs, and a sublimit of 820 for “launchers for ICBMs equipped for MIRVs.”

¹⁷⁸ They planned to later negotiate SALT III. One area for future negotiation would be over the MX Missile, which some analysts believed was destabilizing enough to propel the Soviets to negotiate SALT III. Walker, Paul F., “New Weapons and the Changing Nature of Warfare,” 9 *Arms Control Today* 4 (April 1979), 5.

¹⁷⁹ Sartori, Leo, “Will SALT II Survive?” 10 *International Security* 3 (Winter 1985-1986), 147-148. See also Glad, 113.

¹⁸⁰ Carter, *White House Diary*, 393. After Soviet troops were discovered in Cuba, there were concerns that SALT II would not be ratified. Carter Presidential Library. Staff Material: FOI/Legal. Box 91, Folder 5. “Memo from Marshall Brent to Zbigniew Brzezinski, “An Action Plan,” 17 September 1979. Notably, the troops had actually been in Cuba since 1962, but Senator Frank Church released a report with the information that fall, likely in an effort to gain support in a tough reelection campaign. Ruddy, T. Michael,

Carter did not want SALT II to die. The administration decided that it would tell the Soviets that consideration of the treaty in the Senate would be delayed due to the invasion, but that it was still supportive of ratification.¹⁸² On October 8, 1980, Carter wrote in his diary that he hoped to de-link the ratification of SALT II from the Soviet presence in Afghanistan.¹⁸³ He decided against pushing for a Senate vote because a defeat would be problematic for U.S.-Soviet relations.¹⁸⁴ Carter asserted that the U.S. would abide by the provisions of the treaty even though it wasn't ratified. However, the Soviets enacted all the SALT II provisions, and Reagan abandoned the treaty in 1986.¹⁸⁵

Jimmy Carter: Politician with Principle (New York City: Nova Publishers Inc., 2011), 110 and 119; Glad, 187-196.

¹⁸¹ Betty Glad noted in her book that when Carter heard about the invasion, his response was “there goes SALTII!” Glad, 197. SALT II became more controversial in the Senate and among the general public due to concerns that it would simply allow a build-up of forces as well as a more general belief that the U.S. shouldn't conclude any treaty with the Soviets when the Soviets are being aggressive abroad. Frye, Alton, “How to Fix SALT,” *Foreign Policy* 39 (Summer 1980), 64; Talbot, 283-284. In addition to the Soviet invasion, the Senate was also concerned about the Soviet combat troops in September 1979. See also Carter, Jimmy, “Peace and National Security Address of the Nation on Soviet Combat Troops in Cuba and the Strategic Arms Limitation Treaty,” 1 October 1979, available through The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=31458>. Polls on SALT II were generally unreliable and swayed greatly from support to nonsupport. However, as Carter's popularity went down, the U.S. experienced economic uncertainty, support for the defense budget went up, and the USSR became more aggressive, the polls showed a decrease in support for the treaty. Caldwell, 76-93.

¹⁸² Carter Presidential Library. Brzezinski Material: Cables Files. Box 10, Folder 5. Message from SecState to Embassies, “Policy Guidance for Discussions with Eastern European Governments, 28 May 1980. See also Carter Presidential Library. Staff Material: Office. Box 2, Folder 18. National Security Council Meeting, “Iran, Christopher Mission to Afghanistan, SALT and Brown Trip to China,” 2 January 1980.

¹⁸³ Carter, *White House Diary*, 471. Garthoff, Raymond L., “Reviewed Work: *The Dynamics of Domestic Politics and Arms Control: The SALT II Treaty Ratification Debate* by Dan Caldwell,” 106 *Political Science Quarterly* 4 (Winter 1991/1992), 718. Carter had also used a great deal of political capital in promotion of the Panama Canal Treaty by appealing to the American public instead of to Congress. He followed the same strategy for SALT II, but few were willing to similarly go out on a limb on the increasingly unpopular SALT II Treaty as the public did not rally around the treaty. Glad, 95-106; Caldwell, 124-147.

¹⁸⁴ Frye, 58-60. Not only was the ratification unlikely because of the invasion, the public began to rally around a defense build-up in response to the invasion, in contrast to the goals of SALT II.

¹⁸⁵ The Soviets violated the agreement by testing a new mobile missile, as well as encrypting missile communications. The Reagan administration decided they would abandon SALT II as a result, and planned to build beyond the cruise missile-carrying strategic bomber ceiling. Smith, R. Jeffrey, “U.S. Official Defends SALT II Decision,” 232 *Science* 4756 (13 June 1986), 1334. See also S. Hrg. 98-965. 98th Congress, Second Session. Senate Hearings Before the Committee on Appropriations: SALT II Violations.

Carter understood that the ratification of SALT II was highly unlikely in light of the Soviet invasion. He chose not to pursue it, even as he continued to agree with the tenets of the the treaty and preferred de-linking the two issues. To Carter, SALT II was important enough to follow even when the Soviets were being aggressive because of his opposition to nuclear weapons. Even while his nonproliferation policies were collapsing, he hoped to salvage SALT II, what he saw as one of the best ways to protect the U.S. from the dangers of nuclear weapons. Yet Carter was limited by political capital and world events; he was not able to pursue de-linkage and failed to form a strategy to convince the Senate to ratify the treaty. He could not overcome the political realities of the moment.

Supplying India: Pakistan Was Not an Anomaly

Nonproliferation objectives came second to Cold War priorities by the end of Carter's term. Carter altered his nonproliferation objectives with regards to India out of concern that India would become closer to the Soviet Union. When he came into office, he pushed for and supported the NNPA, assuring that the U.S. would not support proliferation in other states. However, by the last year of his administration, Carter sacrificed the standards of the NNPA for geopolitical objectives, including the sale of nuclear fuel to known proliferator India in opposition to a unified House and a divided Senate.

Fiscal Year 1985. Special Hearing: Department of Defense Nondepartmental Witnesses, 28 March 1984. (Washington, D.C.: U.S. Government Printing Office, 1984).

Since Congress replaced the Atomic Energy Commission with the Nuclear Regulatory Commission (NRC), the NRC routinely authorized nuclear fuel shipments for India's Tarapur reactor.¹⁸⁶ Although the NRC was often divided over whether to authorize the nuclear shipments because of India's refusal to allow IAEA safeguards, the passage of the NNPA changed the standards under which the NRC operated. The NNPA gave countries a two-year grace period to come into compliance with IAEA safeguards. After March of 1980, the NNPA forbade nuclear shipments to countries that refused safeguards. In May of 1980, the NRC committee, tasked with authorizing another enriched uranium shipment to India, voted 5-0 to suspend the shipment.¹⁸⁷

Carter tried to negotiate the supply agreement with India to implement the IAEA safeguards necessary to comply with the NNPA. When Carter told Indian Prime Minister Morarji Desai in January of 1978 that the passage of the NNPA would prohibit further nuclear shipments to India, Desai stated that India would not conduct any additional tests but would not allow full scope safeguards.¹⁸⁸ Then, after Indira Gandhi's election to prime minister in 1980, she declared "India's intent to produce further nuclear explosions whenever it is deemed in the national interest."¹⁸⁹ Carter's efforts to gain Indian compliance with the NNPA collapsed.

¹⁸⁶ Walker, J. Samuel, "Nuclear Power and Nonproliferation: The Controversy over Nuclear Exports, 1974-1980," *25 Diplomatic History* 2 (Spring 2001), 243-245.

¹⁸⁷ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Randolph, R. Sean, "Backgrounder: Proposed Sale of Nuclear Material to India," Republican Study Committee, 25 July 1980.

¹⁸⁸ Walker, "Nuclear Power and Nonproliferation," 243.

¹⁸⁹ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Glenn, John, et. al., Letter to Senate Colleagues, 2 July 1980.

The administration assessed that the Indians were attempting to blackmail the U.S. into continuing the shipments.¹⁹⁰ Indian officials informed Carter that if the Americans withheld the shipment, they would consider the U.S. in violation of its agreement and India would remove all safeguards over previous U.S. fuel shipments. They would no longer seek U.S. permission to convert spent fuel from previous shipments to plutonium.¹⁹¹ They also threatened to use U.S. materials to extract plutonium for use in nuclear weapons unless the U.S. followed through with the Indian shipments.

On June 19, 1980, Carter issued Executive Order 12218 to authorize the export of nuclear materials to India.¹⁹² Despite his preference for withholding exports in order to assure the U.S. did not contribute to proliferation, Carter chose combatting the Soviets over his nonproliferation objectives.¹⁹³ He took advantage of an exception in the NNPA that a president may issue a nuclear license if failure to approve the license would “prejudice nonproliferation objectives” or injure “U.S. national security.”¹⁹⁴ He declared

¹⁹⁰ See, for instance, Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. “Pro and Con: Sell Nuclear Fuel to India? Interview with Representative Jonathan B. Bingham, Democrat of New York,” *U.S. News and World Report*, 47-48. See also Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Senator John Glenn, “Uranium Shipments to India: Fact Sheet,” 2 July 1980.

¹⁹¹ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Glenn, John, et. al., Letter to Senate Colleagues, 2 July 1980.

¹⁹² Carter, Jimmy. “Executive Order 12218 - Export of Special Nuclear Material and Components to India,” *The American Presidency Project*, June 19, 1980. Available at:

<http://www.presidency.ucsb.edu/ws/?pid=44613>. See also Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Kennedy, Richard. “Additional Views of Commissioner Kennedy Re. Tarapur Fuel Export, License XSNM-1379,” 16 May 1980.

¹⁹³ Gavin, “Strategies of Inhibition,” 36-37.

¹⁹⁴ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Randolph, R. Sean, “Backgrounder: Proposed Sale of Nuclear Material to India,” Republican Study Committee, 25 July 1980.

that withholding the nuclear materials would be “seriously prejudicial to the achievement of United States non-proliferation objectives and would otherwise jeopardize the common defense and security” of the U.S.¹⁹⁵

While NRC Commissioner Richard Kennedy supported Carter’s Executive Order overriding the NRC vote, many members of Congress took issue with the order to supply the Indians. In July of 1980, Senator John Glenn led an effort to prevent the 38-ton enriched uranium shipment.¹⁹⁶ His initiative focused on the illegality of the shipment, since the Indians continued to refuse to implement international oversight and safeguards as required by the NNPA.¹⁹⁷ Glenn argued that failure to follow the NNPA would be a serious blow to the U.S. nonproliferation policy in general. Additionally, the shipment would undermine the NPT and strengthen Pakistani resolve to pursue a nuclear weapon, which would increase the likelihood of proliferation and decrease the stability of the region.¹⁹⁸ He also emphasized that the Indians were threatening the U.S. with the possibility of converting spent fuel to plutonium.

Glenn disagreed with Carter’s assessments that withholding the shipment would seriously alter the U.S.-India relationship. He argued that withholding the fuel would not cause India to reorient its foreign policy, despite India’s \$1.6 billion dollar arms agreement with the Soviets and refusal to support the U.N. resolution condemning the

¹⁹⁵ Carter, Jimmy. "Executive Order 12218 - Export of Special Nuclear Material and Components to India," *The American Presidency Project*, June 19, 1980. Available at: <http://www.presidency.ucsb.edu/ws/?pid=44613>.

¹⁹⁶ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. "Memo to Goldwater," 23 July 1980.

¹⁹⁷ Nuclear Non-Proliferation Act of 1978. Public Law 95-242. 10 March 1978. 92 Stat. 120, 22 U.S.C. 3201.

¹⁹⁸ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Senator John Glenn, "Uranium Shipments to India: Fact Sheet," 2 July 1980.

Soviet invasion of Afghanistan.¹⁹⁹ Glenn believed that because the U.S. had multiple trade agreements with India, suspending one nuclear fuel shipment would not alter the relationship. Additionally, the Republican Study Committee tasked to study the shipment argued that following through with the shipment would not strengthen U.S.-India relations nor create a wedge between India and the Soviets.²⁰⁰

Senator Glenn introduced a resolution in the Senate with bipartisan support from many leading Senators, including Barry Goldwater, Bob Dole, and Strom Thurmond.²⁰¹ The Carter team gave up attempting to sway the vote on a Concurrent Resolution in the House, and the House voted 3 to 1 to override Carter's executive order. The administration tasked Secretary of State Edward Muskie to lobby the Senate to oppose the resolution, and managed to gain a 48 to 46 vote in support of the administration.²⁰² Years later, Glenn declared that "one of the Carter Administration's worst mistakes was its lobbying effort to send nuclear fuel to India," as it would eventually lead to proliferation.²⁰³

¹⁹⁹ Ibid.

²⁰⁰ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Randolph, R. Sean, "Backgrounder: Proposed Sale of Nuclear Material to India," Republican Study Committee, 25 July 1980. This point was reiterated in a letter from John Glenn on August 1, 1980. See Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. Letter from John Glenn, 1 August 1980.

²⁰¹ Arizona State University Archives. The Personal and Political Papers of Barry Goldwater. Series III: Legislation. FM MSS1. Box 220, Folder 15. See Concurrent Resolution introduced by Glenn, Disapproving the proposed export to India of low-enriched uranium for the Tarapur Atomic Power Station pursuant to export license applications XSNM-1379 and XSNM-1569.

²⁰² Walker, "Nuclear Power and Nonproliferation," 246. See also "Carter's Lofty Win: India Gets A-Fuel," 118 *Science News* 13 (28 September 1980), 197.

²⁰³ Glenn, John, Nuclear Nonproliferation-Law and Policy Panel on April 22, 1982, 76 *American Society of International Law Procedures* 77 (1982), 80.

While Carter managed to squeak through the vote, this episode brings into question his commitment to the nonproliferation laws that he wanted passed. He claimed he was just being responsive to U.S. geopolitical imperatives in South Asia, but many in the House and Senate viewed the episode as nuclear blackmail. The vote made clear that after the events of 1980, Carter no longer prioritized nonproliferation above Cold War era foreign policy objectives.

Conclusion

Carter began his tenure planning to be the strongest nonproliferation president in history. He believed that he could downgrade the importance of the Cold War to American foreign policy to focus instead on nonproliferation and other pressing foreign policy goals. While Nixon and Ford focused on international nonproliferation policy, Carter focused on both international and domestic nonproliferation policy. Since the president typically has more room to define policy in the international realm, Carter was particularly dependent on the support of other actors to achieve his nonproliferation goals. His team successfully worked with Congress to get legislation passed that would assure the safety of the American people. Unlike the two previous presidents, Carter's nonproliferation goals aligned with Congressional goals and with the growing American sentiment that nuclear power and proliferation were dangerous.

Not all actors supported Carter's initiatives. His nonproliferation objectives came up against industry goals. Much of the nuclear industry believed that Carter was bent on eliminating, or at least significantly restricting, nuclear energy, and it worked to stymie

some of his efforts. Carter's push against nuclear energy and proliferation also caused serious rifts with European allies. After downgrading the Cold War and geopolitical goals while placing minimal emphasis on allied relationships, Carter was in a weak position to respond to Soviet provocations.

The Soviet invasion of Afghanistan forced Carter to upgrade the importance of the Cold War in his foreign policy, and in the process he dramatically downgraded his nonproliferation policies. Though he tried to use the Olympic boycott and grain embargo to force the Soviets to withdraw, Carter's failure to achieve unity with Western European on these initiatives assured the boycott and embargo would fail. To prevent the Soviets from invading the lands beyond Afghanistan, Carter focused on rearming the Pakistanis. However, the Pakistanis were unwilling to give up their nuclear program in exchange for aid. Despite Carter's belief that the U.S. should not contribute military or economic aid to a proliferator, he assessed that the danger from the expansionist Soviet Union was a greater, more immediate threat to the world. In line with the agenda setting literature that argues that a president will be constrained by the relative importance of an issue to the security of the U.S., Carter had to give up his goals for nonproliferation to continue fighting the Cold War.²⁰⁴

In the first two years of his presidency, Carter's nonproliferation objectives aligned with both Congress and the public, which allowed him to push for the strongest nonproliferation policies the U.S. ever held. However, the nonproliferation objectives of the president could not withstand the more pressing geopolitical objectives of combatting

²⁰⁴ Peake, 70.

the Soviets during a tense period in the Cold War. Despite Carter's hope to minimize the significance of Soviet Union in determining the direction of American policy, he was unable to successfully do so, and nonproliferation goals became secondary.

Though the president is the most significant actor in determining nonproliferation policy, even a president who was sincerely committed to a strong and expansive nonproliferation regime was unable to achieve his goals. The years after the signing of the NPT brought a variety of nonproliferation events that highlight a president's commitment to nonproliferation policy. Nixon used nonproliferation goals to further his SALT goals, and Ford reacted to the Indian nuclear test by developing the bilateral PNE treaty with the Soviets and the multilateral Nuclear Suppliers Group with other supplier states. In contrast to his predecessors, Carter pursued nonproliferation without the pressure to confront a proliferation event or to achieve a greater strategic objective. His goals were personal and closely held. Yet he still had to place Cold War objectives before nonproliferation objectives when the Soviets invaded Afghanistan, both in Pakistan and in India.

One may think that a president such as Carter would not only work towards nonproliferation goals but to continue pursuing them despite changing circumstances in the world. Carter chose to alter his policies in light of changing circumstances, which indicates that a president may not have the ability to hold tightly to a strong nonproliferation policy when confronting a greater or more immediate threat. Even a nonproliferation president chose to support a proliferator.

CHAPTER SIX

Seeking Security: Ronald Reagan and Nuclear Nonproliferation

Introduction

Only months into his presidency, during a time when he hoped to focus on the economic recovery and rebuilding military power, Ronald Reagan had to respond when a country suspected of having a defensive nuclear weapons program attacked a country suspected of having an offense nuclear weapons program.¹ Israel conducted a military strike against an Iraqi nuclear reactor on June 7, 1981. Israel claimed that Iraq was using the reactor to develop nuclear weapons, with which it would eventually threaten or strike Israel. The U.S. was sympathetic to Israel's concerns; however, the administration considered the strike a violation of Iraqi sovereignty because it resorted to military

¹ Reagan's major goal for his first year in office was the recovery. Cannon, Lou, *President Reagan: The Role of a Lifetime* (New York City: PublicAffairs, 2000), 82-83. See also Ornstein, Norman J. (ed), *President and Congress: Assessing Reagan's First Year* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1982), 89-90. Reagan's Defense Secretary, Caspar Weinberger, also argued that rebuilding American military power was an immediate priority after Reagan came into office. Weinberger, Caspar W., "U.S. Defense Strategy," in Hyland, William G. (ed), *The Reagan Foreign Policy* (New York City: First Meridian Printing, 1987), 180. Reagan explained in his autobiography that at least part of his commitment to the economic recovery and nearly all of his commitment to the build up were premised on the combatting the Soviets, saying "the great dynamic success of capitalism had given us a powerful weapon in our battle against Communism—money. The Russians could never rebuild the arms race; we could outspend them forever." Reagan, Ronald, *An American Life* (New York City: Simon and Schuster, 1990), 267. See also documents on Reagan's tax cuts: Crothers, Lane, and Nancy S. Lind, *Presidents from Reagan through Clinton, 1981-2001: Debating the Issues in Pro and Con Primary Documents* (Westport: Greenwood Press, 2002), 20-24. See also Moffitt, Kimberly R., and Duncan A. Campbell, *The 1980s: A Critical and Transitional Debate* (Lanham: Lexington Books, 2011), 17-35. Reagan rejected the view at the time that the U.S. was in hegemonic decline, instead arguing that decline was a result of misguided policies. Oye, Kenneth A., "Constrained Confidence and the Evolution of Reagan Foreign Policy, in Oye, Kenneth A., Robert J. Lieber, and Donald Rothschild (eds), *Eagle Resurgent? The Reagan Era in American Foreign Policy* (Boston: Little, Brown and Company, 1987), 8-20. Rossinow, Doug, *The Reagan Era: A History of the 1980s* (New York City: Columbia University Press, 2015), 31-35. Nau, Henry R., "The 'Great Expansion': The Economic Legacy of Ronald Reagan," in Chidester, Jeffrey L., and Paul Kengor (eds), *Reagan's Legacy in a World Transformed* (Cambridge: Harvard University Press, 2015), 24-37.

violence without exhausting diplomatic measures and economic sanctions to stop the nuclear program.

Each president in the decade after the signing of the NPT faced a unique nonproliferation challenge. Nixon and Ford had to deal with a new nuclear power after India's nuclear test. Carter faced arming a proliferator after the Soviet invasion of Afghanistan. Reagan dealt with a military strike to prevent the proliferation of nuclear weapons. These situations forced each president to redefine U.S. nuclear policy and create precedents for future presidents on how to respond to similar provocations. While Reagan was committed to nuclear abolitionism, he focused the majority of his efforts on eliminating the threat of nuclear war with the Soviet Union. By reducing the danger posed by the U.S. and Soviets, Reagan believed other states would be more secure and have less incentive to proliferate. Additionally, U.S. actions to increase a state's defenses would increase its security. State security was the key to preventing nuclear proliferation.

The Osirak strike is a frequent topic of study for scholars who are trying to understand the use of preventive force in international relations and the effects of the Israeli strike on the Iraqi nuclear program.² This study takes a different track: Reagan's

² See, for instance, Braut-Hegghammer, Målfrid, "Revisiting Osirak: Preventive Attacks and Nuclear Proliferation Risks," 36 *International Security* 1 (Summer 2011), 101-132; Bobbitt, Philip. *Terror and Consent: The Wars for the Twenty-First Century*. New York City: Anchor Books, 2009), 136-137, 447-448; Sofaer, Abraham D., *The Best Defense? Legitimacy and Preventive Force* (Stanford: Hoover Press, 2010), 56-57; Wirtz, James J. and James A. Russell, "U.S. Policy on Preventive War and Preemption," 10 *The Nonproliferation Review* 1 (Spring 2003), 113-123. Ford, Peter S., "Israel's Attack on Osirak: A Model for Future Preventive Strikes?" *INSS Occasional Paper* 59 (July 2005), 1-66. Nakdimon, Shlomo, *First Strike: The Exclusive Story of How Israel Foiled Iraq's Attempt to Get the Bomb* (New York City: Summit Books, 1987); Claire, Rodger W., *Raid on the Sun: Inside Israel's Secret Campaign that Denied Saddam the Bomb* (New York City: Broadway Books, 2004); Osirak is repeatedly referenced in Preemption, and is described as a classic example of a preventive attack in Sinnott-Armstrong, Walter, "Preventive War: What is it Good For?" in Shue, Henry, and David Rodin (eds), *Preemption: Military Action and Moral Justification* (New York City: Oxford University Press, 2007), 215; Goldstein, Lyle J., *Preventive Attack*

response to the Osirak strike exemplifies his approach to nuclear proliferation and the NPT. President Reagan believed that nuclear proliferation was a political problem, whereby increasing a state's security would decrease the likelihood that the state would pursue nuclear weapons. He opposed nuclear proliferation and believed a state would refrain from proliferating when its security needs were met.³ As a result, his responses to proliferation were primarily political in nature, as compared to the technical solutions pursued by his predecessor. Although Reagan was hawkish in his first two years, prone to seeing the solution to a conflict as military in nature, his response to Osirak highlights his willingness to consider political and diplomatic solutions.⁴ He viewed both Iraqi proliferation and the strike to stop the proliferation as destabilizing in ways that could potentially increase Soviet influence in the region. He, like Nixon, Ford, and eventually Carter, interpreted the proliferation event through a geopolitical lens and worked to maintain American power.

This chapter is broken into two parts, with each highlighting Reagan's dedication to fighting the spread of nuclear weapons, combatting the Soviets, and increasing the security of allied and aligned states. First, Reagan confronted two potential proliferators, Pakistan and South Africa. Reagan's response to the proliferators shows the significance of combatting the Soviet Union in the administration. The second section focuses on the president's response to the Israeli attack on Osirak, demonstrating the importance of the security and stability to the administration. Reagan's arguments in his diplomatic

and Weapons of Mass Destruction: A Comparative Historical Analysis (Stanford: Stanford University Press, 2006).

³ Osgood, Robert E., "The Revitalization of Containment," in Hyland, 47.

⁴ Rossinow, 82.

meetings highlight that his primary objectives were to get past the bombing and revive the Middle East peace process, to combat the Soviets in the region, and to increase the security of individual states. The administration developed contrasting responses, privately expressing sympathy for the Israeli dilemma while publicly critiquing the strike. Reagan had the support of Congress, another powerful actor capable of checking the president's policies. The congressional response to the bombing aligned with the administration's private views, with Congress deferring to the president. Finally, Reagan, while allowing a general condemnation of the strike in an international forum, actively opposed international sanctions and further actions to condemn the Israelis because the sanctions would counter Reagan's overall strategic goals for the region.

Ronald Reagan Faces Nuclear Weapons

Ronald Reagan was also an old-school, Cold War Warrior.⁵ He was a conservative internationalist who combined liberal internationalism, realism, and nationalism in his approach to foreign policy by simultaneously supporting the spread of democracy abroad under limited circumstances, diplomacy when backed by strength, and the preservation of American sovereignty.⁶ Reagan believed that a strong America was the only antidote to an expansive Soviet Union, and the U.S. would eventually triumph over the communist world. Although, at the start of his presidency, Reagan did not have a

⁵ See, for instance, Mann, James, *The Rebellion of Ronald Reagan: A History of the End of the Cold War* (New York City: Penguin Books, 2009), 39.

⁶ Nau, Henry R., *Conservative Internationalism: Armed Diplomacy under Jefferson, Polk, Truman, and Reagan* (Princeton: Princeton University Press, 2013). Nau also argues for spreading democracy only in places where it makes sense, at the edge of borders where democracy already exists. He also argues a conservative internationalist backs force with diplomacy.

neatly defined “grand strategy” like Nixon’s détente strategy, he approached the Cold War through an overarching framework with specific governing principles. According to Hal Brands, Reagan:

“understood that the Soviet Union was militarily strong but economically, politically, and ideologically weak; that reversing the trajectory of the superpower struggle required bringing all elements of national power to bear on that competition; and that an initial move toward confrontation could foster a longer-term transition to negotiation and a more stable peace.”

As a result, Reagan enacted policies early in his presidency to bring about an “American ascendancy” that would eventually allow a draw-down of Cold War tensions.⁷

Ronald Reagan came into office already sure of his opinions on nuclear weapons. He advocated for a nuclear weapons-free world since his youth. Before Reagan became a Republican and entered public service, he participated in anti-nuclear demonstrations.⁸ Like Carter before him, he argued for the eventual elimination of all nuclear weapons.⁹ Even as Reagan adopted a conservative worldview and became a staunch anti-communist but continued to hold to his nuclear abolitionist beliefs.¹⁰ The philosophies of a nuclear

⁷ Brands, Hal., *What Good is Grand Strategy? Power and Purpose in American Statecraft from Harry S. Truman to George W. Bush* (Ithaca: Cornell University Press, 2014), 142-143. Brands makes the caveats that Reagan’s strategy would not have worked in the 1970s, and that it had a strong possibility of bringing about more conflict and did not inevitably lead to peace.

⁸ Lettow, Paul, *Ronald Reagan and His Quest to Abolish Nuclear Weapons* (New York City: Random House, 2005), 3-5.

⁹ Mann, 39.

¹⁰ Reagan was generally a defender of U.S. foreign policy, especially in the fight against the Soviet Union. Long before he became president, in a political biography, the journalist and author Lee Edwards describes one instance where Reagan debated Bobby Kennedy on Vietnam and successfully argued on behalf of U.S. policy. He also declared, in the debate, that the U.S. has traditionally shown restraint when it came to choosing against using the atomic bomb to “impose its will on the world” at the end of WWII, and asserted

abolitionist and a stalwart anticommunist were not incongruent to Reagan, and he pursued both simultaneously.¹¹

During the first couple years of his administration, Reagan became more convinced by the need to eventually eliminate nuclear weapons.¹² He increasingly advocated for the abolition of the nuclear weapons, which he believed would be possible through the Strategic Defense Initiative (SDI).¹³ Reagan's strategy was to build up the U.S. nuclear arsenal and defense capabilities while pursuing SDI in order to eventually build down the worldwide nuclear arsenal.¹⁴ He did not believe in pursuing arms control negotiations when the U.S. was weak and chose against pursuing arms control during in his first years in office, but hoped to reduce nuclear weapons when the U.S. was secure and defended.¹⁵

that the Soviet Union would not have been similarly restrained if they had been the sole nuclear power. Edwards, Lee, *Reagan: A Political Biography* (San Diego: Viewpoint Books, 1967), 221-222.

¹¹ See, for instance, Hoekstra, Douglas J., "Presidential Beliefs and the Reagan Paradox," *27 Presidential Studies Quarterly* 3 (Summer 1997), 429; Hoffman, David E., *The Dead Hand: The Untold Story of the Cold War Arms Race and Its Dangerous Legacy* (New York City: Anchor Books, 2009), 28-30.

¹² Mann, 41. Abolishing nuclear weapons would also address the issues of "loose nukes" and nuclear theft leading to nuclear terrorism. Arquilla, John, *The Reagan Imprint: Ideas in American Foreign Policy from the Collapse of Communism to the War on Terror* (Chicago: Ivan R. Dee, 2006), 97.

¹³ Lettow, 132-133. See also Rebecca Bjork's interesting work on the symbolic importance of SDI and envisioning a world where draw down of nuclear weapons would eventually be possible. Bjork, Rebecca S., *The Strategic Defense Initiative: Symbolic Containment of the Nuclear Threat* (Albany: State University of New York Press, 1992). See also Reagan, *An American Life*, 547-550; Fitzgerald, Frances, *Way Out There in the Blue: Reagan, Star Wars, and the End of the Cold War* (New York City: Simon and Schuster, 2000).

¹⁴ Janne E. Nolan argued that SDI was actually a convergence of Pax Americana (the preponderance of American power) and conservative isolationism since it would "unburden the United States from diplomatic obligations to negotiate nuclear agreements" and allow for "American self-sufficiency as the core foundation for American global superiority." Nolan, Janne E., "Cooperative Security in the United States," in Brown, Michael E., et. al. (eds), *America's Strategic Choices*, Revised Edition (Cambridge: The MIT Press, 2000), 184. Reagan did not seem to hold this view of SDI, focusing primarily on SDI as a defensive system that would allow an actual reduction in nuclear weapons.

¹⁵ Bell, Coral. *The Reagan Paradox: American Foreign Policy in the 1980s* (New Brunswick: Rutgers University Press, 1989), 59-67.

Reagan's stance on abolishing nuclear weapons was generally obscured in the first years of his presidency by his staunch anti-communism and pursuit of the defense establishment build-up. Some authors misinterpreted his rhetoric and suspected he would even welcome the spread of nuclear weapons.¹⁶ For instance, Kenneth A. Oye argued in 1987 that Reagan actually changed policy when he 'started' advocating the eventual abolition of nuclear weapons. Oye asserted that Reagan's latter stance was a softening of his views on nuclear weapons.¹⁷ Oye's analysis points to how difficult it was to many to understand Reagan's plan for a military buildup was actually part of a strategy that would allow a reduction in nuclear weapons.

With the focus on his push to build up defense technology in order to better combat the Soviets, people often lost sight of Reagan's ultimate goal, the elimination of nuclear weapons. His abolitionist views challenged the status quo of U.S. defense strategy, including the convictions of the majority of his advisors that nuclear weapons were a necessary component of U.S. military strategy. Reagan's National Security Adviser, Frank Carlucci, explained that Reagan "would say to me that nuclear weapons are inherently evil," and Patrick Buchanan, the White House Communications Director detailed that Reagan "believe[d] nuclear weapons should be done away with and can be

¹⁶ Quester, George H., "Introduction: In Defense of Some Optimism," 35 *International Organization* 1 (Winter 1981), 4; Oye, Kenneth A., "Constrained Confidence and the Evolution of Reagan Foreign Policy," in Oye, et. al., 6-7; Beres, Louis Rene, "Flirtations with the Apocalypse: American Nuclear Strategy in Reagan II," in Vasquez, John A. (ed), *Evaluating U.S. Foreign Policy* (New York City: Praeger, 1986), 59-72.

¹⁷ Oye, Kenneth A., "Constrained Confidence and the Evolution of Reagan Foreign Policy," in Oye, et. al., 6-7. Oye was not alone. See, for instance, Beres, Louis Rene, "Flirtations with the Apocalypse: American Nuclear Strategy in Reagan II," in Vasquez, 59-72.

done away with.”¹⁸ His own advisors knew his abolitionist views, and often found them highly problematic because they rejected deterrence theory, a foundation of Cold War strategy.¹⁹ Nuclear weapons were necessary, according to most in the establishment, to prevent a war.²⁰ The nuclear community was also concerned that SDI, if it ever came into being, would actually increase the chance of a nuclear strike because enemies would try to innovate in nuclear weapons designs to get around the system.²¹ Yet Reagan did not bend to concerns, and advocated a better option: develop SDI and protect the U.S. from nuclear weapons.

Reagan did not frequently discuss the importance of the NPT with regards to his foreign policy strategies, but he did think about how SDI would impact nuclear proliferation. To Reagan, proliferation was not static; states would either disarm and eventually eliminate nuclear weapons, or nuclear weapons would eventually spread.²² For Reagan, SDI would be the solution to this dilemma. If the U.S. disseminated SDI, states could eliminate reliance on nuclear weapons but still be protected if a rogue nuclear state developed a few nukes.²³ As arsenals were reduced, fewer states would be compelled to

¹⁸ Hoekstra, 438.

¹⁹ Parmet, Herbert S., *Richard Nixon and His America* (Boston: Little, Brown, and Company, 1990), 624. Reagan did not have faith that nuclear weapons would inevitably deter. See description of deterrence in Waltz, Kenneth N., “Nuclear Myths and Political Realities,” 84 *The American Political Science Review* 3 (September 1990), 731-735.

²⁰ As some authors point out, the threat of a nuclear conflict did, in fact, cause leaders to back down and ease tensions. See, for instance, Suri, Jeremi, “Nuclear Weapons and the Escalation of Global Conflict since 1945,” 63 *International Journal* 4 (Autumn 2008), 1014. Suri also argued that nuclear weapons made the “dangerous extensions of national power possible” and crises like the Cuban Missile Crisis were at least in part a result of possessing nuclear weapons in the first place. See also Peterson, Christian, *Ronald Reagan and Antinuclear Movements in the United States and Western Europe, 1981-1987* (Lewiston: The Edwin Mellen Press, 2003).

²¹ Waltz, 742.

²² Thakur, Ramesh, *Nuclear Weapons and International Security: Collected Essays* (New York City: Routledge, 2015), 36-62.

²³ Bell, 71; Arquilla, 97-98.

proliferate. With this goal in mind, Reagan became the first president to pursue reductions in nuclear arsenals through the Strategic Arms Reduction Treaty talks, all the while remaining committed to SDI.

Opposition from the defense establishment did not deter Reagan from acting on his belief in nuclear abolitionism. By 1985, Reagan publicly asserted that his goal during discussions with Soviet Foreign Minister Andrei Gromyko was not just a reduction of nuclear arms, but the “complete elimination of nuclear weapons.”²⁴ Famously, Reagan and Secretary General Mikhail Gorbachev even came close to eliminating nuclear weapons during the 1986 Reykjavik Summit.²⁵ The proposal only stalled because of Reagan’s commitment to SDI.

Early in his presidency, Ronald Reagan announced a nonproliferation policy that centered on preventing the spread of nuclear explosives, reducing insecurity and other motivations for pursuing nuclear weapons, supporting other states adhering to the NPT, working to strengthen the IAEA, working with other states to prevent proliferation, and preventing the transfer of nuclear materials that aren’t properly safeguarded.²⁶ Yet, Reagan was concerned more about the elimination of nuclear weapons even than their proliferation. His primary objective was to reduce vertical proliferation in the Soviet Union; horizontal proliferation was secondary. The NPT, a public, international commitment of states not to proliferate, was an insufficient source of security for non-

²⁴ Chidester and Kengor, 163.

²⁵ See the transcripts of the discussions of the Reykjavik Summit in Shultz, George P., Steven P. Andreasen, Sidney D. Drell, and James E. Goodby (eds), *Reykjavik Revisited: Steps Toward a World Free of Nuclear Weapons. Complete Report of 2007 Hoover Institution Conference* (Stanford: Hoover Institution Press, 2008). See also Fitzgerald, 347-369.

²⁶ Reagan, Ronald, “Statement on United States Nuclear Nonproliferation Policy,” The American Presidency Project, 16 July 1981, available at: <http://www.presidency.ucsb.edu/ws/index.php?pid=44092>.

nuclear weapon states. For Reagan, fighting the Soviets, abolitionism, and proliferation were intertwined. Getting rid of nuclear weapons and reducing Soviet power would increase stability, which would prevent the proliferation.

Reagan and the Proliferators: Pakistan and South Africa

Multiple countries were working towards developing nuclear weapons during Reagan's tenure. Among the most overt proliferators were Pakistan and South Africa, states that were aligned with the United States. Reagan worked to inhibit nuclear proliferation through assurance strategies like offering conventional arms to increasing security and implementing coercive strategies like sanctions.²⁷ He based his actions to address the Pakistani and South African nuclear programs on two objectives: combatting the U.S.S.R. and increasing a state's security. Reagan worked with Congress to support his objectives. His actions showed that, while he hoped to convince both states to suspend their nuclear weapons programs, and ideally hoped they would sign the NPT, his first objective was to check Soviet power.

Reagan, Congress, and Continuing to Arm Pakistan

Like Carter, Reagan faced a troublesome regional environment in South Asia. Pakistan continued pursuing nuclear weapons. The Soviets remained in Afghanistan, threatening expansion of the Soviet sphere of control in the region. Carter saw the two

²⁷ Gavin, Francis J., "Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation," 40 *International Security* 1 (Summer 2015), 27-30. See also Levite, Ariel E., "Never Say Never Again: Nuclear Reversal Revisited," 27 *International Security* 3 (Winter 2002/2003), 77. Levite argued that nonnuclear security assistance was a common tool for U.S. leaders to increase the security of a country and decrease the need for nuclear weapons.

security objectives, nuclear nonproliferation and combatting the Soviets, as distinct and sometimes incompatible, and felt forced into putting Cold War objectives over nonproliferation objectives. Unlike Carter, Reagan viewed combatting the Soviets as a larger part of his strategy for the eventual elimination of nuclear proliferation. In the meantime, U.S. nuclear nonproliferation policy became proliferation “management.”²⁸ As a result, Reagan continued Carter’s “permissive” policy towards the Pakistani nuclear weapons program while supporting Pakistani security.²⁹

Yet Reagan, like Carter, depended on another powerful actor to achieve his Cold War objectives. He needed the support of Congress, which had the authority to alter Reagan’s policies towards Pakistan. In order to maintain Congressional support for his supply policy for Pakistan, Reagan downplayed Pakistani nuclear efforts, efforts which were in violation of U.S. supplier laws. Although Reagan would have preferred Pakistan abandon its nuclear program, Reagan had empathy for Pakistan’s insecurity. He believed that countries pursued nuclear weapons when the country’s leaders thought it was insecure.³⁰ While Reagan acknowledged that other factors like prestige contributed to the decision to pursue nuclear weapons, he believed proliferation was fundamentally a result of security threats. As a result, he hoped to reduce the threats to Pakistani security. Reagan issued National Security Decision Directive 6 to “drive home to Congress Pakistan’s vital role”

²⁸ Lavoy, Peter R., “Cooperation in Nuclear Nonproliferation Activities,” in Breslauer, George W., and Philip E. Tetlock, *Learning in U.S. and Soviet Foreign Policy* (Boulder: Westview Press, 1991), 767-768.

²⁹ Smith, Gerard C., and Helena Cobban, “A Blind Eye to Nuclear Proliferation,” 68 *Foreign Affairs* 3 (Summer 1989), 53.

³⁰ See, for instance, Reagan, Ronald. “United States Non-Proliferation and Peaceful Nuclear Cooperation Policy,” National Security Decision Directive Number 6, 16 July 1981. Available online through the Ronald Reagan Presidential Library and Museum. Archival Resources, National Security Decision Directives, 1981-1989, available at: <http://www.reagan.utexas.edu/archives/reference/NSDDs.html#.VgQLf6KXd1Q>.

in U.S. national security strategy, particularly in combatting the Soviets in their prolonged war in Afghanistan.³¹ In the Directive, Reagan asserted that the U.S. would discourage Pakistani nuclear pursuits and push for full scope safeguards. He assessed that any success in inhibiting the Pakistani nuclear program would only be possible with significant security assistance, primarily through conventional arms transfers.

Reagan succeeded at building legislative support for supplying Pakistan, even in a divided Congress with a Democratic majority in the House and a Republican majority in the Senate. Since the passage of the 1974 Foreign Assistance Act, Congress had 20 days to disapprove of an arms sale above \$20 million. The 1976 Nelson-Bingham Amendment to the Arms Export Control Act gave Congress a legislative veto, for up to 30 days, over a sale of defense equipment over \$7 million.³² As a result, Congress had significant authority in restraining any of Reagan's plans involving arms sales, at a time when Reagan planned to use arms sales both to combat the Soviets and increase the security of allied and friendly states.

In 1981, Reagan came to an agreement with Pakistan. The U.S. would supply the Afghani Mujahideen for the fight against the Soviets, and he would essentially turn a blind eye to Pakistani proliferation as long as the Pakistanis did not conduct a nuclear explosion.³³ This would provide a check on Soviet power in Afghanistan and prevent the

³¹ Reagan, Ronald. "U.S. Policy Towards India and Pakistan," National Security Decision Directive Number 147, 16 July 1981. Available online through the Ronald Reagan Presidential Library and Museum. Archival Resources, National Security Decision Directives, 1981-1989, available at: <http://www.reagan.utexas.edu/archives/reference/NSDDs.html#VgQLf6KXd1Q>.

³² Tower, John G., "Congress Versus the President: The Formulation and Implementation of American Foreign Policy," in Hyland, 152.

³³ Rabinowitz, Or, *Bargaining on Nuclear Tests: Washington and its Cold War Deals* (New York City: Oxford University Press, 2014), 146. See also Smith and Cobban, 53. Through the 1980s, Zia insisted that

Soviets from expanding the fight into Pakistan. Reagan urged Congress to pass a six-year waiver of the Symington Amendment so that the U.S. could supply Pakistan with \$500 million per year in conventional military and economic assistance. Despite knowledge in Congress that the Pakistanis were continuing to pursue nuclear weapons and authority to prevent the sale, it aligned with Reagan (and Carter before him) to provide arms to Pakistan in order to prevent further expansion of the Soviet Union. Congress suspended sanctions and Pakistan accepted the aid.³⁴ Both the president and Congress aligned to put geopolitical objectives before nonproliferation objectives.

Reagan's "permissive" attitude toward Pakistan was not absolute. Reagan was uncomfortable with supplying a proliferator. He issued a warning to Pakistani president Muhammad Zia-ul-Haq in December 1982, threatening to cut off necessary military aid if Pakistan continued in the development of nuclear weapons.³⁵ Still, the threat of the Soviets remained, and Reagan could not walk away from Pakistan.

When the administration considered the strategy objectives for the U.S. in the Near East and South Asia in 1983, the NSC reaffirmed that its primary objective was to constrain the Soviets. The two regional objectives listed in National Security Decision (NSD) 99 were: 1) "to prevent the Soviet Union from obtaining a position of hegemony in the region by deterring Soviet expansion and supporting the sovereignty of all

the Pakistani nuclear program was peaceful Sokolski, Henry D., and Bruno Tertrais, (eds), *Nuclear Weapons Security Crisis: What Does History Teach?* (Carlisle: Army War College Press, 2013), 159. Ariel E. Levite argued that the U.S. "often settled for the more modest objective of nuclear restraint" instead of the elimination of a nuclear weapons program; Reagan's agreement on accepting the program as long as the Pakistanis didn't test followed this objective. Levite, 76.

³⁴ Shea, Cecile, "The Problem of Pakistan," *Hoover Digest 2* (April 2008), available at: <http://www.hoover.org/research/problem-pakistan>.

³⁵ Ronald Reagan Presidential Library. Box 3, Executive Secretariat: NSC::NSPG, NSPG 86-109. Folder: NSPG 0094, August 31, 1984 [India/Pakistan/Afghanistan] (1 of 3). Richard Murphy to George Shultz, "NSPG Meeting on Nuclear Policy and Reducing Tensions in South Asia," 24 August 1984.

countries in the region, and 2) to maintain continued access for the U.S. and its principal allies to Gulf oil.”³⁶ The U.S. would work to “weaken the Soviet position in the region while strengthening the American position.” In contrast to Carter’s prioritizations, nonproliferation was not the most pressing objective for the Reagan administration. Of the ten security objectives, NSD 99 addressed the problem of proliferation last, stating that it was a U.S. security objective to “discourage the proliferation of nuclear explosive capabilities in the region.”

In August of 1984, Reagan’s national security team reassessed the administration’s policy towards the burgeoning Pakistani nuclear program. Reagan’s administration incorporated coercion into its strategy to inhibit Pakistan’s nuclear program.³⁷ Among the major questions the National Security Planning Group (NSPG) addressed was “whether to draw a ‘red line’ on uranium enrichment” in Pakistan.³⁸ By creating a red line, the administration would force itself to cut off all Pakistani security assistance if the Pakistanis proceeded with enrichment. The NSPG argued that because Congress had a well-established prohibition against supporting countries attempting to develop nuclear weapons, Congress would likely cut off security assistance if Pakistan enriched uranium. If Congress took that step, then it, instead of the administration, would determine U.S. foreign policy towards Pakistan. Although Reagan chose against drawing a definitive red

³⁶ Ronald Reagan Presidential Library. Box 3, Executive Secretariat: NSC::NSPG, NSPG 86-109. Folder: NSPG 0094, August 31, 1984 [India/Pakistan/Afghanistan] (2 of 3). National Security Decision, Directive 99, “United States Security Strategy for the Near East and South Asia,” 12 July 1982.

³⁷ See the discussion of applying inhibition strategies to allies. Gavin, “Strategies of Inhibition,” 11. See also Levite’s arguments on America’s willingness to employ both ‘softer’ measures like norms and rewards along with coercive measures like sanctions in order to halt proliferation. Levite, 77.

³⁸ Ronald Reagan Presidential Library. Box 3, Executive Secretariat: NSC::NSPG, NSPG 86-109. Folder: NSPG 0094, August 31, 1984 [India/Pakistan/Afghanistan] (1 of 3). Richard Murphy to George Shultz, “NSPG Meeting on Nuclear Policy and Reducing Tensions in South Asia,” 24 August 1984.

line with the automatic enactment of sanctions, he did write to Pakistani President Muhammad Zia-ul-Haq to warn that Pakistan should not enrich uranium beyond 5%.³⁹ Reagan did not, however, give an ultimatum that the U.S. would cut off aid if Pakistan did enrich beyond 5%. Zia gave assurances Pakistan was not producing nuclear weapons. The administration conveyed Zia's statements to Congress, yet members of Congress remained wary of the burgeoning nuclear weapons program.⁴⁰

Congress continued its efforts to guarantee that the president would not be allowed to support a proliferator.⁴¹ It passed the Solarz Amendment to the Foreign Assistance Act so that, as of August 8, 1985, the U.S. would cut off most military and economic assistance to any country illegally transferring nuclear materials to another state.⁴² U.S. analysts speculated as early as 1979 that Pakistan might eventually engage in nuclear transfers (a

³⁹ "The United States and the Pakistani Bomb, 1984-1985: President Reagan, General Zia, Nazir Ahmed Vaid, and Seymour Hersh," National Security Archive Electronic Briefing Book No. 531, Edited by William Burr, 14 October 2015. Arnold Kanter, Acting Assistant Secretary of State for Politico-Military Affairs and Richard Murphy, Assistant Secretary of State for Near East and South Asian Affairs, to Under Secretary of State for Political Affairs Michael Armacost, "Memo on Pakistan Nuclear Issue for the NSC," 24 August 1984. Available at <http://nsarchive.gwu.edu/nukevault/ebb531-U.S.-Pakistan-Nuclear-Relations,-1984-1985/documents/doc%204%208-24-84%20interagency%20memo.pdf>. In 1982, Reagan established "red lines" with Zia on assembling and testing a nuclear device, transferring nuclear technology, reprocessing spent fuel to produce plutonium, and violating IAEA safeguard obligations.

⁴⁰ "The United States and the Pakistani Bomb, 1984-1985: President Reagan, General Zia, Nazir Ahmed Vaid, and Seymour Hersh," National Security Archive Electronic Briefing Book No. 531, Edited by William Burr, 14 October 2015. Letter, General Zia to President Reagan, 7 November 1984. Available at <http://nsarchive.gwu.edu/nukevault/ebb531-U.S.-Pakistan-Nuclear-Relations,-1984-1985/documents/Doc%209%20%2011-7-1984%20Zia%20letter.pdf>. See also "The United States and the Pakistani Bomb, 1984-1985: President Reagan, General Zia, Nazir Ahmed Vaid, and Seymour Hersh," National Security Archive Electronic Briefing Book No. 531, Edited by William Burr, 14 October 2015. National Security Archives, CREST. U.S. Embassy Pakistan Telegram 24145 to State Department, "Nuclear Non-Proliferation," 29 November 1984. Available at <http://nsarchive.gwu.edu/nukevault/ebb531-U.S.-Pakistan-Nuclear-Relations,-1984-1985/documents/Doc%2011%2011-27-84%20glenn-nunn-munir.pdf>.

⁴¹ Gavin, "Strategies of Inhibition," 36.

⁴² See, for instance, "Classified Congressional Briefing on Pakistani Nuclear-Related Procurement," U.S. Department of State, Case No. M-2008-00012, 383-00-0031, Box 3. Doc No. C17625959. Available through the National Security Archive, George Washington University, available at: <http://nsarchive.gwu.edu/nukevault/ebb446/docs/12.pdf>.

prediction eventually confirmed with the revelation of the A.Q. Khan network).⁴³ Then, in 1987, Canada turned over a series of documents and tape recordings after investigating Arshad Pervez for the crime of illegally procuring steel for the Pakistani weapons nuclear program.⁴⁴ The administration argued to Congress that the U.S. should continue giving Pakistan assistance despite the revelations resulting from the Pervez case because “the U.S. and Pakistan share important strategic interests which exist independently of our nuclear concerns. Promotion of these important strategic interests is a primary objective of the U.S. security assistance program.”⁴⁵ In a memo from Abraham Sofaer to Richard Armitage, Sofaer argued that the State Department believed that Reagan had the right to exercise discretion in withholding aid.⁴⁶ Pervez was found guilty, Congress did not impose sanctions, and the administration continued supplying Pakistan.

For Reagan, nuclear proliferation was fundamentally an issue of insecurity. In order to reduce that insecurity, he provided conventional arms. Reagan worked with Congress

⁴³ National Archives. CREST. CIA-RDP83B01027R000300110008-8. Memorandum for Director of Central Intelligence from John Depres, “Monthly Warning Report—Nuclear Proliferation,” 24 July 1979. Available through the National Security Archive, George Washington University, available at: <http://nsarchive.gwu.edu/nukevault/ebb333/doc41.PDF>. I failed to find documents at the Reagan or National Archives that pointed to the U.S. knowing that Pakistani’s nuclear program leader, A.Q. Khan, was developing a network for nuclear transfers, though this may be in part because only some of the national security documents from the 1980s are currently declassified.⁴³

⁴⁴ Department of State, Case No. M-2008-00012. Doc No. C17625625. 383-00-0031. Box 3. Memorandum from Jonathan Schwartz to Ms. Verville [et al.], ‘Pervez Trial Status,’ 23 December 1987. Wilson Center. History and Public Policy Program Digital Archive, Department of State. Obtained and contributed by William Burr for NPIHP Research Update No. 24. Available at: <http://digitalarchive.wilsoncenter.org/document/118589>.

⁴⁵ U.S. Department of State, Case No. M-2008-00012, 383-00-0031, Box 3. Doc No. C17625959. “Classified Congressional Briefing on Pakistani Nuclear-Related Procurement,” Available through the National Security Archive, George Washington University. Available at <http://nsarchive.gwu.edu/nukevault/ebb446/docs/12.pdf>.

⁴⁶ Department of State, Case No. M-2008-00012. Doc No. C17625687. Memorandum from Abraham D. Sofaer to Richard Armacost, “Applicability of the Solarz Amendment to the Current Pakistan Cases,” 20 July 1987. Wilson Center. History and Public Policy Program Digital Archive. Obtained and contributed by William Burr for NPIHP Research Update No. 24. Available at: <http://digitalarchive.wilsoncenter.org/document/118555>.

to assure a continued supply of arms to Pakistan, despite the burgeoning nuclear program. Even in light of espionage, the administration still maintained the arms supply, calculating that the geopolitical objective of fighting the Soviets would remain a greater priority than preventing proliferation.

The South Africa Problems

Reagan had to confront the South African nuclear program and the increasingly isolated, racist South African government. The administration had two goals: push South Africa to transition away from an apartheid government, and end the nuclear weapons program. In the process, Reagan showed that he was willing to use the NPT, as a “strategic supplement” in his strategy to constrain the South African nuclear program.⁴⁷

South Africa was problematic to the United States in the 1980s for three primary reasons: first, the administration was deeply concerned that communist-led, and often pro-terror, opposition groups would take over South Africa and align themselves with the Soviet Union.⁴⁸ The administration wanted the Soviets and Cubans out of Angola, and to prevent the spread of communism to South Africa.⁴⁹ It assessed that “revolutionary change [w]as a direct threat to American security and economic interests” and hoped to

⁴⁷ Horowitz, Michael C., *The Diffusion of Military Power: Causes and Consequences for International Politics* (Princeton: Princeton University Press, 2010), 109.

⁴⁸ Reagan Presidential Library. Executive/SEC Head of State Files. Exec/SEC NS Files; NSDD, NSC Meetings ExecSEC. Box 3, African Affairs Directorate, Contents: 91026,91028,91876. Folder: South African Public Diplomacy [4 of 7], DA 91026, African Affairs Directorate, NSC. Report, “U.S. African Policy: The Opportunity and Need for a Pro-Western Strategy,” No date.

⁴⁹ Osgood, Robert E., “The Revitalization of Containment,” in Hyland, 40. See also Lake, Anthony, “Third World Radical Regimes: U.S. Policy Under Carter and Reagan,” *Foreign Policy Association Headline Series* 272 (January/February 1985), 26-43.

quell the threat through purposeful, incremental changes to eliminate apartheid.⁵⁰ The U.S. hoped to prevent “a hostile, anti-western repressive dictatorship” from coming to power and encourage pro-democratic groups instead.

Second, South Africa’s government still had a destructive, racist apartheid system. The U.S. needed to “encourage peaceful evolution from the apartheid system” that would take the form of a “capitalistic, pluralistic, multi-party, multi-racial” society which was based on the “consent of the governed.” However, Congressional pressure on the administration to address the apartheid system put Reagan in the position of having to choose either to support the racist South African government, or fight the apartheid system and reduce the South African ability to defend itself from the Soviet-backed troops.

Finally, South Africa was problematic because it was developing a nuclear weapons program. By the time Reagan entered office, South Africa was a de facto nuclear state.⁵¹ The U.S. hoped to discourage this pursuit of a functioning nuclear weapons program and maintain a nuclear weapons free South Africa. While Reagan did

⁵⁰ Oye, Kenneth A., “Constrained Confidence and the Evolution of Reagan Foreign Policy, in Oye, et. al., 22.

⁵¹ Van Wyk, Martha, “Nuclear (Non)Proliferation. Sunset over Atomic Apartheid: United States-South African Nuclear Relations, 1981-93,” 10 *Cold War History* 1 (February 2010), 52. Historically, the South Africa nuclear program was based on its uranium reserves and the U.S. investing roughly \$50 million towards the development of the uranium extraction industry. The South Africans avoided external controls and inspections on its uranium because they would likely leave them at a competitive disadvantage compared to other suppliers. In the 1960s, uranium was considered a “banal commodity” without the political implications of nuclear technology, but this categorization slowly changed over the course of the 1970s with the broadening understanding of the impact of nuclear suppliers on proliferation. Reiss, Mitchell, *Without the Bomb: The Politics of Nuclear Nonproliferation* (New York City: Columbia University Press, 1988), 179-182. Hecht, Gabrielle, *Being Nuclear: Africans and the Global Uranium Trade* (Cambridge: The MIT Press, 2012), 32-33.

not prioritize the NPT as president, he was willing insisted upon South African membership to the treaty because it fit his objectives for the region.

South Africa repeatedly found itself outside of the international system in the 1970s. It remained a member of the United Nations only after the U.S., U.K., and France vetoed a resolution recommending expulsion.⁵² South Africa did not join the NPT and it avoided full scope IAEA safeguards over its nuclear facilities. However, because of its position as a producer of uranium, South Africa held a place on the Board of Governors of the IAEA since its founding. South Africa was removed from the Board in June, 1977 as a result of South Africa's apartheid policies and its occupation of Namibia.⁵³

In August of 1977, the Soviets worked in conjunction with the U.S., the British, the French, and the West Germans to prevent what they believed was an imminent South African nuclear weapons test.⁵⁴ After the diplomatic initiative, South Africa stressed that it was not going to conduct a test.⁵⁵ Then, on September 22, 1979, the U.S. Vela satellite detected a nuclear explosion over the ocean off of South Africa, which analysts believed may have been a nuclear weapons test.⁵⁶

⁵² Reiss, 176.

⁵³ Moore, J.D.L., *South Africa and Nuclear Proliferation: South Africa's Nuclear Capabilities and Intentions in the Context of International Non-Proliferation Policies* (New York City: St. Martin's Press, 1987), 105-106. Notably, South Africa was not removed from the IAEA Board of Governors for its nuclear pursuits. See also Rabinowitz, 117.

⁵⁴ Ibid, Moore, 111.

⁵⁵ Rabinowitz, 114.

⁵⁶ Walters, Ronald W., *South Africa and the Bomb: Responsibility and Deterrence* (Lexington: Lexington Books, 1987), 41-45. See also Moore, 116. For a description of the Vela satellite and the explosion, see Weiss, Leonard, "The 1979 South Atlantic Flash: The Case for an Israeli Nuclear Test," in Sokolski, Henry D., *Moving Beyond Pretense: Nuclear Power and Nonproliferation* (Carlisle: United States War College Press, 2014), 120. Reiss, 201. The Carter administration never really questioned that the South Africans were developing nuclear weapons. They accepted that the Vela satellite detected the nuclear weapons test. Donald Sole, the South African ambassador to the U.S., unofficially told the administration they "were going to test something—but not a weapon." Sole assured the administration that the program was primarily a peaceful nuclear explosives (PNE) program.

Reagan's South Africa dilemma contained many similar elements to Carter's Pakistan dilemma. Like Pakistan, South Africa pursued a deliberately ambiguous nuclear weapons program.⁵⁷ The South African government, like the Pakistani government, was an egregious violator of human rights.⁵⁸ Just as Pakistan opposed the expansionist Soviet Union, the South African government maintained a fiercely anti-communist stance.⁵⁹ However, although the Soviets had just invaded Afghanistan and posed a direct threat to Pakistan and the strategically important Gulf region, the Reagan administration did not believe that South Africa was as strategically important to the U.S. as Pakistan.⁶⁰ While Soviet-backed Cuban forces were in Angola and opposing South African forces were in Namibia, the greatest threat to South Africa was an internal revolt. South Africa would not become secure just by removing external threats, it would also have to transition into a liberal democracy and abandon its racist system. Because of that assessment, the Reagan administration focused both on increasing South African security while reforming the apartheid system.

Initially, Reagan opposed implementing sanctions against South Africa, downplayed South African human rights, and increased the emphasis on combatting

⁵⁷ For a description of the logic behind the South African ambiguity surrounding its nuclear weapons program, see Liberman, Peter, "The Rise and Fall of the South African Bomb," 26 *International Security* 2 (Fall 2001), 45-86. Similarly, see Betts, Richard K., "A Diplomatic Bomb for South Africa?" 4 *International Security* 2 (Fall 1979), 96.

⁵⁸ Van Wyk, Martha, "Ally or Critic? The United States' Response to South African Nuclear Development, 1949-1980," 7 *Cold War History* 2 (May 2007), 207.

⁵⁹ Van Wyk, "Nuclear (Non)Proliferation," 53.

⁶⁰ South Africa advocated to the Western powers that it was geo strategically important because of its shipping lanes and mineral resources, but even with the threat to the area from the Cubans and Soviets, it did not receive the same attention as Pakistan after the Afghani invasion. Betts, 102.

communism in the region.⁶¹ He sought to influence the South African government through a policy of “constructive engagement,” using negotiations and diplomacy to encourage the South African government to reform.⁶² Chester Crocker, who became Assistant Secretary of State for African Affairs in 1981, established the “constructive engagement” strategy to transition to a nonracial society while minimizing the “damage to our interests in the process.”⁶³

At the same time, the Carter-era “South African nuclear test played a major role in the context of bilateral relations.”⁶⁴ Reagan wanted to focus on South African governmental reforms, but from the very beginning, the nuclear program forced the administration to work on inhibiting the nuclear program. Even though Reagan did not prioritize the NPT, he was willing to use it as a supplement to his overall strategy to constrain the South African nuclear program.⁶⁵ The administration insisted that it would not back down from its push for South Africa to join the NPT and safeguard regime, ideally wanting the South Africans to adopt both the normative and technical restraints. In the meantime, the administration pursued diplomacy. South African Foreign Minister Pik Botha promised President Reagan on May 15, 1981 that the South Africans would not test a nuclear weapon (or PNE) without first informing the president.⁶⁶ Reagan, in

⁶¹ Van Wyk, “Nuclear (Non)Proliferation,” 55. Reagan was willing to follow the Sullivan rules, where individual companies were judged as to whether they engaged in apartheid; if they didn’t, the U.S. could do business with them. Crothers and Lind, 89.

⁶² Weinraub, Bernard, “Reagan, in Reversal, Orders Sanctions on South Africa; Move Causes Split in Senate; an Executive Act,” *New York Times*, 10 September 1985. Pee, Robert, *Democracy Promotion, National Security and Strategy: Foreign Policy under the Reagan Administration* (New York City: Routledge, 2016), 41.

⁶³ Crocker, Chester A., “South Africa: Strategy for Change,” 59 *Foreign Affairs* 2 (Winter 1980), 324.

⁶⁴ Rabinowitz, 118.

⁶⁵ Horowitz, 109. Gavin, “Strategies of Inhibition,” 11.

⁶⁶ *Ibid*, 120.

turn, offered to make a “best effort” on supplying fuel for South African nuclear energy reactors with appropriate American safeguards in place.⁶⁷ Thus, Reagan originally established a carrot and stick approach to the South African nuclear program.

The legislative branch limited Reagan’s policy choices regarding South Africa. Members of Congress wanted Reagan to pursue an anti-apartheid agenda that included sanctions, even with Soviet-backed forces nearby. In 1985, in light of a Congressional, public, and international push, Reagan reversed his position and sanctioned South Africa.⁶⁸ The administration designed sanctions to discourage the apartheid government and the South African nuclear program through coercive measures that were “not designed to destroy [the] South African economy” but instead to target “specific elements of the government apparatus.”⁶⁹ He issued Executive Order 12532, which, among other things, prevented the U.S. from making loans to the South African government and prohibited the export of technology to South Africa which could prop up the government or the security apparatus. Reagan also banned most nuclear sales to South Africa, with the exception of those related to health and safety, or those necessary for IAEA safeguard

⁶⁷ Van Wyk, “Nuclear (Non)Proliferation,” 56.

⁶⁸ Weinraub, Bernard, “Reagan, in Reversal, Orders Sanctions on South Africa; Move Causes Split in Senate; an Executive Act,” *New York Times*, 10 September 1985. A coalition of countries and companies began to divest, and the House and Senate worked on a bill to sanction South Africa. See, for instance, Kristof, Nicholas D., “The Pressure on South Africa,” *New York Times*, 7 August 1985; “News Summary: Thursday, August 1, 1985,” *New York Times*, 1 August 1985. Ronald Reagan, “Remarks and a Question-and Answer Session with Reporters on Signing the Executive Order Prohibiting Trade and Certain other Transactions Involving South Africa,” Reagan University of Texas Archives, Speeches, 9 September 1985, available at <http://www.reagan.utexas.edu/archives/speeches/1985/90985a.htm>. See also Weinraub, “Reagan, in Reversal;” Crothers and Lind, 90-91.

⁶⁹ Reagan Presidential Library. Executive/SEC Head of State Files. Exec/SEC NS Files; NSDD, NSC Meetings ExecSEC. Box 3, African Affairs Directorate, Contents: 91026,91028,91876. Folder: South Africa (1 of 3), Box 91028, African Affairs Directorate: Records. Report: South Africa, Presidential Actions. “President’s Decision on South African Measures. 8 September 1985. See also Gavin, “Strategies of Inhibition,” 27-29.

programs.⁷⁰ Still, Reagan hoped to avoid overwhelming economic sanctions that would make it difficult to defend South Africa in case the Soviet troops in Angola moved towards South Africa.

In 1986, Congress took a stand against South Africa, in opposition to Reagan's goals. After Reagan originally vetoed the Comprehensive Anti-Apartheid Act in 1985, Congress passed it again. Reagan vetoed it once more. In a major defeat to Reagan's policies towards South Africa, Congress overrode Reagan's veto, turning the Act and its long list of sanctions against South Africa into law.⁷¹ Reagan issued a statement on October 2, 1986, calling the Act a list of "punitive sanctions" that would likely "hurt the very people they were intended to help"⁷²

In 1987, the administration worried that South Africa's apartheid government would soon transition to an African National Congress (ANC) government. The ANC, a political party founded to fight for the rights of the black population of South Africa that existed in exile since the 1960s, was aligned with the communists in the country and used guerrilla and terrorist tactics.⁷³ The fear that the new government would eventually possess nuclear weapons prompted the administration to put significant pressure on the

⁷⁰ Executive Order 12532—Prohibiting trade and certain other transactions involving South Africa. 50 FR 36861, 3 CFR, 1985 Comp., 9 September 1985, at 387. Available at the Federal Registrar, National Archives, at <http://www.archives.gov/federal-register/codification/executive-order/12532.html>.

⁷¹ Public Law 99-440, *Comprehensive Anti-Apartheid Act of 1986*, H.R. 4868, 2 October 1986.

⁷² Reagan, Ronald, "Statement on the Comprehensive Anti-Apartheid Act of 1986," Reagan Library at the University of Texas, 2 October 1986, available at <https://reaganlibrary.archives.gov/archives/speeches/1986/100286d.htm>.

⁷³ Tom Lodge argued that existing in exile for the ANC did not generally reduce the power of the ANC in the way that exile generally reduces a group's power. Lodge, Tom, "State of Exile: The African National Congress of South Africa, 1976-86," 9 *Third World Quarterly* 1 (January 1987), 1-27.

South African leadership between 1987 and 1989 to relinquish their nuclear program.⁷⁴ South African President P.W. Botha announced on September 21, 1987 that he was in talks with other nuclear powers over South Africa signing the NPT.⁷⁵ Then, in 1990, South Africa decided to end its nuclear program, dismantling and destroying its nuclear devices.⁷⁶ It joined the NPT on July 10, 1991, and entered into a safeguards agreement with the IAEA in September 1991 to assure the safety of its remaining nuclear materials and facilities.⁷⁷

Reagan's South Africa policy evolved over time, and with it he transitioned from employing normative and diplomatic strategies to focusing primarily on coercive strategies to inhibit the nuclear weapons program.⁷⁸ Reagan's evolving policies toward South Africa indicate three points about Reagan's policies regarding nuclear nonproliferation. First, Reagan believed in using the NPT as a tool to further his nonproliferation goals, even as he was not convinced by that treaty would necessarily prevent proliferation when a state was insecure. As a result, he insisted upon South African membership to the NPT. Second, Reagan would work with Congress to align with his nonproliferation goals, but he did not always succeed when another goal took precedence. When the Soviets threatened Pakistan, Reagan gained Congressional support for his policies and successfully downplayed violations of nuclear nonproliferation

⁷⁴ Purkitt, Helen E., et. al., "South Africa's Nuclear Decisions," *27 International Security* 1 (Summer 2002) at 187.

⁷⁵ Battersby, John D., "South Africa Says It Might Soon Sign Atomic Agreement," *New York Times*, 21 September 1987.

⁷⁶ De Villiers, J.W., et. al., "Why South Africa Gave Up the Bomb," *72 Foreign Affairs* 5 (November-December 1993), 98.

⁷⁷ Graham, Thomas, Jr., *Disarmament Sketches: Three Decades of Arms Control and International Law* (Seattle: University of Washington Press, 2002), 266-268.

⁷⁸ Gavin, "Strategies of Inhibition," 11.

policy. Yet Reagan failed to maintain Congressional support for his policies when the apartheid regime became the most salient problem. Congress even took the lead in directing U.S. policy by sanctioning South Africa far more than Reagan supported. Finally, Reagan's overall strategy to prevent proliferation was to assure a country's security. However, he was willing to sanction South Africa as a result of light of the failures of diplomacy, the increase in pressure from Congress and the public to act against the South African government, the burgeoning nuclear program, and human rights violations. Strategic imperatives demanded that he put the demands of other actors before his goal for South African security.

Reagan, Osirak, and the Nonproliferation Crisis

On June 7, 1981, the Israeli Air Force, flying American-supplied planes, dropped bombs at the Osirak nuclear reactor site. Israeli officials later claimed that they believed that the Osirak reactor would become operational in the early fall of 1981 and was secretly purposed for the production of nuclear weapons. According to the Israelis, once Osirak became operational, a strike would no longer be possible without exposing the citizens in Baghdad to nuclear fallout. Additionally, since Iraq was still technically at war with Israel, having refused to accept the ceasefires or peace accords, Israel would be a top target for Iraq's nuclear weapons program once it became operational.⁷⁹ The strike against the reactor caused significant destruction. The CIA's National Photographic

⁷⁹ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [3 of 6]. Statement by Walter J. Stoessel before the Subcommittees on Europe and the Middle East and International Security and Scientific Affairs of the House Foreign Affairs Committee, 17 June 1981. See also Rodger W. Claire's extensive account of the raid: Claire, *Raid on the Sun*.

Interpretation Center assessed that Israel dropped at least five bombs in close proximity to the Osirak reactor building, and dropped an unknown number of bombs on or near the supporting buildings.⁸⁰

The first major, successful strike against a nuclear facility on another state, a strike that took place without obvious provocation in seeming contradiction of the prohibition on the use of force on a sovereign state, came like a swift storm and necessitated a reaction from America.⁸¹ A week after the strike, Iraqi leader Saddam Hussein declared that Arab states should “obtain the nuclear bomb in order to confront Israel’s existing bombs.”⁸² If states had answered Hussein’s call, the strike could have led to even more proliferation.

To critics of nuclear proliferation, the strike confirmed the destabilizing effect of proliferation.⁸³ To others, it was a testament that a surgical strike could have a paralyzing effect on a country trying to develop nuclear weapons. The strike forced President Reagan and the U.S. to confront whether the use of force was an appropriate way to prevent proliferation. The first part of this section will address the origins of the Iraqi program and Carter’s policies towards Israel and Iraq. The second part will focus on how Reagan responded to the strike by trying to minimize tensions between the leaders of the Arab states and Israel in order to build stability and security in the Middle East. The

⁸⁰ National Archives. CREST. CIA-RDP81T00618R000100730001-8. “Bomb Damage Assessment Baghdad Nuclear Research Center, Iraq,” National Photographic Interpretation Center, June 1981.

⁸¹ There had been a few unsuccessful strikes prior to the Osirak bombing, including the Iranian attempt to strike Osirak and the 1942 and 1943 British strike against the German controlled Norsk-Hydro heavy water plant in Norway. See Fuhrmann, Matthew, “Preventive War and the Spread of Nuclear Weapons Programs,” in Sokolski, 92.

⁸² Betts, Richard K., and Joseph A. Yager, “Nuclear Proliferation after Osirak,” 11 *Arms Control Today* 7 (September 1981), 1.

⁸³ See, for instance, Nye, Joseph S., “The U.S. and Soviet Stakes in Nuclear Nonproliferation,” 15 *PS* 1 (Winter 1982), 33.

administration, with the support of Congress, developed contrasting public and private responses to the strike in order to increase chances of achieving regional stability.

Finally, the third part will review the significance of international organizations on Reagan's decisions regarding the Osirak strike.

The Beginning of the Iraqi Nuclear Program

The Iraqi nuclear crisis began under the Ford administration in 1974, when France agreed to act as a nuclear supplier to Iraq. According to a CIA report, the French were dependent on Iraqi oil and Hussein decided that a nuclear reactor would be the price for that oil.⁸⁴ France confirmed the agreement in November 1975 and publicly announced that it would develop the light water Osirak nuclear reactors, Tamuz I and Tamuz II in 1976 (note that the names Osirak, Osiraq, and Tamuz are used interchangeably in the literature).⁸⁵ France also agreed to supply Iraq with 93% enriched uranium to fuel the reactors.⁸⁶

In the 1970s, Iraqi leader Saddam Hussein was intent on building a nuclear bomb, although the reasoning behind his program is still unclear.⁸⁷ Unlike Pakistan, which developed its weapon both for security in light of a nuclear India and for regional

⁸⁴ National Archives. CREST. CIA-RDP82-00850R000100050037-5. U.S. Joint Publications Research Service. "Translations on Western Europe," 18 May 1979.

⁸⁵ National Archives. CREST. CIA-RDP82-00850R000100050037-5. U.S. Joint Publications Research Service. "Translations on Western Europe," 18 May 1979.

⁸⁶ Snyder, Jed C., "The Road to Osiraq: Baghdad's Quest for the Bomb," 37 *Middle East Journal* 4 (Autumn 1983), 576. For a description of France's evolving nuclear export policies, see Lellouche, Pierre, "Giscard's Legacy: French Nuclear Policy and Non-proliferation, 1974-81," in Boardman, Robert, and James F. Keeley, *Nuclear Exports and World Politics: Policy and Regime* (New York City: St. Martin's Press, 1983), 33-61.

⁸⁷ See, for instance, Miller, Marvin M., in Spiegel, Steven L., et. al. (eds.) *The Dynamics of Middle East Nuclear Proliferation* (Lewiston: The Edwin Mellen Press, 2001), 66. The name Tamuz or Tammuz was picked because it refers to the Iraqi Ba'ath party coming into power. Nakdimon, 11.

prestige, Hussein never outlined an Iraqi national strategy document, and revealed little about the purpose of the nuclear weapons program.⁸⁸ However, he did envision a larger role for Iraq in the Middle East, and wanted to establish Arab unity.⁸⁹ Nuclear weapons may have been the tool to protect the larger Arab world against outside threats, and as a means to protect the state from Israel and Iran.⁹⁰

The Iraqis initially approached the French with a request to receive a gas-graphite nuclear reactor. Since gas-graphite facilities were not typically used for either nuclear power generation or civilian research, the request drew suspicions from the French that the Iraqis planned to develop nuclear weapons. However, the French, as noted, did agree to supply the light water reactors, and did not allow their concerns about the nature of the Iraqi program deter their decision to act as a supplier for Iraq. The light water reactor, while capable of being a tool for nuclear proliferation, was less alarming to the nonproliferation community and less likely to be perceived as dangerous by the IAEA.⁹¹ Iraq's ability to develop a nuclear weapons program with the Osirak reactor has been heavily questioned by scholars.⁹² The reactor was to be subject to IAEA safeguards, but American concern over the program remained because of Saddam Hussein's intention to develop a weapon.⁹³

⁸⁸ Cigar, Norman, *Saddam Hussein's Nuclear Vision: An Atomic Shield and Sword for Conquest* (Quantico: Marine Corps University Press, 2011), 2-3.

⁸⁹ For a description of Hussein's more nefarious grabs for power, and the general Israeli concern for the its security in the lead up to the strike, see the translated work: Nakdimon, *First Strike*.

⁹⁰ Cigar, 12-13.

⁹¹ Ibid, 567-569.

⁹² Ramberg, Bennett, "Looking Back: Osirak and Its Lessons for Iran Policy," 42 *Arms Control Today* 4 (May 2012) at 41. See also, for instance, Reiter, Dan, "Preventive Attacks Against Nuclear Programs and the "Success" at Osiraq," 12 *Nonproliferation Review* 2 (July 2005), 357.

⁹³ Snyder, 570.

The hope during the Ford administration was that France would align with the U.S. and other supplier states to guarantee “effective measures to coordinate export policies.” Ford was intent on convincing the French not to act as a supplier to potential nuclear weapon states such as South Korea, Pakistan, Argentina, and Brazil.⁹⁴ He hoped that when information came out that a state was intent on developing nuclear weapons, as happened soon after concluding the Osirak reactor deal, France would end its agreement to act as a supplier. While it didn’t cut off nuclear supplies entirely, France reconsidered its decision to supply the 93% enriched uranium, instead opting only to supply enough enriched uranium to fuel the reactors. It withheld additional uranium, but continued with the deal.⁹⁵

Israeli policymakers became extremely concerned with the Iraqi nuclear program and believed the Iraqis would use nuclear weapons to target Israel. The strike showed that the Israelis did not fully subscribe to the theory of deterrence.⁹⁶ If Israel had nuclear weapons, as most suspected it did, then those nuclear weapons should deter a strike from a small Iraqi nuclear weapons program. If nuclear deterrence worked, it would have a

⁹⁴ National Archives. RG General Records of the Department of State, Records of Henry Kissinger, 1973-1977. Box 7, NN3-059-00-005; NND 009029; RG59, Entry 5403, Box 8. Folder: Nodis Memos, Jan-June 1974, Folder 1. “Non-Proliferation and Nuclear Safeguards: The Need for French Cooperation,” November/December 1974.

⁹⁵ Snyder, 576.

⁹⁶ Unsurprisingly, most literature on nuclear deterrence focuses on the U.S. and Soviet relationship, but it can shed light on actions of other nuclear powers. For example, Robert Jervis makes an interesting argument regarding deterrence and defense, saying that states, especially nuclear armed states, should theoretically be able to deter a large range of actions by an adversary, even if they don’t have the defenses available, or are, in the case of Israel, a very small state. Jervis also argues for illogic in a response that leads to nuclear war. Jervis, Robert. *The Illogic of American Nuclear Strategy*. Ithaca: Cornell University Press, 1984) 126-129. The Israelis did not reject the idea of deterrence when it was useful. Notably, the Israelis did make deterrent threats towards Iraq during the First Gulf War. Goldstein, Lyle J., *Preventive Attack and Weapons of Mass Destruction: A Comparative Historical Analysis* (Stanford: Stanford University Press, 2006), 113.

stabilizing effect.⁹⁷ Israel would be more secure. The opposite was true; the Israelis felt threatened by the Iraqi program, and were willing to consider destabilizing the region through by striking Osirak in order to prevent a future threat from the Iraqi nuclear program.

Israelis decided to act, starting with targeting the Mediterranean Company at La Seyne-sur-Mer in France, which was in the final days of completing the Tamuz reactors for shipment to Iraq. Around 3am on April 6, 1979, three men scaled the walls of the nuclear hanger and delivered, as one CIA report described, “eight ‘hollow charges’ made up of ‘super destructive’ explosives—military material which is the best available to destroy, say, the armor on tanks.”⁹⁸ The men managed to avoid destroying materials in the hanger which were not intended for the Iraqi shipment. After detonating the explosives, the Tamuz reactors were 60% destroyed, with only minimal (and likely accidental) damage to a piece of equipment destined for Germany, and no injuries to the guardsmen at the plant.⁹⁹ The precision of the operation led the investigators to believe that the sabotage was a well-planned surgical military operation. The Israelis vehemently denied that it was the source of the espionage, France did not bring any charges against Israel’s intelligence agency, the Mossad, but the U.S. suspected that Israel was behind the sabotage.

⁹⁷ Gaddis, John Lewis, “Nuclear Weapons and International Systemic Stability,” *Emerging Issues, Occasional Paper Series of the American Academy of Arts and Sciences. International Security Studies Program.* (Cambridge: Occasional Paper No. 2, January 1990), 8.

⁹⁸ National Archives. CREST. CIA-RDP82-00850R000100050037-5. U.S. Joint Publications Research Service. “Translations on Western Europe,” 18 May 1979.

⁹⁹ “Components for A-Plant are Sabotaged in France,” *New York Times*, 7 April 1979. See also National Archives. CREST. CIA-RDP82-00850R000100050037-5. U.S. Joint Publications Research Service. “Translations on Western Europe,” 18 May 1979.

Israel did not stop trying to disrupt the Iraqi nuclear program after the La Seyne-sur-Mer explosion. It was suspected of detonating three bombs at SNIA Technit, an Italian company that was producing hot separation labs that Iraq would need for weapons production.¹⁰⁰ Additionally, about a year after the sabotage at the French plant, Mossad agents assassinated an Egyptian nuclear scientist Yehia El-Mashad, the head of the Iraqi nuclear program.¹⁰¹ He was in Paris on June 14, 1980 to test fuel for the Osirak reactor, where he was bludgeoned to death in his hotel room.¹⁰² The prostitute who overheard his murder was killed in a hit and run a few weeks later.

Carter's Knowledge of the Iraqi Nuclear Program

President Carter did not put significant effort into constraining the Iraqi nuclear program. Even after receiving reports regarding Iraq's burgeoning nuclear weapons program, and being urged by the Israelis to intervene, he still chose against putting resources towards halting the program. Carter's failure to address Iraqi proliferation, even in light of knowledge that the Israelis were considering a strike, indicating that Iraq was not a priority for the administration. Proliferation by the enemy of an ally did not, automatically, lead to action.

A handful of policy makers in the Carter administration were concerned that Iraq was working on a nuclear weapons program. In its intelligence collection strategy in May of 1979, the administration determined that Iraq was developing a nuclear weapons

¹⁰⁰ Ford, Peter S., 15.

¹⁰¹ Bergman, Ronan, "Killing the Killers," *Newsweek*, 13 December 2010.

¹⁰² Henry, Terrence, "The Covert Option: Can Sabotage and Assassination Stop Iran from Going Nuclear?" *The Atlantic*, December 2005.

program. It assessed that “its efforts to acquire nuclear power plants are not consistent with its expected energy needs, thereby raising questions about Iraq’s ultimate intentions.”¹⁰³ The report went on to argue that Iraq planned to divert the highly enriched uranium that the French agreed to provide the reactor to its nuclear weapons program. Additionally, by July of 1979, the administration received reports via the CIA that Brazil agreed to sell plutonium to Iraq, which suggested that the bombing at La Seyne-sur-Mer did not succeed in thwarting Iraqi nuclear ambitions.¹⁰⁴ The Carter administration decided to monitor the Iraqi program and act early if possible.

The NSC did not give high priority to the Iraqi nuclear program. In fact, one staffer, Jessica Tuchman Mathews, questioned how the administration did not assign the Iraqi program the highest threat level despite believing that Iraq was pursuing nuclear weapons.¹⁰⁵ Mathews wondered why the administration could assess that Iraq was pursuing nuclear weapons, but a state like Libya was given a higher threat assessment and the intelligence community devoted more resources toward its study.

In October of 1979, an Interagency Intelligence Memorandum titled “Iraq’s Nuclear Interests, Programs, and Options” circulated amongst high level policy makers.¹⁰⁶ Its authors were cautious, stating that Iraq may not have a nuclear weapons program now but its actions and purchases indicated that it was moving in that direction.

¹⁰³ Carter Presidential Library. Staff Material, Global Issues. Box 48, Folder 1. Intelligence Collection Strategy: Iraqi Nuclear Proliferation Intentions and Activities, 1 May 1979.

¹⁰⁴ National Archives. CREST. CIA-RDP82-00850R000100080011-0. “Worldwide Report: Nuclear Development and Proliferation,” Foreign Broadcast Information Service, 8 August 1979, quoting “Other sources Tapped for Nuclear Power: The Middle East, July 1979.”

¹⁰⁵ Carter Presidential Library. Staff Material, Global Issues. Box 48, Folder 1. Memo from Jessica Tuchman Mathews to Sam Hoskinson, 1 May 1979.

¹⁰⁶ Carter Presidential Library. Brzezinski Material: Country File. Box 34, Folder 4. Interagency Intelligence Memorandum, “Iraq’s Nuclear Interests, Programs, and Options,” 1 October 1979.

They argued that Iraq would likely be immune to pressure from its nuclear suppliers to halt or dismantle its program, then concluded that the reactor most likely would not be ready for about ten years. The years before the program would become operation meant Carter would not have to act immediately.

The report noted that “Baghdad is virtually certain to remain strongly anti-Israeli” but did not acknowledge the threat that Israel was under from the program, nor contemplate when, where, or why the Israelis were considering preemptive action, or how that action would manifest. The memorandum included a footnote about the action the Israelis had taken so far, including the La Seyne-sur-Mar bombing.¹⁰⁷ However, the memo did not give serious attention to the possibility of Israeli action against the Iraqi program in Iraq.

In the final year Carter was in office, the administration received reports that Israel was seriously considering, even planning, a military operation against the Iraqi nuclear facility at Osirak. For example, Secretary of State Edmund Muskie received a telegram from the Embassy in Tel Aviv that the Israelis were very afraid of the Iraqi nuclear program. The Israelis gave a low end estimate that Iraq could, with Pakistan’s help, have a nuclear weapon in as little as six to twelve months. A high level staffer from the Prime Minister’s office contended that if Iraq develops a nuclear weapon, the Israelis would speed up their own nuclear weapons plans. The telegram also noted that a strike on

¹⁰⁷ Carter Presidential Library. Brzezinski Material: Country File. Box 34, Folder 4. Interagency Intelligence Memorandum, “Iraq’s Nuclear Interests, Programs, and Options: Discussion,” 1 October 1979.

the Iraqi nuclear reactor would garner overwhelming support from the Israeli people.¹⁰⁸ Muskie responded with a telegram in July of 1980 to the Ambassador at Tel Aviv saying that Carter had been briefed on Israeli concerns about the program, and that the U.S. knew about Israeli appeals to the French to stop enriched uranium shipments to Iraq.¹⁰⁹ Yet the administration failed to develop a plan to disrupt the Iraqi program.

The Israelis made multiple overtures to French leadership, including to French President Valéry Giscard d'Estaing, to end the enriched uranium shipments to the Iraqis.¹¹⁰ France believed that putting IAEA safeguards in place would be sufficient to prevent materials from being used for nuclear weapons. Even with full knowledge that IAEA safeguards in Pakistan were not sufficient to halt the Pakistani nuclear weapons program, it maintained the position that IAEA safeguards would be sufficient to prevent the Iraqis from diverting French materials to a nuclear weapons program.¹¹¹

The French were willing to continue with nuclear shipment despite the potential problems with introducing nuclear materials into a region with growing conflicts. They assessed that war between Iran and Iraq could erupt in the near future. Nuclear scholars argue that introducing nuclear materials, particularly nuclear weapons, into a region with

¹⁰⁸ Reagan Presidential Library. Executive Secretariat, NSC Country Files. Box 37. Folder: Iraq-Israel Strike on Nuclear Reactor (6/8/81) [1 of 6]. Telegram from the Ambassador of Tel Aviv to the Secretary of State, "Israeli Concern over Iraqi Nuclear Intentions," July 1980.

¹⁰⁹ Reagan Presidential Library. Executive Secretariat, NSC Country Files. Box 37. Folder: Iraq-Israel Strike on Nuclear Reactor (6/8/81) [1 of 6]. Telegram from the Secretary to State to Tel Aviv, "French Enriched Uranium Shipments," July 1980.

¹¹⁰ Reagan Presidential Library. Executive Secretariat, NSC Country Files. Box 37. Folder: Iraq-Israel Strike on Nuclear Reactor (6/8/81) [1 of 6]. Transcript of Israel Radio in Tel Aviv, Comments on Pressing the French on Iraq Nuclear Reactor, December 11, 1980.

¹¹¹ National Archives. CREST. CIA-RDP82-00850R000400050010-1. "Worldwide Report: Nuclear Developments and Proliferation," Foreign Broadcast Information Service. 4 September 1981. "French Analysis of Osirak Bomb Capabilities," 22-28 July 1981. The IAEA had multiple agreements in place with Pakistan for its nuclear energy reactors. See: "Pakistan," IAEA Nuclear Power Profiles, 2014, available at: <https://cnpp.iaea.org/countryprofiles/Pakistan/Pakistan.htm>.

burgeoning conflicts increases the volatility in the region.¹¹² Yet, despite knowledge of the regions instability, the French continued to deliver enriched uranium to Iraq. Eventually the uranium arrived in Iraq “only days before” September 22, 1980, the outbreak of the Iran-Iraq War.¹¹³

The Iraqi government was aware that the Israelis were considering a strike on its nuclear facilities. The U.S.’s Iraq Country Officer called on the Iraqi government for information on the Iraqi nuclear program.¹¹⁴ The Iraqi representative responded that Iraq was a party to the NPT, and was not pursuing nuclear weapons. He declared that it was the Zionist Israelis who were poisoning the world with the notion that Iraq was pursuing a nuclear weapon, Israel is behind all attacks on Iraqi facilities, companies, and equipment, and Iraq and Israel remain at war. Finally, the representative said that Israel wanted to destroy the nuclear program.

As the year went on, the talk of a strike became less veiled. Muskie received a telegram from the U.S. embassy in Tel Aviv that the Chief of Staff of the Israeli Defense Forces, Rafael Eitan, discussed “quite openly” mounting a military strike against the Iraqi nuclear reactor before Iraq reached the point of building a nuclear bomb. On September 28, 1980, the Israelis discussed using the Iran-Iraq war as a cover for Israeli action against the reactor. They would fly in “under the cover of the current Iranian air attacks

¹¹² Sagan, Scott D., and Kenneth N. Waltz, *The Spread of Nuclear Weapons: A Debate Renewed* (New York City: W.W. Norton, 2002), 93.

¹¹³ Reagan Presidential Library. Executive Secretariat, NSC Country Files. Box 37. Folder: Iraq-Israel Strike on Nuclear Reactor (6/8/81) [1 of 6]. Telegram from Ambassador at Tel Aviv to Secretary of State, “Iraqi Nuclear Facilities and the Iraqi-Iranian War,” September 1980.

¹¹⁴ Reagan Presidential Library. Executive Secretariat, NSC Country Files. Box 37. Folder: Iraq-Israel Strike on Nuclear Reactor (6/8/81) [1 of 6]. Telegram from the Secretary to State to the Ambassador in Tel Aviv, “Iraqi Nuclear Program: Iraq Requests USG Statement,” August 1980.

on Baghdad.”¹¹⁵ The operation was “seriously considered within the Minister of Defense,” where Israeli military officials believed the plan was executable. The telegram ended on a note of concern:

“We may have no way of knowing how seriously to take this possibility at this moment. But the temptation must be great for Israeli officials like Eitan who have nothing but disdain for the probable results of any diplomatic efforts to block Iraq’s obtaining nuclear weapons. And it is of course a fact that the Israelis and the Iranians both use F-4’s as the backbone of their air force. The IDF could believe it could carry out an F-4 strike.”

The Ambassador noted that “we have no way of knowing” whether the strike would actually happen. In the end, the Israelis made the decision to delay the strike until after the American presidential election in order to avoid disrupting U.S.-Israeli relations and swaying the results of the election.¹¹⁶

Carter was already overwhelmed by the Soviet invasion of Afghanistan and the Iranian hostage crisis, but the limited response predated either crisis. The Carter administration had the option of acting, but chose inaction. Although I did not find specific explanations as to why the U.S. did not do more, Michael Horowitz’s work on military diffusion offers one possible explanation. Horowitz argues that nuclear weapons programs are unique in that the spread of nuclear weapons to non-major powers is likely because the investment in the nuclear programs is likely drawn out over many years. The

¹¹⁵ Reagan Presidential Library. Executive Secretariat, NSC Country Files. Box 37. Folder: Iraq-Israel Strike on Nuclear Reactor (6/8/81) [1 of 6]. Telegram from Ambassador at Tel Aviv to Secretary of State, “Iraqi Nuclear Facilities and the Iraqi-Iranian War,” September 1980.

¹¹⁶ Goldstein, Lyle J., *Preventive Attack and Weapons of Mass Destruction: A Comparative Historical Analysis* (Stanford: Stanford University Press, 2006), 119.

time between the decision stage and the acquisition stage of a nuclear weapons program can take decades even for a wealthy state like Israel.¹¹⁷ The Carter administration had little ability to pressure the Iraqis to give up their program, and did not have the political capital to pressure the French. Since it would likely take the Iraqis a great deal of time to develop a nuclear weapons program, the administration likely believed the problem would best be addressed at a later date when pressure from the U.S. would be more effective.

While the U.S. decided to kick the can down the road, Israel had to turn to another state to gain assistance in stopping the Iraqi nuclear program. The mutual concerns of Israel and Iran brought together the two adversaries. The Israelis gave nominal support for Iran during the Iran-Iraq war and smuggled 250 American-made spare tires for F-4s in October of 1980. Although they were wary of allowing anyone to know about shipment while Americans were still being held hostage by the Iranians, Carter officials eventually admitted they knew about the secret shipment.¹¹⁸ Shipments to Iran from Israel continued through at least 1982, likely totaling in the millions of dollars, even as the Reagan administration secretly supported anti-Khomeini groups and leaned slightly towards favoring Iraq in the Iran-Iraq war.¹¹⁹ The episode highlights that Israel was willing to support an enemy in order to combat an even greater threat, nuclear proliferation in an enemy state.

¹¹⁷ Horowitz, 116.

¹¹⁸ Peterzell, Jay, *Reagan's Secret Wars* (Washington D.C.: CNSS, 1984), 57.

¹¹⁹ See also Halliday, Fred, "The Reagan Administration and the Middle East," in Morley, Morris H. (ed), *Crisis and Confrontation: Ronald Reagan's Foreign Policy* (Totowa: Rowman and Littlefield, Publishers, 1988), 138-143.

Iran was concerned with Iraqi nuclear program as much as Israel. In the end, it actually took the lead. The Iranians conducted a military strike against the Osirak reactor two days after the telegram, on September 30, 1980.¹²⁰ The Iranian strike was unsuccessful. The F-4 bombers struck only secondary buildings, and the reactor remained undisturbed.¹²¹

Ostensibly, because of the Iranian attack, the Iraqis subsequently blocked IAEA investigators from Osirak for months, claiming that the site was too unstable to permit inspections.¹²² Iraq barred the IAEA investigators in contradiction to its obligations of the NPT. Intelligence reports indicated that since the Iranian bombers did not hit the reactor, the site was not unsafe for inspectors. As a result, analysts believed the Iraqis were using the Iranian bombing as an excuse to work on the nuclear weapons program without oversight or interference.¹²³

Shai Feldman proposed a few reasons why a Middle Eastern country would want to avoid effective, on site verification of its nuclear sites. He argued that Iraq and other Middle Eastern countries saw inspections as an infringement on their national sovereignty, as a threat to expose their strengths, weaknesses, and sensitive data, or even

¹²⁰ National Archives. CREST. CIA-RDP90-00552R000100480004-6. Bradsher, Henry S., "Israel Drops Key Part of Defense of Raid," *The Washington Star*, 16 June 1981.

¹²¹ National Archives. CREST. CIA-RDP83M00210R000300120004. Foreign Broadcast Information Service, "Special Memorandum: Iraqi Statements on Nuclear Technology," 10 June 1981. From "A Conformity of Goals and Intentions Between the Leaders of Tehran and the Zionists," *Ath-Thawrah* (the Ba'th Party Daily), 4 October 1980. See also Tanner, Henry, "Khomeini Dismisses Truce Offer, Vowing a Fight 'To The End': Bombs Fall on Nuclear Plant Near Baghdad but Miss Reactor—Iraq Escalates Offensive," *New York Times*, 1 October 1980.

¹²² Reiter, 360-361.

¹²³ National Archives. CREST. CIA-RDP82-00850R000400050010-1. "Worldwide Report: Nuclear Developments and Proliferation," Foreign Broadcast Information Service. 4 September 1981. "French Analysis of Osirak Bomb Capabilities," 22-28 July 1981.

possibly as a step towards normalization of relations with Israel.¹²⁴ Saddam likely changed his strategy for inspections after the failed Iranian bombing. He appeared to follow Feldman's second line of reasoning, and avoided inspections at Osirak in order to hide strengths and weaknesses. By maintaining a deliberately nefarious posture, Iraq could hide specific advancements and failures.¹²⁵

In January of 1981, Saddam allowed IAEA inspectors back in Iraq. The IAEA gave its stamp of approval that Iraq was not pursuing nuclear weapons, even as some states continued to believe that Iraq did not give up on its nuclear weapons program (it turns out they were right, as the U.S. discovered after the First Gulf War that Iraq had invested huge sums towards developing a nuclear weapon program). Israel continued to believe it was under threat and continued planning an attack. Theoretically, a state is likely to consider attacking a burgeoning nuclear program when three conditions are met: the states opposed each other in a military conflict, the proliferating state had an autocratic rule, and the states had divergent interests in foreign policy.¹²⁶ With Israel and Iraq still in a state of war, a dictatorial Saddam Hussein at the helm in Iraq, and the Iraqi plan to become a leader in the Middle East, the conditions were ripe for an Israeli strike.

¹²⁴ Feldman, Shai, *Nuclear Weapons and Arms Control in the Middle East* (Cambridge: MIT Press, 1996), 4.

¹²⁵ After the 1991 Gulf War, the world learned that Iraq had, in fact, skirted the IAEA safeguard system while pursuing a nuclear weapons program. Feiveson, Harold A., et. al., *Unmaking the Bomb: A Fissile Material Approach to Nuclear Disarmament and Nonproliferation* (Cambridge: MIT Press, 2014), 94.

¹²⁶ Fuhrmann, Matthew, and Sarah E. Kreps, "Targeting Nuclear Programs in War and Peace: A Quantitative Empirical Analysis, 1941-2000," 54 *The Journal of Conflict Resolution* 6 (December 2010), 831-859.

Reagan and Osirak

Unlike the 1974 Indian nuclear test, which brought a muted response from the Nixon administration, the Reagan administration treated the Osirak strike as a major international incident. The strike was exceptional: a strategic ally of the U.S. used force against an enemy to prevent proliferation.¹²⁷ In a year when he hoped to focus nearly all of his attention on the economic recovery, he was forced to confront two major problems: what did the strike mean for Middle East peace, and what did the strike mean for future nonproliferation efforts?¹²⁸

Reagan's response to the Osirak bombing was three pronged. First, the administration reassessed its strategy both for nuclear nonproliferation and for the Middle East in light of the strike. It focused on steps to bring about stability in the region through peace talks and supplying conventional arms. Second, Reagan addressed the immediate situation by speaking to foreign leaders and attempting to calm the tension brought on by the strike. Third, Reagan and his team developed a public response, distinguishing between the political nature of the strike and the legality of preventive force against the Iraqi program.

The Carter administration both knew about the Israeli fear of the Iraqi program and discussed the possibility of a strike, but chose against taking action to halt Iraqi proliferation or to prevent the strike. Its strategy towards the Middle East was overwhelmed by the Iranian hostage crisis and the Soviet invasion of Afghanistan, and

¹²⁷ According to historian Richard Reeves, Israel had been considered a strategic ally of the United States since at least the Nixon administration. Reeves, Richard, *President Nixon: Alone in the White House* (New York City: Simon and Schuster, 2001), 169.

¹²⁸ Ornstein, 89-90.

the Iraqi nuclear program and potential Israeli strike were of relatively low priority in the administration. Reagan was ignorant of the Israeli concerns about the Iraqi program prior to the Osirak bombing. He noted in his diary, a little over a week after the bombing, that he learned the previous [Carter] administration was in talks with the Israelis about the Osirak reactor. The State Department had a collection of files on the talks. Yet neither the outgoing Carter administration nor the Israelis informed Reagan of the impending strike.¹²⁹ Carter's failure to address the nuclear program, assuage Israeli concerns, and adequately inform the incoming administration of the impending problems, meant Reagan was taken by surprise. He was left to address the newly unveiled insecurity of the region in light of the attack.

On the day of the bombing, Reagan wrote in his diary: "got word of Israeli bombing of Iraq-- nuclear reactor. I swear I believe Armageddon is near."¹³⁰ He also declared in his autobiography that he "had no doubt that the Iraqis were trying to develop a nuclear weapon."¹³¹ In contrast to Nixon's response to the Indian nuclear test, where Nixon pondered the significance of the test but had little to no official condemnation and no major change in policy towards India after the test, Reagan held multiple meetings with his NSC, the Israelis, and Arab leaders about the strike in its immediate aftermath. He developed a new strategy towards Israel. He withheld foreign aid as a lever to express

¹²⁹ Reagan, *The Reagan Diaries*, 25. Alexander Haig wrote in his autobiography that the Israelis told him that they seriously considered warning the administration, but chose against it out of fear that Reagan would try to talk them out of the strike. Haig, Alexander M., Jr., *Caveat: Realism, Reagan, and Foreign Policy* (New York City: Macmillan Publishing Company, 1984), 182. See the background considerations from the Israeli side in Nakdimon, *First Strike*.

¹³⁰ Reagan, Ronald, *The Reagan Diaries* (New York City: HarperCollins Publisher, 2007), 24. Lou Cannon argued that a few of Armageddon was a frequent concern in Reagan's life. Cannon, 248.

¹³¹ Reagan, *An American Life*, 413.

displeasure about the strike, specifically suspending shipments of F-16s.¹³² The United Nations Security Council, with the support of the U.S. as a permanent voting member, almost immediately developed a unanimous resolution condemning the raid. These and other actions showed Reagan's willingness to address the bombing.

In the days after the Osirak strike, the Reagan foreign policy team reassessed its nonproliferation policy as a whole.¹³³ By June 10, 1981, the NSC reviewed a sixteen-page policy guideline paper on nuclear non-proliferation and nuclear cooperation. The paper guided the NSC discussions both that day and on June 12th.¹³⁴ First, the NSC members discussed why countries pursue nuclear weapons in the first place. While the policymakers recognized that there were multiple motivations, the administration analyzed proliferation as first and foremost a response to insecurity. The writers asserted that nonproliferation was a central objective to the administration, and it asserted that policymakers should focus on how to increase the security of the countries that experienced threats. The paper also critiqued Carter's nonproliferation policies, arguing that Carter's focus on restricting exports decreased trust in the U.S. as a supplier. The

¹³² Muskie, Edmund S., Kenneth Rush, and Kenneth W. Thompson, *The President, The Congress, and Foreign Policy* (Lanham: The Atlantic Council of the United States, Inc., 1986), 261. For a brief history of the F-16 sales deal, see Grimmett, Richard F., *Executive-Legislative Consultation on U.S. Arms Sales* (Washington, D.C.: U.S. Government Printing Office, 1982), 16-20.

¹³³ Reagan Presidential Library. Box: Executive Secretariat: Meeting Files, NSC 11-29. Folder: NSC 00014, 12 June 1981 [Non-Proliferation and Peaceful Nuclear Cooperation Policy], Box 91282. Policy Guidelines on Nuclear Non-Proliferation and Nuclear Cooperation.

¹³⁴ Reagan Presidential Library. Box: Executive Secretariat: Meeting Files, NSC 11-29. Folder: NSC 00014, 12 June 1981 [Non-Proliferation and Peaceful Nuclear Cooperation Policy], Box 91282. NSC Discussion Paper to Approve Nuclear Non-Proliferation Guidelines. See also Reagan Presidential Library. Box: Executive Secretariat: Meeting Files, NSC 11-29. Folder: NSC 00014, 12 June 1981 [Non-Proliferation and Peaceful Nuclear Cooperation Policy], Box 91282. Memo from Richard V. Allen about NSC Meeting on Fri, June 12, 1981.

paper went on to assess what Carter and former administrations got right, including emphasizing on the NPT and IAEA, and strengthening international safeguards.

Reagan adopted many of the recommendations of the paper, then issued National Security Decision Directive Number (NSDD) 6 on July 16, 1981, establishing eight guiding principles for U.S. nonproliferation policy.¹³⁵ While the majority of the directives were consistent across presidencies, Reagan emphasized that the U.S. would work to reduce the motivation for states to acquire nuclear weapons by addressing their security concerns.¹³⁶ The administration assumed that if a state was secure, it did not need to pursue nuclear weapons. If a state was secure, it did not need to fear that another state is pursuing nuclear weapons. It will trust that IAEA safeguards are sufficient. It will not strike another country's supposed nuclear energy reactor for fear that the reactor was actually purposed to produce nuclear weapons. A secure country does not strike its neighbors; a secure country does not produce nuclear weapons.

In light of Reagan's philosophies on the significance of state security, he issued NSDD 5 to guide the administration's policies on conventional arms transfers.¹³⁷ Since the 1970s, arms sales became increasingly complicated. Congress sought to strengthen its role in foreign policy by threatening the use of the legislative veto, codified through the

¹³⁵ Available online through the Ronald Reagan Presidential Library and Museum. Archival Resources, National Security Decision Directives, 1981-1989, available at: <http://www.reagan.utexas.edu/archives/reference/NSDDs.html#.VgQLf6KXd1Q>. Reagan, Ronald. "United States Non-Proliferation and Peaceful Nuclear Cooperation Policy," National Security Decision Directive Number 6, 16 July 1981.

¹³⁶ Walsh, John, "Reagan Outlines Nonproliferation Policy," 213 *Science*, New Series 4507 (July 1981), 522-523.

¹³⁷ Available online through the Ronald Reagan Presidential Library and Museum. Archival Resources, National Security Decision Directives, 1981-1989, available at: <http://www.reagan.utexas.edu/archives/reference/NSDDs.html#.VgQLf6KXd1Q>. Reagan, Ronald. "Conventional Arms Transfer Policy," National Security Decision Directive Number 5, 8 July 1981.

Arms Export Control Act, to assure that it would have a say in arms sales.¹³⁸ While Reagan consulted Congress on transfers, he reversed Carter's conventional arms transfers policy. Carter asserted in May of 1977 that conventional arms transfers were making the world insecure and causing conflict.¹³⁹ Carter's administration viewed any decision for arms transfers as extraordinary, and each request would only be granted if it was in the interest of U.S. national security.

Carter hoped to reduce the worldwide traffic of arms by limiting U.S. arms exports and imposing an annual ceiling on sales (a ceiling that was eventually rescinded), by limiting sales of sophisticated weapons, vowing not to introduce new categories of weapons into a world region, and negotiating with the Soviets to obtain international cooperation to limit arms sales.¹⁴⁰ Reagan took the opposite position. He asserted that the world was already ripe with conflict. Conflict was not rooted in arms. However, a lack of arms would make a country insecure, which could lead to conflict.¹⁴¹ Additionally, the U.S. could not step in and defend every ally or aligned state from all potential threats. Reagan's reasoning followed the Nixon Doctrine; having arms would allow a state to defend itself, freeing the U.S. to focus on more pressing conflicts that affected U.S. national security. Therefore, Reagan directed that the administration consider "the transfer of conventional arms and other defense articles and services as an essential

¹³⁸ Grimmett, 3.

¹³⁹ Carter, Jimmy. "Conventional Arms Transfer Policy Statement by the President," The American Presidency Project, 19 May 1977. Available at: <http://www.presidency.ucsb.edu/ws/?pid=7530>. See also Carter, Jimmy. Presidential Directive/NSC-13, "Conventional Arms Transfer Policy," 13 May 1977. Available online through the Jimmy Carter Presidential Library and Museum, Presidential Directives (PD) and Presidential Review Memoranda (PRM), available at http://www.jimmycarterlibrary.gov/documents/pddirectives/pres_directive.phtml.

¹⁴⁰ Thompson, Margaret (ed), *President Carter 1980* (Washington, D.C.: Congressional Quarterly Inc., 1980), 19.

¹⁴¹ Husbands, Jo, "Reagan's Arms Sales Program," 12 *Arms Control Today* 8 (September 1982), 4.

element of its global defense posture and an indispensable component of its foreign policy.”¹⁴² While the U.S. would continue to transfer arms “judiciously”, it would consider arms transfers as a fundamental aspect of global stability and a tool to allow for states to maintain their own self-defense.

Part of Reagan’s plan for increasing stability in the Middle East was to assure that each state had the necessary arms for defense. For instance, in line with the Arms Export Control Act of 1976, the administration approved an arms sale agreement in late 1981 with Saudi Arabia, as well as sales of multiple military facilities for other countries in the Middle East.¹⁴³ The administration hoped the arms and military sales would solidify the security of the states.¹⁴⁴ The Israelis feared that AWACS sale to Saudi Arabia would alter the balance of power in the Middle East, though Reagan refuted this concern.¹⁴⁵ It also saw AWACs as a counterforce to hostile regimes in the region, especially Iran and Syria.¹⁴⁶ The AWACS sale was particularly important to the administration because it feared that Saudi Arabia could potentially work towards a nuclear weapon.¹⁴⁷ Because

¹⁴² Available online through the Ronald Reagan Presidential Library and Museum. Archival Resources, National Security Decision Directives, 1981-1989, available at:

<http://www.reagan.utexas.edu/archives/reference/NSDDs.html#.VgQLf6KXd1Q>. Reagan, Ronald. “Conventional Arms Transfer Policy,” National Security Decision Directive Number 5, 8 July 1981.

¹⁴³ 22 U.S.C. ch. 39. Arms Export Control Act of 1976. Section 42(a)(3).

¹⁴⁴ National Archives. CREST. CIA-RDP83M00914R002100110035-3. Memo from Eugene V. Rostow to Secretary Haig. “Air Defense Enhancement Package for Saudi Arabia,” 18 August 1981.

¹⁴⁵ Reagan, *An American Life*, 415. Laham, *Selling AWACS to Saudi Arabia*, 109.

¹⁴⁶ Rossinow, 75.

¹⁴⁷ For a comprehensive view of the problems the administration faced in the AWACS sale, from Congress to the Jewish Community, see Laham, Nicholas, *Selling AWACS to Saudi Arabia: The Reagan Administration and the Balancing of America’s Competing Interests in the Middle East*, (Westport: Praeger, 2002). Sales of AWAC planes to Saudi Arabia was a major struggle between Congress and Reagan in the first half of 1981. The administration salvaged the sale in the second half of 1981. Reagan also managed to get a Foreign Assistance package passed. Ornstein, 66-74. See also Laham, Nicholas, *Crossing the Rubicon: Ronald Reagan and US Policy in the Middle East* (Burlington: Ashgate Publishing Company, 2004), 1-33. Reagan was willing to injure his relations with the Jewish community temporarily

the Israelis violated Saudi airspace to conduct the Osirak strike, Saudi Arabia were under pressure from the Arab world to pressure the Pakistanis to share nuclear weapons know-how; a Saudi nuke could “serve as a deterrent against Israel and Iraq.”¹⁴⁸ It also declared publicly its need for AWACS as a broader part of the Arab-Israeli conflict, further complicating the controversial sale. AWACS now seemed more about fighting the Israelis than about regional stability and protecting the oil fields.¹⁴⁹ However, despite Israeli protests, Reagan was convinced that providing weapons to the Saudi Arabia appeared to be the best option to prevent it from pursuing its own weapon. Security through arms sales could prevent proliferation.

Reagan, the International Community, and Diplomacy

State leaders around the world reacted negatively to the strike, with most condemning Israel. For instance, India’s foreign ministry issued a statement condemning the strike as an intervention in the affairs of another state. Additionally, India criticized the U.S. for providing arms to Israel. U.S. officials recognized that India likely feared that its own nuclear facilities could be targeted by Pakistan with the same justifications that Israeli gave for the strike.¹⁵⁰ The Pakistanis similarly feared a preventive strike

because he was convinced the AWACS sale was necessary for security. See also Reagan, *An American Life*, 412-416.

¹⁴⁸ National Archives. CREST. CIA-RDP90-00965R000100160090-8. Anderson, Jack, “Raid by Israel May Fuel A-Arms Race,” *The Washington Post*, 16 June 1981.

¹⁴⁹ Haig, 184; Laham, *Selling AWACS to Saudi Arabia*, 35-43.

¹⁵⁰ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [3 of 6]. Memo for Richard V. Allen, “Reactions to Israeli Raid,” 10 June 1981.

against its nuclear facilities.¹⁵¹ But non-nuclear countries expressed concern as well. Romania's communist party released a full page critique of the strike in a newspaper. Australia's press and prime minister all condemned the strike for its destabilization effect in the Middle East. Japan, Morocco, Austria, China, and Saudi Arabia all similarly condemned the strike.¹⁵² Reagan, on the other hand, pushed for a limited American response to the bombing to limit the strain on the American-Israeli relationship.

On June 11, 1981, four days after the bombing, Reagan and his administration conducted a diplomatic offensive in an attempt to calm the furious Middle East leaders. First, Reagan met with the Saudi Ambassador to the U.S., Shiekh Faisal Alhegelan. Ambassador Alhegelan told Reagan that the Saudis were furious that the Israelis flew over Saudi airspace to conduct the strike, claiming that the flight was an embarrassment to the Saudis. He argued that the strike was a violation of Iraqi sovereignty and the flight was a symbol of Israel's lack of respect for international law. He called for Reagan to punish the Israelis, not to let them "get away with" the violation.¹⁵⁴ Reagan did his best to reassure the Ambassador that he was taking the matter seriously, but had to wait for Senate findings to determine the Israelis violated U.S. law before he could act further.

Shortly after meeting with only the Saudi ambassador, Reagan brought in the Bahrani, Moroccan, Jordanian, and Sudanese ambassadors. The five Arab ambassadors

¹⁵¹ Sokolski and Tertrais, 159.

¹⁵² Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [3 of 6]. Memo for Richard V. Allen, "Reactions to Israeli Raid," 10 June 1981.

¹⁵⁴ Reagan Presidential Library. Executive Secretariat, National Security Council: Subject File: Records, 1981-1985. Box 85. Folder: Memorandums of Conversation-President Reagan (June 1981). Memcon, Reagan, etc. with Ambassador Sheikh Faisal Alhegelan, "Summary of the President's Meeting with Saudi Ambassador Sheikh Faisal Alhegelan," 11 June 1981.

implored Reagan to punish the Israelis.¹⁵⁵ In turn, each ambassador explained to Reagan how the attack disrupted the potential for peace in the Middle East. They argued that any state could be subject to an attack for any reason Israel deemed necessary, regardless of whether the international community agreed with Israel's assessment. The Sudanese Ambassador told Reagan that even though there was no evidence that the U.S. participated in or supported the attack, the U.S. was indelibly linked to the Israelis in the mind of many Arabs, and thus the U.S. was implicated in the attack. He claimed that "Israel would not have felt so disrespectful of international law were it not for U.S. support." Finally, he asserted that there would be long lasting suspicions of the U.S. if the U.S. chose to forgive Israel.

Reagan had to reassure the leaders who believed the strike decreased trust for the U.S., decreased stability, and decreased the likelihood of peace so that he could act as an intermediary to calm the situation. He tried to reassure the Arab ambassadors that the U.S. understood and even agreed with their concerns. He reiterated that the U.S. did not know about the impending attack, and wished the attack had not taken place. He expressed his disappointment that the Israelis did not approach him to intercede with the French to prevent any further nuclear shipments to Iraq, because he believed such diplomacy could potentially have prevented the attack. Reagan's response to the Osirak bombing indicated he was convinced that the U.S. was strong and could use its power in

¹⁵⁵ Reagan Presidential Library. Executive Secretariat, National Security Council: Subject File: Records, 1981-1985. Box 85. Folder: Memorandums of Conversation-President Reagan (June 1981). Memcon, Reagan, etc. with Five Arab Ambassadors, "Summary of the President's Meeting with Five Arab Ambassadors," 11 June 1981.

foreign policy to shape positive outcomes.¹⁵⁶ Reagan rejected the defeatist foreign policy of the past three presidents, believing that if he had used American diplomatic power, he could have prevented the need for the attack.

Reagan asked the ambassadors to empathize with the Israeli position at the time of the attack. When the Iranians attempted (but failed) to hit the Osirak reactor in the fall of 1980, Iraqi officials reassured the Iranians that the nuclear weapons program was intended for an attack against Israel, not for an attack against Iran.¹⁵⁷ They announced publicly, in the Iraqi newspaper *Al Thawra*, that the reactor was for use against the “Zionist enemy.”¹⁵⁸ Israel was under constant threat in a region that where states often claimed that it does not have a right to exist, and its leaders believed it was under constant threat. Because of Iraq’s intentions and Israel’s insecurity, they needed to be sympathetic to the Israeli position.

Reagan needed to move the conversation back to the big picture. He implored the ambassadors to look past the strike and try to salvage the Middle East peace process. Since May of 1981, the U.S. and the Saudis were in negotiations to decrease the potential for hostilities between Israel and Syria over Syrian missiles in Lebanon. The missiles were threatening Israel, and Reagan had even talked the Israelis out of striking the

¹⁵⁶ Black, Conrad, *Richard M. Nixon: A Life in Full* (New York City: PublicAffairs, 2007), 1003.

¹⁵⁷ Reagan Presidential Library. Executive Secretariat, National Security Council: Subject File: Records, 1981-1985. Box 85. Folder: Memorandums of Conversation-President Reagan (June 1981). Memcon, Reagan, etc. with Five Arab Ambassadors, “Summary of the President’s Meeting with Five Arab Ambassadors,” 11 June 1981.

¹⁵⁸ Boudreau, Donald G., “The Bombing of the Osirak Reactor,” 10 *International Journal of World Peace* 2 (June 1993), 25.

missiles earlier in the year.¹⁵⁹ Reagan hoped for the missiles to be removed in the coming months, and needed the Arab leaders to maintain a commitment to continued dialogue.

After meeting with the Arab ambassadors, Reagan met with the Israeli Ambassador, Ephraim Evron.¹⁶⁰ Evron began by telling Reagan that the U.S. should not have suspended its shipment of F-16s. He argued that if Reagan understood Israel's position, he would agree that Israel had a right to legitimate self-defense. In international law, legitimate use of force in self-defense is rooted in necessity, proportionality, and the use of force as a last resort. Evron outlined Israel's justification for self-defense, focusing on the necessity to address the threat and arguing that the strike was taken as a last resort.¹⁶¹ First, he noted that the Iraqis themselves admitted that the nuclear weapons program was designed to threaten the Israelis. The nuclear program would be a significant, direct threat to Israel, and as a result, the strike was necessary to protect Israel. He explained that Israel made several attempts at diplomatic measures to stop the development of the nuclear program. According to the Israelis, force was used as a last resort. Although Evron did not comment on the proportionality of the strike, the Israel stressed in a letter to the U.N. that it conducted the strike on a Sunday to minimize casualties, thereby arguing for the proportionality of the strike.¹⁶² Similarly, Israel's

¹⁵⁹ The weather, an appeal by Secretary of State Alexander Haid, and finally an appeal from Reagan prevented the Israelis from striking the first missiles to arrive in Lebanon from Syria. See Shipler, David K., "Missile Crisis: Shift by Israel," *New York Times*, 23 May 1981.

¹⁶⁰ Reagan Presidential Library. Executive Secretariat, National Security Council: Subject File: Records, 1981-1985. Box 85. Folder: Memorandums of Conversation-President Reagan (June 1981). Memcon, Reagan, etc. with Ambassador Ephraim Evron and Eytan Bentsur. "Summary of the President's Meeting with Ambassador Ephraim Evron of Israel," 11 June 1981.

¹⁶¹ A legitimate use of force is generally governed by the criteria of necessity, proportionality, and last resort, as governed by the *Caroline* test. The Ambassador did not address the aspect of proportionality.

¹⁶² One person was killed in the Osiraq strike. Halper, Thomas, and Elliott A. Cohen, "Hindsight and Blindness on Osirak Bombing," 11 *International Journal on World Peace* 2 (June 1994), 6. Kaplan, Neil J.,

Prime Minister, Menachem Begin, told Diane Sawyer in an interview with *Face the Nation* on June 14, 1981, that he did not think the Israeli strike on a nuclear facility would create a precedent for strikes on other nuclear facilities. Even if it did, that possibility was insignificant compared to the security of the Israeli people, security that Begin believed was assured through the strike.¹⁶³

Evron's conclusions about the legal justification for the strike were far from accepted in the international community. The Israelis were fighting an uphill battle against the coalition of Arab states who claimed that Israel violated international law. Even analysts who were sympathetic to the raid and concluded that it delayed Iraqi development of a bomb by three or four years questioned whether the strike justified the instability it brought to the Middle East, or if it created a precedent for further strikes on nuclear facilities.¹⁶⁴ The development of a nuclear weapon program can have a destabilizing effect because there is an increased chance of a preventive strike when the target state is authoritarian and the attacker and target state have a history of violent conflict.¹⁶⁵ There are a few instances of preventive strikes against nuclear facilities,

"The Attack on Osirak: Delimitation of Self-Defense Under International Law," 4 *New York Law School Journal of International and Comparative Law* 1 (1982-1983), 133.

¹⁶³ National Archives. CREST. CIA-RDP90-00552R000100480006-4. Radio Reports for Public Affairs Staff, "Interview with Prime Minister Begin," *Face the Nation*, 14 June 1981.

¹⁶⁴ Feldman, Shai, "The Bombing of Osiraq-Revisited," 7 *International Security* 2 (Fall 1982), 125 and 128. Feldman also pondered the idea that the strike would push the Iraqis to increase security measures at their nuclear weapons facilities and increase the chances that they would develop nuclear weapons in secret. Bennett Ramberg argued that regardless of whether or not the strike eliminated the threat of the Iraqi nuclear program, the strike potentially created a precedent for states to attack any nuclear facility that could be a threat. See Ramberg, Bennett, "Attacks on Nuclear Reactors: The Implications of Israel's Strike on Osiraq," 97 *Political Science Quarterly* 4 (Winter 1982-1983), 653-659.

¹⁶⁵ Fuhrmann, Matthew, "Preventive War and the Spread of Nuclear Weapons Programs," in Sokolski, 102. See also Peter Feaver's discussion of a decapitation strike in an emerging nuclear weapons program. Feaver, Peter D., "Command and Control in Emerging Nuclear Nations," 17 *International Security* 3 (Winter 1992-1993), 164-167. See also Sagan and Waltz, 93.

including examples from WWII and a few aborted plans to strike nuclear facilities, but the most compelling example being the Osirak strike. Perhaps the more interesting question that stemmed from the Osirak strike is why, if it did create a precedent, have not more states attempted similar strikes against burgeoning nuclear programs? Pakistan, for instance, was still in the development stages until the 1990s, and India chose against a preventive strike. Similarly, China and South Korea chose against striking North Korean facilities, and no state struck the Iranian facilities. In all likelihood, the Israeli strike on Osirak, the failed Iranian strike on Osirak, and all the previous aborted and failed strikes showed the viability of a strike as an option to halt proliferation, but these actions also highlighted the importance of using all other available tools of diplomacy before striking. Israel received significant backlash, even after it tried diplomatic methods like urging the French to stop supplying the Iraqis. Any other state, regardless of the legitimacy of the threat, would expect to suffer a backlash as well.

While the Osirak bombing ended up being an isolated incident, the administration feared that the strike would create a precedent for a threatened country would conduct military strikes against burgeoning nuclear programs. For example, when the NSC was developing a policy for containing Pakistan's burgeoning nuclear program during an August 1984 meeting, the NSPG members questioned whether India would soon strike

Pakistani reactors.¹⁶⁶ Reagan then directed his staff to develop a contingency plan in case India strikes the Pakistani reactors.¹⁶⁷

One of the most important points for understanding the Middle Eastern response to the strike was that the Arab leaders did not care that the strike was on a nuclear facility in order to prevent proliferation. The Israelis understood their neighbor's critiques; Evron told Reagan that the Arab leaders were upset about the violation of Iraqi sovereignty. He said that the anger at the strike resulted from the illegality of Israel's incursion on sovereign land, with little to no concern that the target of the strike was a nuclear facility. In fact, in Reagan's previous meetings that day, the Arab leaders did not repeat the trope that Israel violated Iraq's legitimate right to peaceful nuclear energy, but instead focused on Israel's use of force and violation of Iraqi sovereignty.¹⁶⁸ There was almost no mention by these leaders of the fact that they all believed that the Iraqis were building a nuclear weapons program in violation of the NPT and norms against the development of nuclear weapons. Reagan alone discussed the threat of a nuclear attack, a threat that they all believed was at least temporarily eliminated in the bombing.

Reagan sympathized with Israel's concerns. He reassured Evron that so far, the U.S. had done only the minimum required to punish the Israelis by suspending the F-16

¹⁶⁶ Ronald Reagan Presidential Library. Box 3, Executive Secretariat: NSC::NSPG, NSPG 86-109. Folder: NSPG 0094, August 31, 1984 [India/Pakistan/Afghanistan] (1 of 3). Richard Murphy to George Shultz, "NSPG Meeting on Nuclear Policy and Reducing Tensions in South Asia," 24 August 1984.

¹⁶⁷ Reagan, Ronald. "U.S. Policy Towards India and Pakistan," National Security Decision Directive Number 147, 16 July 1981. Available online through the Ronald Reagan Presidential Library and Museum. Archival Resources, National Security Decision Directives, 1981-1989, available at: <http://www.reagan.utexas.edu/archives/reference/NSDDs.html#VgQLf6KXd1Q>.

¹⁶⁸ Reagan Presidential Library. Executive Secretariat, National Security Council: Subject File: Records, 1981-1985. Box 85. Folder: Memorandums of Conversation-President Reagan (June 1981). Memcon, Reagan, etc. with Five Arab Ambassadors, "Summary of the President's Meeting with Five Arab Ambassadors," 11 June 1981.

shipments.¹⁶⁹ He told Evron that the Israelis should have come to him before the strike, and he could have worked to prevent the need for the strike by pressuring the French to halt the uranium shipments. Finally, he restated that his primary concern was salvaging the Middle East peace process.

Reagan biographer Lou Cannon, in his attempts to portray Reagan as an actor who cared little about most details of foreign policy, argues that Reagan “gave a deplorable performance whenever the questions turned to foreign policy, even events in the news.”¹⁷⁰ He explained that in a June 16th press conference, Reagan did not give an adequate answer on Israeli membership to the NPT and submitting to IAEA inspections, saying that Reagan had not considered the issue, and using the press conference as an example that Reagan did not care to learn about foreign policy issues. The discussions with the Israelis and Arab leaders on June 11th show the opposite. Reagan had a fluent understanding both of the specifics of the strike, and how the strike affected the broader foreign policy problems in the Middle East. He was convicted by the problems of insecurity, and put the strike in the broader context of his geopolitical goals. His focus was not on IAEA safeguards or the NPT, but this was to be expected based on his limited faith in broader international bodies.¹⁷¹

Reagan’s response to the Osirak strike in these initial meetings indicated first that he sympathized with the Israelis and understood they were under threat from the Iraqi

¹⁶⁹ Reagan Presidential Library. Executive Secretariat, National Security Council: Subject File: Records, 1981-1985. Box 85. Folder: Memorandums of Conversation-President Reagan (June 1981). Memcon, Reagan, etc. with Ambassador Ephraim Evron and Eytan Bentsur. “Summary of the President’s Meeting with Ambassador Ephraim Evron of Israel,” 11 June 1981.

¹⁷⁰ Cannon, 127.

¹⁷¹ Reagan, *An American Life*, 413.

nuclear program. His response indicated that he believed the traditional safeguard regime was inadequate to guarantee that a country could not develop nuclear weapons if it was intent on doing so.¹⁷² Second, Reagan thought he could have done something to prevent the strike. Notably, he believed he could have stopped the strike by preventing the Iraqis from getting enriched uranium in the first place through diplomatic overtures to the French.¹⁷³ He would have worked around the Iraqi nuclear program to prevent it from becoming viable. Third, Reagan thought that a strike against the nuclear reactor was the wrong decision, at least when conducted without U.S. involvement or support. He feared that the strike would disrupt the likelihood of a successful Middle East peace process. Reagan's initial response to the strike indicate three main points about his beliefs regarding nuclear proliferation: nuclear proliferation poses a real threat, nuclear proliferation can be prevented through peaceful means, and acting to oppose nuclear proliferation can seriously disrupt the international environment, depending on the action taken.

Even though Reagan agreed that the U.S. should have been pursuing the eventual elimination of the Iraqi nuclear program, he was more concerned with addressing instability than proliferation after the strike. This stood in contrast to those scholars who believed that “the United States seem[ed] unconcerned with or [wa]s willing to overlook proliferation to its allies and friends but w[ould] utilize all means of power at its disposal

¹⁷² From the beginning of nuclear age, in the Acheson-Lilianthal Report of 1946, nuclear experts feared that international safeguards would be inadequate to prevent “peaceful nuclear programs” from being used to develop nuclear weapons. Miller, Marvin M., in Spiegel, 67.

¹⁷³ Reagan, *An American Life*, 413.

to prevent proliferation of powers hostile to it.”¹⁷⁴ Even though Iraq posed a threat to an ally and was, in fact, hostile to the U.S., Carter failed to respond to Iraqi proliferation and Reagan was most concerned about the threat to the stability of the region.

The Osirak bombing reinforced Reagan’s beliefs regarding America’s goals in the Middle East. First and foremost, the U.S. needed to combat the spread of Soviet influence in the region. He believed the U.S. needed to work to create a stable Middle East, and that the countries in the region needed to be secure. In a restatement of Reagan’s policies, Rostow argued that “the necessity for general and regional stabilization [were] essential preconditions for success in the effort to carry our non-proliferation policy forward.”¹⁷⁵ Reagan’s nonproliferation goals and ability to combat the Soviets in the region rested on the stability and security of the region.

Official Condemnations

While Reagan worked behind the scenes, his administration publicly condemned the strike. It supported resolutions condemning the raid and even gave nominal support for sanctioning Israel. However, Reagan undermined more expansive efforts to sanction Israel, in part because of his belief that Israel acted in self-defense.

The problem of how to balance the condemnation of the strike with Reagan’s understanding that the Iraqi nuclear program was a threat to Israel created a dilemma for the administration. Article 2 of the United Nations Charter prohibited using force against

¹⁷⁴ Lowell H. Schwartz in Fields, Jeffrey R. (ed), *State Behavior and the Nuclear Nonproliferation Regime* (Athens: The University of Georgia Press, 2014), 155.

¹⁷⁵ National Archives. CREST. CIA-RDP83M00914R002100110035-3. Memo from Eugene V. Rostow to Secretary Haig. “Air Defense Enhancement Package for Saudi Arabia,” 18 August 1981.

another state, though Article 51 reaffirmed the inherent right of self-defense.

Condemning the strike while confirming Israel had a right to self-defense were incompatible positions and created strife within the administration. For example, NSC staff member Douglas Feith argued in a memo to Richard V. Allen, Reagan's National Security Advisor, that:

“It is going to look rather strange (i.e., Carteresque) when Administration officials try to explain to intrepid congressmen that we think Israel violated the UN Charter but it may have acted in ‘legitimate self-defense.’ Self-defense is a concept recognized in the UN Charter. If the act was self-defense, it could not have been a violation of the UN Charter.”¹⁷⁶

The administration seemed set on condemning the strike publicly while maintaining an internal understanding that it was legitimate self-defense. The internal understanding of the strike would differ from the external condemnation.

The strategy of pursuing separate public and internal policies was typical for the Reagan administration. The administration frequently sent separate operational and declaratory signals.¹⁷⁷ The Iran-Contra scandal was an example of having too much divergence between the declaratory and operational signals, and I would argue that this tendency was set very early because of the administration's mostly successful response to Osirak. The difference between the public and private response in the Osirak case allowed the U.S. to pursue its preferred policy objectives without isolating any of the

¹⁷⁶ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [2 of 6]. Memo for Richard V. Allen, “UN Security Council Resolution—Implication of Condemning Israel for “Violating the United Nations Charter”” 18 June 1981.

¹⁷⁷ Bell, 6-7.

players needed to accomplish those objectives, notably Israel or the major players in the Middle East peace process.

In order to execute the dichotomous policy, the administration had to avoid offering a legal judgment regarding the strike.¹⁷⁸ The administration surmised that if it determined that the strike was illegal, it would be forced into cutting off all weapons shipments to Israel. Ending weapons shipments could create a permanent divide between the U.S. and Israel, and further isolate the tiny Jewish state. However, if it determined the strike was legal and justified, it would effectively be siding with the Israelis and severely hind U.S. standing among Arab states. Supporting the strike could create a divide between the U.S. and the Arab world, and make it difficult for the U.S. to serve as an intermediary in bringing peace to the region. In order to avoid either outcomes, and be able to continue pursuing its geopolitical goals, the administration needed to avoid making a legal judgment.

Reagan, Congress, and the Strike

According to a study written by Reagan's Secretary of the Navy, John Lehman, Congress often deferred to the president in situations where there was a foreign policy crisis out of fear of undermining the president's credibility and ability to address the problem.¹⁷⁹ Yet Congress took significant steps in the mid and late 1970s to reign in

¹⁷⁸ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [2 of 6]. Memo for Reagan, "Political Strategy for Responding to Israeli Attack," 15 June 1981.

¹⁷⁹ Lehman, John, *The Executive, Congress, and Foreign Policy: Studies of the Nixon Administration* (New York City: Praeger Publishers, 1974), 30. Note that this study was written before Dr. Lehman became Secretary of the Navy.

presidential control over foreign policy. The most careful observers of Reagan's foreign policy such as *Foreign Affairs* editor William Hyland and Senator John G. Tower argued that Congressional attempts to restrain presidential power continued into the Reagan administration.¹⁸⁰ Reagan's skills using the "bully pulpit," convincing the public to support his policies, often overshadowed his relationship with Congress.¹⁸¹ Yet Reagan was successful at building legislative support for his response to the Osirak strike despite a divided Congress. The legislature did not use the crisis as a means to limit Reagan's power. This section will show that the Senate goals aligned with Reagan's objectives. While Congress was not set on deferring to Reagan simply because of the foreign policy crisis, it fundamentally agreed with the administration's assessments regarding the strike. Both the president and Congress understood that Israeli security was under threat.

Reagan wrote in a diary two days after the attack that he had to comply with U.S. law to report a potential Israeli violation of the Arms Export Control Act to Congress, therefore bringing Congress into the response to Osirak.¹⁸² The Act required that when a state substantially violated the terms of an agreement under which the U.S. transferred arms, the president was under obligation to report the violation to Congress. Congress would then restrict all further arms transfers until the violation was resolved. Because the Israelis used planes supplied by the U.S. under the Military Sales Program, without the authorization of the U.S., the Israelis were likely in violation of the Mutual Defense Assistance Agreement with Israel. Reagan directed Haig to report the possible violation

¹⁸⁰ Hyland, viii-ix.

¹⁸¹ Collier, Ken. "Behind the Bully Pulpit: The Reagan Administration and Congress." 26 *Presidential Studies Quarterly* 3 (Summer 1996), 805.

¹⁸² Reagan, *An American Life*, 413.

to Congress, with the accompanying information that the administration was continuing to review the strike, that it would update Congress on further determinations. The administration also reported that, in the meantime, it was suspending an upcoming shipment of four F-16 aircrafts destined for Israel.¹⁸³

As noted previously, Reagan was generally successful in articulating to members of Congress the importance of his political objectives.¹⁸⁴ The administration hoped to maintain maximum flexibility over future arms shipments to Israel because it understood that continuing to act as a military supplier was pivotal to Israeli security. It avoided describing the suspended shipment as a “sanction” and wanted to avoid extended Congressional review that could prevent it from eventually reinstating the F-16 shipments.¹⁸⁵ When administration officials testified before Congress on the effects of the strike, they stressed that members of Congress should deal with the issue politically instead of legally, and that their prime objective was “achieving a political resolution of the tensions and instabilities which plague the region.”¹⁸⁶ The administration again stressed that its geopolitical objectives necessitated prioritizing actions which would bring stability.

¹⁸³ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [1 of 6]. Memo for Richard V. Allen from Robert M. Kimmit, “Israeli Strikes—Legal Aspects,” 11 June 1981.

¹⁸⁴ Collier, 805-809.

¹⁸⁵ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [2 of 6]. Memo for Reagan from Walter J. Stoessel, Jr., “Political Strategy for Responding to Israeli Attacks,” 15 June 1981.

¹⁸⁶ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [3 of 6]. Statement by Walter J. Stoessel before the Subcommittees on Europe and the Middle East and International Security and Scientific Affairs of the House Foreign Affairs Committee, 17 June 1981.

Although the administration hoped to be the final decider on when to resume arms shipments to Israel, Congress asserted its own authority in the process. In light of the Arms Control and Export Act and the Foreign Military Sales Act, the president and Congress held a “coordinate responsibility” in determining whether Israel had improperly used American equipment in a way that would damage U.S. foreign policy.¹⁸⁷ However, while Congress technically had a “coordinate responsibility,” the following section will show that members of the Senate shared Reagan’s concerns and sympathies regarding the strike, and this led the Senate to defer to the president.

The Senate Committee on Foreign Relations took up the matter of the strike over three days, on June 18, 19, and 25, 1981.¹⁸⁸ It had the mission to determine, according to Chairman Lugar, whether the Israelis violated U.S. law and whether the U.S. should cease arms shipments to Israel. The Senators discussed whether Israel had a legitimate belief that preventive force was necessary. They noted that the status of war between Iraq and Israel was a significant contributing factor to the reason Israel believed it was under threat, and that Iraq led the “rejectionist” Arab states that opposed any peace settlement with or recognition of Israel.¹⁸⁹ Additionally, multiple Senators expressed concern with the reliability of IAEA reports that concluded that Iraq was not working towards producing plutonium to build nuclear weapons.

¹⁸⁷ Hearings before the Committee on Foreign Relations, United States Senate, Ninety Seventh Congress, First Session. “The Israeli Air Strike and Related Issues,” 18, 19, and 25 June 1981. Statement of Senator Howard H. Baker, Jr., “Concern of Development of Iraqi reactor,” 18 June 1981.

¹⁸⁸ Hearings before the Committee on Foreign Relations, United States Senate, Ninety Seventh Congress, First Session. “The Israeli Air Strike and Related Issues,” 18, 19, and 25 June 1981.

¹⁸⁹ Boudreau, 25.

Senator Cranston asserted that only Soviet and Hungarian IAEA inspectors had been allowed to review the Iraqi reactors since 1976. The Senators had minimal trust in the communist inspectors. More notably, Senator Cranston expressed deep and justifiable concern over the quality of inspections. In a frightening example, Senator Cranston described the IAEA inspection that took place at Osirak after the IAEA had been refused entry in the months after the Iranian bombing of the facility.¹⁹⁰ In January 1981, the IAEA conducted a “thorough” inspection of the facility. However, the Iraqis refused to turn on the lights in the facilities. The entire inspection took place in the dark, with flashlights as the only source of light. Cranston surmised that the Israelis may have a legitimate case for believing that the Iraqis kept the inspection in the dark to prevent the inspectors from seeing the equipment that could be used to divert materials and produce plutonium.

Cranston’s concerns were solidified by the testimony of IAEA inspector Roger Richter, who explained IAEA inspections were generally insufficient to determine whether a country like Iraq was producing plutonium out of highly enriched uranium. According to Richter, “the most sensitive facilities in the [Iraqi] nuclear reactor complex would remain outside of the purview of the IAEA, as long as Iraq did not declare that they contained either plutonium or uranium metal or oxide.”¹⁹¹ Richter went on to submit testimony he gave to the U.S. mission to the IAEA, declaring that “the available information points to an aggressive coordinated programme by Iraq to develop a nuclear

¹⁹⁰ Hearings before the Committee on Foreign Relations. United States Senate. Ninety Seventh Congress, First Session. “The Israeli Air Strike and Related Issues,” 18, 19, and 25 June 1981. Senator Alan Cranston, “Only Soviet and Hungarian Inspectors visited Iraq,” 18 June 1981.

¹⁹¹ Kaplan, 137.

weapons capability during the next five years.” He also explained that he believed it was extremely likely, because of the inadequacies of the IAEA inspections, that Iraq would be able to develop the program “under the auspices of the Non-Proliferation Treaty...while violating the provisions of the NPT.”¹⁹² This testimony aligned with Congressional concerns with the effectiveness of the safeguard regime. Since at least 1977, Congressmen were asking whether a state that was otherwise confined by the nonproliferation regime and IAEA safeguards would nefariously divert the materials to a weapons program.¹⁹³

Many of the Senators on the Committee expressed sympathy for Israel’s precarious security situation. The substance of the Senator’s questions aligned with comments from John Boright, Acting Deputy Assistant Secretary for Nuclear Affairs in the State Department, who testified to the Committee that the Israeli strike was a result of the instability in the Middle East, not a result of the fundamental failures of the nuclear nonproliferation regime, the IAEA, or the NPT.¹⁹⁴ The Committee went on to review Iraqi violations of international law, the many statements Saddam Hussein made declaring the illegitimacy of the Israeli state, as well as his comments that he hoped the Arab states would come together and bomb Jerusalem. The Committee reviewed the strike through a political framework and chose against determining the legality of the strike or determining whether the Arms Control and Export Act necessitated an embargo

¹⁹² Kaplan, 137-138.

¹⁹³ Platt, Alan, and Lawrence D. Weiler, (eds), *Congress and Arms Control* (Boulder: Westview Press, 1978), 146.

¹⁹⁴ Hearings before the Committee on Foreign Relations, United States Senate, Ninety Seventh Congress, First Session. “The Israeli Air Strike and Related Issues,” 18, 19, and 25 June 1981. Comment by John Boright, “Ramifications for Future Viability of Non-Proliferation Treaty,” 18 June 1981.

against Israel. It did not refer the matter to the Senate for a vote on whether to suspend arms shipments to Israel. In effect, the Senate deferred to Reagan on the matter.

The NSC hoped to review the suspended F-16 shipments and perhaps release the planes to Israel in mid-July, but more trouble came to the Middle East. The Israelis raided the PLO headquarters in Beirut, again using American made F-16s. Reagan believed the raid decreased the likelihood of establishing a mutual defense block to counter the encroachment of the Soviets in the region. Although he supported combatting terrorists, the problem of combatting the Soviets in the Middle East took precedent. In response, Reagan made the decision on July 17, 1981 to withhold another six F-16s from being shipped to Israel. Withholding the F-16s became the basis of Reagan's coercive diplomacy towards Israel, with the hope that the coercion would lead to a favorable environment for negotiating the mutual defense block.¹⁹⁵ In the meantime, the administration allowed all other arms shipments to Israel to go on unabated. In the fall, the administration gave Congress a joint State and Defense Department policy statement outlining its goals in the Middle East.¹⁹⁶ The statement explained that its objectives included stability and countering Soviet Power, and the plan to achieve those goals would be through helping friendly states improve their defensive capabilities. The administration made clear to Congress that it would continue pursuing its objectives through arms shipments in the future.

¹⁹⁵ Ben-Zvi, Abraham, *The United States and Israel: The Limits of the Special Relationship* (New York City: Columbia University Press, 1993), 130-133

¹⁹⁶ Novik, Nimrod, *Encounter with Reality: Reagan and the Middle East (First Term)* (Boulder: Westview Press, 1985), 24.

The congressional response to the strike shows a high level of deference to the president in determining how to respond to the strike. Unlike the swift passage of numerous laws in response to the Indian nuclear test during the Nixon and Ford administrations, Congress refrained from inserting itself into Reagan's response. The massive push for Congress to gain control in foreign policy seemed to be weakening. Congress had the right and the power to make a judgment and critique Israel's use of force, but it acquiesced to Reagan's decision to develop a different public and private response to the strike.

The United Nations and the IAEA

Even though Reagan stated that he thought Israeli officials genuinely believed they had a legitimate right to self-defense, he supported the United Nations Security Council (UNSC) vote to condemn the raid. Reagan's initial strategy included condemning the raid but opposing UN sanctions against Israel over the strike.¹⁹⁷

UNSC Resolution 487, passed on June 19, 1981, did not reflect the possibility that Israel conducted the strike in self-defense.¹⁹⁸ Instead, the UNSC "strongly condemn[ed] the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct."¹⁹⁹ The resolution called the Osirak strike a threat to the entire IAEA safeguards regime and asserted that Iraq was entitled to redress from Israel.

¹⁹⁷ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [2 of 6]. Memo for Reagan from Walter J. Stoessel, Jr., "Political Strategy for Responding to Israeli Attacks," 15 June 1981.

¹⁹⁸ National Archives. CREST. CIA-RDP83M00914R002100110035-3. Memo from Eugene V. Rostow to Secretary Haig. "ACDA Staff Paper: Middle East Nuclear Weapon Free Zone and Other Middle East Arms Control Issues," Undated.

¹⁹⁹ S/RES/487 (1981). United Nations Security Council Resolution 487, 19 June 1981.

Reagan's administration supported the resolution primarily because, as it stated in a strategy outline, while it understood Israeli concerns over Iraq, it did not believe that the Israelis pursued all available non-military options before deciding upon the strike.²⁰⁰

Although the U.S. condemned Israel in the U.N., the U.S. supported the Israeli assertion that it was acting in legitimate self-defense when the raid was addressed at the IAEA.²⁰¹ As previously noted, the IAEA assessed that the Iraqi nuclear reactor was not being used for nuclear weapons development during a questionable January 1981 inspection.²⁰² The Israelis disregarded the IAEA reports that the Iraqis were not pursuing nuclear weapons at the Osirak reactor. The leadership of the IAEA did not respond well to Israel taking matters into its own hands. They considered the Osirak strike an attack on the IAEA as a whole.²⁰³ In response, the IAEA threatened to expel Israel unless Israel placed all of its nuclear facilities under comprehensive IAEA safeguards.

The IAEA threatened Israel with banishment for the very reason Israel was concerned about Iraq's nuclear program: the Israelis knew it was possible to get around IAEA safeguards. The Israelis were likely concealing their own nuclear weapons program, and knew a program could be hidden. Keeping inspectors in the dark (literally) and preventing the inspections for months in the wake of the Iranian bombing contributed to Israeli concerns.

²⁰⁰ Ronald Reagan Presidential Library. Executive Secretariat, NSC Country. Box 37. Folder: Iraq (Israel Strike on Iraqi Nuclear Reactor (6/8/81) [2 of 6]. "Themes on the Israeli Raid."

²⁰¹ National Archives. CREST. CIA-RDP83M00914R002100110035-3. Memo from Eugene V. Rostow to Secretary Haig. "ACDA Staff Paper: Middle East Nuclear Weapon Free Zone and Other Middle East Arms Control Issues," Undated.

²⁰² See again Hearings before the Committee on Foreign Relations. United States Senate. Ninety Seventh Congress, First Session. "The Israeli Air Strike and Related Issues," 18, 19, and 25 June 1981. Senator Alan Cranston, "Only Soviet and Hungarian Inspectors visited Iraq," 18 June 1981.

²⁰³ Feldman, 114. Feldman's analysis overviews the multiple steps of the IAEA safeguard procedures at the time of the strike which led to insufficient oversight of the reactor.

The IAEA took umbrage with Israel's lack of faith that it could successfully prevent Iraq from proliferating. Notably, researchers found that the IAEA has a poor record of providing early warnings of clandestine nuclear activity.²⁰⁴ Only a short time after IAEA Director of Safeguards Jon Jennekins praised Iraq for "exemplary" conformity to the NPT and its commitments not to proliferate, UN inspectors who entered Iraq after the 1991 Gulf War determined that Saddam Hussein spent a billion dollars since the Osirak bombing building Iraq's nuclear weapons program.²⁰⁵

During the IAEA push to expel the Israelis, the United States stood by Israel. Reagan fought against this measure, with one official describing it as "the politicization of the IAEA."²⁰⁶ The Israelis protested the move, arguing that Saudi Arabia and Iraq, the originators of the ban, targeted Israel for political motivations. The Israeli policymakers pointed out that Iran had similarly targeted the Osirak reactor the previous fall, and had not been threatened with expulsion. Additionally, both India and Pakistan were pursuing nuclear weapons, and were not given a similar ultimatum to put their nuclear weapons programs under full scope IAEA safeguards or face expulsion.²⁰⁷ The Reagan

²⁰⁴ Hymans speaks to the work of Lewis A. Dunn. Hymans, Jacques E. C., *Achieving Nuclear Ambitions: Scientists, Politicians, and Proliferation* (New York City: Cambridge University Press, 2012), 13. Victor Gilinsky argued that the need for better controls in the IAEA actually first originated in the early history of the atomic age. Gilinsky, Victor, "Nuclear Power, Nuclear Weapons—Clarifying the Links," in Sokolski, 120.

²⁰⁵ Hymans, 79. See also Kokoski, Richard, *Technology and the Proliferation of Nuclear Weapons* (New York City: Oxford University Press, 1995), 97.

²⁰⁶ Remarks by Richard T. Kennedy, Undersecretary of State, Nuclear Nonproliferation—Law and Policy, 22 April 1982, 76 *American International Law Procedures* 77 (1982), 84.

²⁰⁷ See, for instance, "Israel Condemns the IAEA for Decision to Suspend Technical Aid," *Jewish Telegraphic Agency*, 28 September 1981, available at: <http://www.jta.org/1981/09/28/archive/israel-condemns-the-iaea-for-decision-to-suspend-technical-aid>.

administration also argued that the IAEA needed to maintain universality in its membership to maximize its nonproliferation goals.²⁰⁸

Although he strongly supported universal membership to the NPT according to its July 1981 nonproliferation policy, Reagan's support for Israel during the IAEA expulsion illuminates his relationship with international organizations and treaties like the NPT.

The IAEA argued that the strike undermined the system, while the administration believed Iraqi proliferation undermined the system. It remained wary that the current system was sufficient to verify a state was nonnuclear. Reagan did not accept that Iraq's mere membership in the NPT guaranteed that it was and would remain nonnuclear. Yet, while he was skeptical of the IAEA, he still wanted Israel to remain part of the IAEA. It was better to have a state in the international system, as broken as it was, than to become isolated and more insecure.

The Reagan administration again stood up for Israel during the fall of 1981 at the United Nations General Assembly (UNGA).²⁰⁹ When the UNGA voted on a resolution brought forward by Iraq on November 13, 1981 to condemn the raid, the U.S. was the only country to side with Israel to vote against the condemnation.²¹⁰ The international

²⁰⁸ GC(XXV)/RES/381, General Conference of the Agency, International Atomic Energy Agency, "Military Attack on Iraqi Nuclear Research Centre and its Implications for the Agency, 237th Plenary Meeting, 26 September 1981. The IAEA General Conference went on to suspend Israel from the IAEA on September 22, 1982. International Atomic Energy Agency, General Conference, GC(XXVI)/674. "Consideration of the Suspension of Israel from the Exercise of the Privileges and Rights of Membership if, by the Time of the General Conference's Twenty-Sixth Regular Session, It has not Complied with the Provisions of United Nations Security Council Resolution 487 of 18 June 1981," 26th Regular Session, 23 September 1982.

²⁰⁹ National Archives. CREST. CIA-RDP83M00914R002100110035-3. Memo from Eugene V. Rostow to Secretary Haig. "ACDA Staff Paper: Middle East Nuclear Weapon Free Zone and Other Middle East Arms Control Issues," Undated.

²¹⁰ United Nations General Assembly. A/RES/36/27. Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful

community overwhelmingly opposed Israel's actions, and 109 countries voted to condemn the strike, and another 34 abstained from voting.²¹¹

Jeanne Kirkpatrick, Reagan's ambassador to the UN, called the resolution "contentious [and] unbalanced" with "non useful purpose."²¹² Kirkpatrick argued that because the Security Council voted to condemn the strike in June, the pending resolution was unnecessary. It was merely rehashing an issue that has already been addressed. Problematically, the November resolution included objections to the Israeli use of American aircrafts in the raid. And while America was not named again, the resolution "reiterates its call to all States to cease forthwith any provision to Israel of arms and related material of all types which enable it to commit acts of aggression against other States."²¹³ Kirkpatrick said that the U.S. strenuously objected to the wording of the resolution. Notably, the administration did not reverse course over continued arms shipments to Israel in light of the resolution.

While Reagan was in office, he was described as a skeptic of the UN whose "hostility seemed rooted in a belief that [UN] policies were controlled by small nations and authoritarian regimes whose interests were inimical to those of the United States."²¹⁴

uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security. 56th plenary meeting, 13 November 1981.

²¹¹ Spector, Leonard S., and Avner Cohen, "Israel's Airstrike on Syria's Reactor: Implications for the Nonproliferation Regime," 38 *Arms Control Today* 6 (July/August 2008), 16.

²¹² "U.S. to Oppose Anti-Israel Draft Resolution Pending in UN General Assembly," *Jewish Telegraphic Agency*, 13 November 1981, available at: <http://www.jta.org/1981/11/13/archive/u-s-to-oppose-anti-israel-draft-resolution-pending-in-un-assembly>.

²¹³ United Nations General Assembly. A/RES/36/27. Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security. 56th plenary meeting, 13 November 1981.

²¹⁴ Johnson, Julie, "Speech by Reagan to U.N. Today Seen as Sign of Change in Attitude," *New York Times*, 26 September 1988.

This skepticism likely translated into an unwillingness to be swayed by the condemnations of Israel and the U.S. over the strike. The administration became more willing to both dismiss and even condemn those who were pushing for stronger punishments for Israel. The private response of the administration to the strike began to bleed into the public response. The U.S. was willing to downplay its own condemnation of the raid in order to assure that Israel would not become isolated and less secure. Reagan would not allow the objectives of an international organization interfere with his geopolitical goals.

Advocating for a Middle Eastern Nuclear Weapons Free Zone

Although Reagan was suspicious of the IAEA and UN's motivations in light of the strike, he actually supported an international agreement as one of the best ways to reduce insecurity in the Middle East and reduce the likelihood of nuclear proliferation. The man who questioned the effectiveness of international agreements supported the creation of a Nuclear Weapon Free Zone (NWFZ) and hoped to employ treaty and norm development as a strategy to constrain nuclear proliferation in the Middle East.²¹⁵ On June 9, 1981, only two days after the Osirak bombing, Israel submitted a proposal to the United Nations General Assembly for the states in the Middle East to develop a NWFZ.²¹⁶ The proposal was based on the Treaty of Tlateloco model of a NWFZ.²¹⁷ The

²¹⁵ Gavin, "Strategies of Inhibition," 11.

²¹⁶ Hardenbergh, Chalmers, "News of Negotiations: Middle East Nuclear Weapons-Free Zone," 11 *Arms Control Today* 9 (November 1981), 7.

²¹⁷ Power, Paul F., "Preventing Nuclear Conflict in the Middle East: The Free-Zone Strategy," 37 *Middle East Journal* 4 (Autumn 1983), 626. United Nations Document A/6663. Treaty for the Prohibition of

NWFZ would bring all the Middle East states together to pledge not to become nuclear weapons states.

Theoretically, NWFZs have the potential to inhibit proliferation in a way that the NPT couldn't.²¹⁸ Neighboring states would come together and mutually agree to refrain from pursuing nuclear weapons. A state would only agree to a NWFZ if it was confident that its neighbors were not pursuing nuclear weapons and those nuclear weapons would not be needed at a later date for defense. Once neighboring states negotiated a NWFZ, the mistrust and insecurity that could lead a state to pursue nuclear weapons would be reduced.²¹⁹

Very soon after the Osirak strike, the Reagan administration assessed that a NWFZ would be an ideal outcome. It contended that "the potential for proliferation is both a symptom and a cause of tension in the Middle East."²²⁰ Jack Anderson, one of the most notable investigative journalist at the time, claimed sources "at the highest level" of the administration expressed fear that the Osirak strike would fuel a nuclear arms race in the Middle East.²²¹ Not just Israel and Iraq, but Saudi Arabia also seemed like candidate for pursuing nuclear weapons in the near future. By agreeing to a NWFZ, signatories to a

Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty), 634 U.N.T.S. 326. Opened for signature on 14 February 1967, entered into force on 22 April 1968.

²¹⁸ For a description of the three types of military denuclearization, NPT adherence, NPT-free zones, and NWFZ, see Power, 616-617.

²¹⁹ Magnarella, Paul J., "Attempts to Reduce and Eliminate Nuclear Weapons through the Nuclear Non-Proliferation Treaty and the Creation of Nuclear-Weapon-Free Zones," 33 *Peace & Change* 4 (October 2008), 511.

²²⁰ National Archives. CREST. CIA-RDP83M00914R002100110035-3. Memo from Eugene V. Rostow to Secretary Haig. "ACDA Staff Paper: Middle East Nuclear Weapon Free Zone and Other Middle East Arms Control Issues," Undated.

²²¹ National Archives. CREST. CIA-RDP90-00965R000100160090-8. Anderson, Jack, "Raid by Israel May Fuel A-Arms Race," *The Washington Post*, 16 June 1981.

NWFZ would show that they were committed to stopping a nuclear arms race before it could start.

When Reagan issued his policy statement on nuclear nonproliferation on July 16, 1981, he proposed that the Middle East should push to develop a Treaty of Tlatelolco-style NWFZ agreement.²²² Reagan recognized that a NWFZ would likely be impossible with an environment so riddled with conflicts. However, he hoped that after the administration pushed for peace while arming countries to increase individual state security, it could then push for such an agreement.

In September, Reagan brought the NWFZ proposal to Congress, but it did not gain traction.²²³ However, Reagan remained convinced that a NWFZ would be capable of easing Middle East tensions. The UNGA, which had long supported the establishment of a Middle Eastern NWFZ, took up the issue on December 9, 1981 and again on December 9, 1982, calling on the states in the Middle East to negotiate a NWFZ.²²⁴ Egypt put forth a proposal on November 16, 1981 for the Secretary General to develop a special representatives who could go to leaders in the Middle East to ascertain the support for developing a NWFZ.²²⁵

A NWFZ never materialized. Reagan understood that most states in the Middle East were not supportive of the initiative, and did not expect it to work. But the initiative

²²² Walsh, John, "Reagan Outlines Nonproliferation Policy," 213 *Science*, New Series 4507 (July 1981), 522.

²²³ Power, 627.

²²⁴ See A/RES/36/87, United Nations General Assembly "Establishment of a nuclear-weapon-free zone in the region of the Middle East," 9 December 1981. See also See A/RES/37/75, United Nations General Assembly "Establishment of a nuclear-weapon-free zone in the region of the Middle East," 9 December 1982.

²²⁵ Hardenbergh, 6.

allowed him to show a commitment to nonproliferation and regional security. While Reagan knew that the NWFZ would be unlikely, the signaling from support for the zone showed that the U.S. wanted a safe, secure, and peaceful Middle East.

Conclusion

Reagan emphasized security while he was president. First and foremost, Reagan hoped to work towards nuclear abolitionism by increasing U.S. security through SDI, negotiating with the Soviets from a position of strength, and eventually reducing the number of nuclear weapons. As the U.S. and the Soviets reduced their arsenals, other states would be more secure and have less motivation to proliferate. In addition to pursuing a reduction in nuclear weapons, Reagan also took steps to increase security, such as increasing access to conventional arms so states could defend themselves.

Reagan's decisions regarding Pakistan all highlight his willingness to sacrifice his nuclear nonproliferation objectives in order to combat the Soviets and increase the security of a state. Although he hoped to halt the burgeoning Pakistani nuclear weapons program and gained assurances from the Pakistani government that it was not pursuing nuclear weapons and would not test, he chose against implementing sanctions in light of the Perez case of nuclear espionage. Combatting the Soviets in Afghanistan remained a more pressing priority than combatting proliferation.

The South Africa nuclear dilemma proved challenging, forcing Reagan to alter his initial goals for supporting a gradual transition away from apartheid and opposing nuclear proliferation while working towards South African security. Reagan's policies failed to

alter South Africa's political situation, so the administration eventually enacted targeted, limited sanctions that could affect apartheid while maintaining security. Yet Congress and the public did not believe Reagan did enough; Congress enacted sanctions over Reagan's veto and despite Reagan's concerns that the Act would decrease security while Soviet backed troops were in the vicinity. Reagan still valued security and stability, but was not able to preserve his policy preferences because of the power of the veto.

The Osirak strike forced the Reagan administration to reassess how to act in a nuclear world. Reagan had to confront whether a state could, or should, use force to act against a proliferator. His sympathies for Israeli insecurity prevented greater condemnation or widespread sanctions against Israel. Yet, since Reagan's primary objectives were to increase security and stability in the Middle East, so he opposed the strike.

Finally, the strike illuminated Reagan's relationship with the NPT, international agencies, and international organizations. First, although Iraq was a member of the NPT, Reagan never questioned that Iraq was pursuing nuclear weapons in contradiction to the tenets of the NPT. He did not believe that mere membership to a treaty would prevent the spread of nuclear weapons, and instead believed that security would prevent proliferation. He also fought against Israeli expulsion from the IAEA when the IAEA claimed the strike undermined the agency. He was not convinced that the IAEA's safeguard system would necessarily prevent proliferation, but opposed isolating Israel, which would reduce Israeli security. Nonproliferation would result not from treaties or

international organizations; nonproliferation would instead result from the security of individual states.

CHAPTER SEVEN

Conclusion

Counterfactual

Many of the nonproliferation policy decisions presidents made in the years after the signing and ratification of the NPT were based on similar underlying calculations. Repeatedly, presidents prioritized Cold War objectives. One may ask, would those calculations, those decisions, have been significantly different had the NPT not been in place? In order to understand the impact of the NPT on presidential decision making and nonproliferation policy, employing a counterfactual allows one to better understand when, or if, the NPT caused the president to choose certain responses over others. How would presidential decision making regarding the events discussed in this dissertation have changed had the U.S. not ratified the NPT? What do those decisions mean about the importance of the international system for U.S. power?

Nixon decided to submit the NPT to the Senate for ratification within his first months in office, despite opposing the NPT during its negotiation and arguing against its ratification after the Soviet invasion of Czechoslovakia. Had he maintained his opposition to the U.S. joining the treaty, he would not have submitted it to the Senate for ratification, and the U.S. would not have become a member to the treaty. As one of the two superpowers, refusal to ratify the treaty may have been disastrous for any hopes that the NPT, and the nonproliferation norms it codified, would ever have become universal. American membership to the treaty led potential nuclear weapon states to declare permanent non-nuclear weapon state status. If the U.S. had not become a party to the

treaty, Japan, Switzerland, Australia, and Italy may not have signed, and Sweden may not have ratified, the NPT. It's likely that Nixon still would have preferred that states remain non-nuclear since proliferation had the potential to increase tensions with and decrease security for surrounding states. Yet, without American membership to the NPT, it would have been more difficult to achieve commitments from states that they would not develop nuclear weapons.

Nixon did not believe that membership to the NPT altered the calculations of most states regarding whether or not to develop nuclear weapons, so he never considered universal membership to the NPT as central to his overall geopolitical objectives. Because Nixon was committed to the Nixon Doctrine, he probably would not have changed his decision against putting resources towards obtaining commitments from most states to become parties to the NPT if the U.S. had not become a party to the treaty. However, the decision not to become a member to the NPT probably would have reduced the number of states that became parties to the treaty, some of whom may have eventually "gone nuclear." As a result, the U.S. may have had to expend more resources to prevent proliferation in later years, or it would have had to accept more nuclear weapon states and the resulting increases in regional tensions.

Nixon's geopolitical objectives likely would have remained consistent regardless of American membership to the NPT; most importantly, détente would have remained a top priority. Since West German membership to the NPT would have continued to align with many of Nixon's détente objectives, Nixon probably would have supported West German membership to the NPT. Nixon still would have been aware that there was

pressure by the hardliners in the Soviet politburo to prevent Brezhnev from negotiating in SALT. SALT still would have been key to détente. The Soviets wanted West Germany to remain non-nuclear. Nixon probably could have used West German membership to the NPT as a symbol to those hardliners in the politburo that the U.S. was committed to easing tensions. Similarly, European allies wanted West Germany to remain a non-nuclear weapon state so that it would not become a resurgent nuclear power, increasing the likelihood that Nixon would have wanted West German membership to the NPT regardless of American status regarding the treaty. However, without U.S. membership to the treaty, it may have been more difficult and consumed more American resources to obtain West German membership to the treaty. Additionally, it's quite possible that Nixon would have had to expend considerable more political resources towards alleviating Soviet concerns about America's ability to commit to a treaty with the Soviets had the U.S. failed to ratify the NPT.

All of the guarantees West Germany wanted in exchange for its membership to the NPT were still feasible even without American membership. Without American leadership on the nuclear sharing issue, the Soviets may have pushed harder to prevent the inclusion of an understanding of the treaty that allowed nuclear sharing. However, since the West Germans wanted a guarantee that nuclear sharing would continue, the administration still could have offered assurances regarding maintaining the future of NATO, keeping the nuclear arsenal in West Germany, and supporting a right to nuclear energy. Although a treaty interpretation would have been more easily accepted had the U.S. offered the interpretation, Nixon may have insisted West Germany or another

NATO ally included an interpretation of the treaty to assure that nuclear sharing could continue. Between security guarantees from the U.S., the election of the pro-NPT Social Democrat Party in Germany, and the party's desire to pursue Ostpolitik with the Soviets, West Germany may very well have become a party to the NPT even without American ratification of the treaty, contributing to Nixon's ability to achieve his other geopolitical objectives. However, while achieving Nixon's objectives may have been feasible without U.S. membership to the NPT, they necessitated the expenditure of fewer political resources with the NPT in place.

The Indian nuclear test of 1974 challenged the world's nonproliferation regime and forced the U.S. to reconsider the resources it would devote to nonproliferation. Without U.S. membership to the NPT, the presidential response to the Indian test probably would have remained similar. Nixon's preference for India to remain non-nuclear would have remained since a nuclear India would significantly increase tensions in the region, especially with China and Pakistan. Yet Nixon still would not have extended security guarantees to India (or Pakistan) to decrease the likelihood that either would eventually pursue nuclear weapons. To Nixon, nonproliferation did not justify extending resources that could better be used for more pressing Cold War priorities.

By the time the Indians conducted the nuclear test, the president and Congress assessed that PNEs were inefficient tools. As a result, Congress likely would have responded to India's classification of the test as PNE with skepticism regardless of whether the U.S. was a party to the NPT. Additionally, Congress still would have hoped to restrain the president as a result of Watergate. The test actually may have become an

even greater topic of concern to Congress since it could have pointed out that Nixon might have been able to prevent the test had it been more committed to the NPT and nonproliferation. Nixon's political capital would have dropped even further. It's also possible some members of Congress would have pressured Ford to submit the NPT to the Senate for ratification in order to prevent future proliferation. However, in light of the Indian description of the test as a PNE, the passage of the NPT may have been untenable since the NPT guaranteed a right to PNEs, and that moment in time showed why a right to PNEs was essentially a loophole to the ban on proliferation.

Ford's responses to the Indian test likely would have remained the same had the U.S. remained outside the NPT. Ford would have persisted in his pursuit of Cold War objectives, and probably still would have looked for achievable proliferation solutions like the PNE Treaty and the NSG. In light of the decision not to ratify the NPT, America's ability to pursue another universal treaty, a PNE ban, would have been extremely low. What's more, with Ford's political-capital deficit, the administration would not have been able to justify expending the resources necessary to pursue a universal treaty. Instead, reaching a PNE agreement with the Soviets to close the PNE loophole of the Threshold Test Ban Treaty probably would have remained his top priority. Strategic objectives like preventing a rise in regional insecurity as a result of indigenous PNE programs still would have pushed the U.S. to pursue a strong role in determining rules for supplying PNEs, even if it was not treaty bound to act as a PNE supplier. Similarly, since the Indian test was partially a result of the failure of supplier states to properly safeguard nuclear materials, Ford would have still considered nuclear

suppliers as key to preventing proliferation, and likely would have pursued the NSG with or without U.S. membership to the NPT. It's possible, though, that other states would have been more skeptical of American leadership on the supplier issue because of the failure to follow through with its commitments to a previous international agreement, the ratification of the NPT.

Carter's preferences for nonproliferation almost certainly would have remained, with or without U.S. membership to the NPT. Carter was committed to nonproliferation long before he became president, and he still would have found fault in Ford's focus on international efforts to constrain proliferation. If adopting the NPT had become difficult in light of the Indian "PNE" test, Carter likely would have been even more committed to nuclear nonproliferation. However, Carter's nonproliferation leadership likely would have been seriously disrupted, especially in any international forum. By refusing to ratify the NPT, the U.S. may have given up its chance to lead on nonproliferation issues. The Soviet invasion of Afghanistan still would have interfered with his nonproliferation efforts. Similarly, since the decision to send nuclear materials to India resulted from Carter's calculations regarding the Soviet Union, it's likely he still would have pushed to continue shipments despite India's nuclear status. Geopolitical objectives still would have taken precedent over domestic nonproliferation policies.

Reagan probably would have pressed South Africa to join the NPT, even if the U.S. was not a member of the treaty. The U.S. would not have much leverage in urging states to become members to the treaty if it did not become a member itself. Yet South Africa's nuclear status was not based on American nuclear policy. South Africa probably

would have signed the NPT, regardless of U.S. NPT status, in order to signal to other states that it was committed to nonproliferation. Similarly, Reagan's actions towards constraining Pakistan's nuclear program were almost all limited by geopolitical objectives, which would not have changed based on U.S. membership to the NPT. Finally, the NPT did not affect Reagan's responses to the Osirak bombing. Iraq was a member of the NPT and would have had IAEA safeguards on its nuclear materials regardless of U.S. ratification of the treaty. Iraqi membership to the NPT did not affect Israeli or American calculations regarding the Iraqi nuclear program. Reagan's policy responses were instead based on U.S. strategic objectives in the Middle East, especially the goal of achieving peace in order to limit Soviet influence in the region.

Although a counterfactual can never definitively answer a question like "what was the impact of the NPT on presidential nuclear policy?", it can help one try to isolate the impact of the treaty on presidential decision making. The majority of presidential nonproliferation decisions made in the late 1960s through 1980s were feasible regardless of U.S. membership to the NPT. In fact, because most nonproliferation decisions were made on the basis of strategic objectives, especially with Cold War power priorities in mind, it's highly likely that presidential responses to nonproliferation challenges would have remained the same, or at least similar, regardless of U.S. status in the NPT. However, the majority of the nonproliferation objectives the U.S. pursued were easier to achieve because of U.S. membership to the NPT.

The NPT was a tool; it did not define U.S. nonproliferation policy, nor did it force the U.S. to act in ways that were contrary to the best interest of the country. The treaty

did not supersede U.S. power, though it sometimes reinforced U.S. power. It assured that the U.S. could be an international leader in deciding nonproliferation objectives. In some circumstances, the treaty increased America's ability to achieve its goals, such as when Nixon used the NPT as leverage to gain the Soviet commitment to negotiate in SALT. Contrary to the fears of certain leaders like Senator Barry Goldwater, who was concerned that the NPT would force the U.S. to intervene whenever a state was threatened by a nuclear power, the treaty proved to bolster Nixon Doctrine goals. Merely putting the treaty before the Senate increased the likelihood that some states would give up the right to pursue nuclear weapons and become parties to the treaty. The treaty reduced the likelihood that the U.S. would have to expend resources in the future to prevent states like Japan and Australia from "going nuclear."

The NPT can be a lesson for the relationship of the U.S. with future international treaties. Because the U.S. follows the rule of law, it is committed to agreeing to international treaties only when it will abide by those treaties. When a treaty has the potential to limit American power, presidents should reasonably be wary of the repercussions of the treaty. Presidents justifiably prioritized U.S. power when it came to pursuing and enacting nonproliferation objectives. However, as this counterfactual indicates, the NPT may have actually bolstered America's power and ability to act, while reducing the likelihood that it would someday have had to expend resources to achieve policy objectives that were achieved simply by becoming a party to the treaty. Concerns about international treaties placing limitations on America's ability to act must be weighed against the leadership opportunities the U.S. might secure by becoming a party

to the treaty. Finally, policymakers must recognize that, in some cases, the U.S. may gain power and achieve its objectives more easily by becoming a party to a new international treaty.

The Research Aims

The goal of this dissertation was to add to the body of knowledge on U.S. foreign policy, nuclear policy, and presidential decision making. It considers the seemingly simple question: how did presidents address nuclear proliferation in the decade after the signing and ratification of the Nuclear Nonproliferation Treaty? I concluded that, even as the NPT may have helped achieve certain policy objectives, and never ended up limiting America's ability to act, it had only a minimal impact on American foreign policy in the decade after its signing and ratification. Presidents dealt with proliferation issues in a primarily ad hoc basis based on the administration's assessment of the threat and whether the response would fit in with broader U.S. strategy. Presidents consistently prioritized American power and geopolitical, especially Cold War, objectives over nonproliferation goals.

The NPT and Nuclear Policy

This dissertation focuses on the ideologically divergent Nixon, Ford, Carter, and Reagan administrations to illuminate presidential responses to proliferation events. It analyzes individual preferences, coupled with various constraints on decision making, to help elucidate how much room a president had to decide nonproliferation policy. In the

process, it highlights a variety of policy decisions that answer questions like why the president put only limited resources towards gaining additional members to the NPT, whether presidential preferences significantly altered nonproliferation policies, and why most nonproliferation initiatives after the NPT were outside the NPT framework.

The development of the NPT did not lead the U.S. to allocate significant resources towards gaining members to the treaty, even though presidents preferred that states remain non-nuclear. Prior to the NPT, U.S. efforts to prevent proliferation did not have backing in international law. In light of the NPT, international law had not just a custom but a treaty-based prohibition against nuclear proliferation. While the U.S. supported universal membership to the treaty, presidents did not allocate significant resources towards encouraging other states to join the NPT. Universal membership to the NPT, coupled with sincere commitments to the principles of the NPT, would have reduced insecurity around the world. States would not have been concerned about their neighbors proliferating, which could have reduced the need for arms buildups and decreased the likelihood of a future nuclear conflict. The reasons presidents did not allocate resources towards obtaining new members to the NPT varied, from Nixon's beliefs in only distributing resources towards objectives that were most necessary for American power, to Reagan's concern that international organizations and agencies associated with the NPT were often ineffective or even biased. Additionally, presidents questioned whether a treaty would actually alter another state's decisions to pursue nuclear weapons, especially if a state believed its security was threatened. Regardless of the reason, presidents downplayed the importance of universal membership to the NPT.

Reagan, and to some extent Nixon and Ford, believed that the U.S. should pursue political solutions to prevent proliferation, because when states were secure, there would be less need to proliferate. Security assurances and supplying conventional arms were the assessed methods to achieve political solutions. Carter, on the other hand, believed that the U.S. should pursue technical solutions to prevent proliferation through restricting and eliminating nuclear reactors and materials. Despite the different approaches, president opposed overextending the U.S. by making security commitments in order to prevent proliferation.

Presidential preferences for nuclear nonproliferation policy varied significantly among presidents in the decade after the ratification of the NPT. Most notably, President Carter hoped to strengthen U.S. nonproliferation policies, supporting restrictions in supply policies and reducing support for states pursuing nuclear weapons. In contrast, Nixon, Ford, and Reagan all supported nuclear nonproliferation efforts but opposed policies that would reduce a state's security. They also wanted to assure that the U.S. would continue to compete on the nuclear supply market. Even though presidents held different preferences and developed unique nonproliferation policies, when the presidents were faced with combatting either proliferation or the Soviets, each prioritized fighting the Cold War.

Proliferation events during this time period did not lead to presidential initiatives to strengthen the NPT, but they did lead to other initiatives to inhibit proliferation that were outside the NPT framework. In fact, each president specifically rejected the possibility of negotiating additional universal treaties in order to address remaining

proliferation problems. Nixon and Ford recognized failures written into the NPT after the Indian nuclear test, yet neither president responded by closing the loopholes within the NPT. Ford worked with the Soviets to close the PNE loophole for the Threshold Test Ban Treaty, but did not attempt to alter the NPT. He chose a limited solution, rejecting a larger or universal ban on PNEs. Similarly, when Ford worked to establish the Nuclear Suppliers Group, he deliberately rejected a universal group. Only nuclear suppliers could be members because Ford believed including non-supplier states would make the group ineffective. By engaging with the states that were direct players in potential proliferation, Ford was able to limit the expenditure of political resources while pursuing a nonproliferation objective.

Finally, presidents did not blindly trust commitments made through the NPT because they understood that many states do not have the same commitment to the rule of law as the U.S. The Osirak reactor strike showed that neither the Carter nor the Reagan administrations believed that Iraq's membership to the NPT translated into a decision against proliferating. Even in light of the IAEA guarantee that the reactor was not being used in the construction of nuclear weapons, neither the president nor Congress accepted the international organization's assurances. This led not only to sympathy for the Israelis after the strike, but also to multiple decisions against enforcing U.S. law to sanction the Israelis.

Constraints from Other Actors

Even though the president had significant power to determine nuclear policy, each decision became a negotiation to achieve the support of other actors for his policy preferences. The Soviet Union, allies, Congress, the public: all emerged as constraints when Nixon, Ford, Carter, and Reagan attempted to pursue their nonproliferation preferences. A continued need to combat the Soviet Union was the overwhelming reason why each president downplayed nuclear nonproliferation preferences at some point in their administrations. For instance, Carter altered his nonproliferation preferences for both Pakistan and India in light of the Soviet threat. Although scholars have rightly recognized that President Carter had to compromise his otherwise stringent opposition to nuclear proliferation in his decision to arm Pakistan, they had not fully fleshed out his willingness to backtrack on nonproliferation standards in areas of the world beyond Pakistan. Even though Carter believed that he needed to cut off nuclear supplies to India, he reversed his decision in light of threats that ending the shipments would cause India to align with the Soviets. The threat from the Soviets justified loosening nonproliferation standards.

While the Soviet Union was the most significant actor to shape presidential actions, Congress emerged as the most prodigious domestic check on presidential nonproliferation policy. The burgeoning role of Congress in checking a president's nuclear policies during the 1970s, as illuminated in this dissertation, contributes to the literature on Executive-Congressional relations. In light of Watergate, Congress tried to create restraints on presidential policy. The JCAE, by committee design, held particular influence over the president's nuclear policy. The JCAE had a right to check the

president on nuclear policy, though it was generally supportive of the president's policies. However, the JCAE similarly became increasingly critical of U.S. supply policies, especially in the wake of the Indian nuclear test. The JCAE supported both the legislative initiatives to strengthen supply side policies and urged the president to change U.S. supplier policies. In the process, it helped propel Ford towards developing one of the strongest nonproliferation regimes, the Nuclear Suppliers Group.

In response to Watergate, Congress worked to develop an even larger role in nuclear policy by passing legislation related to America's role as a nuclear supplier, enacting constraints on the nuclear energy industry, and attempting to ban the U.S. from providing arms to a country known to be pursuing nuclear weapons. As a result, Congress decreased the president's ability to determine foreign policy. Although it lessened its oversight role during the less contentious Carter and Reagan years to some extent, the checks Congress put in place in the aftermath of Watergate assured a continued role for Congress in determining nuclear policy.

While the Soviets were the most significant international constraint on presidential preferences, allies and aligned states played a major role in shaping presidential action related to proliferation. For example, Ford understood that his ideal nonproliferation goal, establishing an effective Nuclear Suppliers Group, would depend on getting as many nuclear suppliers to be part of the group as possible. Ford was willing to place diplomatic pressure on an ally, France, to become a part of the group. Because of Ford's initiative, France altered its own standards as a supplier. Alternatively, Carter took a primarily unilateral path in altering U.S. nonproliferation supply policy. In the process,

the administration strained U.S. relations with European allies that were dependent on nuclear energy. Carter pursued his nonproliferation objectives, but unexpectedly limited his ability to act when needed because his previous actions caused discord with the allies. These episodes show that while a president can pursue unilateral nonproliferation policies, if those policies impact allies, it is likely in the best interest of president to engage with and avoid injuring those allies. Bringing allies into the process, while potentially constraining a president's ideal choices, may lead to more options for future decisions.

Finally, both the public and the business industry checked presidential policy, although they did so in only limited ways. For example, as the public became increasingly concerned about the dangers of nuclear energy, it pushed for additional safeguards for existing plants and restrictions on building new plants whenever possible. This public support for restrictions made it easier for Congress to legislate limitations on nuclear energy. Industry infused significant amounts of money into convincing the general public to oppose the restrictions, but only succeeded on occasion. Additionally, a president's personal views on the importance of capitalism and nuclear energy will likely influence whether the president will work to preserve the nuclear industry. Notably, Presidents Ford and Reagan both believed in the importance of the industry and America's place as a top nuclear supplier. They chose to fight the more onerous regulations that emerged during and prior to their administrations, respectively.

Opposition from other powerful actors revealed the limits of presidential power. The impact of all these other actors shows how the president, while still the actor most

capable of determining U.S. nonproliferation policy, did not always have the ability to pursue his preferred nonproliferation goals without limits. Preference for a particular nonproliferation policy did not always lead to the adoption of that policy, especially when a president faced strident domestic or allied opposition, limited political capital, or the expansion of Soviet power.

Future Research

This research could lead into a number of interesting research projects in the future. For instance, this dissertation analyzes the significance of Congress as providing a check on presidential decision making in relation to nuclear policy. Congress had, traditionally, a substantial ability to provide a check on the president. A researcher could use the signing and ratification of the NPT as a focal point to better understand Congressional efforts to contain proliferation. I identified a number of proliferation events that occurred after the treaty came into effect to better understand Congressional preferences for nuclear policy. Much of the most stringent nonproliferation legislation came in the wake of Watergate, during a more general push to constrain presidential power. This push also came after a country openly tested a nuclear weapon. Similar proliferation events occurred before and after the Indian test, such as the Chinese nuclear test in 1964, the Indian and Pakistan tests in 1998, and the North Korean test in 2006. A scholar could study each of these events to analyze Congressional responses across the nuclear age, and look at whether Congress used those events to constrain or support the president's responses to the tests.

The Soviet Union was an overwhelming priority during the Cold War, and this dissertation repeatedly highlights that each president chose to combat the Soviet Union instead of prioritizing nonproliferation objectives. Nuclear nonproliferation was a secondary priority to combatting the Soviets. The dissolution of the Soviet Union is an obvious point at which to compare prioritizing nuclear nonproliferation before and after the collapse. A researcher could ask whether the NPT and nuclear nonproliferation policy as a whole gained greater importance in U.S. foreign policy after the end of the Cold War because the Soviet Union was no longer a threat.

Dissertation Relevance for Current Policy

While this dissertation is historical in nature, it contains powerful lessons for policymakers concerning congressional-presidential relations regarding nuclear nonproliferation policy. Congress is currently providing few checks on the expanding powers of the executive. Studies like this can offer those in Congress a view into how Congress has previously checked presidential powers on major topics that touch on nuclear policy, allied relationships, and foreign relations as a whole. Members of Congress would also be well suited to review the multitude of laws and regulations that Congress passed related to nuclear policy in the aftermath of Watergate to best understand the tools it has at its disposal in checking the president.

The evolution of the JCAE is an important example as to how Congress has traditionally worked with and checked the executive on nuclear policy, and could serve as a model if Congress ever believed it necessary to create a new committee to guarantee its

say in the development of nuclear policy. What's more, the dissolution of the JCAE is a cautionary tale of the unintended consequences of policy reforms; in the Congressional groundswell to fight the president in the aftermath of Watergate, Congress turned on the JCAE for being too cozy with the nuclear industry. It eliminated the Committee, and in the process actually reduced its ability to check the president. Instead of reforming the Committee, or pushing to replace the members that were more committed to checking the president, it eliminated it and reduced the power of Congress.

In addition to analyzing Congressional-presidential relations, this dissertation could serve as a starting point for thinking about the impact of treaties on U.S. power. The NPT proved to be less powerful than some of its critics feared. It also proved a useful tool, and occasionally reduced the necessity for the U.S. to act, allowing America to conserve resources. This dissertation can serve as a tool for thinking about the impact a new treaty might have on U.S. foreign policy or U.S. power in general.

Each of the chapters in this dissertation is a nuanced account of presidential decision making in a rapidly changing international environment. This dissertation could assist policy practitioners to think through how to evaluate new information within the context of greater strategic goals. Specific presidential responses could also serve as guides in addressing current challenges. For instance, when Israel bombed the Osirak reactor, Reagan had to devise a response that would show that the administration did not support the use of force. This was necessary so that the U.S. could maintain its relationship with other Middle Eastern states. Yet, Reagan did not want to isolate Israel in the process. As a result, the administration decided to support official condemnations of

Israel in the United Nations, but it opposed international sanctions against Israel. If faced with a similar challenge, current practitioners could use Reagan's strategy as a frame to begin developing an appropriate response. Given the importance of employing appropriate historical analogies in the policy making process, the in-depth accounts of presidential decision making in these chapters will give policy makers sufficient information to choose an apt historical analogy to begin building a policy response to a current policy dilemma.

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