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27 MAY 1997

Ref: 95-F-2210

Mr. George Bunn
Center for International Security
and Arms Control
Stanford University
320 Galvez Street
Stanford, CA 94305

Dear Mr. Bunn:

This letter responds to your October 12, 1995, Freedom of Information Act (FOIA) request.

Your request was processed by the Organization of the Joint Staff (JS) which provided the enclosed documents as responsive to your request. Mr. Edmund F. McBride, Chief, Information Management Division, Joint Staff, an Initial Denial Authority, has denied portions of the documents pursuant to 5 USC §552 (b)(1). This information is currently and properly classified pursuant to Executive Order 12958, Sections 1.5 (a) and (d), which pertains to information concerning military plans and operations, and foreign relations or foreign activities of the United States.

You have the right to appeal Mr. McBride's decision to deny this information. Any such appeal should offer justification to support reversal of the initial denial and should be forwarded within 60 calendar days of the date of this letter, to this office.

There are no chargeable costs for processing your request in this instance.

Sincerely,

Signed

A. H. Passarella
Director
Freedom of Information
and Security Review

Enclosures:
As stated

R/R
Please

#870



THE JOINT STAFF

THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

This document consists of 1 pages.

DJSM-1139-67

13 September 1967

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subject: Issues Related to the Draft Treaty on the
Nonproliferation of Nuclear Weapons (U)

1. The attached memorandum, dated 30 August 1967, entitled "Security Assurances for Non-Nuclear Countries," has been provided, informally, to the Joint Staff.

2. The recommendations contained in the memorandum have not been discussed in, nor cleared by, the Committee of Principals. Since the 28 February 1966 meeting of the Committee of Principals resulted in strong reservations against extending any new commitments to any nation, it is considered appropriate and timely to request that major issues related to the nonproliferation treaty be addressed by the Committee of Principals.

3. Recommend that the attached proposed CM be approved, signed, and forwarded to the Secretary of Defense.

Signed

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BY R.S. DEWEY DATE: 8-2-93
D.R. GILSON
18/20/93

J. O. COBB
Rear Admiral, USN
Deputy Director

- 3 Attachments
1. Draft CM
2. Draft Memo fm SecDef
to SecState
3. ACDA Memo for SecState,
dtd 30 Aug 67

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Action Officer

Lt Colonel James A. Rasmussen, USA
Staff Assistant, SAAC
Extensions 76550, 76943

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SAACM-50-66
4 February 1966

**MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF
THRU THE DIRECTOR, JOINT STAFF**

Subject: Kosygin Message to the ENDC (U)

- References**
- a. Enclosure A to JCS 1731/878-2
 - b. Documents on Disarmament - 1945-1959
Volume I - pages 547-548 and 558

1. (U) The message by the Chairman of the USSR Council of Ministers, Kosygin, which was delivered to the ENDC at Geneva on 2 February 1966 contained two revived proposals which follow:

a. The Soviet Government declares its readiness to include in the Draft Treaty (on nonproliferation) an article prohibiting the use of nuclear weapons against nonnuclear powers, signatories to the treaty, which have no nuclear weapons on their territory.

b. The Soviet Union is prepared without delay to assume obligations not to be the first to use nuclear weapons, provided other nuclear powers follow suit.

2. (S) The proposal not to use nuclear weapons against non-nuclear states has been considered by ACDA in a paper, dated 16 July 1965, as a part of a nonproliferation treaty. The Joint Chiefs of Staff in reply (reference a) to this proposal stated that they oppose the introduction into any treaty of limitations on the use of nuclear weapons against nonnuclear powers.

3. (U) Our records indicate (reference b) that on 10 November 1955 the USSR first proposed the "non first use of atomic weapons" in the Geneva Foreign Ministers Meeting. Secretary of State Dulles immediately rejected the proposal at that time.

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BY R-3 DEW DATE: 8-5-93
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HRG-21 8/10/93

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4. (U) The remainder of the message was a reiteration of other old themes.

W. M. McCORMICK
Rear Admiral, U.S. Navy
Special Assistant to the
JCS for Arms Control

cc The Asst to CJCS

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SAACM-55-66
11 February 1966

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF
THRU THE DIRECTOR, JOINT STAFF

Subject: Eighteen Nation Disarmament Conference (ENDC) (U)

1. (S) Available State Department message traffic and reports from OSD-JCS Representative to ENDC indicate that discussions thus far have largely centered on a nonproliferation treaty.

2. (S) Highlights of above discussions follow:

a. Revisions to US draft treaty, Article I, II and IV (addressed in JCS 1731/878-7) have been approved by Western Four.

NOTE: Minor language changes subsequent to JCS consideration resultant from [REDACTED] discussions in Geneva represent no substantive change. Revised articles remain in consonance with JCS views.

b. Revised Article III to strengthen IAEA type safeguards (addressed in JCS 1731/909) not yet discussed [REDACTED]

NOTE: Informal information indicates that the AEC feels very strongly that the new language of Article III is a necessary minimum toward strengthening IAEA safeguards and that the Senate would not approve a treaty without safeguards. Informal information also indicates that the Deputy Assistant Secretary (ISA) Arms Control believes that the presently tabled Article III, which merely requires nations to "cooperate," is a better approach in that it makes the proposed treaty more salable.

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c.

d. USSR proposal, in Kossygin message to ENDC, for inclusion in nonproliferation treaty of commitment by nuclear powers not to use nuclear weapons against nonnuclear powers (party to treaty) which have no nuclear weapons on their territory, being given serious consideration - ACDA may issue separate position paper on the subject.

NOTE: Current JCS views opposing inclusion in treaty of provisions prohibiting use of nuclear weapons against nonnuclear countries are contained in JCS 1731/878-5. Chief of Naval Operations has informally expressed concern that "on their territory" might be expanded to include ports and territorial waters. This concern will be taken into account if further action occurs.

e.

SIGNED

W. M. McCORMICK
Rear Admiral, U.S. Navy
Special Assistant to the
JCS for Arms Control

cc The Asst to CJCS

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DJSM-708-66
31 May 1966

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MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subject: Initiatives in the area of Nuclear Assurances (U)

1. (U) The Special Assistant to the JCS for Arms Control, through normal mail distribution, received a copy of the attached DOD correspondence on 26 May 1966. There had been no previous indication that such a proposal was under consideration within DOD.

2. (S) On 27 May 1966, the Special Assistant to the JCS for Arms Control in a discussion of the matter with the Deputy Assistant Secretary of Defense for Arms and Trade Control expressed concern in that:

a. The proposal amounted to a change in DOD policy with regard to security assurances for nonnuclear states.

b. The Joint Chiefs of Staff should have been afforded an opportunity to comment on the proposal prior to its submission to the Secretary of State.

In addition, the Special Assistant to the JCS for Arms Control pointed out a serious typographical error in the draft US resolution attached to the letter to the Secretary of State; i.e., "now" should have read "not" in the operative paragraph beginning with "Welcomes."

3. (S) Informal coordination with the State Department on 27 May 1966, indicates that the Secretary of State's reply to the Secretary of Defense will likely voice objection to the DOD proposal essentially on the grounds that:

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HR 8/4/93

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a. It will extend US commitments beyond those made by the President in October 1964 (State position taken at the meeting of the Committee of Principals on 28 February 1966 in discussion of security assurances in relation to a nonproliferation treaty - JCS 1731/920).

b. The "committee of interested nations" concept is not considered a worthwhile approach in the United Nations.

4. (U) While it appears that State will not concur in the Defense proposal, the matter is considered of sufficient importance to be circulated to the Joint Staff and the Services. Accordingly, it is recommended that this DJSN, along with the DGD letter and its attachments, be circulated for information.

SIGNED

DAVID A. BURCHINAL
Lt. General, USAF
Director, Joint Staff

Attachment

Ltr, dtd 16 May 66,
fm Secy of Def to
Secy of State w/encl

Prepared by:

Lt Colonel B. B. Gayle, Jr., USAF
Lt Colonel J. A. Rasmussen, USA
Staff Assistants, SAAC
Extensions 76973, 76550

cc: File
Staff
SJCS
RAIR
SAAC

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DJSM-1429-66
31 October 1966

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subject: Non-Aligned Nonproliferation Resolution (U)

1. (U) On 28 October 1966, a non-aligned nonproliferation resolution was co-sponsored in Committee One of the United Nations by thirty-two nations, including the eight non-aligned nations of the Eighteen Nation Disarmament Committee.
2. (✓) The resolution includes a paragraph similar to the Kosygin proposal which would restrict the use of nuclear weapons. The Joint Chiefs of Staff have previously expressed their opposition to any limitation on the use of nuclear weapons.
3. (✓) It is understood that the Department of State is considering a counterproposal which would make a non-use declaration applicable only to those nonnuclear weapon states who would become signatories to a nonproliferation agreement. While such a modification would be somewhat less onerous than the present language, it would still be unacceptable in that it would provide further impetus to proposals for "banning the bomb."
4. (✓) In view of the urgency associated with this resolution in the United Nations, it is considered appropriate to reiterate the previously expressed views of the Joint Chiefs of Staff to the Secretary of Defense.
5. (U) Recommend the attached proposed Chairman's memorandum be approved, signed, and forwarded to the Secretary of Defense.

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AUTHORITY: DOE/SA-20

BY R. S. DEWEY, DATE: 8-4-93

D. R. GILSON

14 Feb 84

A. J. GOODPASTER
Lt General, USA
Director, Joint Staff

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Attachment
Proposed CM

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DRAFT

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: Non-Aligned Nonproliferation Resolution (U)

- References:
- a. Message, USUN 1863, dated 26 October 1966, NMCC 91988
 - b. Message, USUN 1916, dated 29 October 1966, NMCC 96911
 - c. JCSM-138-66, dated 4 March 1966, Subject: Security Assurances in Relation to a Nonproliferation Agreement (C)
 - d. JCSM-677-65, dated 10 September 1965, Subject: Limitation on Use of Nuclear Weapons Against Nonnuclear States (U)

1. (U) On 28 October 1966, a nonproliferation resolution was co-sponsored in Committee One of the United Nations by thirty-two member nations, including the eight non-aligned nations represented on the Eighteen Nation Disarmament Committee (Reference b).

2. (U) Operative paragraph 3 of this resolution reads as follows:

"Invites the nuclear weapon Powers to give an assurance that they will not use, or threaten to use nuclear weapons against non-nuclear weapon States;"

3. (S) Reference a, above, indicates that the Director, U.S. Arms Control and Disarmament Agency (ACDA) informed the United Arab Republic (UAR) Delegate that paragraph 3 posed serious

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problems for the United States and is unacceptable. This position was formulated at a meeting of the Committee of Principals (COP) on 28 February 1966. At that time, all agencies present agreed that the Kosygin proposal - prohibiting the use of nuclear weapons against nonnuclear powers, signatories to a nonproliferation treaty, which have no nuclear weapons on their territory - was unacceptable.

4. (~~S~~) In reference c, above, the Joint Chiefs of Staff expressed their opposition to the Kosygin proposal or any variation thereof. Their opposition was based on the reason that such a non-use assurance could provide an impetus toward total prohibition of nuclear weapons and that the total impact could alter the current military balance to the detriment of the United States.

5. (~~S~~) Prior to the time that Soviet Premier Kosygin made his proposal, the Joint Chiefs of Staff in reference d, above, stated that limiting the use of nuclear weapons would be detrimental to US security interests because:

a. It does not recognize the realities of the US power position.

b. It would deny the United States continuing political and military advantages associated with the psychological deterrent effect of US nuclear superiority.

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6. (S) The Joint Chiefs of Staff after reviewing the recent communications on events concerning the non-aligned resolution continue to hold the views expressed previously with regard to any limitation on the use of nuclear weapons. They endorse the position already taken by the Director, ACDA, with regard to paragraph 3 of the non-aligned nations' nonproliferation resolution; namely, that it is unacceptable. If a vote is taken on the resolution containing the non-use operative paragraph, the United States should cast its vote against adoption. Any other course of action would offset the deterrent effect of US nuclear power and free nonnuclear states for aggression without fear of nuclear reprisals.

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MEMORANDUM FOR THE SECRETARY OF DEFENSE 073

Subject: Non-Aligned Nonproliferation Resolution (U)

References: a. Message, USUN 1863, dated 26 October 1966, NMCC 91988
b. Message, USUN 1916, dated 29 October 1966, NMCC 96911
c. JCSM-138-66, dated 4 March 1966, Subject: Security Assurances in Relation to a Non-proliferation Agreement (C)
d. JCSM-677-65, dated 10 September 1965, Subject: Limitation on Use of Nuclear Weapons Against Nonnuclear States (U)

1. (U) On 28 October 1966, a nonproliferation resolution was co-sponsored in Committee One of the United Nations by thirty-two member nations, including the eight non-aligned nations represented on the Eighteen Nation Disarmament Committee (Reference b).

2. (U) Operative paragraph 3 of this resolution reads as follows:

"Invites the nuclear weapon Powers to give an assurance that they will not use, or threaten to use nuclear weapons against non-nuclear weapon States;"

3. (U) Reference a, above, indicates that the Director, U.S. Arms Control and Disarmament Agency (ACDA) informed the United Arab Republic (UAR) Delegate that paragraph 3 posed serious problems for the United States and is unacceptable. This position was formulated at a meeting of the Committee of Principals (COP) on 28 February 1966. At that time, all agencies present agreed that the Kosygin proposal - prohibiting the use of nuclear weapons against nonnuclear powers,

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signatories to a nonproliferation treaty, which have no nuclear weapons on their territory - was unacceptable.

4. (S) In reference c, above, the Joint Chiefs of Staff expressed their opposition to the Kosygin proposal or any variation thereof. Their opposition was based on the reason that such a non-use assurance could provide an impetus toward total prohibition of nuclear weapons and that the total impact could alter the current military balance to the detriment of the United States.

5. (S) Prior to the time that Soviet Premier Kosygin made his proposal, the Joint Chiefs of Staff in reference d, above, stated that limiting the use of nuclear weapons would be detrimental to US security interests because:

a. It does not recognize the realities of the US power position.

b. It would deny the United States continuing political and military advantages associated with the psychological deterrent effect of US nuclear superiority.

6. (S) The Joint Chiefs of Staff after reviewing the recent communications on events concerning the non-aligned resolution continue to hold the views expressed previously with regard to any limitation on the use of nuclear weapons. They endorse the position already taken by the Director, ACDA, with regard to paragraph 3 of the non-aligned nations' nonproliferation resolution; namely, that it is unacceptable. If a vote is taken on the resolution containing the non-use operative paragraph, the United States should cast its vote against adoption. Any other course of action would offset the deterrent effect of US nuclear power and free nonnuclear states for aggression without fear of nuclear reprisals.

(Signed)

JOHN P McCONNELL
Acting Chairman
Joint Chiefs of Staff

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DJSM-119-67
27 January 1967

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subject: Nonproliferation Treaty (U)

- References:
- a. LIMDIS Message, State 123165 to all NATO Capitals, dated 21 January 1967, NMCC 62470
 - b. LIMDIS Message, State 123166 to all NATO Capitals, dated 21 January 1967, NMCC 62471
 - c. JCS 1731/938-1, dated 27 June 1966, Subject: Proposed Revised Nonproliferation Treaty (U)

1. (S) During the period September-December 1966, high level and closely held discussions were conducted between representatives of the United States and the Soviet Union in an effort to reach agreement on language of a nonproliferation treaty. Recent State Department and US Arms Control and Disarmament Agency (ACDA) message traffic has indicated that a new US draft text for a nonproliferation treaty has been shown to [REDACTED]

2. (S) Reference a transmits to [REDACTED]

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3. (S) Reference c contains the current views of the Joint Chiefs of Staff on a nonproliferation treaty. Essentially, they have stated that a nonproliferation treaty should:

a. Not rule out current NATO nuclear-sharing arrangements.

b. [REDACTED]

c. [REDACTED]

d. Contain clearly defined adequate safeguards.

4. (S) The new US draft nonproliferation treaty consists of seven articles, essentially as follows:

a. Articles I and II constituting the heart of the treaty deals only with what is prohibited and not with what is permitted, i.e., proliferation of nuclear weapons and devices either directly or indirectly to any recipient. [REDACTED]

b. Article III, while no language is included at this time, is reserved for a strong clause later specifying International Atomic Energy Agency (IAEA) safeguards.

c. Articles IV, V, VI, VII represent normative provisions contained in international agreements and cover such things as amendments, signature, ratification, entry into force, duration, withdrawal, and authenticity of the treaty in five specified languages.

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5. (S) The new US draft nonproliferation treaty (reference a) scheduled for [REDACTED] is considered to be in consonance with previously stated views of the Joint Chiefs of Staff. The Services, DASA, and J-5, at the action level, concur in this judgement.


J. O. COBB
Rear Admiral, USN
Deputy Director

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THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

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DJSM-241-67
24 February 1967

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subject: Nonproliferation Treaty (U)

- References:
- a. LIMDIS Message, State 140125 to all NATO Capitals, et al, dated 17 February 1967, JCS IN 20627
 - b. DJSM-157-67, dated 3 February 1967, subject as above
 - c. DJSM-119-67, dated 27 January 1967, subject as above

1. (U) The purpose of this memorandum is to inform you of the status of negotiations for a nonproliferation treaty.

2. (S) The United States had intended, [REDACTED]

[REDACTED] to seek USSR agreement to jointly table the draft treaty at the first meeting of the Eighteen Nation Disarmament Committee (ENDC) on 21 February 1967. However, [REDACTED]

[REDACTED] that the US and USSR Co-Chairmen will not table the draft nonproliferation treaty at the ENDC on 21 February 1967.

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3. (S) The Soviet delegation has indicated that high level review in their government may take weeks. It, therefore, appears that the US objective for early agreement on a non-proliferation treaty has been set back by the change in Soviet attitude.

4. (S) The safeguards provision in the treaty remains to be a controversial issue particularly with the Federal Republic of Germany (FRG) and other EURATOM members. The basic concern is avowed to be that the safeguards article will preclude nonnuclear nations from benefiting in peaceful applications of nuclear technology from development of nuclear weapons and devices. The United States is continuing to incorporate in the treaty effective international safeguards for nonnuclear nations party to the treaty and, at the same time, remove the basic concern of the FRG and others over the safeguards article.



B. E. SPIVY
Lt General, USA
Acting Director
Joint Staff

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DJSM-500-67
25 April 1967

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subject: Russian Draft Declaration on Security Assurances (U)

References: a. JCS 2271/113-1

b. Message, State 176392, dtd 17 April 1967,
subj: Security Assurances: L. K. JHA Visit,
JCS IN 45375

c. Attachment to JCS 1731/972

1. Reference a addressed the problem of security assurances for India that was prompted by the visit to Washington of Mr. L. K. Jha, Cabinet Secretary of the Indian Government for discussion regarding the proposed nonproliferation treaty (NPT).

2. During Jha's visit (reference b), he gave to the Department of State the text of a draft declaration which he hoped might be issued by the United States at the time of signing of the NPT. He stated that the text was derived from a text the Russians had given him following his February visit to Moscow and later modified by his more recent discussions with Gromyko.

3. The Secretary of Defense on 17 April 1967 (reference c) stated that he believed Jha should be told that the United States Government accepts in principle the desirability of joint declarations, and that we will study very carefully any Indian or Soviet texts which may be supplied to us.

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BY R.S. DEWEY, DATE: 8-3-93

D.R. GILSON

7/18/93

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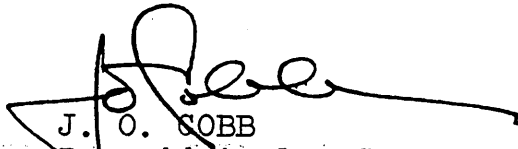
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4. The rough translations of the original Soviet draft and the revised Russian draft at Enclosures 1 and 2 were provided to Under Secretary of State for Public Affairs, Eugene Rostow by Mr. Jha on 19 April 1967.

5. In view of the intensified interest of the Indian Government and others in security assurances, it is anticipated that after resumption of the Eighteen Nation Disarmament Committee in Geneva on 9 May 1967, pressures may develop for the United States to provide some form of joint assurances as a price for obtaining the signature of such states as India to an NPT.

2 Enclosures
a/s


J. O. COBB

Rear Admiral, USN
Deputy Director

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DOCUMENT NUMBER
DJSM-500-67

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DATE OF DOCUMENT
25 Apr 67

SUBJECT:

Russian Draft Declaration on Security Assurances (U)

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TO	NAME	INITIAL	REMARKS
	CHAIRMAN, JCS		1. Sums up JHA info re Soviet moves re possible declaration assurances to non nuclear nations. 2. Data furnished is in line with our previous info. 3. We are still awaiting word from OSD re JCS views. Believe this is awaiting US receipt of original Soviet text. In the meantime OSD/ISA is working on a draft memo to JCS requesting JCS comment.
4	EXECUTIVE	JS	
3	THE ASSISTANT TO THE CHAIRMAN	JS	
	CHAIRMAN'S STAFF GROUP ARMY 1		
	CHAIRMAN'S STAFF GROUP NAVY 1		
	CHAIRMAN'S STAFF GROUP AIR FORCE 1		
2	CHAIRMAN'S STAFF GROUP NAVY 2	HA	
1	CHAIRMAN'S STAFF GROUP AIR FORCE 2	JS	
	MILITARY ASSISTANT (PA)		
	MILITARY ASSISTANT (L AND U)		
	ADMINISTRATIVE ASSISTANT		NO DEPT. OF ENERGY CLASSIFIED INFORMATION (NO RD/FRD/DOE-NSI) COORDINATE WITH: DOD BEFORE DECLASSIFICATION RELEASE AUTHORITY: DOE/SA-20 BY R.S. DEWEY D.R. GILSON 14RAC/Lett 8/6/93 DATE: 8-3-93
	SECRETARY TO CHAIRMAN		
	MARINE AIDE		
	AIR FORCE AIDE		
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388.3 (25 Apr 67)

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JS #7

NND 921140-1288 #61

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This document consist of 2 pages.

DRAFT

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: Issues Related to the Draft Treaty on the Nonproliferation of Nuclear Weapons (U)

1. ~~(S)~~ The Joint Chiefs of Staff have noted the continuing and increasing political pressures in the Eighteen Nation Disarmament Committee in Geneva and elsewhere for collateral measures to the tabled draft Treaty on the Nonproliferation of Nuclear Weapons. These measures include security assurances for nonnuclear-weapon states, limitations on the use of nuclear weapons and other issues which could have a direct impact on the security of the United States.

2. ~~(S)~~ As a response to these pressures, the US Arms Control and Disarmament Agency (ACDA) has prepared a memorandum, dated 30 August 1967, for the Secretary of State, subject: Security Assurances for Nonnuclear Countries. This memorandum was provided informally to the Joint Staff by OSD/ISA. It contains a recommendation that following consultations with appropriate Senators, the United States should begin consultations with the Indians and Soviets on an assurance declaration and a UN

resolution using initially a draft declaration included as a

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tab to the memorandum. The Joint Chiefs of Staff believe that the issues and recommendations outlined in that paper should be considered by the Committee of Principals.

3. ~~(S)~~ The position taken by the Committee of Principals on 28 February 1966 with respect to security assurances is clear. At that time members of the Committee expressed strong reservations against extending any new commitments to any nation or against considering additional US undertakings.

4. (U) The Joint Chiefs of Staff request that a memorandum substantially as enclosed be forwarded to the Secretary of State suggesting that major issues related to the Treaty on the Nonproliferation of Nuclear Weapons be considered by the Committee of Principals.

Enclosure
Proposed Memo for
Sec State

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THE JOINT STAFF

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This document consist of 2 pages.

THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

DJSM-173-68
15 February 1968

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subject: Security Assurances and Nonproliferation (U)

1. (U) References:

- a. JCSM-96-67, dated 21 February 1967. - 74b H
- b. JCSM-138-66, dated 4 March 1966.
- c. Message, Geneva 2527, dated 11 February 1968, JCS IN 95602.
- d. Attachment to JCS 1731/989.

2. (S) The Joint Chiefs of Staff have consistently opposed the inclusion of a non-use of nuclear weapons obligation or negative security assurances both as an integral part of the Nonproliferation Treaty (NPT) and in a UN resolution. Their current views are indicated in reference a.

3. (S) At this stage of negotiations for an NPT at the Eighteen-Nation Disarmament Committee (ENDC) in Geneva, the US and Soviet delegations are at an impasse over the issue of negative assurances to be included in a joint draft UN Security Council resolution and in respective declarations. The Soviet delegation has included in its current declaration the "Kosygin" formulation of negative assurances which provides for a non-use commitment to only those nations which do not have foreign nuclear weapons on their territories. The Joint Chiefs of Staff have strongly opposed the "Kosygin" form of negative assurances (reference b), and the US position is also to oppose the "Kosygin" proposal. The US version of negative assurances, which is included in both its present draft UN Security Council resolution and US declaration, prohibits the use of nuclear weapons against a non-nuclear nation that is not engaged in an armed attack supported by a nuclear power. The

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BY ~~R.S. DEWEY~~ DATE: 7-30-93

D.R. GILSON

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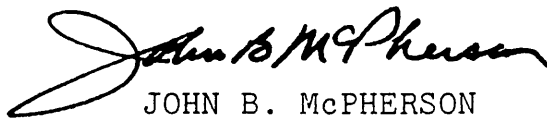
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US delegation has opposed the Soviet version of a non-use obligation in their declaration because it distinguishes between those non-nuclear nations which have foreign nuclear weapons on their territories and those which do not. The Soviets have objected to the US version because it does not make such a distinction. In view of the impasse, the Soviet delegation has proposed that neither the United States nor the USSR include a non-use obligation in the resolution or in their respective declarations. If the Soviet proposal is accepted, the draft UN Security Council resolution would provide non-nuclear parties to the NPT with only positive-type assurances, i.e., providing assistance, in accordance with the UN Charter, to non-nuclear nations which are victims of nuclear attack or subjected to nuclear blackmail. The Joint Chiefs of Staff have not opposed the United States providing positive-type assurances to non-nuclear nations in a UN resolution.

4. (S) Although the US delegation has requested instructions (reference c), it has recommended that the US negotiating position be that the United States and the USSR include their respective versions of negative assurances in their declarations.
5. (S) The current JCS position is that they are opposed to any form of negative security assurance, including the current US proposal, which weakens the credibility of the US deterrent, reduces military flexibility, and sets a precedent which could lead to further restrictions on US nuclear options. In consideration of the US-USSR negotiations impasse and in view of the current tense international situation, it is considered appropriate to reiterate JCS views to the Secretary of Defense and request reconsideration of his previous position (reference d) which supported a US non-use obligation.
6. (U) The enclosed draft CM has been coordinated with J-5, DIA, DASA, and the Services at action officer level.
7. (U) It is recommended that you approve, sign, and forward the enclosed draft CM to the Secretary of Defense.



JOHN B. McPHERSON
Major General, USAF
Vice Director

Enclosure
Draft CM

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This document consist of 1 pages.

CM-3023-68

19 FEB 1968

MEMORANDUM FOR THE SECRETARY OF DEFENSE 0 + 3

SUBJECT: Negative Security Assurances (U)

1. (U) References:

a. JCSM-96-67, dated 21 February 1967, subject: "ACDA Position Paper on Security Assurances and Nonproliferation (U)."

b. ASD/ISA Memorandum for the Chairman, JCS, 126264/67, dated 25 November 1967, subject: "Non-use Assurances of Nonnuclear Countries (U)."

c. Message, Geneva 2527, NMCG 95602, dated 11 February 1968.

2. (S) I note that there now appears to be no question of including a nuclear non-use provision in the UN Security Council resolution on security assurances. I further note that the Soviets are now willing to delete all references to a nuclear non-use obligation from their declaration in support of the draft UN resolution.

3. (S) The Joint Chiefs of Staff are convinced that the national security interests require the protection of the credibility of the U.S. nuclear deterrent. They consider that any form of negative security assurances to geographical areas outside the American Hemisphere, including the current non-use formulation, weakens this deterrent, reduces military flexibility, and sets a precedent which could lead to further restrictions on U.S. nuclear options.

4. (S) In consideration of the current tense international situation, the changed Soviet negotiating position, and the views of the Joint Chiefs of Staff as indicated above, I recommend that the U.S. government position be changed to reject any form of nuclear non-use commitment other than those required in the Treaty of Tlatelolco.

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(Sgd) EARLE G. WHEELER

EARLE G. WHEELER

Chairman
Joint Chiefs of Staff

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JOINT MESSAGEFORM				RESERVED FOR COMMUNICATION CENTER	
SECURITY CLASSIFICATION SECRET - EYES ONLY					
TYPE MSG	BOOK	MULTI	SINGLE		
			X		
PRECEDENCE					
ACTION IMMEDIATE					
INFO					
DTG					
FROM: GENERAL McCONNELL, ACTING CHAIRMAN					
TO: GENERAL WHEELER, CHAIRMAN, JCS					
SECRET: JCS 74182 APR 68					
SUBJ: Security Assurances and the NPT (u)					
REFS: a. USUN 4613; b. USUN 4612					
1. On 19 February, you forwarded CM-3023-68 to the SECDEF informing him that the JCS consider any form of negative security assurances to geographical areas outside the American Hemisphere, including the current US nonuse formulation, weakens the credibility of the US nuclear deterrent, reduces nuclear flexibility, and establishes a precedent which could lead to further restrictions on US nuclear options. In consideration of these views, and the current tense international situation, you recommended that the US policy on nuclear nonuse be changed so as to reject any form of nonuse commitment outside the Treaty of Tlatelolco. SECDEF has not replied to this CM.					
DATE: 17 MONTH: April YEAR: 1968					
PAGE NO. 1 NO. OF PAGES 5					
TYPED NAME AND TITLE B. F. EVANS, JR. Major General, USA Spec Asst to JCS for Arms Control		PHONE 71227		SIGNATURE <i>B. E. SPIVY</i>	
SECURITY CLASSIFICATION SECRET - EYES ONLY		TYPED (or stamped) NAME AND TITLE B. E. SPIVY, Lt General, USA Director, Joint Staff			
FORM 173		REGRADING INSTRUCTIONS			

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2. By JCSM-230-68 on 11 April, the JCS recognized that introduction of the US nonuse formulation by the USUN Delegation was intended as an inducement to nonnuclear states to sign the NPT but concluded that the extent to which this nonuse guarantee was effective politically, was the same extent to which the credibility of the US nuclear deterrent would be weakened. The US nonuse commitment could encourage increased "adventurism" on the part of US enemies or potential enemies who view themselves as free from the threat of US nuclear attack and relatively safe from a significant conventional response because of heavy US commitments elsewhere. Moreover, as was recently reaffirmed by the US Ambassador to NATO, it would almost certainly have a divisive impact on the NATO Alliance. The JCS, therefore, again recommended to the SECDEF that the US policy on nuclear nonuse be changed to reject any new nonuse commitment. 3. On 16 April, we received a memorandum for CJCS from the Principal Deputy to the AsstSecDef(ISA) requesting JCS comments on ACDA instructions to the USUN Delegation on the subject of security assurances and the NPT. These					
CONTROL NO.	TOR/TOD	PAGE NO. 2	NO. OF PAGES 5	MESSAGE IDENTIFICATION	INITIALS
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ABBREVIATED JOINT MESSAGEFORM and/or CONTINUATION SHEET				SECURITY CLASSIFICATION SECRET - EYES ONLY	
PRECEDENCE ACTION IMMEDIATE		RELEASED BY B. E. SPIVY, LGen, USA Director, Joint Staff		DRAFTED BY MGen B.F. Evans, Jr. SAAC	
INFO				PHONE 71227	
instructions reaffirm the authorization for the USUN Delegation to commit the US to a nuclear nonuse obligation if nonuse becomes a major issue in UN debate. <i>beginning 24 April</i> The current US nonuse formulation is: "The United States affirms its intention to refrain from the threat or use of nuclear weapons against any nonnuclear weapon state that has undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or devices, and that is not engaged in an armed attack assisted by a nuclear weapon state." 4. In addressing these instructions on 17 April, the JCS concluded that the risks to US national security of publicly committing the US to nuclear nonuse clearly out- weighed any supposed advantage from US receptiveness to the idea of nuclear nonuse. The JCS reaffirmed their strong opposition to the US becoming a party to an NPT that has a nuclear nonuse commitment in any form associ- ated with it. Accordingly, these views were forwarded to the SECDEF requesting him to take the necessary action to have the authorization which commits the US to a nonuse obligation removed from the instructions					
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ACTION IMMEDIATE		LtGen B.E. Spivy		MGen B.F. Evans, Jr.	
INFO		Director, Joint Staff		SAAC	
PHONE 71227					
to the USUN Delegation. If the authorization is not removed, the JCS requested that their views be brought to the attention of the President. 5. This morning, we received information that members of the USUN Delegation were already in the process of circulating a new US nonuse commitment to the various delegations (reference a). Andy Jackson has been informed that the JCS strongly oppose a nuclear nonuse commitment and that the JCS have a current action underway which reaffirms these views. As a side issue only, note that per paragraph 3 of reference a, pressure may again be mounting to strengthen the UN Resolution by the inclusion of specific steps, such as a comprehensive test ban. 6. I passed the JCS views as reaffirmed today to Mr. Nitze and informed him of the JCS desire to have their views brought to the attention of the President. Mr. Nitze directed Halperin to inform State the DOD would not coordinate on reaffirmation until the JCS views had been presented to the President. I suggested to Mr. Nitze that ACDA could proceed at least informally with the non use provision					
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ACTION IMMEDIATE		Lt Gen B.E. Spivy		MGen B.F. Evans, Jr.	
INFO		Director, JointStaff		SAAC	
PHONE 71227					
under the previous approval since it constitutes state- ment of Govt policy unless changed and would not require under normal circumstances any further coordination by OSD even though ACDA has submitted their draft guidance for coordination. 7. In consideration of the strong opposition of the JCS reaffirmed this morning, I suggested to Mr. Nitze that I send you the foregoing info so that you could apprise the President of JCS views if in your judgement it is appropriate to do so at this time. Mr. Nitze agreed. I consider it to be appropriate for you to do so. Warm regards and hurry home.					
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MEMORANDUM FOR THE PRESIDENT (u)

SUBJECT: Negative Security Assurances in Connection With
the Non-Proliferation Treaty

In view of the reconsideration requested by the Joint Chiefs of Staff in the memorandum at Tab A, Secretary Clifford, Ambassador Goldberg, Ambassador Foster and I have taken another look at the approved position on including a statement on the non-use of nuclear weapons in the U. S. Declaration on Security assurances in connection with the NPT.

The Current Situation

The Soviets have insisted that the only non-use formulation in which they could join would be the Kosygin proposal, which would limit the promise of non-use to countries which do not have nuclear weapons on their territory. In response to their insistence on this unacceptable formula, Ambassador Foster, under instructions, indicated to the Russians our willingness to accept the following alternative formulation:

"The United States affirms its intention to refrain from the threat or use of nuclear weapons against any non-nuclear-weapon State, Party to the Treaty on the non-proliferation of nuclear weapons, that is not engaged in an armed attack assisted by a nuclear-weapon State."

Because we could not agree on a formulation, we and the Soviets decided to omit any non-use statement from the Declarations which we propose to make. However,

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Ambassador Foster informed the Soviets, as instructed, that we reserved the right to make our formulation public during the General Assembly debate if this issue becomes a major focal point for criticizing the NPT package. The Soviets reserved a similar right.

We expect at the UNCTA there will be considerable pressure from the non-nuclear powers for a non-use formulation, but that we and the Soviets will continue to be unable to agree on non-use language, and therefore will include none in our Declarations.

Re-examination of the Issue

Based on our re-examination, we continue to believe that we must be prepared to state in the General Assembly our willingness to agree on the above non-use formulation in order to get an endorsement of the Treaty. If, as Ambassador Goldberg and Ambassador Foster fully expect, the issue is raised, and the Russians state publicly their willingness to accept the Kesygin formula, we must be in a position to state our willingness to accept our alternate formula, not only to counter Soviet propaganda, but more important, to make it clear that we, as well as the Russians, would be prepared to limit our option to use nuclear weapons as a means of facilitating approval of the NPT.

We believe that our proposed statement of non-use is sufficiently flexible to permit us to maintain the credibility of our deterrent in situations in which we would want to threaten or actually use nuclear weapons. We find it inconceivable that we would want to use nuclear weapons in a situation in which the country engaged in an armed attack was not in some way assisted

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by a nuclear power, viz, the Soviet Union or China. The statement that we propose to make leaves it to us to interpret whether such assistance is being rendered, and, of course, does not limit that assistance to provision of troops.

We believe that there will be no adverse effect in Europe from our stating our willingness to accept our non-use formulation. We presented our proposed language to the North Atlantic Council and did not receive any objections. (The U. K. later indicated that it had reservations and we will be talking to them further in New York.) Any Warsaw Pact attack on NATO would, of course, occur in circumstances in which our pledge of non-use would be inoperable, and this would be so obvious to the Warsaw Pact and our allies as not to degrade in any way the credibility of our deterrent in Europe.

JCS Views

The Joint Chiefs of Staff recommend that we not be prepared to issue any form of non-use statement. The JCS believe that any form of negative security assurances outside the American hemisphere "weakens the credibility of the U. S. nuclear deterrent, reduces military flexibility, and establishes a precedent that could lead to further restrictions on U. S. nuclear options." Their views are at Tab A.

Congressional Consultation

Key members of Congress and their staffs were previously consulted by ASDA on the proposed non-use statement and did not raise any objection to it. (Memorandum at Tab B).

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Recommendation

That you authorize Ambassador Goldberg, if this issue is made a major focal point for criticizing the NPT package, to state the non-use formulation that the U. S. would be prepared to include in its Declaration on security assurances if agreement could be reached on the wording of that formulation among the nuclear powers which intend to sign the NPT.

Secretary Clifford and Ambassadors Goldberg and Foster concur in this recommendation.

Dean Rusk

APPROVED

DISAPPROVED

DATE

Attachments:

- Tab A - Memorandum from the Joint Chiefs of Staff
- Tab B - ACDA Congressional Consultations

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THE JOINT STAFF

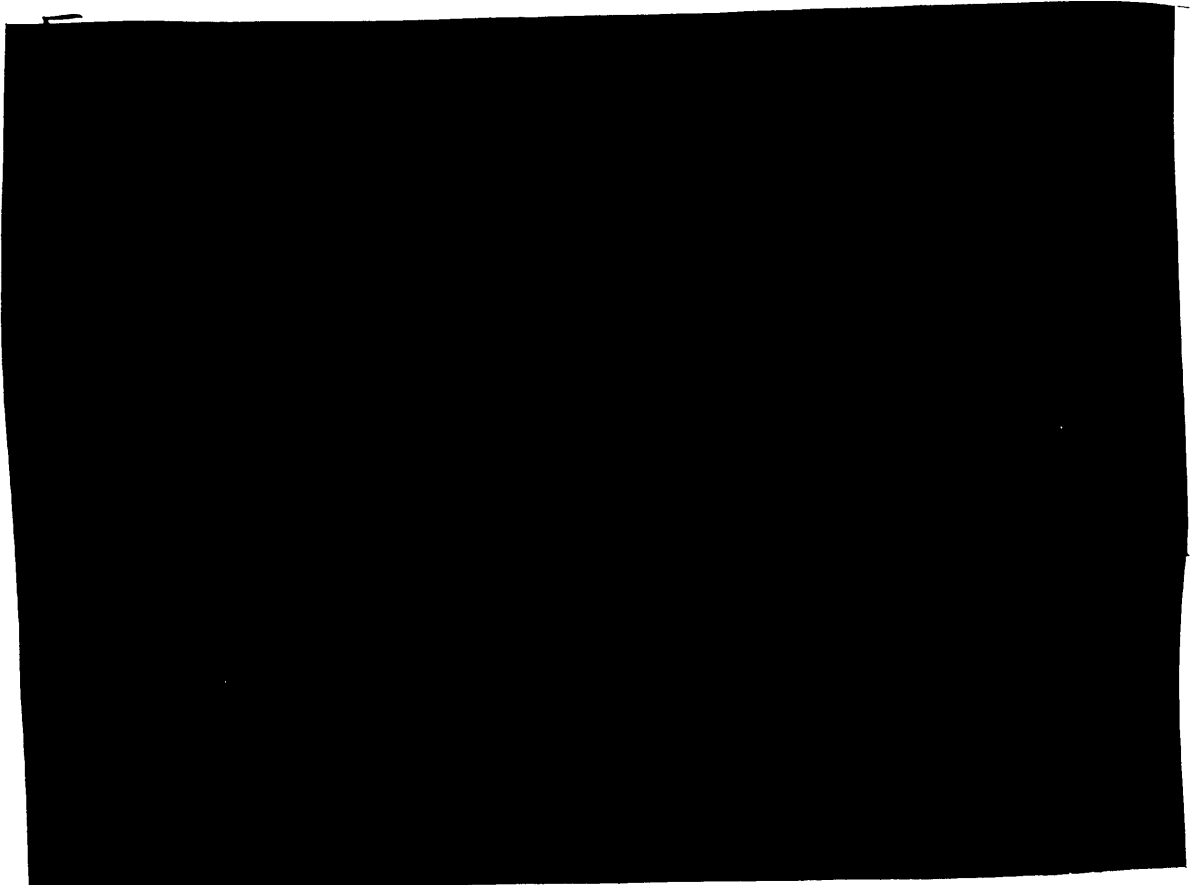
THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

DJSM-503-68
27 April 1968

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF (u)

Subject: Memorandum for The President: Negative
Security Assurances in Connection with
The Nonproliferation Treaty

1. The attached draft State memorandum was prepared by members of ACDA and Dr. Halperin for the purpose of forwarding JCS and State views on nonuse to the President. It contains inaccuracies and is misleading. The following inaccuracies are brought to your attention:



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2. There is a lack of balance in the memorandum in that only two sentences in the four page discussion are devoted to an explanation of the JCS views.

3. It is our understanding that the Secretary of Defense has not coordinated on this memorandum as yet. The above information is forwarded for whatever use you consider appropriate.

B. E. Spivy
B. E. SPIVY
Lt General, USA
Director, Joint Staff

Attachment
Draft State Memorandum

2

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