

Fateful summit: President Richard Nixon welcomes Israeli Prime Minister Golda Meir to the White House on September 25, 1969.



Israel crosses the threshold



When President Richard Nixon took office he was confronted with evidence that Israel would soon have the Bomb. Newly declassified documents divulge what happened next.

By Avner Cohen & William Burr

ON SEPTEMBER 9, 1969, A BIG BROWN ENVELOPE WAS DELIVERED to the Oval Office on behalf of CIA Director Richard Helms; on it he had written “For and to be opened only by: The President, The White House.”¹ The precise contents of the envelope are still unknown, but evidence suggests it was the latest intelligence on one of Washington’s most secretive foreign policy matters: Israel’s nuclear program. The material was so sensitive that the nation’s spymaster was unwilling to share it with anybody but President Richard Nixon himself.²

The now-empty envelope is kept inside a two-folder set labeled “NSSM 40,” held by the Nixon Presidential Materials Project at the National Archives in College Park, Maryland. (NSSM is the acronym for National Security Study Memorandum, a series of policy studies produced by the national security bureaucracy for the Nixon White House). The NSSM 40 files are almost bare; save for a handful of administrative notes, they contain mostly “withdrawal sheets” for the many documents that remain classified.

But with the aid of recently declassified documents, as well as interviews with some of the key figures during that era, we now know that NSSM 40 was the Nixon administration’s effort to grapple with the policy implications

*Avner Cohen is the author of *Israel and the Bomb* (1998) and a senior research fellow at the Center for International and Security Studies of the University of Maryland. William Burr is a senior analyst at the National Security Archive, George Washington University, where he directs the documentation project on U.S. nuclear weapons policy.*

of a nuclear-armed Israel. These documents offer unprecedented insight into the tense deliberations within the White House in 1969—a crucial juncture in history when international ratification of the Nuclear Non-Proliferation Treaty (NPT) was uncertain, and when U.S. policy makers feared that a Mideast conflagration could lead to superpower conflict. The ramifications of the Nixon administration's decisions are still felt today.

Israel's nuclear program began more than 10 years before the big brown envelope landed on Nixon's desk. In 1958, Israel secretly initiated construction work at what was to become the Dimona nuclear research site. It wasn't until December 1960 that the United States identified what the facility was for. Months afterward, the CIA estimated that Israel could produce nuclear weapons within the decade.

The discovery presented a difficult challenge for U.S. policy makers: Only 15 years after the Holocaust, in an era when nuclear nonproliferation norms did not yet exist, Israel's founders believed they had a compelling case for acquiring nuclear weapons. From the U.S. perspective, Israel was a small, friendly state, albeit one outside the boundaries of formal U.S. alliance or security guarantees, surrounded by much larger enemies vowing to destroy it. Most significantly, Israel enjoyed unique domestic support in America. If the United States was unwilling to officially guarantee Israel's borders, how could it deny Israel the ultimate defense?

Yet, government officials also saw the Israeli nuclear program as a potential threat to U.S. interests. President John F. Kennedy feared that without decisive international action to curb nuclear proliferation, a world of 20–30 nuclear weapon states would be inevitable within a decade or two. Israel was at the divide between the uncontrolled nuclear proliferation of the past and the

emerging nonproliferation prohibition. If the United States could not influence small Israel to not go nuclear, how could it persuade the Germans and other nations to not acquire the bomb?

The Kennedy and Johnson administrations fashioned a complex scheme of annual inspections at Dimona to assure that Israel would not develop nuclear weapons. But the Israelis were adept at concealing their activities. By late 1966, Israel had reached the nuclear threshold, although it decided not to conduct an atomic test.

By the time Prime Minister Levi Eshkol visited President Lyndon B. Johnson in January 1968, the official State Department view was that despite Israel's growing nuclear weapons potential, it had “not embarked on a program to produce a nuclear weapon.”³ That assessment, however, eroded in the months ahead.

In November 1968, Paul Warnke, the assistant secretary of defense for international security, was engaged in intense negotiations with Israeli ambassador (and future prime minister) Yitzhak Rabin. At issue was a forthcoming sale of F-4 Phantom aircraft to Israel. The NPT had already been completed and submitted to states for their signature. U.S. officials believed that the F-4 deal provided leverage that would be America's last best chance to get Israel to sign the NPT.

Yet it was clear that the two negotiators came to the table with completely different mindsets. Israel had previously pledged not to be the first country to introduce nuclear weapons into the Middle East. But how does one define “introduce”? For Warnke, the physical presence of nuclear weapons entailed the act of introduction. Rabin, however, argued that for nuclear weapons to be introduced, they needed to be tested and publicly declared. By these criteria, he argued, Israel had remained faithful to its pledge.⁴ When Warnke heard Rabin's interpretation, as he told one of the authors years later, he realized that Israel had already acquired the bomb.⁵

The question of what to do about the Israeli bomb would fall to Nixon when he came to office three months later. From the outset, however, it was clear that his administration had different views than his Democratic predecessors. The Nixon team was initially quite skeptical about the effectiveness and desirability of the NPT. Morton Halperin, who served on the National Security Council (NSC) staff during the early Nixon administration, recalls the sense of anxiety among arms control professionals over whether the new president would support ratification of the treaty. When he and his NSC associate Spurgeon Keeny went to lobby National Security Adviser Henry Kissinger on the matter, they were bluntly told that any country with major security problems would try to get the bomb and the United States should not interfere.⁶ Meanwhile, Israeli officials were heartened. Rabin noted in his memoirs that he recognized that a Republican administration would be more sympathetic to Israel's security needs—including, presumably, the nuclear field—than the Johnson administration.⁷

While Nixon and Kissinger may have been initially inclined to accommodate Israel's nuclear ambitions, they would have to find ways to manage senior State Department and Pentagon officials whose perspectives differed. Documents prepared between February and April 1969 reveal a great sense of urgency about Israel's nuclear progress. Henry Owen, chairman of the State Department's Policy Planning Council, wrote in February to Secretary of State William Rogers, “Intelligence indicates that Israel is rapidly developing a capability to produce and deploy nuclear weapons, and to deliver them by surface-to-surface missile or a plane. Recognizing the adverse repercussions of the disclosure, the Israelis are likely to work on their nuclear program clandestinely till they are ready to decide whether to deploy the weapons.”⁸ That same month, Defense Secretary Melvin

Laird advised Rogers, Kissinger, and CIA Director Helms that he also believed that Israel had made significant progress on its nuclear and missile programs and “may have both this year.”⁹ The next month, he wrote that he had received additional evidence that enhanced his earlier assessment.¹⁰

In early April, Joseph Sisco, assistant secretary of state for Near Eastern and South Asian affairs, echoed Laird’s intelligence assessment, but he was even more specific: He saw little “doubt that the green light has been given to Israeli technicians to develop the capability to build a bomb at short notice.” It was possible, Sisco opined, that Israel would follow a “last wire” concept, “whereby all the components for a weapon are at hand, awaiting only final assembly and testing.”¹¹

The intelligence that led senior officials to these dire conclusions remains classified. However, today we know of many telltale signs that revealed Israel was on the brink. Among the known evidence was the purchase of huge quantities of uranium (such as the 1968 Plumbat affair involving a shipment of large quantities of yellowcake diverted from Belgium to Israel). Also telling was information about nuclear-related aerial exercises and the advanced development (and preparation for deployment) of the Jericho missile, an Israeli version of the French-made MD-620 ballistic missile. Still, it is clear that the intelligence was partial and inconclusive. U.S. officials were uncertain as to whether Israel was only days or even hours away from possessing fully assembled and deliverable nuclear weapons.

Yet, the policy implications alarmed senior officials. As Laird wrote in late March, these “developments were not in the United States’ interests and should, if at all possible, be stopped.”¹² Sisco was not sure when or how Israel would “choose to display a nuclear weapon,” but he agreed that a nuclear-armed Israel would have “far-reaching and even dangerous implications” for the United States, such as increased

Arab-Israeli tensions (with a greater danger of a U.S.-Soviet confrontation), growing Arab disillusionment with the peace process, and encouragement of further nuclear proliferation in the Arab world and elsewhere.¹³

Although Sisco shared Laird’s sense of urgency, they parted ways on what to do about it. Laird believed the United States should take measures, both carrots and sticks, to stop Israel from further nuclearization. Sisco was more dubious—some would say realistic—about what the Nixon administration could or should do about it. If the United States told Israel in unequivocal terms that its nuclear ambitions “would cause a fundamental change in the U.S.-Israel relationship,” Sisco concluded that such an exchange would require open pressure and spark extraordinary domestic political controversy. And “halfway measures” such as using weapons deliveries “as leverage” would be “futile and probably counterproductive.”¹⁴ As it turned out, differences between Defense and State would lessen as the White House initiated the NSSM 40 exercise.

It’s unclear exactly what prompted Kissinger to initiate NSSM 40, but we do know that he issued it on or about April 10, 1969. Quite likely, the memos from Laird and Sisco triggered a greater sense of urgency at the White House. Moreover, it is evident that Kissinger asked the national security bureaucracy for a review of policy options toward Israel’s nuclear program. NSC staffers Halperin and Harold Saunders played a key role in drafting NSSM 40 for Kissinger to sign.¹⁵

NSSM 40, and the documents and deliberations that it generated, were all classified Top Secret/Nodis (“no distribution” without the permission of authorized officials) and distributed to a tiny group of senior officials at NSC, State, Defense, and the CIA. Significantly, neither the Arms Control and Disarmament Agency (ACDA), with

State secret: The construction site for the Negev Nuclear Research Center near Dimona, 1960.



its responsibility for nuclear proliferation issues, nor the U.S. Atomic Energy Commission (AEC), which conducted the visits at Dimona, were involved in NSSM 40, probably because Nixon did not trust their respective chiefs Gerard C. Smith and Glenn Seaborg (a holdover from the Kennedy and Johnson administrations).¹⁶

Sometime after issuing NSSM 40, a Kissinger-chaired Senior Review Group (SRG) took the issue in hand. Participation was restricted to a few senior officials, including Elliot Richardson (undersecretary of state), David Packard (deputy secretary of defense), Gen. Earle Wheeler (chairman of the Joint Chiefs), and Helms. Halperin recalls that he was to attend an SRG meeting on NSSM 40 until Kissinger prevented that, telling him that he could not have “two Jewish people” from the NSC on such a sensitive committee.¹⁷

The one available report of an SRG meeting on NSSM 40 suggests that the bureaucracy was willing to exert some pressure to halt the Israeli nuclear program, although Kissinger voiced his reservations. During the meeting on June 26, 1969, Packard suggested that if Israel “signs the NPT and gives appropriate assurances on not deploying nuclear weapons, we could live with a secret research and development program.”

The apparent inconsistency of having both very advanced, secret R&D along with NPT commitments did not produce any demurs; others in the review group accepted the approach, seeking assurances that Israel would agree “not to carry forward any further development in the [nuclear] weapons field.” That is, Washington should seek an assurance that Israel would not “develop a nuclear explosive device.”¹⁸

How much pressure the United States should exert remained open. Kissinger wanted to “avoid direct confrontation,” while Richardson was willing to exert pressure if a probe to determine Israeli intentions showed that assurances would not be forth-

coming. In such circumstances, the United States could tell the Israelis that deliveries of the F-4s would “have to be reconsidered.” As to the missile issue, there was less than full agreement. Some suggested pressing Israel to dismantle its missiles, others proposed an agreement not to deploy missiles but to store them away. (The CIA representative, Gen. Robert Cushman, noted that Israel already had “11 missiles and would have between 25 to 30 by the end of 1970, 10, reportedly, with nuclear warheads.”)

The meeting ended with a general agreement to prepare an “issues” paper for Nixon that would spell out the U.S. options. Several days later, a six-page memo (whose authorship is unclear) titled “The Issues for Decision” was prepared for the president. The memo does not bear Nixon’s initials on the decision lines, but other evidence, especially the record of a July 29 meeting with Rabin, indicates that he approved the course of action it proposed.¹⁹

The recommendations began with the premise that Nixon should authorize a major effort to keep nuclear weapons from being introduced into the Middle East: Dismissing “unrealistic” options such as pushing Israel to give up its weapons program, it “will be our stated purpose . . . to stop Israel from assembling completed explosive devices.” Moreover, the United States would ask Israel to sign and ratify the NPT by the end of the year and to privately reaffirm its non-introduction pledge, interpreting “introduction” to mean physical possession of nuclear weapons.

A key issue was how to reach those objectives. There was broad consensus within the SRG, including Kissinger, on this point: The two deputies, Richardson and Packard, should summon Rabin and—in reference to an Israeli request to advance the delivery of the F-4s to August 1969—make the point that, while reviewing the details of the F-4 sale, the United States wanted “to tie up loose ends.” This was a diplomatic way for the United States to say

it first wanted to nail down the precise meaning of Israel’s non-introduction pledge. There was much less agreement as to how much, and how explicitly, the United States should use the F-4 sale as leverage: “The issue is whether we are prepared to imply—and to carry out if necessary—the threat not to deliver the Phantoms if Israel does not comply with our request” [underlined in the original].

By mid-July Nixon had decided that he was “leery” of using the Phantoms as leverage, which meant that when Richardson and Packard met with Rabin on July 29, 1969, the idea of a probe that would involve some form of pressure had been torpedoed.²⁰ While Richardson and Packard emphasized the “seriousness” with which they viewed the nuclear problem, they had no big stick to support their rhetoric, except to the extent of implying a loose linkage by rebuffing Rabin’s request for an August (one-month advance) delivery of the F-4s.

Richardson read a long talking paper expressing “deep concern” over the Israeli program—which would be a “tragedy for the Middle East and a direct threat to United States national security”—and Israel’s troubling delay in signing the NPT. He then posed three issues for Rabin to respond to: the status of Israel’s NPT deliberations; assurances that “non-introduction” actually meant “non-possession” of nuclear weapons; and assurances that Israel would not produce or deploy the Jericho missile for three years.

Rabin avoided any factual statements on any aspect of the nuclear program. On the NPT, he stated that the issue is still “under study” and that he was unauthorized to comment further. He refused to make any assurances or even express agreement with anything Richardson said regarding the definition of non-introduction. Alluding to the U.S. inspection visits to Dimona, however, Rabin pointed out that the United States had a unique arrangement that did not exist with other U.S. allies, which allowed

Washington “a close look at what Israel is doing in the nuclear field.” In this context, he claimed, “Everything seemed to be working as agreed.” But Richardson did make the general point that the “Dimona visits do not obviate our concern about nuclear weapons, missiles, and the NPT.”

The meeting ended with Richardson reiterating the seriousness with which the United States viewed the Israeli nuclear program. Rabin promised to convey the message to his government, but no deadline was given for a reply. Richardson notified Rogers (who was in Asia), Kissinger, and Sisco that the first step of the NSSM 40 exercise was complete. U.S. Amb. Walworth Barbour in Tel Aviv, who apparently was not conversant with the NSSM, was told only about Rabin’s request to advance the delivery of the F-4s.²¹

Richardson had hoped for a *démarche* on Israel after one week, but the White House evidently did not support that. Whether Rabin realized that or not, he did not provide responses to the questions he had been asked. Indeed, when Richardson brought up the matter in late August, Rabin invoked a reason for a delay: Upcoming elections made the

nuclear question a “difficult subject for his government.” Prime Minister Golda Meir would have to address it when she met with Nixon in late September.²²

Perhaps the most mysterious event of this tale (perhaps even of the entire Nixon administration’s history) was Nixon’s one-on-one meeting with Meir in the Oval Office on September 26, 1969. Kissinger was in a meeting with Rabin and Rogers at the same time and apparently remained only partially informed about the details of the talk with Meir, even after Nixon debriefed him. Senior officials with a need to know would never find out what happened.²³ Nixon later told Barbour that he dictated a record of the meeting, but if that record exists, it has not yet surfaced.²⁴ Nevertheless, some clues about the meeting are available that exemplified Nixon’s inclination against a determined effort to roll back Israel’s nuclear ambitions.

In the days before Meir’s visit, the State Department produced an updated intelligence assessment suggesting that it was too late to push the Israelis

to accept “non-possession” of nuclear weapons as the meaning of “non-introduction.” Background papers prepared by the State Department for the meeting with Meir, including an intelligence update with clearance by all the relevant agencies (including the CIA, the Pentagon, and even the ACDA and the AEC), suggested that the horse was already out of the barn: “Israel might very well now have a nuclear bomb” and certainly “already had the technical ability and material resources to produce weapon-grade uranium for a number of weapons.” If that was true, it meant that events had overtaken the NSSM 40 exercise; Israel most likely possessed nuclear weapons, a development that senior State and Defense officials had wanted to contain.²⁵

Intelligence agencies also confirmed that Israel already possessed several prototypes of the MD-620 and could test-fire the Jericho. U.S. intelligence even had evidence that “several sites providing operational launch capabilities” were already complete. This meant that the demand that Israel neither deploy nor produce the Jericho was also already moot.

For the State Department, a nuclear Israel endangered U.S. interests, not



Table talk: Henry Kissinger chatting with Israeli Prime Minister Golda Meir at a state dinner.

CORBIS/HENRI BUREAU

least because if Israel “were to become known as a nuclear power, the United States would, however unjustly, be held responsible in the eyes of the great majority of the world community.” The State Department advised Nixon to press Meir for assurances that “Israel would not possess nuclear weapons, would sign the NPT, and would not deploy missiles.”²⁶ Whether he tried that—or even whether he shared the State Department’s sense of danger—is unknown. Subsequent actions indicate that he did not.

In later years Meir never discussed the substance of her private conversation with Nixon, saying only, “I could not quote him then, and I will not quote him now.”²⁷ Yet, we know that since the early 1960s, she always thought that “Israel should tell the United States the truth [on the nuclear issue] and explain why.”²⁸ In his memoirs, Rabin indicated that the discussions between Nixon and Meir were highly sensitive; the understandings reached were informal and not recorded.²⁹ Some of the understandings concerned issues of procedure and communication, such as setting up direct channels between their offices to bypass their foreign policy bureaucracies. Naturally, the most sensitive and substantive understanding dealt with the nuclear issue.

Even without a record of this mysterious private meeting, informed speculation is possible. It is likely that Nixon started with a plea for honesty and openness on this most sensitive issue, as was appropriate to these two allies. Meir, in turn, probably acknowledged—in a tacit or explicit form—that Israel already had reached a weapons capability, which would have meant that pressing Israel to equate “non-introduction” with “non-possession” would be absurd. (Years later, Nixon told CNN’s Larry King that he knew for certain that Israel had the bomb, but he wouldn’t reveal his source.)³⁰ It is also possible that Meir assured Nixon that Israel thought of nuclear weapons as a truly last-resort option, a way

to provide her Holocaust-haunted nation with a psychological sense of existential deterrence.

Subsequent memoranda from Kissinger to Nixon provide a limited sense of what Kissinger thought happened at the meeting. He noted that the president had emphasized to the prime minister that “our primary concern was that the Israeli [government] make no visible introduction of nuclear weapons or undertake a nuclear test program.” In other words, Nixon had pressed her to abide by Rabin’s interpretation that the “introduction of nuclear weapons” would mean a nuclear test or a formal declaration. Thus, Israel would be committed to maintaining full secrecy over its nuclear activities, keeping their status ambiguous and uncertain. Meir also confirmed that the NPT issue would not be settled until after the elections and that missiles would not be deployed “for at least three years.”³¹

Soon after Meir departed Washington, Rabin informally provided replies to all three of Richardson’s questions and asked whether they were satisfactory in light of the discussion between Meir and Nixon. In an October 7, 1969, memo, Kissinger reported the questions and answers as follows:

“Q: Would the Israelis assure us that they would not ‘possess’ nuclear weapons? A: Israel will not become a nuclear power.

“Q: Would they be willing to affirm that they would not deploy strategic missiles? A: They will not deploy strategic missiles until at least 1972.

“Q: Would they be willing to sign the NPT? A: The NPT will be considered by the new government.”³²

The next day Kissinger signed a six-page memo to Nixon analyzing the meaning and the policy implications

of Rabin’s replies and proposing recommendations for the U.S. reaction. In his cover memorandum, Kissinger wrote that his paper was “much longer than the one-page analysis I had promised you, but this issue is so sensitive and has been held to such a limited group of individuals that I believe that it is essential that you be present with all nuances of the problem.”³³

On Rabin’s first reply, Kissinger admitted that he did not understand why Israel preferred to define its assurance in terms of not being a nuclear power, while leaving the issue of nuclear possession untouched. “When I asked [Rabin] how a nation could become a nuclear power without ‘possessing’ nuclear weapons, he simply said they ‘prefer’ their formulation.” Kissinger’s bottom line was that as vague as Rabin’s response was, Nixon should accept it as a private Israeli commitment to language derived from the NPT because it sounded like an assurance roughly corresponding to Article 2 of the treaty, where non-nuclear states agree not to “manufacture or otherwise acquire nuclear weapons.”

Nixon approved that recommendation as well as the next, on the missile issue. Kissinger would tell the Israelis that their response was acceptable, provided they agreed to further discussion of the subject with the United States in 1971 or prior to a decision to deploy the Jericho.

Regarding the NPT issue, Kissinger showed his uncertainty about the exact content of the Nixon-Meir meeting by observing, “Mrs. Meir may have made some commitment to you privately that would give this statement significance.” His recommendation, which Nixon approved, was to tell Rabin that the president wishes that Meir make “a vigorous personal effort to win cabinet approval” of the NPT. Kissinger finally suggested that on this complex issue, Nixon should have the “opportunity for second thoughts,” and that this should be known to the Israelis. Interestingly, Nixon left

this recommendation unmarked.

After Kissinger communicated with Rabin, the ambassador met formally with Richardson on October 15 and officially replied to the three questions that he had been asked on July 29.³⁴ Rabin's formal answers substantially

and he wanted the president to know that, in light of the conversation Nixon had with Meir in September, "Israel has no intention to sign the NPT." Rabin, Kissinger wrote, "wanted also to make sure there was no misapprehension at the White House about

lower-level officials involved in the NSSM 40 exercise continued to believe that the Israeli nuclear issue was open and vainly tried to restart the inspection visits at Dimona.

Politically, the Nixon-Meir agreement allowed both leaders to continue

Not aware of the secret Nixon-Meir understanding, lower-level officials continued to believe that the Israeli nuclear issue was open and vainly tried to restart the inspection visits at Dimona.

repeated what he told Kissinger, except that regarding "introduction," Rabin declared that it meant the "transformation from a non-nuclear weapons country into a nuclear weapons country." The strong language that Packard and Richardson had used in July had no impact; Israel rejected any language that touched upon possession.

When Kissinger briefed Nixon, he strained to find positive significance in Rabin's language defining "introduction" because he believed it paralleled the NPT's distinction between nuclear weapon and non-nuclear weapon states. That would allow Washington to be on record that it had Israel's assurances that it would remain a non-nuclear weapon state as defined in the NPT. Such assurances "would put on our internal record a rationale for standing down"; that is, they would effectively end the debate and discussion within the administration on pressuring Israel. Washington, Kissinger advised, had pushed the Israeli nuclear issue "as far as we constructively can." For Kissinger, for all practical purposes, the debate was over.³⁵

While members of the SRG still raised the possibility of renewed pressure on Israel to sign the NPT, Kissinger waited for Jerusalem's formal response to the U.S. query on the treaty. On February 23, 1970, Rabin went alone to see Kissinger at his office. He came to inform him that Richardson had just called him in about the NPT,

Israel's current intentions." He also sought an assurance that Washington would not establish any linkage between the NPT and arms sales to Israel. Kissinger ended his memo with one sentence: "I was noncommittal and told him that his message would be transmitted to the president."³⁶

And with that, the decade-long U.S. effort to curb Israel's nuclear program ended. That enterprise was replaced by highest-level understandings that have governed Israel's nuclear conduct ever since.

That so little is known today about the tale of NSSM 40 is unsurprising. Dealing with Israel's nuclear ambitions was thornier for the Nixon administration than for its predecessors because it was forced to deal with the problem at the critical time when Israel appeared to be crossing the nuclear threshold. On top of that, Nixon and Kissinger lacked faith in the universality of nonproliferation—they differentiated between friends and foes.

Yet, even as Nixon and Kissinger enabled Israel to flout the NPT, NSSM 40 allowed them to create a "defensible record."³⁷ And, as was his typical *modus operandi*, Kissinger used NSSM 40 as a way to maintain control over key officials who wanted to take action on the problem. Not aware of the secret Nixon-Meir understanding,

with their old public policies without being forced to publicly acknowledge the new reality. As long as Israel kept the bomb in the basement—which meant keeping the program under full secrecy, making no test, declaration, or any other visible act of displaying capability or otherwise transforming its status—the United States could live with Israel's "non-introduction" pledge. A case in point: Even in a classified congressional hearing in 1975, the State Department refused to concur with the CIA estimate that Israel had the bomb.³⁸

Over time, the tentative Nixon-Meir understanding became the solid foundation for a remarkable and dramatic deal, accompanied by a strict but tacit code of behavior to which both nations closely adhered. The deal created a "don't ask, don't tell" stance. And the United States gave Israel a degree of political cover in international forums such as the NPT review conferences. Secrecy, taboo, and non-acknowledgement became embedded within the U.S.-Israeli posture.

It is striking how much Israel has stuck to its part of the deal, at great expense and risk. To this day, all Israeli governments of the left and the right have been faithful in keeping secrecy over their nuclear weapons activities, making great efforts to assure that nothing would be visible, politically, technologically, militarily, or otherwise. Even during its darkest

hours in the 1973 Yom Kippur War, Israel was cautious not to make any public display in deed or word of its nuclear capability.³⁹

Yet set against contemporary values of transparency and accountability, the Nixon-Meir deal of 1969 is now a striking and burdensome anomaly. Not only is Israel's nuclear posture of taboo and total secrecy anachronistic, it is inconsistent with, and costly to, the tenets of modern liberal democracy. At home and abroad Israel needs a better way to handle its nuclear af-

airs. The deal is also burdensome for the United States, not only because it is inconsistent with U.S. values of openness and accountability, but also because it provokes claims about double standards in its nuclear non-proliferation policy.

It is especially striking to compare the Nixon administration's stance toward Israel in 1969 with the way that Washington is trying to accommodate India in 2006. As problematic as the proposed nuclear deal with New Delhi is, it at least represents an

effort to deal openly with the issue, rather than sweeping it under the rug. Without open acknowledgment of Israel's nuclear status, by Israel itself and by the rest of the world, such ideas as a nuclear-free Middle East, or even the inclusion of Israel in an updated NPT regime, cannot even be discussed properly.⁴⁰

It is time for a new deal to replace the old Nixon-Meir understandings of 1969, with Israel telling the truth and in so doing finally normalizing its nuclear affairs. ✱

1. Nixon Presidential Materials Project (NPMP), National Security Council Files (NSCF), box H-146, NSSM 40, National Archives, College Park, Maryland. Unless otherwise indicated, all primary source documents cited in this article are from the National Archives.

2. National Intelligence Estimate, NIE 4-3-61, "Nuclear Weapons and Delivery Capabilities of Free World Countries Other than the U.S. and U.K.," September 21, 1961 (www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB155/index.htm).

3. "Israel: The Nuclear Issue and Sophisticated Weapons," December 31, 1967, State Department Records, Record Group 59 [RG 59], Subject-Numeric Files, 1967-1969 [SN 67-69], DEF 12. Some in the intelligence field believed, however, that such views were politically biased and that Israel was well under way to getting the bomb. Interview with Thomas L. Hughes, March 14, 2006, Chevy Chase, Maryland.

4. Avner Cohen, *Israel and the Bomb* (New York: Columbia University Press, 1998), pp. 316-319.

5. *Ibid.* p. 319; Cohen, interview with Paul Warnke, Washington, D.C., May 21, 1996.

6. Interview with Morton Halperin, January 20, 2006, Washington, D.C.

7. Yitzhak Rabin, *The Rabin Memoirs* (Berkeley: University of California, 1996), pp. 131-134.

8. Henry Owen to Secretary of State William Rogers, "Impact on U.S. Policies of an Israeli Nuclear Weapons Capability," February 7, 1969, RG 59, SN 67-69, DEF 12 Isr.

9. Melvin Laird to Rogers et al., "Stopping the Introduction of Nuclear Weapons into the Middle East," March 17, 1969, NSCF, box 604, Israel vol. I.

10. Awareness of the trend is evident in documents prepared for the Rabin-Warnke talks in October 1968. See Briefing Memorandum from Amb. Parker T. Hart to Secretary of State Dean Rusk, "Issues to be Considered in Connection with Negotiations with Israel for F-4 Phantom Aircraft," October 15, 1968, SN 67-69, DEF 12-5 Isr.

11. Joseph Sisco to Rogers, "Israel's Nuclear Policy and Implications for the United States," April 3, 1969, SN 67-69, DEF 12 Isr.

12. Laird to Rogers et al., March 17, 1969.

13. Sisco to Rogers, April 13, 1969.

14. *Ibid.*

15. For the role of Halperin and Hal Saunders, see Saunders to Kissinger, April 4, 1969, NPMP, NSCF, box 604, Israel vol. I.

16. Nixon had consigned Glenn Seaborg to dealing with "technical" matters only, keeping him completely out of high policy issues. See Glenn Seaborg, *Adventures in the Atomic Age: From Watts to Washington* (New York: Farrar, Strauss & Giroux, 2001), pp. 213-217.

17. Interview with Halperin, January 20, 2006, Washington, D.C.

18. Rodger Davies to Granville Austin et al., "Review Group Consideration of Response to NSSM 40 June 26, 1969," June 30, 1969, RG 59, Top Secret Subject-Numeric Files, 1970-73, box 11, Pol Isr.

19. "The Issues for Decision," [July 1969], NPMP, NSCF, box 604, Israel vol. II. The document has no cover memos, annotations, or other indications that Nixon actually saw it or that Kissinger actually used it.

20. Telcon, Elliot Richardson and Henry Kissinger, July 16, 1969, 5:55 p.m., NPMP, Henry A. Kissinger Telephone Conversation Transcripts, box 2; Richardson to Nixon, "Israel's Nuclear Program," with memorandum of conversation attached, August 1, 1969, NPMP, NSCF, box 604, Israel vol. II.

21. State Department cable 127273 to Tel Aviv, July 31, 1969, SN 67-69, DEF 12-5 Isr.

22. Richardson to Nixon, "Israel's Nuclear Program," August 28, 1969, SN 67-69, DEF 12-1 Isr.

23. Strikingly, also in October 1969, Nixon ordered a secret nuclear alert whose purposes were known only to a few officials at the White House and the Pentagon. See William Burr and Jeffrey Kimball, "Nixon's Nuclear Ploy," *Bulletin of the Atomic Scientists*, January/February 2003, pp. 28-37, 72-73.

24. Saunders to Kissinger, December 8, 1969, with Barbour letter to Sisco, November 19, 1969, NPMP, NSCF, box 605, Israel vol. III.

25. Rogers to Nixon, "Suggested Position for You to Take with Israeli Prime Minister Meir During Her Forthcoming Visit," September 18, 1969; Theodore L. Eliot to Henry Kissinger, "Briefing Book—Visit of Mrs. Golda Meir," September 19, 1969, enclosing "Background—Israel's Nuclear Weapon and Missile Programs,"

both in SN 67-69, Pol 7 Isr.

26. Rogers to Nixon, "Suggested Position for You to Take with Israeli Prime Minister Meir During Her Forthcoming Visit," September 18, 1969, SN 67-69, Pol 7 Isr.

27. Cohen, *Israel and the Bomb*, p. 336.

28. *Ibid.*, p. 142 (footnote 8).

29. Rabin, *The Rabin Memoirs*, p. 155.

30. "An Evening with Former President Richard Nixon," *Larry King Live*, January 8, 1992, transcript no. 469.

31. Kissinger to Nixon, "Discussions with the Israelis on Nuclear Matters," October 7, 1969, and Kissinger to Nixon, "Israel's Nuclear Program," November 6, 1969, NPMP, NSCF, box 605, Israel vol. III.

32. Kissinger to Nixon, "Discussions with the Israelis on Nuclear Matters," October 7, 1969.

33. Kissinger to Nixon, October 8, 1969, enclosing "Rabin's Proposed Assurances on Israel Nuclear Policy," October 8, 1969, NPMP, NSCF, box 605, Israel vol. III.

34. Kissinger to Nixon, "Israel's Nuclear Program," November 6, 1969, with memcon attached.

35. *Ibid.*

36. Minutes, "Meeting of Special NSC Review Group on Israeli Assistance Requests," January 26, 1970, NPMP, NSC Institutional Files, box H-111, SRG Minutes Originals 1970 [5 of 5]; Memorandum of conversation, Kissinger and Rabin, February 23, 1970, NPMP, Henry A. Kissinger Office Files, box 134, Rabin/Kissinger 1969-1970 vol. I.

37. See "The Issues for Decision" [note 19]; Kissinger to Nixon, "Israeli Nuclear Program," November 6, 1969.

38. Memorandum from Atherton and Kratzer to Sisco, "Response to Congressional Questions on Israel's Nuclear Capabilities," October 15, 1975, RG 59, Records of Joseph Sisco, box 40, Israeli Nuclear Capability-1975.

39. Avner Cohen, "Nuclear Arms in Crisis Under Secrecy: Israel 1967 and 1973 Wars," in Peter Lavoy and Scott Sagan, eds., *Planning the Unthinkable: How New Powers Will Use Nuclear, Biological, and Chemical Weapons* (Ithaca: Cornell University, 2000), pp. 104-124.

40. Avner Cohen and Thomas Graham Jr., "An NPT for Non-Members," *Bulletin of the Atomic Scientists*, May/June 2004, pp. 40-44.