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WITHDRAWAL SHEET

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DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
Entire Folder			
1. notes	NSPG meeting 2/3/87 transcribed from Regan's handwritten notes, 3p <i>PART 10/11/06 MEMO-025 #1</i>	2/3/87	P1/F1 P5
2. memo (90078)	Frank Carlucci to the President, re SDI---Upcoming Decisions. 5p <i>PART u u #2</i>	nd	P1/F1 P5
3. notes	Regan's handwritten notes for 2/3/87 NSPG meeting on reverse of item #2, 3p <i>PART u u #3</i>	2/3/87	P1/F1 P5

RESTRICTIONS

P-1 National security classified information [(a)(1) of the PRA].
 P-2 Relating to appointment to Federal office [(a)(2) of the PRA]. -

P-3 Release would violate a Federal statute [(a)(3) of the PRA].
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

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F-1 National security classified information [(b)(1) of the FOIA].
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 F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
 F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
 F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
 F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
 F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

1150 2/3/87.

Frank Carlucci outlined issue: And-games (1)

CIA
position

- Three points to make

Soviets are trying to perfect a new
ABM system

1.4C

We have none - and need one.
Satis not able to haveDECLASSIFIED BY MO4-025 #3 / RELOADED
By CN 10/11/06Cap outlined what we have been doing in incremental deployment. Are making progress. Need to make a decision ^{some day soon} to go ahead with phased deployment. Nothing sure yet - not proven we can do it say JT Chiefs. They also say we need a HLV as does DOD

SS has been studying. Feels JT Chiefs are not in favor of breaking ABM now as not in our interests

Feels phased deployment requires notice of intention so we must know where we are going before we agree to Phase I. Not in a position to confront that today. So he feels he is where Cap & JT Chiefs are.

1993 is probably our earliest date for Phase I as we know all it.

All agree on the need to get started on a HLV for DOD, and for NASA - same booster system for both

LCI - "other physical properties" is key legal phrase they can be examined short of deployment say DOD and be in accord with 1972 ABM treaty.

Integrated tests in the future to be planned and budgeted for in 1988/9 to test in 88/89

We agreed on this in Oct 85, and there is now "new evidence" that should be examined. Ken Adelman
"new evidence" is not admissible

Ed We should adopt a strategy to get an LCI
It requires funding from Congress which has to
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a process of discussion of Sen and House as
well as allies who have to be consulted.

Three issues must be
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- 1) Set up a pains taking record
of what occurred in 1970/1 during negotiations
- 2) Common law of what treaties mean
understanding between parties as to what
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out some data on this (controversial). Must
- 3) Some representation by Exec Branch on
behalf of Pres Nixon by Secty of State who said
treaty meant narrow interpretation. This must be
worked thru carefully.

Must lay ground work and do it effectively
& win support for program which is necessary.

In Geneva we may get agreement to define
"prohibited" activity under treaty that might
help SDI. That is to listen, probe, intercept only
the Soviet position on this. This might lead to
something if we are examining it carefully.

This process would take 5/6 months before suc-
cess. Wasn't think this too long.

Hopes we are moving toward a less ballistic
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our economy can support higher spending (3) levels, but we have to fund it. We must get public to understand this and get it into debates so they can.

So he supports Cap -

Cap doesn't think we should discuss "prohibited activity" because we don't know enough to not to fall into a trap. If we talk about it, eventually we'll come to a prohibited activity. The LCI prohibits nothing.

Also think 5/6 months is too long and impacts our moving ahead. Common law study not necessary and Laird was only talking about employing one system, not two, or more.

"Prohibited activity" cannot be verified so why discuss it

ACTA agrees we must go ahead & study our legal position. Get an understanding of what the different interpretations are holding up - what do we really want to do that is now not allowed.

attly Genl checks time table 3-4 months, ^{for selling effort} meanwhile DOD should study and plan.

Pres Shouldn't we just go ahead, and let others challenge us. Then we can explain, and give our version of what Soviets are doing.

SC - The 2550 of act prohibits this. It is limited & narrow in interpretation. So we must consult Congress as we have hit "critical mass". We must tell the world we are now going for the broad interpretation.

Pres - we are in agreement with each other & finding

February 3, 1987

(Transcribed from DTR's handwritten notes)

NSPG Meeting 2/3/87 1:50 p.m.

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not admissable

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W/ MO4-075 #1

Cal NOD DATE 10/11/06

George Shultz:

We should adopt a strategy to get an LCI. It requires funding from Congress which has to be convinced.

A process of discussion with Senate and House as well as allies who have to be consulted.

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3. Some representatives by Executive Branch on behalf of President Nixon by Secretary of Defense Laird who said treaty meant narrow interpretation. This must be worked through carefully.

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Thinks time table 3-4 months for selling effort meanwhile DOD should study and plan.

President:

Shouldn't we just go ahead, and let others challenge us. Then we can explain, and give our version of what Soviets are doing.

F. Carlucci:

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President:

We are in agreement with each other and '85 finding

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

System II
90078

~~SECRET~~

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK C. CARLUCCI
SUBJECT: SDI -- Upcoming Decisions

I. BACKGROUND

This paper is an overview of the status of a number of SDI issues we will face in the next two weeks. It is for your information. No immediate decisions are needed.

As follow-up to the briefing you received last month on incremental deployment of strategic defenses, Cap Weinberger has sent over a draft National Security Decision Directive and a set of working papers on the concept he presented.

These papers raise two types of issues that will need to be resolved over the next two weeks. The first type is a collection of generally non-controversial, but important programmatic decisions. The second is a single, difficult, and crucial decision--whether or not to restructure the SDI program to take advantage of our full legal rights under the ABM Treaty. Your decision on this issue could be the most important one you will make on the SDI program over the next two years.

DOD is presenting the briefing you received to George Shultz and his advisors and other key arms control officials. You will be meeting next week with both Cap and George to clarify points of consensus, although I believe they will differ sharply on the need to move to the legally correct interpretation (LCI) of the ABM Treaty. These issues must be resolved. Following the February 3rd meeting, I will provide the necessary option papers for your consideration.

II. PROGRAMMATIC ISSUES

There are four programmatic issues associated with incremental deployments of strategic defenses:

- o the concept of incremental deployments itself;
- o the need for a Heavy-lift Launch Vehicle (HLV);
- o commitment to a specific system or deployment date; and
- o criteria for a deployment decision.

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DECLASSIFIED IN: 10/11/06
NLS 104-025 #2
CN

Incremental Deployments

The concept of incremental deployment of strategic defenses makes a great deal of military and technological sense. Such deployments would achieve interim improvements in [REDACTED] (by complicating Soviet attack planning and confounding their confidence in success of a possible attack), while working toward your primary goal of [REDACTED]. Formal recognition of the advantages of incremental deployments is probably appropriate. *This position advocated by DOD(Cap)*

Heavy-lift Launch Vehicle

A new cargo-carrying rocket is imperative for [REDACTED]

[REDACTED] Such a system would also be of great use for other military and civil space programs, for example the space station. Therefore, there seems to be consensus that we should proceed with such a system, although questions may arise on funding and management of the program. *J+ chiefs + DOD(Cap) for then. May not be ready by 1993.*

Specific Systems or Deployment Dates

Cap has stressed that the system he described to you was simply illustrative of what might be done. No specific system or deployment date has been fully analyzed or submitted to you, and much work remains to be done before a meaningful deployment decision could be made. However, there is already confusion in the press and on the Hill that you are considering a decision on deployment of a specific system. Therefore, should you decide to endorse the concept of incremental deployments (and I recommend that you do), you may also wish to make clear that such an endorsement does not constitute either approval of a particular system architecture or commitment to deploy by a certain date.

Criteria for Deployment

You have directed, and Congress has subsequently written into law, that any decision to deploy [REDACTED] be made on the basis of three criteria: [REDACTED]

[REDACTED] The draft NSDD Cap submitted, implicitly replaces these criteria with one that would simply require initial deployments to be on a path toward comprehensive defenses. Such a substitution would leave SDI vulnerable to criticism from those opponents who believe [REDACTED]

[REDACTED] So far, we have defeated opponents' arguments by demonstrating how our standards for the program will guarantee [REDACTED]

1.40

III. ABM TREATY ISSUE

Cap recommends that it is now time to restructure the SDI program to take advantage of our full legal rights under the ABM Treaty, allowing testing of [REDACTED]

Background. You will recall that after careful review of the ABM Treaty and its negotiating record in the Fall of 1985, the State Department's legal advisor, Judge Sofaer, and others concluded that the ABM Treaty was substantially more flexible than we had previously believed. In fact, it permits development and testing of [REDACTED] if they are based on so-called "other physical principles" (OPP), e.g. lasers or infra-red sensors.

Therefore, on October 11, 1985, you issued NSDD 192 affirming our right to conduct ABM development and testing under this legally correct interpretation (LCI) of the Treaty. However, because the SDI program had originally been structured to meet its goals under a restrictive treaty interpretation, and because restructuring the program would have political and diplomatic costs, you also directed that, as a matter of policy, the SDI program would not be restructured to take advantage of the "broader" or legally correct interpretation, so long its progress was not jeopardized. Secretary Weinberger believes we are now at a point where SDI's progress is being slowed by this policy.

Issues. In deciding whether to take advantage of the LCI, you may wish to balance five factors:

- o The program costs of adhering to a more restrictive interpretation;
- o The best timing for taking advantage of the LCI;
- o Tactics for dealing with Congress;
- o Allied opinions; and,
- o Effects on the Geneva arms reduction talks.

Program Costs. There is no clear-cut answer from DOD on what are the specific dollar or delay costs incurred by not continuing our current policy of not restructuring the SDI program to take advantage of the LCI. Clear cut answers simply may not be possible.

In demonstrating the feasibility of ABM technologies, SDI scientists have designed creative experiments to work within more restrictive Treaty restraints. They take a piecemeal approach, testing different devices separately, and they also consciously scale back the capabilities of the devices they test (e.g. the successful Delta 180 experiment last Fall had scaled-back

sensors). So far, this approach has not prevented the SDI program from making progress toward its goals. Nonetheless, OSD tells us that certain proposed experiments have been delayed or denied by the Defense Department's treaty compliance review board which would have been approved under the LCI (e.g. the planned Delta 181 sensor experiment). Based on what Cap has provided to date, it is not clear that from a programmatic view we need now to restructure the program--but Cap may not agree.

1.4a In sum, the current piecemeal approach to testing increases costs, contributes to delay, and actually diminishes our confidence in the results because an integrated test of various [REDACTED] is the best way to demonstrate the feasibility of technology. Indeed, to have sufficient information for an informed decision on incremental deployment, it will almost certainly be necessary to restructure the SDI program toward the LCI at some point. When we do this, there will be both political risks and costs. This raises the question of optimal timing.

Optimal Timing. Because the outcome of a decision to move toward the LCI is so important, the timing of such a move is critical. There are really three choices, this year, next year, or during a future President's term. It is difficult to know what pressure will face the next President, but in all candor, there is a strong possibility that his commitment to SDI will not match yours; therefore, you may not wish to leave this decision to a successor. A second consideration is that next year it may be more difficult to take new policy initiatives. Moreover, certain options may become impossible if we achieve significant progress toward an arms reduction agreement. Even this year, sustaining a decision on taking advantage of the LCI will not be easy. Much depends on action in the Congress.

Strategy for Dealing with Congress. Senator Levin and several of his colleagues are moving to legislate our adherence to a restrictive interpretation of the ABM Treaty. There are two alternative strategies for countering this move. We could wait for Levin et al. to strike first, and argue that without provocation he is attempting to breach separation of powers by tampering with our right to interpret treaties and by undermining our position in Geneva.

Alternatively, we could take the initiative and lay out our legal and programmatic case, including, as a first step discreet discussions with key Senators. However, this might incur a risk that even Congressmen not inclined to support Levin would attempt to "punish" us by cutting SDI funding. Because of the extreme sensitivity of the issue, we cannot get a firm head count on how Congress might vote in either case. However, we are now making discreet inquiries.

Allied Opinions. Allied opinion on implementing the LCI will be unfavorable. We can almost certainly expect strong reactions

from both Britain and West Germany. Moreover, after your decision in October, 1985, we pledged to consult with the Allies over any decision to take advantage of the LCI. On the other hand, some of our Allies showed new (and ironic) appreciation for SDI when they perceived that it prevented the Soviets from accepting the comprehensive proposals you made at Reykjavik and that it would provide insurance as ballistic missiles were drawn down. The bottom line is that the Allies simply do not like change when it comes to strategic issues.

Effect on the Geneva Negotiations

The impact on the Geneva negotiations depends largely upon whether or not we succeed in implementing the LCI. If the U.S. successfully implements the LCI, it would vividly demonstrate to the Soviets our resolve to pursue SDI. This would increase our leverage in Geneva and could be a decisive factor in persuading them to shift their emphasis, from trying to kill SDI to trying to get the best deal they can on how and when defenses are deployed.

On the other hand, if the Congress were to legislate prohibition of U.S. implementation of the LCI--either on their own, or in response to your direction that the SDI program be restructured to take advantage of the LCI--not only would the program be severely damaged, but our negotiating leverage in Geneva would be sharply diminished.

Other's Views. It is now clear that Cap will press strongly for immediate permission to restructure the SDI program to take full advantage of the legally correct interpretation of the ABM Treaty. It is equally clear that George will strongly oppose such a move. He will argue that while this may be necessary later, to do so now would cause major problems with our Allies and needlessly foreclose negotiating options. In a recent memo to you, George suggested an NST proposal that assumes we continue under current policy--with the SDI program following a restrictive interpretation of the ABM Treaty--for at least a few more years as part of a negotiated agreement on permitted and prohibited SDI activity. Cap believes this is the very type of agreement that we should avoid, pursuing instead a simpler approach, negotiating the timing of deployments. The JCS supported Cap's briefing, but their formal views have not been submitted. ACDA and CIA have not offered opinions.

Bottom Line. All agree that if we could move now to restructure the SDI program to take advantage of the legally correct interpretation of the ABM Treaty, while managing Allied reactions, and more importantly, maintaining Congressional support, it would be in the U.S. interest. It would accelerate progress, cut costs, increase confidence, and add pressure on the Soviets. However, the issue is whether we can manage the risks and, if we are uncertain about this, whether we should take the chance now. The discussions over the next two weeks should focus on this issue.