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CHARLES

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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
65726	NOTES	RE NSPG MEETING 2/3/87 TRANSCRIBED FROM REGAN'S HANDWRITTEN NOTES PAR 10/11/2006 NLRRM4-025 #1	3	2/3/1987	B1
65727	MEMO	FRANK CARLUCCI TO THE PRESIDENT RE SDI - UPCOMING DISCUSSIONS PAR 10/11/2006 NLRRM4-025 #2; R 4/4/2017 M08-125/3 #65727	5	ND	B1
65728	NOTES	REGAN'S HANDWRITTEN NOTES FOR 2/3/87 NSPG MEETING ON REVERSE OF ITEM #65727 PAR 10/11/2006 NLRRM4-025 #3	3	2/3/1987	B1

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February 3, 1987

(Transcribed from DTR's handwritten notes)

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

Frank Carlucci outlined issues and gave three points to make
CIA position:

Soviets are trying to perfect a new ABM system.

1.4c [REDACTED] We have none -- and need one.
Gates not able to here.

Cap outlined what we have been doing in incremental depolyment.
Are making progress. Nedd to make a decision some day soon to go
ahead with phased deployment nothing sure yet-- not proven we can
do it say Joint Chiefs. They also say we need a HLV as does DOD.

GS has been studying hard. Feels Joint Chiefs are not in favor of
breaking ABM now as not in our interests.

Feels phased deployment requires notice of intentions 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 and
Joint Chiefs are.

1993 is probably our earliest date for Phase I as we now see it.

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

LCI -- "other phusical 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 to this in October, 1985 and there is now "new evidence"
that should be examined. Ken Adelman must feel "new evidence" is
not admissable

DECLASSIFIED / RELEASABLE IN PART
WITH 1404-075 #1
CAL NASA 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.

Three issues must be handled in a collaborative way with Senate to get their agreement:

1. Set up a painstaking record of what occurred in 1972/3 during negotiations

2. Common law of what treaties mean understanding between parties as to what they have been doing since treaty. ACTA has put out some data on this (controversial). must

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.

Must lay groundwork and do it effectively to win support for program which is necessary.

In Geneva we may get agreement to define "prohibited" activity under treaty that might help SDI. Max is to listed, probe, note only Soviet position on this. This might lead to something if we examine it carefully.

This process would take 5/6 months before success. Doesn't think this too long.

Hopes we are moving toward a less ballistic less nuclear world.

If SDI is a shield against BM's, it is good. But must be aware of impact of such a world on conventional arms. This will up Defense budget if concept takes hold.

Our economy can support higher spending levels, but we have to fund it. We must get public to understand this and get into debates so they can.

So he supports Cap

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

Also, thing 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 to study one 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.

Attorney General:

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:

The NSDD of October, 1985 prohibits this. It is limited to narrow interpretation. So we must consult Congress as we have hit "critical mass". We must tell the world we are now going for the broad interpretations.

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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NLRR M08-125/3#65727
BY RW NARA DATE 4/4/17

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 strategic stability (by complicating Soviet attack planning and confounding their confidence in success of a possible attack), while working toward your primary goal of comprehensive defenses. 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 a strategic defense system with space-based elements. A larger rocket with more reusable parts will dramatically lower launch costs, a key factor in the cost-effectiveness of strategic defenses. 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. *It cheaper & DOD (cap) further. 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 strategic defenses be made on the basis of three criteria: military effectiveness; survivability; and cost-effectiveness at the margin. 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 strategic defenses would be destabilizing. So far, we have defeated opponents' arguments by demonstrating how our standards for the program will guarantee strategic stability. If we abandoned our criteria, we would lose this protection and end up in renewed debate about whether we should pursue SDI at all.

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 space-based strategic defenses.

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 space-based strategic defenses, 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.

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 strategic defense devices 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.

MS PG 1150 2/3/87.

2/3/87.

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CIA - Three points to make

ABM systems

1.40

We have none - and need not

DEC 1964
MO4-025 #3

By

10/11/06

Sates not able to By CR
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It chiefs are not in
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All agree on the need to get started on a HLV for
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LCI - "other physical properties" is key legal phrase they can be examined short of deployment say DOD and be in accord with 1972 ABMT treaty. Integrated tests in the future to be planned.

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Integrated tests in the future to be planned and
budgeted for in 1986/9 to test in 88/89
We agreed on this in Oct 85, and there is now
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Pres - We are in agreement with each other & the Judiciary