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## **THE PRESSLER AMENDMENT AND PAKISTAN'S NUCLEAR WEAPONS PROGRAM (Senate - July 31, 1992)**

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From the Herald Tribune, June 26, 1992  
On Proliferation Law, a Disgraceful Failure

Mr. PRESSLER. Mr. President, yesterday the Foreign Relations Committee held an extremely enlightening hearing on interpretation of the Pressler amendment.

During the hearing, it was my great pleasure to listen to the testimony of Senator **John Glenn**. My first experience with the senior Senator from Ohio occurred when I was a student at the University of South Dakota. I wrote him a letter congratulating him on being the first American to orbit the Earth on the *Friendship 7* mission. I received a very kind response and am pleased to count Senator **Glenn** as one of my very good friends today.

Few Members of the Senate, indeed of Congress, understand the issue of nuclear nonproliferation better than Senator **Glenn**. At the Wehrkunde Conference in Munich last winter, which I attended, Senator **Glenn** gave an excellent speech on nonproliferation issues. He is the leading expert on nonproliferation in the U.S. Senate today. I was pleased he was with us yesterday to share his experience and knowledge on this subject. Senator **Glenn's** testimony was one of the most complete and best recitations of the history surrounding Pakistan's nuclear weapons program I have ever seen or heard. I commend Senator **Glenn's** comments to all Senators and will ask unanimous consent that Senator **Glenn's** testimony before the Foreign Relations Committee on July 30, 1992 be included in the **Record** immediately following my remarks.

Yesterday's Foreign Relations Committee hearing explored the State Department's view that the Pressler amendment allows for the continued licensing of private sales of arms and technology to Pakistan notwithstanding what many consider very clear statutory language prohibiting such sales. To quote from the amendment, `no assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act. \* \* \*'

The language is quite clear. By licensing the export of arms and military technology to the government of Pakistan under the terms of the Arms Export Control Act, it seems to this Senator that the administration is in violation of both the letter and spirit of the Pressler amendment.

Mr. President, my concern is not just that the State Department is misinterpreting a statute passed by Congress. I am also very concerned that the purpose of the Pressler amendment--to stop nuclear weapons proliferation and ensure U.S. taxpayers are not asked to subsidize indirectly

the building of a nuclear weapons program in Pakistan--is not being achieved because while we have penalized Pakistan by cutting off most assistance to that country, arms continue to flow through the back door of private sales.

I recently returned from a trip to nine former Soviet republics and Latvia. Just prior to that trip the Foreign Relations Committee considered the START Treaty and the full Senate passed the Freedom Support Act. Under the terms of the Lisbon protocol to the START Treaty, Belarus, Kazakhstan, and Ukraine each agreed to sign the Nuclear

## Non-Proliferation Treaty as nonnuclear state parties.

I believe that such assurances would be equally valuable from the other nations emerging from the former Soviet Union that do not currently have a nuclear weapons capability. During this committee's hearings on START, I questioned administration witnesses regarding this issue and will continue to push this idea at every opportunity.

My point is that I came away from my recent trip convinced that we should apply the terms of the Pressler amendment to other developing nations which do not have a nuclear weapons capability, but which receive aid from the United States. We should use economic means to encourage nonnuclear countries to remain nonnuclear. We must make it clear that should they decide to pursue a nuclear weapons program, it will be without the help of the United States.

Mr. President, let me conclude by saying that I intend to continue working with Senator Glenn and others to ensure that at this unique time in world history--a time when the United States remains the world's sole superpower and, together with Russia, works to reduce the nuclear threat--developing nations follow that lead and resist the temptation to acquire their own nuclear weapons capability.

There being no objection, the testimony was ordered to be printed in the **Record**, as follows:

## **Testimony of Senator John Glenn--U.S./Pakistan Nuclear Issues**

**(BEFORE THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, JULY 30, 1992)**

Thank you, Mr. Chairman, for this opportunity to testify on U.S. responses to nuclear developments in Pakistan. I was tempted also to address my many concerns about India's large unsafeguarded nuclear program, but given time limitations and the focus of this hearing, I will address these concerns in another forum. Besides, your Committee has every reason to focus today on Pakistan. After all, American taxpayers shelled out billions of hard-earned tax dollars in aid that was explicitly justified as necessary to curb Pakistan's bomb program. This aid was provided only after repeated waivers of our nuclear nonproliferation laws. Congress has both the right and the duty to see what happened to these funds.

A review of this evidence will also encourage us to reexamine some old policy assumptions--like the faith some of our leaders have put in transfers of arms and high technology as tools of nuclear nonproliferation--and to appreciate the importance of some old fundamentals, like the duty of the Executive to 'faithfully execute the laws,' the need for a working relationship between Congress and the Executive, and the public's right to know.

My testimony will address five questions: First, what were Congress and the American taxpayers told about the relationship between U.S. military aid and Pakistan's bomb?

Second, how have these claims stood up over time? Third, why did Congress impose nuclear conditions on aid only to Pakistan? Fourth, did the Reagan and Bush administrations implement these conditions as Congress had intended? And finally, where do we go from here?

## **THE PROMISE OF THE POLICY**

Between 1982 and 1990, America provided over \$4 billion in assistance to Pakistan, about half of which was military. Some people think this aid was solely intended to get the Soviets out of Afghanistan, a goal we shared with Pakistan. My staff, however, has identified 20 official administration statements claiming since 1981 that military assistance would address Pakistan's security concerns and thereby keep Pakistan from acquiring the bomb. I will submit with my testimony some relevant excerpts. [Attachment]

Given these many claims, the answer to my first question is crystal clear: the military transfers and other assistance were explicitly justified to Congress as instruments of a nuclear nonproliferation policy. Yet since this aid was only provided following waiver upon waiver of our nuclear nonproliferation laws, the administration had a heavy burden of proof to demonstrate that the aid was producing the promised results.

Unfortunately, the much-heralded nonproliferation benefits never materialized, which simplifies the job of answering my second question about the effects of the policy. It is well known that Pakistan was acquiring a nuclear weapons capability throughout the 1980's. I will attach to my statement a table listing 50 events that show without a doubt that Pakistan was continuing and even accelerating its pursuit of the bomb despite all of our aid. [Attachment] Mr. Chairman, if you judge by the evidence and not by the promises, there was a direct--not an inverse--relationship between the level of our aid and Pakistan's progress toward the bomb.

This leads to the answer to my third question about why Congress decided to impose new conditions on aid provided only to Pakistan. In the face of sensational daily headlines from around the world attesting to the failure of the administration's arms-for-nuclear-restraint policy, Congress went to work in the mid-1980's to strengthen conditions on further aid to Pakistan. It was no more 'discriminatory' for Congress to single out Pakistan for special aid conditions than it was for the Executive to issue waiver after waiver of our nonproliferation laws just on Pakistan's behalf.

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## **ORIGINS OF THE PRESSLER AMENDMENT**

On March 28, 1984, this Committee adopted an amendment offered by Sen. Cranston and myself providing that no assistance shall be furnished and 'no military equipment or technology shall be sold or transferred to Pakistan' unless the President could first certify that Pakistan does not possess a nuclear explosive device, is not developing a nuclear device, and is not acquiring goods to make such a device. On April 3, 1984, the Committee narrowly

voted to reconsider this amendment and adopted instead a substitute offered by Senator Pressler, Mathias and Percy, which tied the continuation of aid and military sales to two certification conditions: (1) that Pakistan not possess a nuclear explosive device; and (2) that new aid 'will reduce significantly the risk' that Pakistan will possess such a device. This text, which was enacted on another bill in August 1985, has come to be called the 'Pressler amendment.'

In summary, the amendment made binding what had been an official policy, namely that our aid would reduce the risk of nuclear proliferation. It also clarified--by its broad prohibition on all arms transfers under any U.S. law--that a failure to meet these standards would lead to a cutoff of not only assistance but of military sales as well.

Let me just add at this point that neither the legislative history nor the text of the amendment itself contains any written or implied exclusion of commercial arms sales from the scope of these sanctions. Indeed, it is useful to recall that in past testimony at least one State Department witness has also dismissed this peculiar argument for allowing commercial arms sales to continue in the event of a nuclear violation. At a hearing of this Committee on November 12, 1981, I asked Undersecretary of State James Buckley to describe how a nuclear detonation by Pakistan would affect our transfers of F-16 aircraft and he replied that such an event would, in his words:

\* \* \* dramatically affect the relationship. The cash sales are part of that relationship. I cannot see drawing lines between the impact in the case of a direct cash sale versus a guaranteed or U.S.-financed sale.

Yet as the evidence kept flowing in about new Pakistan advances toward the bomb, new rationalizations kept flowing out from Foggy Bottom for continuing our transfers of arms and aid in the service of nonproliferation--which brings me to my fourth question addressing how the Pressler amendment and other relevant laws were implemented.

## **IMPLEMENTATION OF THE PRESSLER AMENDMENT**

I have long believed that continued arms exports to Pakistan was no way to halt its bomb program. But when you consider that of the 50 nuclear weapon-related events I cited in my submission to the Committee, three-quarters of them occurred after the Pressler amendment was enacted, it becomes glaringly apparent that the Reagan and Bush administrations willfully violated not only the Pressler amendment but several other nuclear nonproliferation laws as well. I believe that the Pressler amendment was violated almost immediately after it was enacted, when U.S. assistance and arms were transferred even though our government knew Pakistan was continuing its pursuit of the bomb.

There are three specific violations I would like to discuss today. First, I believe that the President's conclusion in October 1989 that Pakistan does not possess a nuclear explosive device conflicts with widely available information indicating that Pakistan was a de facto nuclear-weapon state. Indeed, Pakistan may well have attained that capability even before 1989, when would cast doubt on the accuracy of non-possession certifications by the Reagan

administration as well.

Five years ago, a London newspaper published excerpts from an interview with no greater authority than Dr. Abdul Qadeer Khan, the father of Pakistan's bomb; in Dr. Khan words, 'what the CIA has been saying about our possessing the bomb is correct.' Later, in February 1992, the Pakistan foreign secretary publicly conceded that his government had 'inherited' a nuclear capability. He told a U.N. audience on February 7th that 'there was a capability in 1989,' but he denied that the program was 'moved forward' and maintained that 'we froze the program.' In an interview reported in the Washington Post the same day, the foreign secretary state that Pakistan possesses 'elements which, if put together, would become a device. He referred to specifically to weapons 'cores.'

The foreign secretary's statements raise some thorny problems for both the administration and the Pakistani government:

1. If Pakistan possessed these 'elements' back in 1989, then how could the President have certified that Pakistan did not possess a nuclear explosive device? By the State Department's own interpretation of the Pressler amendment, if Pakistan possessed the bomb in pieces, it possessed the bomb.
2. If Pakistan did not possess these 'elements' back in 1989, but acquired them after President Bush made his certification of nonpossession in October 1989, then the foreign secretary's statement that the program was 'frozen' when his government came to power in November 1990 is hardly reassuring. The foreign secretary is saying that Pakistan has frozen its status as a de factor nuclear weapon state. He is also admitting that Pakistan has violated its solemn commitment to the United States in 1984 that it would not enrich uranium beyond the 5% level needed for civilian uses.

The foreign secretary's candid remarks about the existence of a nuclear capability in 1989--combined with his remarks about weapons 'cores' that he claims were produced before his government came to power--raises the real possibility of a violation of the non-possession standard in that year or even earlier.

The second violation also occurred in 1989--actually it was just a repeat of 4 prior violations by President Reagan--when President Bush certified that the provision of new assistance would 'reduce significantly' the risk that Pakistan would possess a nuclear explosive device. In contrast to voluminous evidence indicating that Pakistan's program to develop nuclear weapons was advancing throughout the late 1980's, there were just no credible grounds for concluding that the provision of new foreign aid was reducing the risk of Pakistan possessing the bomb.

In fact, I believe there is considerable evidence that America's aid and high technology undoubtedly contributed to Pakistan's nuclear and missile capabilities. The F-16 aircraft we provided along with the dual-use goods we transferred to nuclear and missile facilities in Pakistan provide sufficient grounds for this conclusion.

The third violation--and I do indeed call this a violation--occurred in 1992, when it was officially confirmed that the United States government was continuing to license arms sales to Pakistan despite the clear requirement of the Pressler amendment that 'no military equipment or technology shall be sold or transferred to Pakistan' if it has not received the required Presidential certifications.

Evidently, this is what we are now down to: elements of our bureaucracy are grasping at straws to perpetuate the myths that additional military transfers will buy us influence over Pakistan's bomb program, and that such transfers are perfectly legal. The rationale that our government is somehow justified in licensing sales of munitions to maintain current military capabilities (which the Pakistani foreign secretary now tells us includes nuclear weapons) flies in the face of the black-and-white words of the Pressler amendment.

Commercial arms sales do indeed contravene both the spirit and the letter of the Pressler amendment. All the more so, given that the equipment we are evidently continuing to supply includes spare parts for F-16 aircraft, a known delivery vehicle for nuclear weapons. Mr. Chairman, I would like to submit a list of official statements from the Reagan and Bush administrations taking mutually contradictory positions on the issue of whether the F-16 can be used by Pakistan to deliver nuclear weapons. Clearly somebody--and not just in Pakistan--has not been telling the truth to the people, which raises the possibility of yet another violation of the law.

In summary, the administration's position on commercial arms sales not only lacks a solid foundation in law, it seems almost contrived to subvert and frustrate the very purposes of sanctions, which are to impose a cost for noncompliance with legitimate nonproliferation standards, to offer an incentive to correct the policies to noncompliance, and to signal the priority of nuclear nonproliferation on America's foreign policy agenda.

## **OTHER LAWS INFRINGED**

I would like to add to this testimony that I believe at least four additional laws were either willfully misinterpreted or simply ignored by zealous Executive officials who were driven by a policy they could not admit was bankrupt. I believe this shady record applies not just to nonproliferation laws directed at Pakistan and my list is by no means exhaustive.

Under the Glenn/Symington amendment, U.S. aid is supposed to be halted to any nation that delivers unsafeguarded nuclear enrichment equipment, materials, or technology to any other country that does not have full-scope safeguards. In December 1981, I delivered a floor statement that cited an AP story claiming that the State Department believed Pakistan was receiving nuclear technology through Turkey. Turkish press reports through mid-1988 were commenting about U.S. concerns relating to such sales. Yet the aid ban was never invoked against Turkey and no waiver was sought.

Another law, Section 309c of the Nuclear Non-Proliferation Act, requires special licensing controls over 'all export items \* \* \* which could be \* \* \* of significance for nuclear explosive purposes.' The \$2 billion in dual-use goods that were approved for sale to Pakistan and Iraq

(including goods going to nuclear and missile facilities), coupled with the almost complete failure of our government to verify the ultimate end uses of our exports--suggest a serious breakdown in the implementation of this law.

A third law, Section 602 of the Nuclear Non-Proliferation Act requires that three committees will be kept `fully and currently informed' about dangerous foreign nuclear activities and the work of our own federal agencies on behalf of nonproliferation goals. I do not believe that the standards of `fully,' `currently,' or `informed' were satisfied. We surely were not consulted about continuing commercial arms sales to Pakistan.

And finally, Section 601 of the Nuclear Non-Proliferation Act requires the Executive to send an annual report to Congress on nuclear proliferation. The evidence reviewed in our Committee's newsletter, Proliferation Watch of November-December 1991 shows a clear pattern of noncompliance with that reporting requirement.

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## **PAKISTAN AND IRAQ**

Mr. Chairman, I am convinced that this dismal record has much in common with our past experiences in dealing with Iraq's bomb as well.

Let me start with high-tech trade: before Saddam invaded Kuwait in August 1990, our policymakers sought to restrain Iraq by means that included licensing some \$1.5 billion in commercial sales of U.S. high technology. Between 1985 and 1990, the Commerce Department also licensed just under \$800 million in comparable goods to facilities in Pakistan, including certain destinations widely known to be associated with nuclear and missile programs. There are a lot better ways to redress our balance of trade than by peddling arms or dual-use goods to countries with lousy nonproliferation credentials. This policy did not work with Iraq. It is a continuing failure with respect to China. And it surely never worked with Pakistan.

Then there were the now infamous `Detonation symposiums.' The Reagan and Bush administrations did nothing to stop scientists from Pakistan, Iraq, and several other proliferation-sensitive countries from attending symposiums on `Detonation' hosted by our three nuclear weapon labs. Other scientists from these countries were also allowed to visit and to conduct research at these labs and to meet with some of our bomb designers. What kind of message does that send of our commitment to nuclear nonproliferation?

But there are other indicators of the second-class status of nonproliferation as a policy priority in the 1980's. Both Pakistan and Iraq sought to acquire nuclear weapons triggers. Both illicitly obtained centrifuges based on a European Urenco design. Both have produced or sought some 19 nuclear-related goods, as documented in a recent issue of the Governmental Affairs Committee's newsletter, Proliferation Watch. Both established elaborate secret procurement networks. Both claimed their nuclear programs were entirely peaceful. Yet in both cases, U.S. officials treated nonproliferation as a secondary goal of

policy. I find these parallels too close for comfort.

Our Pakistan and Iraq policies have also soaked American taxpayers to the tune of some \$2 billion in Iraq's defaulted loans that were guaranteed by Uncle Sam, and some \$4 billion in total U.S. foreign aid to Pakistan throughout the 1980's that was supposed to entice Pakistan away from acquiring the bomb and enhance the welfare of Pakistan's citizens.

Also, administration spokesmen routinely opposed congressional efforts to impose sanctions against both Iraq and Pakistan. The imposition of sanctions would at least at least have clarified for the world where America stood on two key nonproliferation issues; at best, the sanctions may well have helped to impede both programs. What is known, however, is that the 'aid-and-trade' and 'waivers-for-favors' policies for restraining bomb programs in both Iraq and Pakistan were complete failures.

## **NEXT STEPS AND REFORMS**

Mr. Chairman, I have covered a lot of ground today and would like to answer my final question with a few recommendations on where we should be going from here.

Congress cannot legislate away another nation's bomb program. However, America is under no obligation to make it any easier for a nation to acquire or enhance such a capability and, in fact, we have a moral and a legal duty to make such pursuits quite costly. If Pakistan ultimately decides that its bomb is worth the hardships of acquiring and possessing it, then that is Pakistan's choice to make and we must respond accordingly. For now, we need to firm up our sanctions policy.

First, we must halt all commercial arms exports to Pakistan. The time has come to turn out the lights of a policy that failed to deliver on its promises. The party is over.

Second, we must notify our friends and allies--particularly France and Russia because of their expressed interest in selling nuclear-capable aircraft to Pakistan--about this decision and urge them to support and not to undercut our sanctions policy. We should publicly expose all efforts to frustrate our nonproliferation diplomacy and advise all nations of additional consequences they will face if they continue to pursue such efforts.

Third, we must remind Pakistan's leaders that America expects Pakistan to comply with its pledge in 1984 that it would not enrich uranium over the 5% level needed for peaceful uses of nuclear energy. We can discuss resumption of aid when that promise has been kept and when Pakistan has satisfied our government that it is willing to bring its nuclear program fully into line with the Pakistani government's own peaceful policy statements.

And finally, we should notify Pakistan and that we intend to enforce our export licensing standards with respect to sales of dual-use goods. We should undertake a review of our licensing policy with respect to other nations as well that do not satisfy those licensing standards. We should also work closely with other countries that export dual-use goods to ensure that they do not undercut our policies--and caution them of the

consequences if our concerns are not heeded.

Mr. Chairman, although the administration is not without its accomplishments in developing international regimes, the record shows that much more needs to be done just to get our own government's house in order. I look forward to working with you--and with the new administration next year regardless of who wins the presidential election--to repair the damage that has been done over the last 10 years to our nuclear nonproliferation laws and policies.

In closing, I hope that as we evaluate our record, Pakistan--one of the world's poorest nations--will also evaluate the full implications of its bomb program for the welfare of its 100 million citizens. I will submit today a fact sheet describing Pakistan's economic and social conditions, and its lop-sided defense budget. The longer that Pakistan's bomb and huge military establishment drain off resources needed to meet these needs, the greater will be the real national security threat that Pakistan will face in the years ahead.

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## **U.S. Aid Policies and Pakistan's Bomb: What Were We Trying To Accomplish?**

**(MATERIALS COMPILED BY SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS)**

Letters to Congress from Presidents Reagan & Bush, 1985-1989, required under sec. 620E(e) of Foreign Assistance Act (Pressler Amendment)--

'The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance program are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial and legitimate security needs, thereby both reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives.'--President Bush, 10/5/89; President Ronald Reagan, 11/18/88; 12/17/87; 10/27/86; & 11/25/85.

President George Bush, letter to Congress (addressed to J. Danforth Quayle as President of the Senate), 12 April 1991, urging abandonment of Pressler certification requirement:

'\* \* \* my intention is to send the strongest possible message to Pakistan and other potential proliferators that nonproliferation is among the highest priorities of my Administration's foreign policy, irrespective of whether such a policy is required by law.'

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House subcommittee, 2 August 1989:

'None of the F-16's Pakistan already owns or is about to purchase is configured for nuclear delivery \* \* \* a Pakistan with a credible conventional deterrent will be less motivated to purchase a nuclear weapons capability.'

Deputy Assistant Secretary of Defense Arthur Hughes, testimony before House subcommittee, 2 August 1989:

'Finally, we believe that past and continued American support for Pakistan's conventional defense reduces the likelihood that Pakistan will feel compelled to cross the nuclear threshold.'

Deputy Assistant Secretary of State Robert Peck, testimony before House subcommittee, 17 February 1988:

'We believe that the improvements in Pakistan's conventional military forces made possible by U.S. assistance and the U.S. security commitment our aid program symbolizes have had a significant influence on Pakistan's decision to forego the acquisition of nuclear weapons.'

Special Ambassador at large Richard Kennedy, testimony before two House subcommittees, 22 October 1987:

'We have made it clear that Pakistan must show restraint in its nuclear program if it expects us to continue providing security assistance.'

Assistant Secretary of State Richard Murphy, testimony before Senate subcommittee, 18 March 1987:

'Our assistance relationship is designed to advance both our non-proliferation and our strategic objectives relating to Afghanistan. Development of a close and reliable security partnership with Pakistan gives Pakistan an alternative to nuclear weapons to meet its legitimate security needs and strengthens our influence on Pakistan's nuclear decision making. Shifting to a policy of threats and public ultimatums would in our view decrease, not increase our ability to continue to make a contribution to preventing a nuclear arms race in South Asia. Undermining the credibility of the security relationship with the U.S. would itself create incentives for Pakistan to ignore our concerns and push forward in the direction of nuclear weapons acquisition.'

Deputy Assistant Secretary of State Howard Schaffer, testimony before House subcommittee 6 February 1984:

The assistance program also contributes to U.S. nuclear non-proliferation goals. We believe strongly that a program of support which enhances Pakistan's sense of security helps remove the principal underlying incentive for the acquisition of a nuclear weapons capability. The government of Pakistan understands our deep concern over this issue. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a

nuclear explosive device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device.'

Special Ambassador at large Richard Kennedy, testimony before two House subcommittees, 1 November 1983:

'By helping friendly nations to address legitimate security concerns, we seek to reduce incentives for the acquisition of nuclear weapons. The provision of security assistance and the sale of military equipment can be major components of efforts along these lines. Development of security ties to the U.S. can strengthen a country's confidence in its ability to defend itself without nuclear weapons. At the same time, the existence of such a relationship enhances our credibility when we seek to persuade that country to forego [sic] nuclear arms . . . We believe that strengthening Pakistan's conventional military capability serves a number of important U.S. interests, including non-proliferation. At the same time, we have made clear to the government of Pakistan that efforts to acquire nuclear explosives would jeopardize our security assistance program.'

Statement by Deputy Assistant Secretary of State Harry Marshall, 12 September 1983, before International Nuclear Law Association, San Francisco:

'U.S. assistance has permitted Pakistan to strengthen its conventional defensive capability. This serves to bolster its stability and thus reduce its motivation for acquiring nuclear explosives.'

President Ronald Reagan, report to Congress pursuant to sec. 601 of the Nuclear Nonproliferation Act ('601 report'), for calendar year 1982:

'Steps were taken to strengthen the U.S. security relationship with Pakistan with the objective of addressing that country's security needs and thereby reducing any motivation for acquiring nuclear explosives.'

President Ronald Reagan, report to Congress pursuant to sec. 601 of the Nuclear Nonproliferation Act ('601 report'), for calendar year 1981:

'Military assistance by the United States and the establishment of a new security relationship with Pakistan should help to counteract its possible motivations toward acquiring nuclear weapons . . . Moreover, help from the United States in strengthening Pakistan's conventional military capabilities would offer the best available means for counteracting possible motivations toward acquiring nuclear weapons.'

Assistant Secretary of State James Malone, address before Atomic Industrial Forum, San Francisco, 1 December 1981:

'We believe that this assistance--which is in the strategic interest of the United States--will make a significant contribution to the well-being and security of Pakistan and that it will be recognized as such by that government. We also believe that, for this reason, it offers the best

prospect of deterring the Pakistanis from proceeding with the testing or acquisition of nuclear explosives.

Undersecretary of State James Buckley, testimony before Senate Foreign Relations Committee, 12 November 1981:

'We believe that a program of support which provides Pakistan with a continuing relationship with a significant security partner and enhances its sense of security may help remove the principal underlying incentive for the acquisition of a nuclear weapons capability. With such a relationship in place we are hopeful that over time we will be able to persuade Pakistan that the pursuit of a weapons capability is neither necessary to its security nor in its broader interest as an important member of the world community.'

Testimony of Undersecretary of State James Buckley, in response to question from Sen. Glenn, Senate Foreign Relations Committee, 12 November 1981, on Effects of a Nuclear Detonation on Continuation of Cash Sales of F-16's:

'[Sen. Glenn] \* \* \* so if Pakistan detonates a nuclear device before completion of the F-16 sale, will the administration cut off future deliveries?'

'[Buckley] Again, Senator, we have underscored the fact that this would dramatically affect the relationship. The cash sales are part of that relationship. I cannot see drawing lines between the impact in the case of a direct cash sale versus a guaranteed or U.S.-financed sale.'

Undersecretary of State James Buckley, Letter to NY Times, 25 July 1981:

'In place of the ineffective sanctions on Pakistan's nuclear program imposed by the past Administration, we hope to address through conventional means the sources of insecurity that prompt a nation like Pakistan to seek a nuclear capability in the first place.'

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## **From Myth to Reality: Evidence of Pakistan's `Nuclear Restraint'**

Early 1980's--Multiple reports that Pakistan obtained a pre-tested, atomic bomb design from China.

Early 1980's--Multiple reports that Pakistan obtained bomb-grade enriched uranium from China.

1980--U.S. Nuclear Export Control Violation: Reexport via Canada (components of inverters used in gas centrifuge enrichment activities).

1981--U.S. Nuclear Export Control Violation: New York, zirconium (nuclear fuel cladding material).

1981--AP story cites contents of reported US State Department cable stating `We have strong reason to believe that Pakistan is seeking to develop a nuclear explosives capability \* \* \* Pakistan is conducting a program for the design and development of a triggering package for nuclear explosive devices.'

1981--Publication of book, Islamic Bomb, citing recent Pakistani efforts to construct a nuclear test site.

1982/3--Several European press reports indicate that Pakistan was using Middle Eastern intermediaries to acquire bomb parts (13-inch `steel spheres' and `steel petal shapes').

1983--Recently declassified US government assessment concludes that `There is unambiguous evidence that Pakistan is actively pursuing a nuclear weapons development program \* \* \* We believe the ultimate application of the enriched uranium produced at Kahuta, which is unsafeguarded, is clearly nuclear weapons.'

1984--President Zia states that Pakistan has acquired a `very modest' uranium enrichment capability for `nothing but peaceful purposes.'

1984--President Reagan reportedly warns Pakistan of `grave consequences' if it enriches uranium above 5%.

1985--ABC News reports that US believes Pakistan has `successfully tested' a `firing mechanism' of an atomic bomb by means of a non-nuclear explosion, and that US krytrons `have been acquired' by Pakistan.

1985--U.S. Nuclear Export Control Violation: Texas, krytrons (nuclear weapon triggers).

1985--U.S. Nuclear Export Control Violation: US cancelled license for export of flash x-ray camera to Pakistan (nuclear weapon diagnostic uses) because of proliferation concerns.

1985/6--Media cites production of highly enriched, bomb-grade uranium in violation of a commitment to the US.

1986--Bob Woodward article in Washington Post cites alleged DIA report saying Pakistan `detonated a high explosive test device between Sept. 18 and Sept. 21 as part of its continuing efforts to build an implosion-type nuclear weapon;' says Pakistan has produced uranium enriched to a 93.5% level.

1986--Press reports cite U.S. 'Special National Intelligence Estimate' concluding that Pakistan had produced weapons-grade material.

1986--Commenting on Pakistan's nuclear capability, General Zia tells interviewer, 'It is our right to obtain the technology. And when we acquire this technology, the Islamic world will possess it with us.'

1986--Recently declassified memo to then-Secretary of State Henry Kissinger states, 'Despite strong U.S. concern, Pakistan continues to pursue a nuclear explosive capability \* \*  
\* If operated at its nominal capacity, the Kahuta uranium enrichment plant could produce enough weapons-grade material to build several nuclear devices per year.'

1987--U.S. Nuclear Export Control Violation: Pennsylvania, maraging steel & beryllium (used in centrifuge manufacture and bomb components).

1987--London Financial Times reports US spy satellites have observed construction of second uranium enrichment plant in Pakistan.

1987--Pakistan's leading nuclear scientist states in published interview that 'what the CIA has been saying about our possessing the bomb is correct.'

1987--West German official confirms that nuclear equipment recently seized on way to Pakistan was suitable for 'at least 93% enrichment' of uranium; blueprints of uranium enrichment plant also seized in Switzerland.

1987--U.S. Nuclear Export Control Violation: California, oscilloscopes, computer equipment (useful in nuclear weapon R&D).

1987--According to photocopy of a reported German foreign ministry memo published in Paris in 1990, UK government official tells German counterpart on European nonproliferation working group that he was 'convinced that Pakistan had 'a few small' nuclear weapons.'

1988--President Reagan waives an aid cutoff for Pakistan due to an export control violation; in his formal certification, he confirmed that 'material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device.'

1988--Hedrick Smith article in New York Times reports US government sources believe Pakistan has produced enough highly enriched uranium for 4-6 bombs.

1988--President Zia tells Carnegie Endowment delegation in interview that Pakistan has attained a nuclear capability 'that is good enough to create an impression of deterrence.'

1989--Multiple reports of Pakistan modifying US-supplied F-16 aircraft for nuclear delivery purposes; wind tunnel tests cited in document reportedly from West German intelligence service.

1989--Test launch of Hatf-2 missile: Payload (500 kilograms) and range (300 kilometers) meets `nuclear-capable' standard under Missile Technology Control Regime.

1989--CIA Director Webster tells Senate Governmental Affairs Committee hearing that `Clearly Pakistan is engaged in developing a nuclear capability.'

1989--Media claims that Pakistan acquired tritium gas and tritium facility from West Germany in mid-1980's.

1989--ACDA unclassified report cites Chinese assistance to missile program in Pakistan.

1989--UK press cites nuclear cooperation between Pakistan and Iraq.

1989--Article in Nuclear Fuel states that the United States has issued `about 100 specific communiques to the West German Government related to planned exports to the Pakistan Atomic Energy Commission and its affiliated organizations;' exports reportedly included tritium and a tritium recovery facility.

1989--Article in Defense & Foreign Affairs Weekly states `sources close to the Pakistani nuclear program have revealed that Pakistani scientists have now perfected detonation mechanisms for a nuclear device.'

1989--Reporting on a recent customs investigation, West German magazine Stern reports, `since the beginning of the eighties over 70 [West German] enterprises have supplied sensitive goods to enterprises which for years have been buying equipment for Pakistan's ambitious nuclear weapons program.'

1989--Gerard Smith, former US diplomat and senior arms control authority, claims US has turned a `blind eye' to proliferation developments Pakistan in and Israel.

1989--Senator Glenn delivers two lengthy statements addressing Pakistan's violations of its uranium enrichment commitment to the United States and the lack of progress on nonproliferation issues from Prime Minister Bhutto's democratically elected government after a year in office; Glenn concluded, `There simply must be a cost to non-compliance--when a solemn nuclear pledge is violated, the solution surely does not lie in voiding the pledge.'

1989-1990--reports of secret construction of unsafeguard nuclear research reactor; components from Europe.

1990--US News cites `western intelligence sources' claiming Pakistan recently `cold-tested' a nuclear device and is now building a plutonium production reactor; article says Pakistan is engaged in nuclear cooperation with Iran.

1990--French magazine publishes photo of West German government document citing claim

by UK official that British government believes Pakistan already possesses 'a few small' nuclear weapons; cites Ambassador Richard Kennedy claim to UK diplomat that Pakistan has broken its pledge to the US not to enrich uranium over 5%.

1990--London Sunday Times cites growing U.S. and Soviet concerns about Pakistani nuclear program; paper claims F-16 aircraft are being modified for nuclear delivery purposes; claims US spy satellites have observed 'heavily armed convoys' leaving Pakistan uranium enrichment complex at Kahuta and heading for military airfields.

1990--Pakistani biography of top nuclear scientist (Dr. Abdul Qadeer Khan and the Islamic Bomb), claims US showed 'model' of Pakistani bomb to visiting Pakistani diplomat as part of unsuccessful nonproliferation effort.

1990--Defense & Foreign Affairs Weekly reports 'US officials now believe that Pakistan has quite sufficient computing power in country to run all the modeling necessary to adequately verify the viability of the country's nuclear weapons technology.'

1990--Dr. A.Q. Khan, father of Pakistan's bomb, receives 'Man of the Nation Award.'

1990--Washington Post documents 3 recent efforts by Pakistan to acquire special arc-melting furnaces with nuclear and missile applications.

1991--Wall Street Journal says Pakistan is buying nuclear-capable M-11 missile from China.

1991--Sen. Moynihan says in television interview, 'Last July [1990] the Pakistanis machined 6 nuclear Pakistan warheads. And they've still got them.'

1991--Time quotes businessman, 'BCCI is functioning as the owners' representative for Pakistan's nuclear-bomb project.'

1992--Pakistani foreign secretary publicly discusses Pakistan's possession of 'cores' of nuclear devices.

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## **Are Pakistan's F-16's 'Nuclear-Capable'? It Depends on Who You Ask**

[Sen. Glenn]-- 'How about delivery systems? Is there any evidence that Pakistan converted F-16s for possible nuclear delivery use?

[Gates]--`We know that they are--or we have information that suggests that they're clearly interested in enhancing the ability of the F-16 to delivery weapons safely. But we don't really have--they don't require those changes, I don't think, to deliver a weapon. We could perhaps provide some additional detail in a classified manner.'

`Assessing ballistic missile proliferation and its control,' report of Center for International Security and Arms Control, Stanford University, November 1991:

`Pakistani F-16 aircraft could be effective nuclear-delivery vehicles even if Pakistan's nuclear warheads are large and heavy.'

`Western intelligence sources' cited in U.S. News & World Report, 12 February 1990:

`The sources say Pakistan, in violation of agreements with Washington, is busily converting U.S.-supplied F-16 fighter planes--60 more are scheduled to be sent this year--into potential nuclear-weapons carriers by outfitting them with special structures attached to the plane's underwing carriage. The structure allows the mounting of a dummy under one wing of the F-16 to balance the weight of the bomb under the other wing.'

Deputy Assistant Secretary of Defense Arthur Hughes, testimony before House Subcommittee, 2 August 1989:

`In order to deliver a nuclear device with any reasonable degree of accuracy and safety, it first would be necessary to replace the entire wiring package in the aircraft. In addition to building a weapons carriage mount, one would also have to re-do the fire control computer, the stores management system, and mission computer software to allow the weapon to be dropped accurately and to redistribute weight and balance after release. We believe this capability far exceeds the state of the art in Pakistan and could only be accomplished with a major release of data and industrial equipment from the U.S.'

[Rep. Solarz]--Now, in your testimony, Mr. Hughes, I gather you've said that the F-16s which we have already sold them are not nuclear capable?

[Hughes]--That's right, sir.

[Rep. Solarz]--And the planes we're planning to sell will not be configured in such a way that they could deliver nuclear ordnance?

[Hughes]--That's right, Mr. Chairman.

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House Subcommittee, 2 August 1989:

`None of the F-16s Pakistan already owns or is about to purchase is configured for nuclear delivery. Pakistan, moreover, will be obligated by contract not to modify its new acquisitions without the approval of the United States.'

Views attributed to German Intelligence Agency (BND), in Der Spiegel, 24 July 1989:

'The Pakistanis have secretly planned to use the fighter aircraft as a delivery system for their bomb. According to a report by the Federal Intelligence Service (BND), relevant tests have already been successfully concluded. The BND has reported to the Chancellor's Office that, using an F-16 model, the Pakistanis have made wind tunnel tests and have designed the shell of the bomb in a way that allows them to install it underneath the wings. At the same time, the detonating mechanism has been improved, so that the weapon can now be used. According to the BND report, the Pakistanis long ago found out how to program the F-16 on-board computer to carry out the relevant flight maneuvers in dropping the bomb. According to the report from Pullach [BND headquarters], they also know how to make the electronic contact between the aircraft and the bomb.'

Sen. John Glenn, letter to President Ronald Reagan, 5 March 1987:

'And I believe we should continue to try to provide assistance to the Afghans. But if the price that must now be paid is acceptance of Pakistani nuclear weapons production along with the continued provision of a 'made in the U.S.A.' delivery system (F-16s), a combination certain to ultimately erode the national security of the United States and some of its closest allies, then the price is too high.'

Undersecretary of State James Buckley, testimony before Senate Foreign Relations Committee, 12 November 1981:

[Sen. Hayakawa]--'Do the F-16's provide Pakistan with a delivery system for nuclear device?'

[Buckley]--'Yes they would. But by the same token, that is not the only aircraft that would have that capability. My understanding is that the Mirage III currently possessed by Pakistan, would have the capability of delivering a small nuclear device.'

E.F. Von Marbod, Director of Defense Security Assistance Agency, testimony before two House subcommittees, 16 September 1981:

[Solarz]--'I gather the F-16's are technically capable of carrying nuclear weapons. Will the F-16's supplied Pakistan be able to carry nuclear weapons?'

[Von Marbod]--'Mr. Solarz, all nuclear capabilities will be deleted from these F-16's. All wiring to the pylons, all computer software programs that manage the hardware stores and all cockpit controls that are nuclear-related.'

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# **The Bomb vs. Butter: Pakistan's Ultimate Choice**

From the New Book of World Rankings, third edition, 1991:

'Pakistan displays all the negative characteristics of an underdeveloped economy: a rigid, highly stratified and largely illiterate society; overdependence on agriculture; and limited infrastructure and natural resources.'

Some basic facts from the United Nations Development Programme Human Development Report 1992:

Pakistan is listed as only 120th out of 160 nations in terms of human development. The nation's Human Development Index is only 0.305 (out of 1).

Pakistan's GNP per capita was a mere \$370 in U.S. dollars. 30%, or 36.7 million Pakistanis live below the U.N. poverty line.

Life expectancy at birth is a mere 57.7 years.

Out of 1000 Pakistani infants born, 104 of them (over 10%) will die within a year; 6 out of 1000 mothers will die in childbirth. 158 out of 1000 Pakistani children (over 15%) will die before they are 5 years of age--860,000 in the past year alone. 12,000,000 children (52% of all Pakistani children) are malnourished; 42% of the children are malnourished badly enough to cause stunted growth.

55 million Pakistanis (45%), have no access to either health services or safe drinking water. Over 100 million Pakistanis (82%) have no access to sanitation.

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43.5 million Pakistani adults (65%) are illiterate. Divided by sexes, 53% of Pakistani males (17.2 million) are illiterate; 79% of Pakistani females (26.3 million) are illiterate. The average Pakistani receives only 1.9 years of schooling; males receive an average of 3 years, while females receive only 0.7 years of schooling. The latter figure is the same amount of schooling received by women in Ethiopia.

Some basic rankings from the New Book of World Rankings, third edition, 1991:

Pakistan ranks only 144th out of 170 nations on the Physical Quality of Life Index, below nations such as Bangladesh and Haiti.

Pakistan ranks 148th among nations in terms of literacy.

The country is 14th from the bottom in terms of access to sanitation.

The nation is currently 8th from the bottom in terms of primary school enrollment, and 18th

from the bottom in school population-teacher ratios.

Pakistan's spending priorities, as reported by the United Nations Development Programme Human Development Report 1992:

Pakistan spends a mere 0.2% of its GNP on health care and public health programs.

Pakistan spends a mere 2.6% of its GNP on education.

6.7% of Pakistan's GNP is devoted to the military. Overall, national military expenditure is 2.4 times that of health and education expenditures combined. In 1990 alone, Pakistan imported \$2.693 billion worth of arms; more than 19 times that of 'social development' imports. Pakistani soldiers outnumber teachers by 1.5 to 1; they outnumber physicians by 10 to 1.

World rankings of these priorities, as reported by the New Book of World Rankings, third edition, 1991;

Pakistan's public health expenditures per capita are the eighth lowest in the world (an 'astoundingly low' \$0.70 per person annually).

Pakistan ranks only 126th in terms of educational spending per capita (a mere \$7 per person).

Recent trends in defense expenditures according to Finance Minister Sartaj Aziz, press conference covered by Agence France Press, 17 May 1992:

In 1992, Pakistan has raised its defense budget by 8.4% to 82 billion rupees (\$3.44 billion).

In 1992, Pakistan's defense spending amounts to 8% of GDP and nearly 27% of total federal government expenditure, according to official figures.

Minister Aziz: 'I would be the first man to ask for reducing defence expenditure and diverting funds to the neglected social sectors.'

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## **From the Herald Tribune, June 26, 1992**

**[FROM THE HERALD TRIBUNE, JUNE 26, 1992]**

### **On Proliferation Law, a Disgraceful Failure**

**(BY JOHN GLENN)**

**Washington.**--It is no secret that I have been at odds with the Reagan and Bush administrations over their record in preventing the spread of nuclear weapons.

I have stated publicly my dismay over the direction taken first by President Ronald Reagan and then by President George Bush in providing aid and arms to Pakistan without requiring concrete actions to stop the Pakistani bomb program, and in building up Saddam Hussein's ability to mount a nuclear and missile threat.

But an examination of the record suggests that there is more than a political or policy dimension to our disagreement. I now believe that actions taken and not taken by the Reagan and Bush administrations in the area of nuclear nonproliferation amount to a pattern of willful misinterpretation of U.S. laws.

Some years ago, Senator **Stuart Symington** and I amended the Foreign Assistance Act to require a cutoff of economic and military assistance to any country that, after 1977, imported or exported unsafeguarded nuclear enrichment or reprocessing materials, equipment or technology.

Since then only one nation, Pakistan, has been found by a U.S. president to be in violation of this law. America first cut off aid to Pakistan in September 1977, for a reprocessing-related violation. It did so again in April 1979 for a violation of the enrichment provision.

But after the Reagan administration took office in 1981, the law was changed to permit the flow of assistance to Pakistan during the war between the Soviet Union and the Afghan rebels. Over the next decade, aid to Pakistan amounted to more than \$4 billion, including the delivery of 40 F-16 fighter planes--an excellent nuclear weapons delivery system--with no assurances that Pakistan would end or reverse its nuclear weapons program.

Indeed, the Reagan administration at one point, publicly parroting the Pakistanis' claim that their nuclear program was peaceful, pressured Congress to change the law--in effect, simply to repeal it--so that aid could be provided to Pakistan. Congress refused, instead moving to suspend the law for a limited time while drawing a new line (no nuclear testing) that Pakistan could not cross without suffering an aid cutoff.

In 1985, following reports that the Pakistani program was progressing, Congress drew a tighter line, the Pressler amendment, that required the president to certify that Pakistan did not possess a nuclear explosive device and that the provision of U.S. aid would reduce significantly the risk of its getting one. The Pressler amendment also stated that such a cutoff would mean 'no military equipment or technology shall be sold or transferred to Pakistan.'

What does the record show about the Bush and Reagan commitment to nonproliferation in this case?

In 1981, when U.S. aid began to flow, Pakistan had not produced bomb-grade nuclear material, nor had it manufactured bomb components or repeatedly violated U.S. nuclear

export control laws and those of U.S allies. All these provocations occurred at the time of maximum U.S. assistance and continued after enactment of the Pressler amendment.

Did Pakistan suffer an aid cutoff as required by the amendment? No. The deliveries of F-16s and other equipment continued. President Reagan continued to certify annually that Pakistan did not `possess' a nuclear device and (despite all the evidence to the contrary) that continued U.S. assistance would reduce the risk of such possession--this although India had concluded by 1987 that Pakistan had the ability to assemble such a device easily and quickly.

Four years ago, reports were circulating that high-level analysts in U.S. intelligence agencies could not support another presidential certification of aid for Pakistan. Yet in October 1989, President Bush again certified that Pakistan did not possess a nuclear explosive device and that U.S. aid was `reducing incentives and creating disincentives' for acquisition of nuclear explosives.

This disgraceful policy failure appeared to have ended in October 1990, when Mr. Bush finally admitted what had become evident: The president could not certify that the Pakistanis did not have the bomb, and that was tantamount to saying they had it. And nine years of U.S. assistance had helped Pakistan release funds for its nuclear weapons program and given it the means for delivering the weapons.

Shockingly, testimony by Secretary of State James Baker this year revealed that the administration has continued to allow Pakistan to purchase munitions through commercial transactions, despite the explicit, unambiguous intent of Congress that `no military equipment or technology shall be sold or transferred to Pakistan.' These sales may have included spare parts for F-16 aircraft.

These facts alone would be enough to destroy any credibility possessed by this administration and the previous one on the issue of nuclear nonproliferation. Unfortunately, there is more (the details are beyond the scope of this article), including a failure to apply the Glenn-Symington amendment to Turkey despite that country's involvement in helping Pakistan acquire sensitive equipment for enriching uranium.

The Reagan and Bush administrations have practiced a nuclear nonproliferation policy bordering on lawlessness. They have undermined the respect of other countries for U.S. law and have done great damage to the nuclear nonproliferation effort.

Keep this in mind the next time someone in the administration extols the need for military action to deal with some power-hungry dictator seeking to acquire nuclear weapons.

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