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By shw, NARS, Date 2-9-76

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Possible Steps in Negotiating a Non-Proliferation Treaty

As a result of the private discussions that took place at the recently recessed session of the INDC, I believe that there is a possibility that we will be able to negotiate a non-proliferation treaty with the Soviet Union which does not ban consultative arrangements within NATO and which does not embarrass our present bilateral arrangements. I am transmitting as an annex to this memorandum, the type of agreement I think might be negotiated.

On the basis of the discussions which we have had so far, I do not believe that it will be possible to negotiate a treaty which does not deal at all with the question of transfer of nuclear weapons to groups of states. I think, in order to obtain a treaty, we would have to prohibit the transfer of nuclear weapons to a non-nuclear weapon state either directly or indirectly through a group of states. I think, however, we might be able to negotiate a treaty which does not foreclose any option which we could realistically expect to exercise.

If it is decided to move in this direction, the first step to be taken is to advise Chancellor Erhard of the options we can now realistically hold open. I would recommend a letter from the President to the Chancellor indicating that a NATO force involving mixed ownership of nuclear weapons supplied

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by the U.S. does not appear to be feasible, and that a European nuclear force seems only likely to come into existence in the context of true political federation involving one of the existing nuclear powers. He could be advised that we now feel it no longer advisable to hold open what has become unrealistic options at the expense of a non-proliferation agreement and the consequent lessening of tensions which would follow from such an agreement. Our failure to obtain an agreement for this reason will subject both of our countries to increasing criticism, particularly at the coming General Assembly.

Once this had been accomplished the United States would be in a position to undertake serious negotiations with the Soviet Union, either on the basis of discussions between you and Foreign Minister Gromyko or on the basis of a letter from the President to the Chairman of the Council of Ministers of the U.S.S.R. In these discussions the U.S. could indicate that we are not contemplating the creation of any force within NATO which involves joint ownership of nuclear weapons. The United States could make it quite clear that we do not intend to give up our present bilateral arrangements within NATO or in any way to restrict the legitimate right of consultation within an alliance. This would put it squarely up to the Soviet Union whether they are really interested in a non-proliferation agreement.

/s/ William C. Foster
Director

William C. Foster

Attachment:

As stated