

Ronald Reagan Presidential Library
Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Tahir-Kheli, Shirin R.: Files, 1984-1989

Series: I: COUNTRY FILE

Folder Title: Pakistan – Nuclear – Pervez Case 1987

Box: RAC Box 8

To see more digitized collections visit:

<https://www.reaganlibrary.gov/archives/digitized-textual-material>

To see all Ronald Reagan Presidential Library Inventories, visit:

<https://www.reaganlibrary.gov/archives/white-house-inventories>

Contact a reference archivist at: **reagan.library@nara.gov**

Citation Guidelines: <https://reaganlibrary.gov/archives/research-support/citation-guide>

National Archives Catalogue: <https://catalog.archives.gov/>

Last Updated: 11/28/2023

WITHDRAWAL SHEET

Ronald Reagan Library

Collection: TAHIR-KHELI, SHIRIN R.: Files

Archivist: mjd

File Folder: PAKIS: Nuclear - Pervez Case Box 91880 8

Date: 6/30/98

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Sofaer/Murphy/Smith/Clarke thru Armacost/Kennedy to the Secretary re Symington and Solarz Amendments, 7p <i>P 3/1/06 F96-128/1 #154</i>	n.d.	PS NB1
2. memo	Shultz to the President re Security Assistance to Pakistan, 3p	n.d.	PS NB1
3. memo	Murphy thru Kennedy to Armacost re Pervez case, 4p <i>P 3/1/06 F96-128/1 #155</i>	n.d.	NB1
4. paper	re The Solarz Amendment, 1p <i>R 3/1/06 F96-128/1 #156</i>	n.d.	PI
5. paper	re 1987 Diplomatic Initiatives, 1p <i>P 3/1/06 F96-128/1 #157</i>	n.d.	NB1
6. paper	re Pakistan, 1p <i>P 3/1/06 F96-128/1 #158</i>	n.d.	NB1
7. cable	170539Z JUL 87, 1p <i>D 3/1/06 F96-128/1 #159</i>	7/17/87	NB1
8. cable	194150Z AUG 87, 1p <i>R 3/1/06 F96-128/1 #160</i>	8/19/87	PI
9. cable	221415Z JUL 87, 3p <i>P 3/1/06 F96-128/1 #161</i>	7/22/87	NB1
10. briefing memo	Norman Wulf to the Director re Solarz Ammendment, 2p <i>P 3/1/06 F96-128/1 #162</i>	7/16/87	NB1
11. cable	161421Z JUL 87, 4p <i>P 3/1/06 F96-128/1 #163</i>	7/16/87	NB1
12. cable	160201Z JUL 87, 4p <i>D 3/1/06 F96-128/1 #164</i>	7/16/87	NB1
13. draft	white house statement, 1p <i>P, 6/14/00 NLSF96-128/1 #165</i>	n.d.	NB1
14. affidavit	re Pervez case, 13p	7/10/87	PS NB1, B6

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- 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].

C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- 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].

PENDING REVIEW IN ACCORDANCE WITH E.O. 13233

Ronald Reagan Library

Collection Name TAHIR-KHELI, SHIRIN: FILES

Withdrawer

LOJ 5/21/2007

File Folder PAKIS: NUCLEAR - PERVEZ CASE

FOIA

F96-128/1

Box Number 91880

ID	Doc Type	Document Description	No of Pages	Doc Date
1	MEMO	SOFAER/MURPHY/SMITH/CLARKE THROUGH ARMACOST/KENNEDY TO THE SECRETARY RE SYMINGTON AND SOLARZ AMENDMENTS	7	ND
3	MEMO	MURPHY THROUGH KENNEDY TO ARMACOST RE PERVEZ CASE	4	ND
4	PAPER	RE THE SOLARZ AMENDMENT	1	ND



United States Department of State

Washington, D.C. 20520

January 6, 1988

~~SECRET~~/SENSITIVE

MEMORANDUM

TO: NEA/RA - Mr. Aoki ✓
CES/ENP - Mr. DeThomas
INR/SFA - Mr. Snowden
S/NP - Mr. Samore
ACDA - Ms. Ward

FROM: L/OES - Alan J. Kreczko

SUBJECT: Solarz Determination

Attached revision attempts to accommodate all comments.
Please provide clearance ASAP.

TabS are available through Jack Snowden, INR.

UNCLASSIFIED UPON REMOVAL OF
CLASSIFIED ENCLOSURE(S)

MSD
6/15/98



United States Department of State

Washington, D. C. 20520

ACTION MEMORANDUM

S/S

~~SECRET/SENSITIVE~~

TO: The Secretary

THROUGH: P - Michael H. Armacost
S/NP - Richard T. Kennedy

FROM: L - Abraham D. Sofaer
NEA - Richard W. Murphy
OES - Richard W. Smith
INR - Richard A. Clarke, Acting

SUBJECT: Applicability of the Symington and Solarz Amendments to Pakistan

ISSUE FOR DECISION

Whether to recommend that the President (1) determine that Pakistani procurement activities have triggered the Solarz Amendment restrictions on assistance, (2) waive the Solarz Amendment, and (3) waive the Symington Amendment.

ESSENTIAL FACTORS

Solarz Amendment: The conviction of Arshad Pervez on charges arising from an attempt to export nuclear-related commodities, and other Pakistani procurement activity, requires us to determine whether Solarz Amendment sanctions must be imposed on Pakistan. The Solarz Amendment (Section 670(a)(1) of the Foreign Assistance Act) prohibits assistance to any non-nuclear weapons state which, after August 8, 1985, exports or attempts to export illegally from the U.S. any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by that country in the manufacture of a nuclear explosive device. The amendment provides that an export or attempted export by a person who is an agent of, or is otherwise acting on behalf of, or in the interest of, a country is considered an export or attempted export by that country.

DECLASSIFIED IN PART

NLS F96-128/1 #154A

By ADP, NARA, Date 3/1/06

~~SECRET/SENSITIVE~~

DECL: OADR

Drafted: L/OES: AJKreczko; SAoki

Cleared: OES/NEP: JDeThomas
OES: RStratford
S/NP: GSamore
INR/SFA: JSnowden
INR: RClark
NEA: RFlatten
ACDA: LWard
ACDA: KBailey

Doc: Solarz6

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 2 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

JUSTIFICATION FOR PRESIDENTIAL DETERMINATION
TO AUTHORIZE SECURITY ASSISTANCE FOR PAKISTAN

The United States has a long-standing security relationship with Pakistan. The importance of this relationship has been underscored by the Soviet invasion of Afghanistan. Pakistan plays a vital role in supporting the people of Afghanistan in their eight-year struggle against Soviet occupation. Because of its resistance to Soviet efforts to acquire a dominant regional military position, Pakistan has been subjected to intense pressure from the Soviet Union, including military attacks and Soviet-inspired terrorist attacks on Pakistani territory. Under these circumstances, Pakistan has turned to the U.S. for aid.

A five-year program of U.S. military and economic assistance to Pakistan was instituted in 1982, following Congressional authorization to waive the Symington Amendment sanctions which would otherwise have been in effect. Our aid has bolstered Pakistan's ability to withstand Soviet efforts at intimidation by strengthening its conventional military capabilities and by supporting its economic development. Continuation of this assistance, as the Administration has proposed under a six-year integrated program, is vital to demonstrate U.S. resolve to resist Soviet aggression and to underline our ongoing commitment to the security and stability of the strategically significant Southwest Asian region. Failure to do so, would undermine efforts to bring about a Soviet withdrawal from Afghanistan, place in doubt the credibility of established U.S. security commitments, and jeopardize important U.S. security interests throughout the region.

The U.S. continues to have serious concerns about Pakistan's unsafeguarded sensitive nuclear activities. The Government of Pakistan is well aware that nuclear restraint is an essential condition for U.S. assistance, and the Administration will continue to make clear to Pakistan the importance attached to preventing the spread of nuclear weapons. In waiving the restrictions on assistance under section 670(a)(1) of the Foreign Assistance Act, we have taken into account Pakistan's assurance that it will halt the illegal procurement of US goods for its nuclear program. Further, it has taken administrative steps to implement these assurances. The Administration will monitor the situation closely, keeping the Congress fully informed, to ensure that these steps are effective in preventing future illegal procurements.

Continued U.S. assistance to Pakistan supports our non-proliferation objectives by providing Pakistan with a conventional alternative to nuclear weapons to meet its legitimate security needs, and by strengthening the U.S.-Pakistan political and security relationship. Failure to maintain our assistance program would increase Pakistani incentives to pursue nuclear weapons, and thereby undercut efforts to obtain our non-proliferation goals.

DRAFT

January , 1988

Presidential Determination
No. _____

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

SUBJECT: Determination Pursuant to Section 670(a) and Section 620E(d) of the Foreign Assistance Act, as amended.

By the authority vested in me as President by the Constitution and statutes of the United States of America, including sections 620E(d) and section 670(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

- (1) determine pursuant to section 670(a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,
- (2) determine and certify, as a result of the determination in paragraph 1 and pursuant to section 670(a)(2) of the Act, that not providing assistance referred to in section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,
- (3) determine, pursuant to section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April 30, 1990 is in the national interest of the United States and therefore waive the prohibitions of section 669 of the Act with respect to that period.

This determination and certification together with the statement setting forth specific reasons therefore shall be submitted to the Congress immediately.

This determination shall be published in the Federal Register.

FINAL



United States Department of State

Washington, D. C. 20520

[Handwritten initials]

ACTION MEMORANDUM
S/S

~~SECRET~~

To: P - Michael H. Armacost
Through: S/NP - Richard T. Kennedy
From: NEA - Richard W. Murphy
Subject: Pakistani nuclear procurements: the Pervez case
Issue for Decision

Whether to raise with Ambassador Marker our concerns about the Pervez case.

Essential Factors

Arshad Z. Pervez, a Canadian resident of Pakistani origin, was arrested Friday in Philadelphia by U.S. Customs agents and charged in connection with efforts to export nuclear-related materials to Pakistan in violation of U.S. law and regulations. Specific charges include conspiracy and bribery of an undercover Customs investigator. Canadian authorities are also investigating the activities of Pervez and his business associates, have seized numerous documents, and further arrests may be forthcoming.

According to the public affidavit filed by Customs investigators, Pervez approached a U.S. specialty steel manufacturer in December, 1986 with a request to purchase a substantial quantity of maraging 350 steel. This grade of high strength steel can be used to manufacture gas centrifuges for uranium enrichment.

~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~

~~SECRET~~
DECL: OADR

FOIA(b) (1)

DECLASSIFIED IN PART
NLS F96-12811 4155
By Am NARA, Date 3/1/06

FOIA(b) (1)

[REDACTED]

Under U.S. export control regulations, a validated export license is required to export maraging steel if the exporter knows, or has reason to know that its intended end use is in a uranium enrichment facility.

-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----
Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----
-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----
Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----
-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----
Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----

In addition to his efforts to procure maraging steel, Pervez is also charged with attempting to export beryllium metal without the required export license.

FOIA(b) (1)

[REDACTED]

-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----
Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----
-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----
Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----Redacted-----

We have engaged the Pakistanis repeatedly on the procurement issue since January, and have told them that cessation of illegal procurements in the U.S. is one of our highest priorities. Pakistani officials have denied that any transactions of this type were authorized,

FOIA(b) (1)

[REDACTED]

FOIA(b) (1)

(A) chronology of recent approaches to the GOP on this subject is attached at Tab A.)

This case also presents an immediate question concerning the so-called Solarz amendment to the Foreign Assistance Act, which requires termination of most U.S. assistance to a country that illegally exports, or attempts to export, items that could "contribute significantly" to its ability to manufacture a nuclear explosive device, where the President determines that such items were in fact to be used in the manufacture of such a device. L has prepared an analysis of the factors bearing on a Solarz amendment determination, which is attached at Tab B.

Although the arrest of Pervez has been a matter of public record since Friday, press attention has so far been limited. The story has, however, been picked up by the media in Philadelphia, as well as by Pakistani and Soviet press. Congressional critics of our non-proliferation policies are likely to attempt to stimulate broader coverage in the U.S. Recommendations on responding to Congressional interest in this case are being provided you in a separate memo.

We need to go on record promptly with the Pakistanis to raise our concerns regarding this illegal procurement attempt in apparent violation of repeated assurances from the highest levels of the GOP, and to seek both an explanation and corrective action that could help us limit the impact on our security assistance relationship. At best, there is a limited amount of time in which Pakistan can act. It is important to impress on the GOP the importance of quick and responsive behavior. We therefore believe you should raise the issue with Amb. Marker urgently. You would tell him that:

- This case has the potential to do major harm to our security relationship. It could have a strong negative impact on Congressional willingness to renew the Symington amendment waiver without additional restrictive nuclear conditions.
- We will examine carefully the possible application of the Solarz amendment in light of the facts brought out by the Pervez investigation.
- We seek an explanation of what has happened from the Pakistani government.
- To mitigate the damage, there will have to be quick and effective action by Pakistan to stop illegal procurements and curb other activities of proliferation concern, not simply denials or additional assurances.

Proposed talking points are attached at Tab C.

Recommendation

That you raise the Pervez case with Amb. Marker, drawing on the points provided at Tab C.

_____ Approve

_____ Disapprove

Drafted by: NEA/RA:SAoki
Wang 0185s 7/13/87

Clearances:

NEA:RAPeck
S/NP:GSamore
L:MMatheson
INR/SFA:RUpchurch
OES/NEP:JEBetino

CONFIDENTIAL

The Solarz Amendment

Under the Solarz amendment it is not enough that there have been an "illegal" export or attempt to export; each of the other statutory elements must be satisfied. In the present case, it would be necessary inter alia to conclude that the attempted export was by or on behalf of the Pakistani Government and that the items would have contributed "significantly" to Pakistan's ability to manufacture a nuclear device, and the President would have to determine that the items were in fact to have been used in the manufacture of such a device.

We believe that there are not yet sufficient grounds for a recommendation to the President on the applicability of the Solarz amendment to this case. Moreover, although the President may decide such a question at any time, the legislative history suggests that he has discretion to await the conclusion of the criminal process, in order to avoid compromising the integrity of that process and to allow the opportunity for the judicial determination of relevant legal and factual issues. (It would, for example, be highly embarrassing if the criminal proceedings were to reach conclusions differing materially from those relied on by the President in deciding to apply the Solarz amendment.)

While there is as a matter of law no need for an immediate decision concerning applicability of the Solarz amendment, we must anticipate considerable pressure on the issue from Solarz and others. For the moment, we can probably rely on the limited and ambiguous nature of the factual allegations contained in the criminal complaint against Mr. Pervez as sufficient reason to defer a final decision until after the criminal proceedings have ended. It may well, however, be increasingly difficult to maintain that posture as additional evidence emerges in the course of the proceedings. There are, moreover, issues--such as whether the material would have contributed significantly to Pakistan's ability to manufacture a device--that cannot easily be claimed to be so intimately linked to the criminal process.

CONFIDENTIAL

DECLASSIFIED / RELEASED

NLS F76-128/1-156

BY AM, NARA, DATE 3/1/02

~~SECRET/NO DIS~~

1987 DIPLOMATIC INITIATIVES - PAKISTANI NUCLEAR PROCUREMENT

January 12: Presidential letter to Zia; continuing efforts to procure items for Pakistan's nuclear program from the U.S. identified as area where immediate and tangible action was needed.

March 20: Amb. Hinton met with Prime Minister Junejo; reminded him that procurements were a critical issue for the U.S.; urged Pakistan to undertake a frank dialogue on the nuclear issue. Junejo said Pakistan would never be a party to illegal exports.

May 8: NEA Principal Deputy Djerejian met with Amb. Marker, [REDACTED]

FOIA(b) (1)

May 12: Demarche by Amb. Hinton reiterating concern about procurements; citing Vaid visa application.

May 20: Foreign Minister Yaqub Khan called on Frank Carlucci during his visit to Washington. Carlucci identified illegal procurements as one of our most important nuclear priorities with Pakistan. Yaqub promised to convey this to Islamabad.

June 3: Foreign Secretary Sattar told Amb. Hinton that Junejo has looked into the procurement issue, and was satisfied that Pakistani government directives to avoid such activities were clear and unambiguous; he asked for U.S. help to eliminate unauthorized activities and to identify the guilty parties.

June 19: Presidential letters to Zia and Junejo underscored importance of action on uranium enrichment and procurement issues.

June 21: On instructions, DCM McCarthy told Sattar that we could not release names, but that our information about continuing illegal procurements was solid, and we were convinced the Pakistani government could stop these activities.

June 28: Sattar told Amb. Raphael that the Prime Minister had issued orders against illegal procurement to all relevant Pakistani agencies, [REDACTED] (previous instructions had been only to the PAEC),

FOIA(b) (1)

~~SECRET/NO DIS~~

DECL: OADR

DECLASSIFIED IN PART

NLS F96-128/1 #157

By BAK NARA, Date 3/1/88

~~SECRET~~

PAKISTAN: NUCLEAR EXPORT VIOLATIONS

Points to make

-- The U.S. Customs Service has arrested a Canadian resident of Pakistani origin, and charged him with conspiring to circumvent U.S. export control regulations in order to export nuclear-related materials to Pakistan.

-- This arrest follows an extensive undercover investigation by our law enforcement agencies. There is substantial and solid evidence against the accused individual. [REDACTED] FOIA(b) (1)
[REDACTED]
[REDACTED]

-- This case could have the most serious consequences for U.S.-Pakistan relations. The President may be required to make a judgment as to whether the sanctions of the Solarz amendment have been triggered.

[The Solarz amendment precludes U.S. assistance to any country that "exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device.]

-- We are briefing the Congress fully, and will be working closely with Congress. You should be under no illusions about the potential implications for our continued security assistance relationship.

-- This incident will give renewed vigor to those on the Hill who have advocated additional nuclear conditions on the Symington amendment waiver for Pakistan.

-- We are very disappointed that this action occurred, despite the assurances we were given following Yaqub Khan's visit in May that the Prime Minister had ordered all elements of Pakistan's nuclear program to cease procurements in the U.S.

~~SECRET~~

DECLASSIFIED IN PART
NLS F96-123/1 #158
By AW, NARA, Date 3/1/06

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 7 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

NATIONAL SECURITY COUNCIL
- SECRETARIAT

PAGE 01

AN002806

NSC: WAC OAKL RODM
<DIST>SIT: EOB VAX

EXDIS

<PREC> IMMEDIATE <CLAS> ~~SECRET~~ <OSRI> RUEHIL <DTG> 191150Z AUG 87
FM AMEMBASSY ISLAMABAD
TO SECSTATE WASHDC IMMEDIATE 1263

<SUBJ>SUBJECT: THE PERVEZ CASE
~~SECRET~~ ISLAMABAD 17530

EXDIS

EXDIS

E. O. 12355: DECL: OADR
TAGS: MNUC, PREL, PK, US
SUBJECT: THE PERVEZ CASE

1. ~~SECRET~~ - ENTIRE TEXT
2. FOREIGN SECRETARY SATTAR CALLED ME AUGUST 19 TO SHARE THE FOLLOWING INFORMATION ON THE PERVEZ CASE.
3. TEAM TO THE US - THE PAKISTANI TEAM TO BE BRIEFED ON US EXPORT LAWS AND REGULATIONS SHOULD ARRIVE IN THE STATES THE LAST WEEK OF AUGUST. THE MFA EXPECTS THE FINAL LIST OF NAMES BY SUNDAY, AUGUST 23. THERE IS A FLIGHT FOR THE STATES, WHICH THE TEAM SHOULD BE ABLE TO TAKE, WHICH LEAVES ISLAMABAD EARLY AUGUST 26.
4. SATTAR ADDED THAT AMBASSADOR MARKER WILL ALSO BE INFORMED OF THEIR SCHEDULE; THE FOREIGN SECRETARY HOPES THAT STATE CAN WORK CLOSELY WITH THE PAKISTANI EMBASSY TO PUT TOGETHER A GOOD PROGRAM FOR THE TEAM.
5. PARLIAMENTARY DELEGATION - SATTAR SAID THAT ALL SIX MEMBERS HAVE BEEN CHOSEN (FIVE CONTAINED REFTEL PLUS MNA GOHAR AYUB). WE TENTATIVELY AGREED THAT TEAM WOULD BE IN THE STATES FROM SEPTEMBER 8-18. SATTAR NOTED THAT THE PRIME MINISTER, WHO ARRIVES IN NEW YORK SEPTEMBER 20, WOULD HAVE A PARLIAMENTARY GROUP IN TOW AS WELL, AND THE MINISTRY WOULD PREFER NOT TO HAVE TO HANDLE BOTH GROUPS IN THE STATES AT THE SAME TIME. I SAID I SYMPATHIZED.
6. SATTAR REITERATED THE GOP'S APPRECIATION FOR MY WILLINGNESS TO GET TOGETHER WITH THE GROUP BEFORE IT LEAVES AND TO BRIEF THEM ON WHAT TO EXPECT IN THE STATES. HE ALSO APPRECIATES STATE DEPARTMENT WILLINGNESS TO WORK WITH AMBASSADOR MARKER TO PUT TOGETHER A SOLID PROGRAM FOR THE DELEGATION MEMBERS.
7. INFORMATION SHARING - SATTAR NOTED THAT IT WAS OVER A MONTH SINCE THE PERVEZ CASE HAD BROKEN, BUT THE US STILL HAD NOT BEEN ABLE TO SHARE ANY DOCUMENTS WITH THE GOP. HE ADDED THAT SINCE PERVEZ HAD ALREADY BEEN INDICTED, HE ASSUMED THAT THERE MUST BE A NUMBER OF DOCUMENTS IN THE PUBLIC RECORD WHICH COULD BE SHARED, IN ADDITION TO WHATEVER ELSE WE WOULD BE WILLING TO MAKE AVAILABLE. I EXPLAINED THE COMPLEXITIES OF OUR JUDICIAL PROCESS AND ADDED THAT I WOULD CHECK AGAIN WITH WASHINGTON TO DETERMINE THE STATUS OF THE GOP REQUEST. RAPHEL

EXDIS

EXDIS

<SECT>SECTION: 01 OF 01 <SSN> 7530 <TOR> 870819131203 MSG000177685923

DECLASSIFIED

NLS F96-1251/160

BY NOJ NARA DATE 3/1/06

<DIST>PRT: SIT
SIT: BOB NSPWR VAX VPLHB

<PREC> IMMEDIATE<CLAS> ~~SECRET~~<OSRI> RUEHIL<DTG> 221415Z JUL 87
<ORIG>FM AMEMBASSY ISLAMABAD
<TO>TO SECSTATE WASHDC IMMEDIATE 0113

<SUBJ>SUBJECT: THE PERVEZ CASE - TALK WITH THE FOREIGN SECRETARY

<TEXT>

~~SECRET~~ SECTION 01 OF 02 ISLAMABAD 15583
NODIS

E.O. 12356: DECL: OADR

TAGS: PREL, MNUC, PK, US

SUBJECT: THE PERVEZ CASE - TALK WITH THE FOREIGN SECRETARY

1. ~~S~~ - ENTIRE TEXT

2. BEGIN SUMMARY - FOREIGN SECRETARY SATTAR AND I DISCUSSED THE PERVEZ CASE TODAY. HE SAID THE PM HAD ESTABLISHED A SPECIAL GROUP TO INVESTIGATE THE CASE AND REAFFIRMED THAT THE GOP WOULD ACT AGAINST THOSE INVOLVED. HE GAVE A NEW COMMITMENT THAT THE GOP WOULD ESTABLISH PROCEDURES TO ENSURE THAT SUCH PROCUREMENT INCIDENTS IN THE US DID NOT RECUR. I PRESSED HIM THAT THE TRAIL SHOULD BE FOLLOWED NO MATTER WHERE IT LEADS.

~~REDACTED~~ WE CLOSED THE MEETING BY SPARRING ON ENRICHMENT. END SUMMARY

FOIA(b)(1)

3. I MET WITH FOREIGN SECRETARY SATTAR FOR OVER 1 1/2 HOURS THE AFTERNOON OF JULY 22 TO DISCUSS THE PERVEZ CASE AND THE GULF WAR (REPORTED SEPTEL). SATTAR LED OFF BY SAYING THAT THE MFA ANNOUNCEMENT ON THE CASE WOULD NOT BE ISSUED UNTIL TOMORROW, JULY 23.

PRESIDENT ZIA IS RETURNING TO ISLAMABAD TONIGHT, AND THE PRIME MINISTER AND FOREIGN MINISTER WANT TO BRIEF HIM BEFORE ISSUING THE STATEMENT. SATTAR SAID HE DID NOT EXPECT IT WOULD BE CHANGED IN ANY WAY.

4. HE THEN SAID THAT THE PRIME MINISTER HAD APPOINTED A SPECIAL GROUP, DRAWING ON VARIOUS AGENCIES, TO INVESTIGATE THE PERVEZ CASE. THE PRIME MINISTER WAS OUTRAGED THAT PROCUREMENT ACTIVITIES IN THE STATES WOULD CONTINUE AFTER HE HAD GIVEN FIRM ORDERS THEY SHOULD CEASE. THE EFFORT MAY HAVE BEGUN BEFORE THOSE ORDERS WERE ISSUED, BUT IT CONTINUED AS LATE AS LAST MONTH IN CONTRAVENTION OF THE PRIME MINISTER'S DIRECTIVE.

5. SATTAR THEN ADDED THAT THE MFA HAD NOTED SEVERAL ANOMALIES IN THE CASE. THE GOP UNDERSTANDS THAT MARAGING STEEL IS AVAILABLE ELSEWHERE WITHOUT EXPORT RESTRICTIONS. IT COULD HAVE BEEN OBTAINED FROM A WESTERN EUROPEAN COUNTRY AS RECENTLY AS THIS MARCH. WHY THEN WOULD THE PROCUREMENT EFFORT CONTINUE IN THE US? SECOND, THE GOP HAS DETERMINED THAT THE LETTER OF CREDIT FOR THE SALE WAS ISSUED FROM THE LONDON BANK WITHOUT ANY FUNDS BACKING THE LOC. THE GOVERNMENT IS ATTEMPTING TO FIND OUT HOW THIS COULD BE DONE.

6. THE FOREIGN SECRETARY THEN REITERATED THAT THE US HAS PAKISTAN'S FULL COMMITMENT THAT IT WILL ACT

DECLASSIFIED IN PART
NLS 576-12371 #161
By pmc, NARA, Date 3/1/06

AGAINST THOSE INVOLVED IN THE PROCUREMENT EFFORT AND WOULD PREVENT ANY RECURRENCE BY INSTITUTING APPROPRIATE SAFEGUARDS ON PROCUREMENT.

7. I TOLD SATTAR THAT WE APPRECIATED THE REITERATION OF THE COMMITMENT TO FIND THOSE GUILTY AND PUNISH THEM, AND I WELCOMED THE ADDITIONAL COMMITMENT THAT THE GOP WOULD, THROUGH THE IMPLEMENTATION OF APPROPRIATE SAFEGUARDS, ENSURE THAT THIS SITUATION DOES NOT RECUR. IN RESPONSE TO HIS SPECIFIC POINTS I SAID THAT, AS THE GOP KNEW, WE WERE ENGAGED IN A WORLD-WIDE EFFORT TO DENY EXPORTS TO PAKISTAN OF SENSITIVE NUCLEAR MATERIAL. THAT EFFORT INCLUDED MARAGING STEEL, AND I WOULD BE VERY SURPRISED IF SUCH STEEL WERE FREELY AVAILABLE ON THE EUROPEAN MARKET.

8. I THEN SHARED WITH SATTAR MY UNDERSTANDING OF THE SITUATION ON THE HILL AS IT AFFECTED THE PERVEZ CASE AND THE PAKISTAN ASSISTANCE PROGRAM.

[REDACTED]

FOIA(b)(1)

9. SATTAR SAID HE REALIZES THE OPPOSITION IN WASHINGTON WHICH PAKISTAN FACES. IT IS IMPORTANT TO ~~SECRET~~ SECTION 02 OF 02 ISLAMABAD 15583
NODIS

E.O. 12356: DECL: OADR

TAGS: PREL, MNUC, PK, US

SUBJECT: THE PERVEZ CASE - TALK WITH THE FOREIGN SECRETARY

EMPHASIZE, HOWEVER, THAT PAKISTAN IS NOT ASKING THE US TO CHOOSE BETWEEN AFGHANISTAN AND NON-PROLIFERATION. THE US AND PAKISTAN HAVE DIFFERENCES, BUT WE HAVE THE SAME OBJECTIVE IN SUPPORT OF NON-PROLIFERATION. HOWEVER, THE GOP FIRMLY BELIEVES THAT IN THE SOUTH ASIAN CONTEXT, NON-PROLIFERATION MUST BE REGIONAL IN CHARACTER. WE CANNOT EXPECT PAKISTAN TO TAKE UNILATERAL STEPS.

10. SATTAR WENT ON TO SAY THAT

[REDACTED]

FOIA(b)(1)

PROCUREMENT ACTIVITY IN THE STATES WOULD VIOLATE THAT PREMISE AND IS THEREFORE UNACCEPTABLE TO THE GOP

[REDACTED]

FOIA(b)(1)

RESPONDED THAT I FELT CONFIDENT THAT "SENIOR
AUTHORITIES" WERE UP TO SPEED ON THE STATUS OF THE
PROGRAM.

11. WE CLOSED THE MEETING BY AGREEING TO CONTINUE OUR
NUCLEAR DIALOGUE. SATTAR SUGGESTED WITH A SMILE THAT
I SHOULD BE GIVEN AN OFFICE IN THE MINISTRY SINCE WE
SEEM TO SPEND SO MUCH TIME TOGETHER ON THIS ISSUE. I
RESPECTFULLY DECLINED.

RAPHEL

<SECT>SECTION: 01 OF 02<SSN> 5583<TOR> 870722160938 MSG000175277378

<SECT>SECTION: 02 OF 02<SSN> 5583<TOR> 870722160944 MSG000175277383

BRIEFING MEMORANDUM



UNITED STATES ARMS CONTROL
AND DISARMAMENT AGENCY

July 16, 1987

TO: The Director
FROM: NWC - Norman A. Wulf, Acting *Norm*
SUBJECT: Solarz Amendment Applicability to the
Pakistani Procurement Case

Four key questions must be answered before determining the applicability of the Solarz amendment to the maraging steel case:

1. Was the material to be used "in the manufacture of a nuclear explosive device?" FOIA(b) (1)

~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~

2. Was the Pakistani national acting "on behalf of or in the interests of" the Government of Pakistan? FOIA(b) (1)

~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~

3. Would the maraging steel contribute significantly to Pakistan's ability "to manufacture a nuclear explosive device?" FOIA(b) (1)

~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~
~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~ ~~Redacted~~

4. Was there an illegal export or an attempted illegal export? According to the affidavit filed by Customs investigators, the suspect is charged with filing a false export license application, bribing an undercover Customs investigator, and conspiring to export nuclear-related materials to Pakistan in violation of US export control regulations.

Friday - July 17

11:00 AM

RICHARD, Mark Justice

PECK, Robert State

UPCHURCH, Robert "

BRISBINE, Charles Customs

Waugh, Gary "

bj

→ Cable -

- Now - from Affidavit
 - Solany's approach.
- More Info for

Mike + RBO
to take out

⇒ Strategy paper -

- Don't let Glenn
expand

- take lead, not
allow Cong.

- go see Solany,
Glenn + Juscell
in Advance

Craig

→ Cable to Ist

- 1) link cable
 - 2) Addit. steps if Bob serious.
 - 3) to get back
- ✓ → More money.

"Shirin's"

TELEPHONE CALL

DATE

7/17

TIME

1:09

FROM

Red Saunders

TELEPHONE

MESSAGE:

X - 3561

Taken by _____

Final
10-30

Friday - July 17 11:00 AM

RICHARD, Mark Justice
PECK, Robert State
UPCHURCH, Robert "

BRISBINE, Charles Customs
Waugh, Gary "

Simpson, John P. - Treasury
Matheron, Michael
March 9, 44

bj

Lopez, Raphael - Customs
July 30, 49

File Pakistan

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

June 8, 1987

MEMORANDUM FOR SHIRIN TAHIR-KHELI

FROM: NICHOLAS ROSTOW *NR*

SUBJECT: Section 670 of the Foreign Assistance Act

Background

Section 670 of the Foreign Assistance Act provides, in part:
"(a)(1) Except as provided in paragraph (2) of this subsection, no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II, or extending military credits or making guarantees to any country which . . . (B) is a non-nuclear weapon state, which, on or after the date of the enactment of the International Security and Development Cooperation Act of 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device. For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country. (2) Notwithstanding paragraph (1) of this subsection, the President may furnish assistance which would otherwise be prohibited under that paragraph if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor."

This provision raises a number of important issues: (1) illegal export, or attempt at illegal export; (2) the significance of the material, equipment, or technology exported, or to be exported, for the manufacture of nuclear explosive devices; (3) a presidential determination that the

material, equipment, or technology in question "was to be used" by the receiving country to manufacture nuclear explosive devices; (4) the agent status of the exporting person; and (5) a presidential waiver of the prohibition on foreign assistance or arms exports in order to avoid serious prejudice to U.S. nonproliferation policy, or in the interest of the common defense and security.

Section 670 further provides for congressional override of the President's waiver. In light of the Supreme Court's decision in Chadha, Congress may override a presidential waiver, under the statute, by joint resolution, which the President may veto, or, under its appropriation power, by refusing to fund the proposed assistance.

Conclusion

The statute gives the President flexibility. In the event an export or attempted export is determined to be illegal and the material, equipment or technology is significant to a country's manufacture of nuclear explosive devices, the President must determine that the material, equipment or technology "was to be used" in such manufacture before the prohibition could take effect. To avoid serious prejudice to our nonproliferation policy, or in the interests of the common defense or security, the President may waive the statutory prohibition.

On the other hand, Congress may override a presidential waiver of the prohibition. Thus, whatever flexibility exists under the statute with regard either to a determination that the material, equipment, or technology "was to be used" by a non-nuclear weapons country in the manufacture of nuclear explosive devices or to a presidential waiver of the prohibition in the interests of U.S. nonproliferation policy or the common defense and security, the political dimension of the problem should be recognized. It may limit what the President may decide to do in this area however strong the purely legal argument for his position.

Discussion

(1, 2) The determination of illegality is a task for the courts. Similarly, a determination of the significance of the material, equipment, or technology to a country's manufacture of nuclear explosive devices in connection with a finding of illegality would be a matter for ultimate judicial determination.

On the basis of information that might not be admissible in court (either because of the way in which it was obtained or because it could not be revealed without jeopardizing intelligence sources and methods), the President may conclude

that all the relevant circumstances surrounding an export or attempted export indicate that the export or attempted export constitutes what Congress intended to trigger the prohibition, even in the absence of a judicial finding of illegality and "significance".

(3) Such inadmissible evidence likely would be the source of the President's determination, required by the language of the statute as a precondition to the prohibition on assistance or arms exports, that the material, equipment, or technology "was to be used by such country in the manufacture of a nuclear explosive device."

(4) Such evidence also might provide the basis for a determination that the individual in question is an agent of the country at issue.

(5) The statute makes clear that the President can waive the prohibition on grounds of the common defense; he also may waive the prohibition in order to avoid serious prejudice to U.S. non-proliferation policy. This latter standard is subject to interpretation. For example, as the President did in 1982 under section 620E (which expires this year) with regard to the provisions of section 669, he could determine that foreign assistance should be continued in order to diminish the receiving country's sense of insecurity, and thus its inclination to obtain nuclear weapons, even if the United States did not obtain assurances regarding the receiving country's commitment to nonproliferation.

The statute thus gives the President considerable flexibility both with regard to his determination that the material, equipment, or technology was to be used to manufacture a nuclear explosive device, and with regard to a waiver of the statutory prohibition. How the President might exercise his statutory discretion would depend on the facts of a particular case. It also would depend on the congressional climate. Should the President determine that foreign assistance should continue, notwithstanding evidence of illegal exports, Congress may override that determination either by joint resolution, which the President could veto, or by refusing to approve requested appropriations. This fact puts a premium on the President's interpreting the statute conservatively in determining the extent of his discretion under it. If Congress believed the President was engaging in legal gymnastics in order to avoid the statute's effect, it would likely refuse to approve foreign assistance to the country in question, ~~would increase.~~

<PREC> IMMEDIATE <CLAS> ~~SECRET~~

<OSRI> RUEHIL <DTG> 161421Z JUL 87

<ORIG>FM AMEMBASSY ISLAMABAD

<TO>TO SECSTATE WASHDC IMMEDIATE 9881

<SUBJ>SUBJECT: PERVEZ CASE: MEETING WITH ZIA

<TEXT>BT

~~SECRET~~ SECTION 01 OF 03 ISLAMABAD 15187

NODIS

E.O. 12356: DECL: OADR

TAGS: MNUC, PREL, PARM, US, PK

SUBJECT: PERVEZ CASE: MEETING WITH ZIA

REFS: (A) STATE 217720, (B) STATE 217725

1. SECRET - ENTIRE TEXT.

2. I MET WITH PRESIDENT ZIA THURSDAY AFTERNOON. FOREIGN SECRETARY ABDUL SATTAR AND DIRECTOR GENERAL FOR THE AMERICAS TOUQIR HUSSAIN SAT IN ON THE PAKISTAN SIDE; I WAS ACCOMPANIED BY ACTING POLCOUNS LEMMON. AFTER EXPRESSING REGRETS ABOUT THE LOSS OF LIFE IN THE KARACHI BOMBINGS, AND REITERATING OUR OFFER OF TECHNICAL ASSISTANCE, WE TURNED TO THE NUCLEAR PROCUREMENT ISSUE.

3. I NOTED THAT OUR LAW ENFORCEMENT AGENCIES HAVE SUBSTANTIAL EVIDENCE SHOWING THAT ARSAHD PERVEZ WAS TRYING TO OBTAIN MARAGING STEEL FOR USE AT KAHUQA. I WENT INTO CONSIDERABLE DETAIL, DRAWING FROM THE AFFIDAVIT, TO EMPHASIZE THE STRENGTH OF THE EVIDENCE IN THIS CASE. THESE ACTIONS HAD CAUSED SHOCK AND CONSTERNATION IN THE STATES

[REDACTED]

4. THE SOLARZ AMENDMENT WAS VERY CLEAR; WE WERE FACED WITH DIFFICULT CHOICES. ALTHOUGH THE PRESIDENT HAS A WAIVER AUTHORITY, IT WILL BE VERY DIFFCULTY TO USE IT IN THE ABSENCE OF MAJOR STEPS BY THE GOP TO PROVE IT WILL NOT TOLERATE ACTIONS CONTRARY TO ITS OWN POLICIES.

5. I WENT ON TO SAY THAT IN THE FACE OF THE EVIDENCE WE HAVE, THERE ARE TWO OBVIOUS REQUIREMENTS. FIRST, WHOEVER IS RESPONSIBLE ON THE PAKISTAN SIDE MUST BE HELD ACCOUNTABLE AND DEALT WITH FIRMLY. HE MUST PAY THE CONSEQUENCES OF ACTING NOT ONLY CONTRARY TO US LAW BUT ALSO, AND OF EQUAL IMPORTANCE, CONTRARY TO GOP POLICY. WE ARE PREPARED TO WORK CLOSELY WITH THE GOP IN THE INVESTIGATION.

6. SECOND, THIS ACTIVITY IS YET FURTHER EVIDENCE THAT WE NEED RELIABLE ASSURANCES THAT

[REDACTED]

DECLASSIFIED IN PART
NLS F96-12811 #163
By [signature], NARA, Date 3/1/06

FOIA(b)(1)

FOIA(b)(1)

E.O. 12356: DECL:OADR

TAGS: MNUC, PREL, PARM, US, PK

SUBJECT: PERVEZ CASE: MEETING WITH ZIA

REFS: (A) STATE 217720, (B) STATE 217725

IS MOST ANXIOUS TO RECEIVE WHATEVER EVIDENCE WE HAVE SO THEY CAN PURSUE THEIR INVESTIGATIONS IN PAKISTAN MORE EFFECTIVELY. I THINK IT IS IMPORTANT THAT WE FOLLOW-UP IMMEDIATELY ON THIS OFFER AND ARRANGE, WITHIN WHATEVER LEGAL CONSTRAINTS WE FACE, FOR THE FULLEST POSSIBLE SHARING OF INFORMATION. I MADE IT CLEAR, AND ZIA SAID HE AGREED, THAT COOPERATION IN THE INVESTIGATION MUST BE TWO WAYS, AND WE WOULD EXPECT THE GOP TO SHARE FULLY WITH US WHATEVER INFORMATION IT DEVELOPED.

16. NEITHER ZIA NOR SATTAR RESPONDED TO MY COMMENTS ON THE NEED FOR RELIABLE ASSURANCES ON THE ENRICHMENT LEVEL AT KAHUTA, ALTHOUGH THEY OBVIOUSLY TOOK MY POINT ON BOARD. IN SOME WAYS, THIS IS AN EVEN TOUGHER ISSUE FOR THEM THAN CALLING TO ACCOUNT THOSE RESPONSIBLE FOR THE PROCUREMENT ACTIVITY.

RAPHEL

BT

#5187

<SECT>SECTION: 01 OF 03 <SSN> 5187 <TOR> 870716153025 MSG000174756625

<SECT>SECTION: 02 OF 03 <SSN> 5187 <TOR> 870716153230 MSG000174756749

<SECT>SECTION: 03 OF 03 <SSN> 5187 <TOR> 870716153237 MSG000174756757

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 12 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

to: Robert B. Oakley

room: _____ date: 7/16/87

Department
of the Treasury

Office of the
Secretary

Office of the
General Counsel

Frank Keating has asked that I send
you this. Please call if you have any
questions.

Sandy

Selig S. Merber
Assistant
General Counsel

room 2310
phone 566-5404



~~SECRET~~
25th Anniversary

July 17, 1987

Ms. Shirin Tahir-Kheli
National Security Council

Shirin,

Attached is the draft White House
Statement on Pakistan which we discussed.

Norm

Norman A. Wulf
Acting Assistant Director
for Nuclear and Weapons Control

Attachment:
As stated.

UNCLASSIFIED WHEN SEPARATED
FROM ATTACHMENT.

MSH 6/21/88

~~SECRET~~

~~SECRET~~

Draft White House Statement on Pakistan

A Canadian resident of Pakistani origin was arrested Friday by U.S. Customs agents and charged with conspiring to export nuclear-related materials to Pakistan in violation of U.S. export control regulations. The material in question appears to be intended for use in Pakistan's nuclear program.

~~REDACTED~~

~~ACTED~~

~~REDACTED~~

~~REDACTED~~

Meanwhile, we are reviewing this case intensively so that the President can make a timely determination about the applicability of the Solarz amendment. (The Solarz amendment requires the President to terminate military and economic assistance to any country that attempts to export illegally from the United States any material which would contribute significantly to its ability to manufacture a nuclear explosive device. The President can waive this prohibition if he determines and certifies to the Congress that termination would jeopardize the common defense and security.)

[While our review of the applicability of the Solarz amendment is underway, all deliveries of military equipment to Pakistan will be temporarily suspended.]

~~SECRET~~

DECLASSIFIED IN PART
By PA 6 1 28 / 1 # 1105
dlb Date 6/15/00