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OFFICE OF THE  
SECRETARY OF DEFENSE

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Authority: EO 13526  
Chief, Records & Declass Div, WHS  
Date: MAR 14 2019

DEPARTMENT OF STATE  
WASHINGTON

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June 15, 1981

Israel

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MEMORANDUM FOR THE PRESIDENT

From: Walter J. Stoessel, Jr., Acting

Subject: Political Strategy for Responding to  
Israeli Attack

My colleagues and I will be testifying before the House Foreign Affairs Committee on Wednesday and the Senate Foreign Relations Committee on Thursday about the Israeli attack on the Iraqi nuclear facility. The UN Security Council debate also will be continuing, with proposed resolutions emerging at any time.

This memorandum outlines the strategy we propose to follow on the Hill and at the UN. I have also attached some "themes" and questions and answers which you may want to draw on as you discuss this issue in public settings.

Congressional Strategy. In Secretary Haig's June 10 letters to the Congress, he stated that "a substantial violation may have occurred" as a result of the Israeli attack, and that the scheduled delivery of four F-16 aircraft to Israel was being suspended "for the time being." The letters indicated that the suspension would remain in effect "while our discussions with Israel continue" and while Congress considered the matter.

As our press guidance has made clear, we are not required to make a legal determination of whether Israel violated US law. I believe that we should avoid doing so in order to escape from a "no-win" situation.

If we were to make such a legal finding, we could be required to cut off the flow of arms to Israel. Conversely, if we find that no such violation occurred, it would be an endorsement of the Israeli position that the attack was an act of "legitimate self-defense" with obviously damaging consequences for our relations with moderate Arab regimes.

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18-M-1188

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Chief, RDD, ESD, WIS  
Date: 14 MAR 2019 Authority: EO 13526 + 5 U.S.C. 5552  
Declassify: X  
Deny in Full:  
Reason:  
MDR: 18-M-1188

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For now, and certainly during the Congressional hearings and UN debate this week, we should do nothing to indicate we had concluded our legal review. To do otherwise would force us into the no-win situation we seek to avoid by being pressured to announce the results of that review.

The issue therefore should be treated as a political rather than a legal question. Toward this end, we should reiterate our political condemnation of the Israeli attack and our assessment of the damage it has done to the search for peace in the Middle East. At the same time, we should express our own concern about the Iraqi nuclear program and add that Iraq -- which remains in a state of war against Israel and refuses to recognize the legitimacy of the Jewish state -- has itself obstructed the Mideast peace process.

We have been careful to avoid characterizing the suspension of the F-16 deliveries as a "sanction." We will continue to treat our review as a prudent step we are taking while we ascertain the consequences of the Israeli attack; and as we try to restore momentum to our efforts to reduce instability and tension throughout the region. We will try to avoid an extended Congressional review which could interfere with our decision to resume F-16 deliveries when we deemed that step desirable.

UN Strategy. We will take a parallel line in the UN, reiterating our political condemnation of Israel as well as expressing our concerns about the dangers of nuclear proliferation in general and the direction of the Iraqi program in particular. We will not accept any UN-imposed sanctions against Israel and, if necessary, will veto any Security Council resolutions which include sanctions.

Attachments:  
As stated.

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THEMES ON THE ISRAELI RAID

-- The Israeli raid highlights the deeper antagonisms in the region which, if not ameliorated, will continue to lead to outbreaks of violence and the perceived need for pre-emptive military strikes. Only progress in the peace process can remove the reasons for such actions.

-- Our condemnation of the Israeli action stems above all from the damage that has been done to the regional confidence that is essential for the peace process to go forward. We all have a high stake in that process, and Israel does especially.

-- At the same time, we recognize the Israeli concerns that led to the raid.

-- Iraq is hostile in the extreme toward Israel. It is the only country that refused to sign an armistice with Israel following the 1948 war; it has totally rejected Israel's right to exist and attacked UN resolutions 242 and 338 that called for a negotiated end to the Arab-Israeli conflict. The purpose of Iraq's nuclear program could not but have seemed ambiguous at best.

-- While recognizing Israel's understandable concerns, we do not believe they had adequately pursued all non-military avenues available for dealing with these concerns. We cannot

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and will not condone military solutions to vital security problems when all diplomatic remedies have not been exhausted.

-- Moreover, we are deeply disappointed in the Israeli action which reflected a lack of trust in us and a disregard for the impact on those Arab countries that have supported the peace process and our broader goals of countering the Soviets in the region. Close friends like the US and Israel must not take far-reaching and potentially damaging steps without regard for the views and interests of the other.

-- We have thus interrupted aircraft deliveries to give us time to consider this serious breach of confidence between the US and Israel. We need time to assess the consequences of the raid, to restore the damaged confidence of our regional allies and to get the peace process and our broader security goals back on track.