

Vanunu's Threat to "Ambiguity" and to Israel's National Security  
by Daniel Ellsberg, April 17, 2005

"So what did Vanunu do after all?" asked Yechiel Horev-- in charge of security for the Israeli defense establishment, Vanunu's nemesis—a year ago. It was at the close of last year's Knesset hearings on Mordechai Vanunu's imminent release from prison under restrictions on his speech and travel. Horev went on, "What is the meaning of ambiguity?"

He proceeded to answer his question with a metaphor. "If you overfill a glass with water, and the water overflows, and the ambiguity disappears, there are positions and views, according to which we might face very severe sanctions. Among other things, it is possible that all sorts of actions will be taken against us, and there will be direct damage to security."

"Before Vanunu, the water in the glass was low, now only a drop or two are missing for the water to overflow, and we will face sanctions. That is what Vanunu did..."

Horev was expressing the belief that if it were to be established beyond doubt—if ambiguity were to spill over into certainty -- that Israel was a nuclear weapons state, there would be, on the basis of U.S. legislation, an automatic cutoff of foreign military and financial aid from the United States. No threat—if it were true--could be more grave to Israel. Horev may well actually believe this to be a real danger: certainly many, perhaps most Israelis do. But they are mistaken.

The legislation in question is known as an amendment to the Arms Export Control Act passed in 1977, generally known as the Symington amendment. As described by Sy Hersh in *The Samson Option*, the act makes it “illegal to provide U.S. foreign aid funds to those nations that sold or received nuclear reprocessing or enrichment materials, equipment, or technology.” On basis of that legislation, Pakistan twice experienced sanctions from the U.S— because of its nuclear program. In both cases, the sanctions were later lifted, for reasons of state determined by the U.S. president, but that is undoubtedly the example in the minds of Israelis who regard non-acknowledgement of Israel’s nuclear status as still vital to their security.

However, Hersh goes on to disclose: “The amendment, as written, had *no impact* on those nations, such as Israel, which had been involved in the transfer or sale of nuclear materials *prior* to the bill’s enactment. *Israel, in other words, had been grandfathered out.* The legislation, sponsored by Senator Stuart Symington, also provided for the President to override the law if he determined that the termination of such aid would be damaging to American national security. The law has been applied two times to Pakistan, and to no other nation, since its approval.”

“Congress and the White House were, in essence, acceding to what had become the arms control community’s rationalization for its failure to raise questions about the Israeli bomb: Israel was no longer a proliferation problem—it had already proliferated.”<sup>i</sup>

There was, after all, another reason why the law had been written that way. In a footnote to the passage above, Hersh reveals: “Victor Gilinsky, the NRC [Nuclear Regulatory Commission] commissioner, said he had been at Washington dinner party shortly after the legislation was passed and listened intently as Symington made an

informal speech about the importance of limiting the spread of nuclear weapons. “‘When he sat down,’ Gilinsky said, ‘I asked him, ‘What about Israel?’ ‘Oh, they need it,’ the senator responded. ‘I’ve been telling Dayan for thirty years they have to have the bomb.’”

This attitude—which may sound surprising to many Israelis and Americans—was not confined to Democratic politicians like Symington. As Hersh reports--and as I can confirm from what I learned in 1969, at the beginning of which I consulted for the White House, specifically for Henry Kissinger and his deputy Morton Halperin —“Richard Nixon and Henry Kissinger approached inauguration day on January 20, 1969, convinced that Israel’s nuclear ambitions were justified and understandable. Once in office they went a step further: they endorsed Israel’s nuclear ambitions.”<sup>ii</sup> One clear sign of this was Nixon’s ending, in 1970, the Kennedy-Johnson charade of pro forma American “inspections” of Dimona.

Halperin told Hersh for his 1991 book what he had told me in 1969 and later: “Henry [Kissinger] believed that it was good to spread nuclear weapons around the world. I heard him say that if he were the Israelis, he would get nuclear weapons. He did not believe that the United States should try and talk them out of it.”

Hersh continues: “Kissinger also told his staff in the first months of 1969 that Japan, as well as Israel, would be better off with the bomb than without it. [Kissinger] was convinced, said Halperin, that nuclear weapons were essential to the national security of both nations. Kissinger’s view was essentially pragmatic, added Halperin: most of the major powers would eventually obtain nuclear weapons, and the United States could

benefit the most by helping them to do so rather than by participating in futile exercises in morality, such as the Nonproliferation Treaty.”<sup>iii</sup>

But of course, the main reason that Israel was, in fact, “grandfathered out” from application of the Symington Amendment as passed by Congress had little to do with the private opinions of Symington, Nixon or Kissinger. It reflected realities of American domestic politics that existed long before 1976, and long after it: to the present day and into the future. Any fears that legislated sanctions which did apply to the “discovery” of Israel’s nuclear status might be passed in the future would be naïve. If any existing legislation were to be interpreted that way, it would be repealed within 24 hours of such a “revelation” and threatened application: unless the president moved even faster to overrule it on grounds of U.S. national security.

It should be noted that in 1969 the intelligence community working for Kissinger and Nixon was not in a state of doubt about whether Israel had the bomb. The U.S. had followed the course of the nuclear activities at Dimona, by overhead reconnaissance, from its beginning in 1958. Despite the pains taken to deceive American “inspectors” visiting Dimona, in early 1967 the CIA distributed reports that it would take Israel about six to eight weeks to assemble a bomb.<sup>iv</sup> A pretty good estimate: Cohen reports that just three months later, on the eve of the Six-Day War, “Israel ‘improvised’ two deliverable nuclear explosive devices.” Cohen names one source, confirmed, he says, by other credible sources, who claim that this was known or estimated in the White House at the time.<sup>v</sup>

A year later, in early 1968, Director of Central Intelligence Richard Helms hand-delivered to President Johnson an official, Top Secret CIA estimate that Israel had already manufactured three to four nuclear weapons. This news, if it leaked, would scuttle the negotiations for a Non-Proliferation Treaty before its birth at mid-year; moreover, it would challenge the President to act somehow on the information, which he had no intention of doing. Johnson ordered Helms to suppress the document: “Don’t tell anyone else, even Dean Rusk and Robert McNamara.”<sup>vi</sup>

Thus, so far as the CIA and the President of the United States were concerned, “ambiguity” about whether Israel intended to be or had become a nuclear state was ended by 1968. However, since President Johnson kept the secret as determinedly as Israel, that was not true for any or most other nations. Thus, ambiguity can be said to have operated (this was perhaps its major function at the time) to encourage 65 nations to sign the NPT on July 1 when it was first presented, and many more in the next two years, amidst a general belief that although Israel was not among them (“for technical reasons”), Israel was not yet a nuclear state nor determined to be one, and that it would eventually join the Treaty as a non-nuclear state.

That changed, for the U.S. bureaucracy as a whole and readers of the New York Times, when Hedrick Smith disclosed on July 18, 1970, under the Nixon Administration, that “for at least two years [i.e. since 1968] the United States Government has been conducting its Middle East policy on the assumption that Israel either possesses an atomic bomb or has component parts available for quick assembly.” The leak followed closely the first CIA briefing on Israel’s nuclear status by Director Helms to Congress, on which Senator Stuart Symington had commented publicly. “Smith disclosed that

Israel had told American officials that the commitment not to introduce nuclear weapons meant that Israel would not be the first Middle Eastern state *to use or test* atomic arms.”<sup>vii</sup>

According to Cohen, this story revealed an understanding reached by Nixon and the new Prime Minister, Golda Meier, a year earlier, in September 1969, when Meier followed her long-term instinct “to tell the Americans the truth, and to explain why.” Under her predecessor, Levi Eshkol, “Israeli commitment [not to “introduce” nuclear weapons into the Middle East] appeared to mean that Israel would not produce nuclear weapons. After 1969 Israel committed itself not to reveal its nuclear capability by conducting a test or by declaration.”<sup>viii</sup> On the U.S. side, “the Nixon Administration no longer pressed on the matter of signing the NPT, and the issue dropped from the [bilateral] agenda.”<sup>ix</sup>

As Avner Cohen describes the situation between the U.S. Government and Israel after the Nixon-Meier discussions of September, 1969: “With these new understandings both the United States and Israel moved from the era of nuclear ambiguity to the era of nuclear opacity.”<sup>x</sup> He introduces the latter concept on the first page of his preface: “By ‘nuclear opacity’ [is] meant a situation in which the existence of a state’s nuclear weapons has not been acknowledged by the state’s leaders, but in which the evidence for the weapons’ existence is strong enough to influence other nations’ perceptions and actions.”<sup>xi</sup>

It can be assumed that in the eyes of most or all other states and their intelligence services, Israel’s nuclear status moved from ambiguous to opaque in 1970, with the New York Times leak of U.S. estimates. If there was any remaining doubt about whether the Times’ story accurately reflected the understanding of the U.S. intelligence community, it

was dispelled by a Washington Post story in March 1976. It reported that Carl Duckett—since 1963 the top intelligence analyst in CIA with respect to Israeli nuclear programs, the man who had made the estimate in 1969 that Israel had become a nuclear weapons state--had stated at a public meeting that “Israel was estimated to have ten to twenty nuclear weapons ‘available for use.’” The newly installed CIA director, George H.W. Bush, issued “a public statement assuming ‘full responsibility’ for the disclosure of the secret information.”<sup>xii</sup> There was no denial of its accuracy.

Israel kept its part of the understanding reached with the U.S. in the 60’s: no public acknowledgement of its status as a nuclear state and its intention to remain one (a status that made it impossible for it to join the NPT as a non-nuclear weapons state), and no open demonstration of that status by an overt test (although almost certainly it conducted covert tests in 1979 with South African assistance).<sup>xiii</sup> Thereby it permitted any state that wanted to kid its own public or others about its own estimates to pretend to be fooled into uncertainty. (E.g., the U.S. Government with respect to the 1979 tests, one of which it detected.)

But after 1970, or 1976 at the latest, that pretense was thin to transparent. If dire actions by anyone—the U.S. Government, Congress, the U.S. public, the Soviets, other Middle Eastern nations—were going to follow with the loss of Israel’s ambiguity, they would have begun in 1976: ten years before Mordechai Vanunu’s revelations to the London Sunday Times. And nothing happened: *none* of the feared threats to Israeli security materialized, from that day to this.

What did remain genuinely ambiguous after 1976 was not Israel's possession of a nuclear arsenal, but the scale and speed of its buildup after 1973. Was *this* necessary to Israeli security? That was tested by Vanunu's photographs, which revealed—even to CIA—a much larger program than anyone had estimated, and gave weight to Vanunu's estimate of over 200 nuclear warheads at that time, not 20-30 as had been supposed. Once again, it was not implausible to fear that this might begin to have some damaging political effects that the mere assumption that Israel had some nuclear weapons had not caused.<sup>xiv</sup> But that was nineteen years ago. Again, so far as can be publicly known, no damage whatever has occurred over that period. (The *strengthening* effect of the disclosures on the deterrence of Israel's non-nuclear neighbors is self-evident).

On the basis of the experience of the last thirty-five years, the notion that the disclosure of any more truths available to Mordechai Vanunu nineteen years ago might, at last, trigger sanctions, or cause any damage whatever to Israeli national security, is absurd. It is equally absurd to imagine that any Israeli officials would (or should) have let Vanunu out of solitary confinement into the general prison population—as occurred over seven years ago—still less have let him leave prison last year, if they truly believed that his demonstrated will to speak freely what he believes to be important might compromise Israeli national security to the slightest degree. The restrictions on his human rights to speak and travel, outside his solitary prison cell, obviously do not (nor should they) represent any “compromise” with the demands of national security (as suggested in last year's hearings by the Attorney General), but rather a compromise with the views of officials—including Yehiel Horev—who never agreed with the judges' determination that eighteen years in prison was an adequate punishment for Vanunu's

disclosures to the public.<sup>xv</sup> After the sentencing decision of the judges, and Vanunu's serving of his full sentence, the rule of law in a democracy is itself gravely compromised by what amounts to a retrospective, indefinite prolongation of punishment on false pretences.

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## END NOTES

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<sup>i</sup> Seymour Hersh, *The Samson Option* (New York, 1991), pp. 262-263 (emphasis added).

<sup>ii</sup> Hersh, p. 209.

<sup>iii</sup> Hersh, p. 210. DE note: I have been told by a Foreign Service officer who was in the room as a translator in 1969, when President Nixon told Japanese Defense Minister (later prime minister) Nakasone that he believed it was in Japan's interest to have "a bomb in the basement."

As Avner Cohen points out, "Since 1967 Israel had an actual bomb in the basement...". "Nixon's more lenient view of nuclear proliferation in friendly states" was known to the Israeli cabinet, where Gold Meier argued initially in 1969, as she had since 1963, that America should be told frankly, in private, of Israel's intent to keep its nuclear weapons. (*Israel and the Bomb*, New York, 1998, pp. 283-284.

<sup>iv</sup> Cohen, p. 298.

<sup>v</sup> Cohen, p. 274, and footnote 72 on p. 415.

<sup>vi</sup> Cohen, p. 298; Hersh, pp. 188-89.

<sup>vii</sup> Cohen, p. 337 (emphasis added). As for a promise not to be the first to *use* nuclear weapons, Israel, this was clearly not made in good faith, any more than the earlier formulation, that it would be the first to "introduce" nuclear weapons into the Middle East (in the usually-understood sense of possessing them). Israel's plans have presumed nothing other than first-use from the very start of the program; none of their adversaries have ever possessed nuclear weapons, nor were any of them expected to, as of 1968, for decades. Apparently Nixon took the assurance of non-first-use with a grain of salt; Smith reported that "The Nixon Administration was convinced that Israel would not use nuclear weapons except in the most dire emergency."

<sup>viii</sup> Cohen, 337. Note that this Israeli commitment makes no mention of forgoing first-use; that was included in some later public statements by Israeli officials, but apparently not in private summit discussions. The formula, "no test, no declaration, hence, no introduction" had been advanced a year earlier, under LBJ, by Yitzhak Rabin in discussions with Paul Warnke of the Defense Department. See Cohen, 317, 337.

<sup>ix</sup> Cohen, 337, quoting Yitzhak Rabin's memoirs.

<sup>x</sup> Cohen, 337.

<sup>xi</sup> Cohen, p. ix.

<sup>xii</sup> Hersh, pp. 157, 239.

<sup>xiii</sup> Hersh, pp. 271-283.

<sup>xiv</sup> It would be interesting for the Israeli government to do an internal study of just what predictions were made by Yehiel Horev and others in 1986 of the possible or probable damaging impact of Vanunu's disclosures would be; how confidently those predictions were made; and how they look now. Israeli newspapers might do the same.

<sup>xv</sup> Leaks to the press which these same officials and others insist, absurdly, on describing as "espionage."