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ASSISTANT DIRECTOR

## UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

February 28, 1985

MEMORANDUM

TO: The Director

FROM: NWC - Arch Turrentine, Acting *MT*

SUBJECT: Hersh Article on Nuclear Exports to Pakistan

Seymour Hersh's article (copy attached), which appeared February 25 in the New York Times, is a well-researched piece on Nazir Vaid's attempt to export illegally krytrons to Pakistan. (Krytrons can be used as a triggering device in a nuclear weapon.) The article contained some factual errors concerning the Pakistani nuclear program. For example, we do not believe that Pakistan currently has enough fissile material to produce a nuclear weapon. Moreover, the Reagan Administration has not passively accepted Pakistani Government assurances that their nuclear program is wholly peaceful. Rather, we have continually stressed to President Zia the real change in our security relationship should they develop nuclear weapons -- most recently in the President's letter, dated September 14, 1984, to him.

Regardless, Hersh's account of the Vaid case is generally accurate. The State Department learned of this case shortly after Vaid was indicted in July 1984. State's legal office subsequently contacted the Justice Department, notifying them that State wished to be kept informed about this case because of its relevance to US non-proliferation policy. Justice promised to do so, but was apparently somewhat negligent in keeping this promise. For example, at one point, the prosecuting attorneys agreed to rewrite the indictment and exclude any reference to the possible nuclear uses of krytrons. State said they did not learn of this until after the fact, and that they never saw the letters from Vaid to Mr. Butt, the Director of Research and Development at Pakistan's Atomic Energy Commission. These letters were important

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- 2 -

circumstantial evidence linking Vaid to the Pakistani Government, and thus strengthening the case for a more serious charge with a stiffer sentence.

Justice did notify State about Vaid's plea bargain to reduce the sentence. State argued against this, contending that a stiff sentence was needed to support our overall non-proliferation policy and maintain our credibility with other nuclear suppliers. However, Justice did not accept this advice and merely deported Vaid -- a remarkably light sentence given the nature of his crime.

In retrospect, enough pressure was not applied on Justice in this case. There also may have been a breakdown in communications between Justice, State, and the Intelligence Community in passing along or requesting information that would have strengthened indications of a linkage between Vaid and Pakistan's nuclear explosives effort. Some others may have been reluctant to push too hard on this case for fear of upsetting US-Pakistani relations. To the extent that we in ACDA were consulted on this case (not in abundance), we strongly supported the argument that Vaid should be prosecuted to the maximum extent possible.

By letting Vaid off easy, we have sent the Pakistanis an erroneous signal that we are rather relaxed about their nuclear weapons program. This contradicts the message that the President has given to Zia on other occasions. Perhaps, the most serious consequence is that it will be more difficult in the future to get other suppliers to take tough legal action against export violations. We should do better next time, to be sure.

Attachment:

Hersch Article.

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