

MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION
35495

Handwritten: Saunders, SAAs, U.I. Sup

Handwritten: file

SECRET

December 7, 1971

Handwritten: but to decide has been omitted

MEMORANDUM FOR: DR. KISSINGER
FROM: HAROLD H. SAUNDERS
SUBJECT: Jordanian Transfer of F-104s to Pakistan

At Tab C is King Hussein's urgent request for a US position on transferring some F-104s to Pakistan. You are also familiar with Yahya's urgent plea that, if we cannot help Pakistan ourselves, we not prevent others from doing so.

At Tab B is the State Department memo stating that the President could not under the law give his consent to the transfer of Jordanian F-104s to Pakistan unless he were also willing to establish, as a matter of policy, the USG's willingness to supply the F-104s directly.

At Tab A is a telegram informing Hussein of this prohibition. It would have Ambassador Brown say we assume Hussein himself has already concluded that his own military capability would be hampered by diversion of his aircraft at a time when Jordan's relations with its neighbors is uncertain.

State concludes by saying we "hope" the King will tell Yahya he can't do this. I would change the wording to say that we see no choice since we by law cannot authorize it unless we were to change our own policy and provide equipment directly.

I felt this should be discussed at the WSAG, but the postponement means we will have been three days without a response. We have all the means to do so in the morning, but if you see no problem the attached could go out tonight as revised.

RECOMMENDATION: If you see no likelihood of our re-opening the pipeline, the attached could be cleared. If you do, then this should be discussed by WSAG.

Clear _____

Hold for WSAG _____

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LDX MESSAGE DOCUMENT NO. 026

1. ACTION AGENCY

Transmitted by:
Date & Time:

Bran

Received by: WHITE HOUSE
Date & Time: SITUATION ROOM

2. ORIGINATING OFFICE S/S-0

71 DEC 5 PM 8:51

3. DESCRIPTION Tel. to Amman

4. CLASSIFICATION & CONTROLS Secret / Excl

5. NO. OF PAGES 2 6. PRECEDENCE Imm.

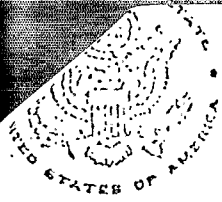
7. VALIDATED FOR BY: SDO-R0

8. DELIVER TO: (give phone numbers if known)

DR. KISSINGER

9. FOR:
Clearance
Information _____
Per Request _____

(Revised 11/20/77)



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Department of State TELEGRAM

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INFO: Amembassy ISLAMABAD IMMEDIATE
 Amembassy TEHRAN IMMEDIATE
 Amembassy NEW DELHI IMMEDIATE

STATE

EXDIS

SUBJECT: Pakistan Request for Jordanian Military Assistance

REF: (A) AMMAN 5439; (B) STATE 219318

- As you know, USG has recently taken decisions (STATE 219318) not to supply military equipment either to India or to Pakistan in present circumstances. You should point this out to King and note that US legislation prevents us from authorizing any third country, including Jordan, from transferring US-origin military equipment to either India or Pakistan.
- You should then go on to say however that you assume himself His Majesty has already concluded that providing F-104s to Pakistan would seriously hamper his own military capabilities and therefore would not be a good idea from his point of

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NEA/ARN: AIR/illqore/PSutherland			XXXXXXXXXXXXXXXXXX

NEA - Mr. Van Hollen *WA*
 NEA/ARN - Mr. Seelye *WA*
 S/S
 White House
~~XXXXXXXXXXXXXXXXXX~~

DOD/ISA - Mr. Allen (subs)
 PM - Mr. Dorrough *WA*
 EUR/CAN - Mr. Schneider (subs)
S - Secretary - In substance
 S - Secretary (in substance)

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view. As you pointed out to King, reducing Jordan's air defenses at this delicate juncture in his relations with other Middle East states would seem ill-advised. Planes might well be lost and getting replacements could be serious problem given financial strictures. Moreover, and we suggest that you stress this point to Hussein, loss of important phosphate market in India would probably result.

3. *See 300 choice for King best to*
FYI: ~~We therefore hope King would convey his~~ inability to comply with Yahya's request in terms of paragraph two above. If he feels constrained to cite US, we would hope he would note that prohibition applies to India as well as to Pakistan and that all countries holding US-origin equipment are equally affected. DND FYI.

4. Regarding King's query what Iran may be doing we have repeated reftel to Tehran. Embassy Tehran requested report what information presently available to it without making specific inquiry at this point of Government of Iran what steps Iran taking in response Pak-Indian hostilities.

Handwritten notes:
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OFFICE USE

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DATE

END

REMARKS



DEPARTMENT OF STATE

Washington, D.C. 20520

S/S 7119594

SECRET/EXDIS

December 7, 1971

MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: Jordanian F-104's for Pakistan

At the WASAG meeting on the morning of December 6, the question was raised as to the legal and policy problems involved in responding to a Jordanian request for a USG consent to transfer F-104's to Pakistan.

Since the United States provided the F-104's now in Jordanian possession, USG consent would be necessary for their transfer to any third country, including Pakistan. Under the present U.S. policy of suspending all arms transfers to Pakistan, the USG could not consent to such a transfer. Section 9 of Public Law 91-672 (January 12, 1971), amending the Foreign Military Sales Act, provides:

"In considering a request for approval of any transfer of a defense article to another country under section 505(a)(1) and (a)(4) of the Foreign Assistance Act of 1961, and section 3(a)(2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country."

The United States has, since the 1965 Indian-Pakistani hostilities, refused to supply or to license the export of lethal end-items for Pakistan. The only exception to this policy since 1965 is the so-called one-time exception which was announced in October 1970. Under this one-time exception, the United States offered to supply 300 armored

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personnel carriers and approximately 20 aircraft. The aircraft offered were F-104's but, after the Pakistanis expressed a preference for F-5's, the United States indicated a willingness to supply F-5's under the one-time exception. The United States offer of aircraft was never formally accepted by the Pakistani Government, but a contract for armored personnel carriers was signed in January 1971. Following the outbreak of fighting in East Pakistan in late March 1971, the USG announced, among other things, that it would hold in abeyance any further action on the one-time exception. This policy was formally confirmed in a public statement of policy issued on July 1, 1971.

Conclusion:

In view of the foregoing, the President could not give his consent to the transfer of Jordanian F-104's to Pakistan unless he were also willing to establish, as a matter of policy, the USG's willingness to supply the F-104's directly. Such a policy decision would be consistent with the October 1970 one-time exception, but would conflict sharply with our general policy since 1965 against supply of lethal end-items and, specifically, with the July 1, 1971 announcement that action on the one-time exception would be held in abeyance. It would also conflict with the prohibition on military assistance and sales to Pakistan, in the pending aid legislation, which has been approved by both Houses.

Furthermore, the transfer of these aircraft to Pakistan would create a serious deficit in Jordan's fighter inventory. Our consent could lead to a Jordanian expectation that the USG would replace these aircraft. At present there is no suitable aircraft available. Even if

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there were, to replace them through MAP would, in view of the present shortage of funds, require postponing the supply of APC's, tanks, and engineering equipment which the Jordanian army badly needs.

RLM
Theodore L. Eliot, Jr.
Executive Secretary

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FM AMEMBASSY AMMAN
TO SECSTATE WASHDC FLASH 4859

SECRET AMMAN 5470

EXDIS

SUBJECT: PAKISTAN REQUEST FOR JORDANIAN MILITARY ASSISTANCE

1. FOLLOWING IS TEXT OF MESSAGE I HAVE JUST RECEIVED FROM KING HUSSEIN. HE ASKS THAT IT BE STUDIED CAREFULLY BY USG'S HIGH-LEVEL DECISION MAKERS. IT IS NOT SPECIFICALLY ADDRESSED TO PRESIDENT.

QTE IT WOULD APPEAR THAT PAKISTANI REQUEST IS CONNECTED TO THEIR URGENT NEED FOR ADDITIONAL AIRCRAFT FOR AIR DEFENSE THE LACK OF WHICH (AND UNDER CONSTANT PRESSURE AS THEY ARE) WILL MEAN THAT THEY WILL SOON NOT BE ABLE TO PUT UP SUFFICIENT AIRCRAFT TO INTERCEPT INTRUDERS WHICH WOULD BE A PRELUDE TO DISASTER. WE ARE AWAITING YOUR CLEARANCE THAT WE SEND THEM A NUMBER OF 1048 DESPITE OUR GRAVE NEED FOR THEM AT A VERY DANGEROUS TIME HERE. WE COULD ALTERNATELY SEND THEM A NUMBER OF 1048 FLOWN BY OUR PILOTS ON A VISIT; OBVIOUSLY IF THE BASE THEY ARE VISITING IS ATTACKED THEY WOULD HAVE TO DEFEND IT. IN ANY EVENT, STILL AWAITING YOUR DECISION AND IN THE FACE OF SOVIET/INDIAN ATTITUDE, WE ARE RELYING ON YOU AND PREPARED WITH YOU AND OTHER BROTHERS AND FRIENDS TO DO ALL POSSIBLE TO PUT THEIR NOSES OUT OF JOINT EVEN SLIGHTLY. UNSTE

3. REFERENCE TO MESSAGE SHOULD BE INCLUDED IN ANY REPLY WE MAKE TO KING HUSSEIN.

4. COMMENT: JORDANIANS ARE ALVIE TO FACT THAT THEY

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RENACE FUTURE PHOSPHATE SHIPMENTS TO INDIA IF THEY TAKE ANY ACTION. WE SHOULD BEAR THIS IN MIND.

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