Originally Processed With FOIA(s):
2009-0275-S

FOIA Number:
2009-0275-S

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the George Bush Presidential Library Staff.

Record Group/Collection:	George H.W. Bush Presidential Records
Collection/Office of Origin:	Scowcroft, Brent, Collection
Series:	Desert Shield/Desert Storm Files
Subseries:	Chronological Files
OA/ID Number:	91145
Folder ID Number:	91145-004

Folder Title:
Desert Shield/Desert Storm (December 1990) I [2]

Stack:	Row:	Section:	Shelf:	Position:
G	34	3	6	3

Withdrawal/Redaction Sheet
(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01a. Memo	Wendy Chamberlin to Brent Scowcroft Re: Treatment of Released Iraqi Detainees/Hostages (1 pp.)	12/11/90	(b)(1)	S
01b. Report	Re: USG [United States Government] Assistance for Iraqi Hostages (3 pp.)	n.d.	(b)(1)	S
01c. Memo	J. Stapleton Roy to Brent Scowcroft Re: Treatment of Released Iraqi Detainees/Hostages (2 pp.)	12/7/90	(b)(1)	S
01d. Report	Re: USG [United States Government] Assistance for Iraqi Hostages (3 pp.)	11/19/90	(b)(1)	S
02a. Summary	Re: Heads of State Correspondence Summary (2 pp.)	12/18/90	(b)(1)	C
02b. Letter	Prime Minister Toshiki Kaifu to President Bush (2 pp.)	12/10/90	(b)(1)	
02c. Letter	President Gorbachev to President Bush [Unofficial Translation] (3 pp.)	12/7/90	(b)(1)	
02d. Letter	President Gorbachev to President Bush [Russian] (3 pp.)	12/7/90	(b)(1)	
02e. Letter	President Herzog to President Bush (1 pp.)	12/4/90	(b)(1)	S
02f. Report	Re: Profile (38 pp.)	11/90	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Pinksheet Number: cap1209
OA/ID Number: 91145-004
Date Closed: 6/16/2009
FOIA/Sys Case #: 2009-0275-S
Re-review Case #:
P-2/P-5 Review Case #:

Withdrawal/Redaction Sheet
(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
02g. Memo	George Van Eron to Brent Scowcroft Re: Heads of State Correspondence Summary as of December 12 (1 pp.)	12/12/90	(b)(1)	C
03a. Memo	Brent Scowcroft to POTUS Re: Telephone Call to the Amir of Bahrain (1 pp.)	12/11/90	(b)(1)	C
03b. Talking Points	Re: Points To Be Made for Telephone Conversation with the Amir of Bahrain (2 pp.)	n.d.	(b)(1)	C
03c. Memo	Sandra Charles to Brent Scowcroft Re: Telephone Call to the Amir of Bahrain (1 pp.)	12/10/90	(b)(1)	C
04a. Message	President Bush to His Highness Sheikh Jabir Al-Almad Al-Sabah Amir of the State of Kuwait (1 pp.)	n.d.	(b)(1)	C
04b. Memo	Sandra Charles to Brent Scowcroft Re: Presidential Response to the Amir of Kuwait (1 pp.)	12/11/90	(b)(1)	C
04c. Memo	From Brent Scowcroft to POTUS, Re: Letter to the Amir of Kuwait [FOIA restrictions redacted] (1 pp.)	n.d.	(b)(1)	C
04d. Draft Letter	President Bush to His Highness Sheikh Jabir Al-Almad Al-Sabah Amir of the State of Kuwait (2 pp.)	n.d.	(b)(1)	
05a. Outline	Re: Meeting with Hostages (1 pp.)	12/13/90	(b)(1)	C
05b. Talking Points	Re: Points To Be Made for Meeting with U.S. Hostages (2 pp.)	n.d.	(b)(1)	C

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Pinksheet Number: cap1209
OA/ID Number: 91145-004
Date Closed: 6/16/2009
FOIA/Sys Case #: 2009-0275-S
Re-review Case #:
P-2/P-5 Review Case #:

Withdrawal/Redaction Sheet
(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
05c. Report	Re: Biography [Personal Information] (1 pp.)	n.d.	(b)(6)	
05d. Report	Re: Biography [Personal Information] (1 pp.)	n.d.	(b)(6)	
05e. Report	Re: Biography [Personal Information] (1 pp.)	n.d.	(b)(6)	
05f. Report	Re: Biography [Personal Information] (1 pp.)	n.d.	(b)(6)	
05g. Report	Re: Biography [Personal Information] (1 pp.)	n.d.	(b)(6)	
05h. Report	Re: Biography [Personal Information] (1 pp.)	n.d.	(b)(6)	
05i. Report	Re: Biography [Personal Information] (1 pp.)	n.d.	(b)(6)	
05j. Memo	Sandra Charles to Brent Scowcroft Re: Meeting for Hostages from Iraq and Kuwait (1 pp.)	12/11/90	(b)(1)	C
06a. Talking Points	Re: Points To Be Made for Meeting with Committee for Peace and Security in the Gulf (2 pp.)	n.d.	(b)(1)	C

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Pinksheet Number: cap1209
OA/ID Number: 91145-004
Date Closed: 6/16/2009
FOIA/Sys Case #: 2009-0275-S
Re-review Case #:
P-2/P-5 Review Case #:

Withdrawal/Redaction Sheet
(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
06b. Talking Points	Re: Themes for Committee for Peace and Security in the Gulf (1 pp.)	n.d.	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Pinksheet Number: cap1209
OA/ID Number: 91145-004
Date Closed: 6/16/2009
FOIA/Sys Case #: 2009-0275-S
Re-review Case #:
P-2/P-5 Review Case #:

~~SECRET~~
NSC/S PROFILE

RECORD ID: 9009625
RECEIVED: 08 DEC 90 09

TO: SCOWCROFT

CHRON FILE

FROM: CHAMBERLIN
MILLER

DOC DATE: 11 DEC 90
SOURCE REF:

2

KEYWORDS: IRAQ
KUWAIT

HOSTAGES

PERSONS:

SUBJECT: TREATMENT OF RELEASED IRAQI DETAINEES / HOSTAGES

ACTION: GATES APPROVED RECOM DUE DATE: 08 DEC 90 STATUS: C

STAFF OFFICER: CHAMBERLIN LOGREF:

FILES: PA NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION	FOR CONCURRENCE	FOR INFO
		CHAMBERLIN
		CHARLES
		GANTT
		NSC CHRON

DECLASSIFIED
White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By Cop NARA, Date 6/16/09

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSAMM CLOSED BY: NSMJT DOC 2 OF 2

~~SECRET~~

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01a. Memo	Wendy Chamberlin to Brent Scowcroft Re: Treatment of Released Iraqi Detainees/Hostages (1 pp.)	12/11/90	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Date Closed:	6/16/2009	**OA/ID Number:**	91145-004
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

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 the 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.

PRM. Removed as a personal record misfile.

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

(b)(1) National security classified information [(b)(1) of the FOIA]
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01b. Report	Re: USG [United States Government] Assistance for Iraqi Hostages (3 pp.)	n.d.	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Date Closed:	6/16/2009	**OA/ID Number:**	91145-004
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

RESTRICTION CODES

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(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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(b)(9) Release would disclose geological or geophysical information

United States Department of State

Washington, D.C. 20520

9625

December 7, 1990

MEMORANDUM FOR BRENT SCOWCROFT
THE WHITE HOUSE

SUBJECT: Treatment of Released Iraqi Detainees/Hostages

In the wake of the Iraqi announcement that all foreign detainee/hostages are now allowed to leave Iraq and Kuwait, the Department of State is ready to implement the comprehensive interagency plan for the treatment of the released detainee/hostages as detailed in our memorandum of November 13, but lacks the funds and authority by itself to accomplish this.

Preliminary interagency meetings have resulted in the attached Terms of Reference dated November 27 which offer the detainee/hostages emergency medical treatment, physical and psychiatric evaluations, and travel back to the United States. Because the departure may begin as early as tomorrow (December 8), we ask that the President direct, as appropriate, the Department of Defense and the Veterans Administration to provide transportation, either commercial or military aircraft as necessary, and immediate medical/psychological assessments and other related services to the detainee/hostages on a non-reimbursable basis.

J. Stapleton Roy
Executive Secretary

~~SECRET~~
DECL:OADR

DECLASSIFIED
PER E.O. 13526
2010-0851-MR
ES 12/11/15

TF1FMP:DSBordley:12/7/90
Cleared:
PM/ISO:DDean
L:JHThessin
FMP:JEKent
CA/OCS:NRicciuti
NEA/EX:EBoswell
NEA:DMack
M/MED:EVArx
M/FLO:MMinutillo
S/CT:KShirley/FMoss/JBreeland
S/S-O/CMS:KDaly

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01d. Report	Re: USG [United States Government] Assistance for Iraqi Hostages (3 pp.)	11/19/90	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Date Closed:	6/16/2009	**OA/ID Number:**	91145-004
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

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NSC/S PROFILE

RECORD ID: 9009686
RECEIVED: 11 DEC 90 13

TO: SCOWCROFT

CHRON FILE

FROM: SITTMANN
VAN ERON

DOC DATE: 12 DEC 90
SOURCE REF:

KEYWORDS: HS
ROMANIA
JAPAN
USSR
ISRAEL

PERSONS: KAIFU, TOSHIKI
ILIESCU, ION
GORBACHEV, MIKHAIL S
HERZOG, CHAIM

SUBJECT: HEADS OF STATE CORRESPONDENCE SUMMARY AS OF 12 DEC

ACTION: NOTED BY PRES DUE DATE: 14 DEC 90 STATUS: C

STAFF OFFICER: VAN ERON LOGREF: 9008777 9009361

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON

DECLASSIFIED
White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By Cap NARA, Date 4/16/09

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSLMS CLOSED BY: NSMEM DOC 1 OF 1

~~CONFIDENTIAL~~

[redacted]

National Security Council
The White House

PROOFED BY: LMS LOG # 2686

URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT

BYPASSED WW DESK: _____ DOCLOG WH1 A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Ken Hill	1	KH	A
Bill Sittmann	2	W	
Bob Gates	3	has copy	~~copy~~
Brent Scowcroft	4	~~NSA has~~ [redacted] seen	
Bill Sittmann			
Situation Room			
West Wing Desk	5		D
NSC Secretariat			

90 DEC 12 P7:20

A = Action I = Information D = Dispatch R = Retain N = No further Action

cc: VP Sununu Other _____

Should be seen by: _____ (Date/Time)

COMMENTS

To Brent 12/18/90

[redacted]

DISPATCH INSTRUCTIONS:

Ex Secs Office has dispatch

Heads of State Correspondence Summary

Prime Minister Kaifu of Japan - December 10, 1990
(Received December 11)

PM Kaifu acknowledges your November 30 and December 3 letters regarding the Gulf Crisis. He admires your diplomatic skills and strong resolve in your pursuit of a solution to the Gulf Crisis. He agrees that a peaceful settlement rests on the credibility of a military offensive by multinational forces. He also believes that achieving a peaceful settlement is the first serious test in the attempt to create a new international order. He views UN Resolution 678 as a success since it was closely followed by Iraq's announcement of the release of the hostages. Finally, he looks forward to meeting you in Tokyo early next year with the Gulf Crisis behind us and with a constructive step towards a new international order having been established by the international community.

President Gorbachev of the Soviet Union - December 7, 1990
(Received December 8)

President Gorbachev acknowledges your December 3 letter and welcomes your initiative to hold dialogues with Iraq. He will decide whether he will contact Iraq after Eduard Shevardnadze's meeting with you. He also believes that UN Resolution 678 will convince Saddam Hussein to follow the international community's will in order to save his regime. Meanwhile, every effort should be made to achieve a settlement before January 15. The Soviet Union will do its part by sending messages to Arab leaders to encourage them to work more closely with Iraq and holding meetings with Iran, Turkey and Kuwait at the foreign minister level. He does not rule out the possibility of a meeting with Arafat, since he has close ties to Saddam Hussein.

President Gorbachev recognizes the need for close cooperation within the Security Council and believes that it may be necessary to hold a meeting of the Permanent Five for several reasons. First, to ensure that Iraq makes the right choices that will be in the best interest of all. Second, to discuss Iraq's concern over the issues of guarantees after troops are withdrawn from Kuwait. Finally, he suggests the possibility of organizing contact between the Permanent Five and Iraqi leadership.

DECLASSIFIED
PER E.O. 13526
2010-0851-MR
EB 12/11/15

President Iliescu of Romania - December 7, 1990
(Received December 11)

President Iliescu appreciates your national day message.

President Herzog of Israel - December 4, 1990
(Received December 10)

President Herzog enjoyed speaking with you prior to your departure for Czechoslovakia. He sends a psychological profile of Saddam Hussein (Tab D) prepared by Israeli intelligence.

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02b. Letter	Prime Minister Toshiki Kaifu to President Bush (2 pp.)	12/10/90	(b)(1)	

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Date Closed:	6/16/2009	**OA/ID Number:**	91145-004
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

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9025750 PRES NOTED SUMMARY

9631

NOTE:

THIS LETTER WAS DELIVERED TO SECRETARY BAKER BY SOVIET AMBASSADOR BESSMERTNYKH ON 12/7.

NG

Unofficial translation

Dear Mr. President.

I would like to share with you some of my thoughts concerning the issues discussed in your message of December 3.

First, I note with profound satisfaction that the Soviet Union and the United States approach the Persian Gulf crisis settlement from the same positions. This was once again confirmed by the adoption of Resolution 678.

This resolution truly marks a fundamentally important watershed. You know that it was not easy for the Soviet Union to take that step. But we proceeded from the conviction that this resolution would offer a real chance for restoring peace and make it possible to begin to move toward a political settlement of this most acute crisis. I believe we have made the right choice.

What is my confidence based on? In the end, S.Hussein cannot but realize that he has no other way out but to comply with the consensus will of the international community and get out of Kuwait. For the Iraqi leaders this will be the only way to save the regime.

Naturally, however, this chance can only be realized if the "goodwill pause" called for by the UN Security Council resolution is going to be filled to the last day with intensive efforts to achieve a settlement.

It is clear that new steps will be needed in the diplomatic arena. I may tell you that we are preparing a number of steps in that area. Very shortly I will be sending, on my own behalf, personal verbal messages to heads of Arab states. The intent of this idea is to encourage them toward more energetic work with Bagdad. We also intend to hold meetings at the foreign minister level with Iran and Turkey. We shall receive in Moscow the foreign minister of Kuwait, and perhaps, if it works out, the Emir as well. We are not ruling out a contact with Arafat; it seems to us that such a meeting could be useful, given his close relations with the Iraqi leader. It would be worthwhile to consider joint US-Soviet steps, too. At any rate, as I see

it, it would be more productive to work with the present Israeli government in parallel. All this is strictly geared toward achieving the principal objective, that of securing the liberation of Kuwait from the aggressor, without permitting, in the process, a smallest weakening of the signal sent to Bagdad by the Security Council.

It goes without saying that contacts with Bagdad, too, need to be continued. I welcome the intentions in terms of establishing a direct dialogue with S.Hussein which you informed me of in your letter. Indeed, before the adoption of Resolution 678 we had had to exercise increased caution in attempting to establish contact with the Bagdad government. It was essential to avoid inadvertently sending Bagdad a signal that it could misread. Today I think these fears are no longer relevant.

As far as we are concerned, we intend to decide on an optimal format of the next conversation with the Iraqi leadership after E.A.Shevardnadze's visit to the US, taking into account the discussion of these issues with the US side.

I don't believe there is any need to make the special point to the effect that all these contacts - both with the Iraqis and the third parties - will only be justified and useful under the absolute condition of strict adherence to the line charted by the Security Council resolutions, and only on the platform which calls for restoring the situation as had existed at the time of the Iraqi aggression against Kuwait, and the release of all hostages. In this regard, there is complete understanding between us.

In this connection, we should give special attention to ensuring close cooperation within the UN Security Council. It is quite conceivable that a meeting of the Big Five may be needed. We should keep this option in our minds.

Incidentally, here is one more argument to support the case for using The Five. There can be no question of helping S.Hussein in any way to "save face". But what is incumbent upon us is to help the Iraqi leadership make the right choice that would be in the interests of all of us, in the interests

of the settlement, in the interests of Kuwait. It is a well-known fact that Iraq, as indeed a number of other countries in the region, are now seriously concerned about the issue of guarantees after the troops have been withdrawn from Kuwait. As I see it, the use of the mechanism of the five permanent members of the Security Council would give us an opportunity to take care of this very real concern without prejudice to our position of principle. Under such an approach we could appropriately reflect the overall context of the Middle East settlement as well. Without this, it would not really be serious to consider either the specific question of guarantees, or the whole problem of ensuring security and stability of the states in the Persian Gulf area in its entirety.

Specifically, I would suggest looking into the possibility of arranging a collective contact of The Five with the Iraqi leadership. I know that our Foreign Ministers discussed this option. Now I think is the time to get back to it in more specific terms. E.A.Shevardnadze will be ready for a detailed discussion of this and any other alternative ideas during his upcoming visit to the US, that could get us closer to the settlement in the Gulf.

I wish to reiterate once again our commitment to the policy of an all-round cooperation with the United States in matters concerning the resolution of this problem. I am convinced that the practice of comparing our assessments and approaches in a frank and confidential manner, which has developed between ourselves, is one of the key prerequisites permitting to hope for putting a peaceful end to the conflict in the Persian Gulf. It is my intention to continue to maintain close contact with you on these issues.

As for the specific dates of our forthcoming meeting in Moscow, this matter will be addressed by E.A.Shevardnadze when he meets you.

Sincerely,

M.GORBACHEV

December 7, 1990

Уважаемый господин президент,

Хочу поделиться с вами некоторыми соображениями в связи с вопросами, затронутыми в Вашем послании от 3 декабря с.г.

Прежде всего с глубоким удовлетворением отмечаю тот факт, что Советский Союз и Соединенные Штаты подходят к урегулированию кризиса в Персидском заливе с единых позиций. Принятие резолюции 678 подтвердило это еще раз.

Эта резолюция действительно обозначает принципиально важный рубеж. Вам известно, что Советскому Союзу непросто было пойти на этот шаг. Но мы исходили из убеждения, что резолюция откроет реальный шанс для восстановления мира, позволит начать движение к политическому урегулированию этого острейшего кризиса. Считаю, что выбор мы сделали правильный.

На чем основывается моя уверенность? В конечном итоге С.Хусейн не может не осознать, что у него нет иного выхода, как выполнить консенсусную волю международного сообщества и уйти из Кувейта. Для иракских руководителей в этом единственный путь к спасению режима.

Естественно, однако, что этот шанс может быть реализован лишь в том случае, если предусмотренная резолюцией Совета Безопасности Организации Объединенных Наций "пауза доброй воли" будет до последнего дня наполнена интенсивными поисками урегулирования.

Очевидно, потребуются новые шаги на дипломатическом направлении. Могу сообщить Вам, что мы готовим ряд шагов на этот счет. В ближайшие дни я планирую направить от своего имени личные устные послания главам арабских государств. Смысл этой идеи - побудить их к более энергичной работе с Багдадом. Имеем в виду провести встречи на уровне министров иностранных дел с Ираном и Турцией. Примем в Москве министра иностранных дел Кувейта, а если получится, то и Эмира. Не исключаем контакта с Арафатом - как нам представляется, такая встреча могла бы оказаться полезной с учетом его доверительных отношений с иракским руководителем. Стоило бы поразмышлять и над совместны советско-американскими шагами. Во всяком случае, как мне видится, с нынешним израильским правительством целесообразнее

работать именно параллельно. Все это строго ориентировано на достижение главной цели - добиться освобождения Кувейта от агрессора, не допуская при этом ни малейшего ослабления того сигнала, который адресован Багдаду Советом Безопасности.

Само собой разумеется, необходимо продолжать контакты и с Багдадом. Я приветствую те намерения в плане выхода на прямой диалог с Хусейном, о которых Вы информируете в своем письме. Действительно, до принятия резолюции 678 нам приходилось проявлять повышенную осмотрительность, идя на контакты с багдадскими властями. Важно было ненароком не послать Багдаду сигнал, который мог бы им быть неверно интерпретирован. Сегодня эти опасения, думается уже не актуальны.

Что касается нас, мы имеем в виду определиться относительно оптимального формата следующего разговора с иракским руководством после визита Э.А.Шеварднадзе в США, с учетом обсуждений этих вопросов с американской стороной.

Полагаю, нет необходимости специально оговариваться на тот предмет, что все эти контакты - и с иракцами, и с третьими сторонами - оправданны и полезны только при обязательном условии строгого соблюдения линии, прочерченной резолюциями Совета Безопасности ООН, только на платформе, предусматривающей восстановление положения, существовавшего на момент агрессии Ирака против Кувейта, и освобождение всех заложников. На этот счет между нами имеется полное понимание.

Особое внимание в этой связи нам следовало бы обратить на обеспечение тесного взаимодействия в рамках Совета Безопасности ООН. Вполне допускаю, что может потребоваться проведение встречи "большой пятерки". Надо держать в уме этот вариант.

Кстати, еще один аргумент в пользу задействования "пятерки". О том, чтобы как-либо помогать Хусейну "спасти лицо" не может быть и речи. Но помочь иракскому руководству сделать правильный выбор, отвечающий интересам всех нас, интересам урегулирования, интересам Кувейта, мы должны. Известно, что Ирак, да и ряд других стран региона сейчас серьезно беспокоит вопрос о гарантиях после вывода войск из Кувейта. Как мне видится, использование механизма "пятерки" постоянных членов Совета Безопасности дало бы нам возможность учесть эту реальную озабоченность без ущерба для нашей

принципиальной позиции. При таком подходе мы могли бы должным образом отразить и общий контекст ближневосточного урегулирования. Без этого ни частный вопрос о гарантиях, ни всю проблему в комплексе обеспечения безопасности и стабильности государств района Персидского залива рассматривать было бы несерьезно.

Конкретно предложил бы проработать возможность организации коллективного контакта "пятерки" с иракским руководством. Знаю, что наши министры иностранных дел проговаривали такой вариант. Теперь, по моему мнению, пора вернуться к нему предметно. Э.А.Шеварднадзе будет готов к детальному обсуждению этой и любых альтернативных идей, способных приблизить урегулирование в заливе в ходе своего предстоящего визита в США.

Хотел бы еще раз подтвердить нашу приверженность курсу на всестороннее взаимодействие с США в вопросах, касающихся решения этой проблемы. Установившаяся между нами практика откровенного и доверительного сопоставления оценок и подходов является, по моему убеждению, одной из ключевых предпосылок, дающих основания надеяться на то, чтобы поставить мирную точку в конфликте в Персидском заливе. Имею в виду и в дальнейшем поддерживать тесный контакт с Вами по этим вопросам.

Что касается конкретных сроков нашей предстоящей встречи в Москве, то этот вопрос обговорит с Вами Э.А.Шеварднадзе.

С уважением,

М.ГОРБАЧЕВ

7 декабря 1990 года

Embassy of Romania

PRES NOTED SUMMARY

1607 Twenty Third Street N W
Washington D C 20008
tel 202 232-4747 fax 202 232-4748

The Honorable George Bush
President of the United States of America
White House
Washington, D.C.

Dear Mr. President:

I would like to thank you and the American people for the congratulations extended to us on the occasion of our National Day.

The sweeping changes in the Romanian society since the December 1989 Revolution make us feel confident that we could count to a larger extent on U.S. Government and people's support of our endeavours on the irreversible way to full democracy and a market economy.

Bucharest, December 7, 1990

Ion Iliescu
President of Romania

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02e. Letter	President Herzog to President Bush (1 pp.)	12/4/90	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Date Closed:	6/16/2009	**OA/ID Number:**	91145-004
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

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 the 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.

PRM. Removed as a personal record misfile.

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

(b)(1) National security classified information [(b)(1) of the FOIA]
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02f. Report	Re: Profile (38 pp.)	11/90	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Date Closed:	6/16/2009	**OA/ID Number:**	91145-004
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

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 the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
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(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

9686

December 12, 1990

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: WILLIAM F. SITTMANN

FROM: GEORGE VAN ERON for

SUBJECT: Heads of State Correspondence Summary as of December 12

Attached at Tab I is a summary of the Heads of State correspondence received by the Secretariat since Friday, December 7.

RECOMMENDATION

That you forward the attached summary to the President.

Approve _____ Disapprove _____

Attachments
Tab I Summary for the President
Tab A PM Kaifu - Japan
Tab B President Gorbachev - Soviet Union
Tab C President Iliescu - Romania
Tab D President Herzog - Israel

DECLASSIFIED
White House Guidelines
E.O. 13526, SEC 3.4 (b), September 11, 2006
By MM NARA, Date 11/9/2013

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~
NSC/S PROFILE

RECORD ID: 9009643
RECEIVED: 10 DEC 90 10

TO: PRESIDENT

CHRON FILE

FROM: SCOWCROFT

DOC DATE: 11 DEC 90
SOURCE REF:

2

KEYWORDS: BAHRAIN TELCALL
HS

PERSONS:

SUBJECT: PRES TELCALL TO AMIR OF BAHRAIN ON 10 OR 11 DEC / TALKING POINTS

ACTION: ORIGINAL NOT RETURNED TO NSC/S DUE DATE: 13 DEC 90 STATUS: C

STAFF OFFICER: CHARLES LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION	FOR CONCURRENCE	FOR INFO
		CHARLES
		GANTT
		HAASS
		NSC CHRON

DECLASSIFIED
White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By CAP NARA, Date 6/16/09

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSAJC CLOSED BY: NSGLM DOC 2 OF 2

~~CONFIDENTIAL~~

Phone call — Amir of Bahrain — Cleveland Hospital 10/11 Dec

National Security Council
The White House

PROOFED BY: [illegible] LOG # 9643

URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT

BYPASSED WW DESK: _____ DOCLOG [illegible] A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Ken Hill	1	✓	A
Bill Sittmann		has copy	
Bob Gates	2	✓	✓
Brent Scowcroft			
Bill Sittmann			
Situation Room			
West Wing Desk	3	12/11 [illegible]	D
NSC Secretariat	4	12/12	N/R

A = Action I = Information D = Dispatch R = Retain N = No further Action

cc: VP ✓ Sununu Other _____

Should be seen by: _____ (Date/Time)

COMMENTS

S/P Pres phone call Dec 10 or 11 to the Amir of Bahrain

DISPATCH INSTRUCTIONS:

- NOTED By Pres
- OVR

~~CONFIDENTIAL~~

9643

THE WHITE HOUSE

WASHINGTON

90 DEC 11 PM 12:26

December 11, 1990

FOR: THE PRESIDENT

FROM: BRENT SCOWCROFT BS for

SUBJECT: Telephone Call to the Amir of Bahrain

DATE: December 10 or 11, 1990

PURPOSE: To wish him a speedy recovery from his recent heart surgery and discuss the current situation in the Gulf before he departs on Wednesday for further recuperation in Bermuda.

SECURE OR OPEN: Open Line Call

INTERPRETER: None Required.

PHONE NUMBER: (216) 791-1900, Extension 1710

CONTACT PERSON: Mr. Khalid al-Khalifa

TIME DIFFERENCE: None

SUGGESTED TIMES: Any time December 10 or 11 (the Amir departs Cleveland on Wednesday, December 12).

TOPICS OF DISCUSSION:

1. A speedy recovery from his recent surgery.
2. Your upcoming meeting with Tariq Aziz and Baker's with Saddam Hussein.
3. Reiteration of U.S. policy objectives in the Gulf and our commitment to achieve our goals .

Date of Submission:

Action:

Attachment
Tab A Points to be Made

cc: Vice President
Chief of Staff

DECLASSIFIED
PER E.O. 13526
2010-0852-MR
MM 4/14/2016

~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~

POINTS TO BE MADE FOR
TELEPHONE CONVERSATION WITH
THE AMIR OF BAHRAIN

-- Your Highness, I am so pleased to talk with you and to hear that you are doing much better.

-- I hope you have a speedy recovery. The sunshine in Bermuda should help.

-- I also wanted to discuss the Gulf crisis, and get your views on where things stand.

-- As you know, we have invited (Iraqi Foreign Minister) Tariq Aziz for a meeting here maybe next Monday. We can't seem to agree on a date for Secretary Baker's trip to Baghdad however, and until we do, we will not commit to a date here. But let me assure you when we do talk, we do not intend to deviate from the agenda mandated by the UN. There will be no deals, no compromises and no partial solutions.

-- I am pleased and relieved with the release of the hostages. But let me tell you that only increases my resolve to have all our objectives met. The pressure seems to be working and we intend to keep it on.

-- I also want to take this opportunity to thank you for all the cooperation and support our forces in Bahrain are getting. And for the strong political support we have received from you, Your Highness.

DECLASSIFIED
PER E.O. 13526
2010-0852-MR
MM 4/14/2016

~~CONFIDENTIAL~~
Declassify on: OADR

-- Barbara and I were sorry that your official visit had to be postponed next month. We hope you are up and about again quickly, and we look forward to seeing you some time soon in the new year.

~~CONFIDENTIAL~~

9643

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

SIGNED

December 10, 1990

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: ~~RICHARD~~ N. HAASS

FROM: ~~SANDRA~~ CHARLES

SUBJECT: Telephone Call to the Amir of Bahrain

Attached at Tab I is a memo to the President proposing he call the Amir of Bahrain who is convalescing in a Cleveland hospital from heart surgery. Points to be made during the call are at Tab A. The Amir is scheduled to depart this Wednesday, December 12 for Bermuda and more rest before returning home. State recommends the President call.

RECOMMENDATION

That you sign the Telephone Call Proposal to the President at Tab I.

Attachments
Tab I Telephone Call Proposal to the President
Tab A Points to be Made

DECLASSIFIED
PER E.O. 13526
2010-0852-MR
MCM 4/14/2016

~~CONFIDENTIAL~~
Declassify on: OADR

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 9009702
RECEIVED: 11 DEC 90 17

TO: SCOWCROFT

FROM: RADEMAKER
ROSTOW

DOC DATE: 11 DEC 90
SOURCE REF:

KEYWORDS: IRAQ
LEGAL ISSUES
KUWAIT
CONGRESSIONAL

PERSONS:

SUBJECT: INVOLVING CONGRESS IN OUR PERSIAN GULF POLICY / DECLARING WAR AGAINST IRAQ & ALTERNATIVES

ACTION: NOTED BY SCOWCROFT W/ COMMENT DUE DATE: 14 DEC 90 STATUS: C

STAFF OFFICER: RADEMAKER LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON
RADEMAKER
ROSTOW

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSAMM CLOSED BY: NSDAI DOC 1 OF 1

UNCLASSIFIED

FYI — Congress? War

National Security Council
The White House

PROOFED BY: AM LOG # 9702

URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT

BYPASSED WW DESK: _____ DOCLOG WHS/AIO _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Ken Hill	1	✓	
Bill Sittmann	2	✓	A
Bob Gates	3	✓	
Brent Scowcroft	4	✓	
Bill Sittmann			
Situation Room			
West Wing Desk	5	SA. 12/28	A
NSC Secretariat	6		W/R

90 DEC 11 P8:10

A = Action I = Information D = Dispatch R = Retain N = No further Action

cc: VP Sununu Other _____

Should be seen by: _____ (Date/Time)

COMMENTS Make sure you send Comeback Copy To: Rademaker + Rostow

DISPATCH INSTRUCTIONS:

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

9702

December 11, 1990

Nat! Sec Advisor has seen

See question on p 4, B

INFORMATION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: NICHOLAS ROSTOW NR

FROM: STEPHEN RADEMAKER SR

SUBJECT: Involving Congress in Our Persian Gulf Policy; Declaring War Against Iraq and the Alternatives

We have three options in the face of congressional demands for greater involvement in the fundamental decisions about war and peace we may have to make in the Persian Gulf. We can continue to rest on the President's constitutional authority as we have until now, we can seek a joint resolution like the Tonkin Gulf Resolution, or we can seek a declaration of war under which Congress, the President, and the nation fully commit to victory over Iraq.

The options differ in the degree of political cover they would afford the President by getting Congress on board with his policy, the degree to which they would satisfy the requirements of the War Powers Resolution, and in the degree of authority they would give the President to mobilize American society if serious and protracted conflict were expected or occurs.

Going It Alone

Under present circumstances, the President has sufficient legal authority under any one of the options to commit U.S. forces to combat against Iraq. The President's authority to commit U.S. forces to combat in self-defense exists not only with respect to attacks on U.S. territory and U.S. forces, but also with respect to attacks on U.S. citizens and property abroad. Therefore, so long as Iraq continues to hold U.S. citizens hostage, and U.S. military actions against Iraq are in any way calculated to obtain their release, those actions can be defended as legitimate exercises of the President's authority as Commander in Chief.

If the hostages are freed, the individual self-defense rationale for U.S. military operations against Iraq will become more attenuated. The argument then becomes that we are acting in collective self-defense of Kuwait and related U.S. interests rather than U.S. lives and property. Nevertheless, we believe

that, in the absence of action by Congress purporting to restrict or forbid such operations, the President retains authority under the Constitution to direct them.

U.S. participation in the Korean War is a relevant precedent. President Truman engaged U.S. Armed Forces as part of a U.N. force pursuant to a Security Council Resolution calling on "all Members to render every assistance to the United Nations in execution" of its determination that a breach of the peace had occurred and its call for a cease fire and North Korean withdrawal to the thirty-eighth parallel. The State Department argued on July 3, 1950, that historical precedent supported the President's decision, without explicit congressional authority, to participate in the U.N. military action. The Department also noted that the U.N. Charter, as a treaty, was the supreme law of the land and that the President's constitutional obligation to take care that the laws be faithfully executed extended to treaties (Tab I). (Counsel in this Administration do not necessarily believe that this later rationale is persuasive because it confuses the normally separate issues of U.S. international obligations and U.S. constitutional authority.) In any event, Congress implicitly approved U.S. participation in the U.N. action by appropriating the necessary funds.

The principal drawback of proceeding exclusively on the President's constitutional authority is that the War Powers Resolution would not be satisfied: if hostilities continued for more than 60 days and Congress did not act, the President would be required by the terms of the Resolution to terminate U.S. involvement.[1] The Executive branch has consistently taken the

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[1] The Resolution would allow the President to extend the 60 days by another 30 days if he determined and certified to Congress that, as a matter of "unavoidable military necessity," additional time was required in order safely to withdraw U.S. forces. The War Powers Resolution also includes a provision purporting to permit Congress to direct the withdrawal of U.S. forces from hostilities by concurrent resolution (i.e., a resolution approved by both houses but not presented to the President for signature or veto). This procedure is unconstitutional under the decision in I.N.S. v. Chadha, where the Supreme Court held that laws purporting to give legal effect to actions by Congress not presented to the President for signature or veto violate the Presentment Clause of the Constitution. That Clause requires that all laws be presented to the President for signature or veto. After the decision in Chadha, Congress adopted new expedited procedures for consideration of joint resolutions requiring the withdrawal of U.S. forces from hostilities. Joint resolutions are presented to the President for signature or veto and therefore are not

position that, insofar as the War Powers Resolution purports to require the President to withdraw U.S. forces from hostilities in the absence of action by Congress, it is unconstitutional. The question has never been addressed by a court, however, and we might not want a confrontation with Congress over the issue in the midst of hostilities with Iraq.

The War Powers Resolution's 60-day clock would be eliminated as a consideration if Congress (1) declared war, (2) enacted a joint resolution specifically authorizing the use of U.S. forces, or (3) extended by law the 60-day period. Both the House and the Senate have passed resolutions (H.J.Res. 658 and S.Con.Res. 147) endorsing the deployment of U.S. forces to the Persian Gulf. For purposes of the War Powers Resolution, however, neither resolution can be considered specific statutory authorization for involvement in hostilities, not least because neither resolution was formally passed by the other house and presented to the President for his signature.

Seeking a Joint Resolution

A joint resolution of Congress authorizing U.S. involvement in hostilities would eliminate the 60-day clock as a concern, though it would not necessarily eliminate the need to file certain reports under the War Powers Resolution. It would also provide political protection by ensuring that Congress was publicly committed to the President's policy and muting complaints that the President was acting in defiance of Congress's constitutional role. Beyond this political result, a joint resolution would have no other significant effects under U.S. law.

Ever since its unhappy experience with the Tonkin Gulf Resolution, Congress has been reluctant to enact open-ended authorizations for the use of military force.[2] The 1983

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unconstitutional under Chadha. These new procedures would only apply, however, once U.S. forces were actually engaged in hostilities.

[2] The Tonkin Gulf Resolution stated in pertinent part that "the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." President Johnson sought this resolution because President Truman's unilateral action ultimately was criticized as the Korean War stretched on and casualties mounted. Johnson discovered, however, that having Congress on board at the outset did not guarantee the outcome. Dean Acheson's comment on Truman's decision is instructive: "The wisdom of the decision not to ask for congressional approval has

Multinational Force in Lebanon Resolution, for example, limited authorization of U.S. involvement in the multinational force to a period of 18 months and purported to require immediate termination of that involvement if any one of several events occurred. More recently, we sought a joint resolution endorsing the deployment of U.S. forces to the Persian Gulf, but ultimately settled for far less for fear that the additional authority we gained would be more than offset by the additional restrictions that would be imposed.

It has been suggested that one way of attempting to procure a joint resolution authorizing military action against Iraq would be to notify Congress pursuant to section 4(a)(1) of the War Powers Resolution that hostilities against Iraq are imminent. Such notification would trigger the 60-day clock and put great pressure on Congress to pass a joint resolution, lest its inaction either compel withdrawal of U.S. forces or create a precedent for military deployments in violation of the War Powers Resolution.

The terms of the Resolution itself define the risks in invoking it. First, it would be contrary to the historic position of the Executive branch that the War Powers Resolution is unconstitutional. While we could attempt to finesse the issue in our report to Congress, it would be difficult to avoid the impression, both in the press and on Capitol Hill, that we had accepted the Resolution and were acting in reliance on it. Second, the Resolution allows Congress sixty days in which to act, meaning that if we notified Congress now that hostilities are imminent, Congress could wait until early February to pass a joint resolution. Third, Congress could decline to pass a joint resolution, setting up a constitutional confrontation between the President and Congress once sixty days had elapsed. Finally, if Congress chooses to act, it could, as in the case of Lebanon, adopt a joint resolution designed to restrict the President's freedom of action. Such a resolution, for example, could authorize continued military deployments in Saudi Arabia, but purport to forbid introduction of U.S. forces into Kuwait and Iraq except in response to an Iraqi attack on U.S. forces, or

why any more than the reports we already gave?

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been doubted. To have obtained congressional approval, it has been argued, would have obviated later criticism of 'Truman's War.' In my opinion, it would have changed pejorative phrases. Congressional approval did not soften or divert antiwar critics of Presidents Lincoln, Wilson, and Roosevelt. What inspired the later criticism of the Korean War was the long, hard, struggle, casualties, cost, frustration of a limited and apparently inconclusive war, and -- most of all -- the determination of the opposition to end seemingly interminable Democratic rule." Present at the Creation, pp. 914-15 (1969)

except as authorized by subsequent congressional action.[3]

If Congress developed a resolution that we regarded as unacceptable, we would be at a procedural disadvantage in attempting to block it. The expedited procedures for consideration of joint resolutions under the War Powers Resolution provide that only one resolution is to be reported from the Foreign Affairs committee of each House, and that resolution is to be brought to a floor vote within three days. Such resolutions can be amended on the floor, but are not subject to filibuster in the Senate. If no resolution were passed within sixty days, the Persian Gulf deployment would become unlawful under the War Powers Resolution (though not, in our view, under the Constitution). In this connection, it is unclear whether the sixty-day clock would give Congress or the President the stronger hand in attempting to negotiate an acceptable resolution.

Seeking a Declaration of War

A declaration of war would fully satisfy all requirements of the War Powers Resolution. It would also trigger the wide range of statutory authorities described at Tab II. In addition, it would enable the President to assume extraordinary authority over American society under the Commander in Chief clause of the Constitution. During World War II, for example, President Roosevelt exercised this authority to create dozens of Executive branch agencies to oversee the economy, and those agencies were generally successful in compelling private sector compliance with their edicts, even in the absence of authorizing legislation. All these authorities are well-adapted to wars in which the nation's survival is at stake, but they are unlikely to be necessary in any conflict with Iraq.

In addition to its consequences under U.S. law, a declaration of war would be of great significance under international law. It would confer upon Iraq belligerent rights vis-a-vis the United States, including the right to intern U.S. citizens and confiscate U.S. property within its territory. Thus, one consequence of a declaration of war would be to grant Iraq a legal justification for holding U.S. citizens hostage.[4] Iraq will have such a justification in any event if hostilities break out, but if war is declared before hostilities break out and Iraq

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[3] At the time of a determination that hostilities are imminent, one of our options would be to seek a declaratory judgment that the 60-day clock is unconstitutional.

[4] This justification would not, of course, extend to Iraq's practice of employing U.S. citizens as "human shields." That practice would remain illegal under international law.

continues to hold U.S. hostages, we will have lost, as a legal matter, one of our principal complaints against Iraq in the interim.

Attachments
Tab I 1950 State Department Memorandum
Tab II Presidential Authorities Under a Declaration of War

cc: Virginia Lampley, Richard Haass, Arnold Kanter

TAB I

[illegible] Republic of Korea, urging that [illegible] the International Red [illegible] the implementation of the Geneva conventions in the Korean conflict. The Chairman [illegible] said:

[illegible] Committee believes it will be failing in its duty if [illegible] not make every possible effort to secure the adoption [illegible] these humanitarian measures in the present hostilities. [illegible] has therefore decided to make a heartfelt appeal for action to be taken by the North Korean authorities and the Republic [illegible] Korea, urging that [illegible] the International Red Cross [illegible] implementation of the Geneva conventions in the Korean conflict. The Chairman said:

"The Committee believes it will be failing in its duty if it does not make every possible effort to secure the adoption of these humanitarian measures in the present hostilities. It has therefore decided to make a heartfelt appeal for action to be taken by the North Korean authorities and the Republic of Korea, urging that [illegible] will further establish [illegible] actions must be avoided. It is convinced that nothing is better calculated to keep alive hatred in Korea than cruel and barbarous acts contrary to the Geneva Convention.

"The Commission is in session on the soil of Korea and will wholeheartedly support any steps which might be taken by the International Red Cross, by the Republic of Korea or by the North Korean authorities to establish measures for the application of the Conventions."

The Chairman's message was broadcast from the Commission's headquarters in Korea.

Authority of the President To Repel the Attack in Korea

DEPARTMENT OF STATE MEMORANDUM OF JULY 3, 1950[1]

[Excerpts]

This memorandum is directed to the authority of the President to order the Armed Forces of the United States to repel the aggressive attack on the Republic of Korea.

As explained by Secretary Acheson to the press on June 28, as soon as word of the attack on Korea was received in Washington, it was the view of the President and of all his advisers that the first responsibility of the Government of the United States was to report the attack to the United Nations.

Accordingly, in the middle of the night of Saturday, June 24, 1950, Ambassador Gross, the United States deputy representative at the Security Council of the United Nations, notified Mr. Trygve Lie, the Secretary-General of the United Nations, that armed forces from North Korea had commenced an unprovoked assault against the territory of the Republic of Korea.

The President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof. He also has authority to conduct the foreign relations of the United States. Since the beginning of United States history, he has, upon numerous occasions, utilized these powers in sending armed forces abroad. The preservation of the United Nations for the maintenance of peace is a cardinal interest of the United States. Both traditional international law and article 39 of the United Nations Charter and the resolution pursuant thereto authorize the United States to repel the armed aggression against the Republic of Korea.

Constitutional Powers of the President

The President's control over the Armed Forces of the United States is based on article 2, section 2 of the Constitution which provides that he "shall be Commander in Chief of the Army and Navy of the United States."

In *United States* v. *Sweeny*, the Supreme Court said that the object of this provision was "evidently to vest in the President the supreme command over all the military forces,—such supreme and undivided command as would be necessary to the prosecution of a successful war."[2]

That the President's power to send the Armed Forces outside the country is not dependent on Congressional authority has been repeatedly emphasized by numerous writers.

For example, ex-President William Howard Taft wrote:

> The President is made Commander in Chief of the Army and Navy by the Constitution evidently for the purpose of enabling him to defend the country against invasion, to suppress insurrection and to take care that the laws be faithfully executed. If Congress were to attempt to prevent his use of the Army for any of these purposes, the action would be void. . . . Again, in the carrying on of war as Commander in Chief, it is he who is to determine the movements of the Army and of the Navy. Congress could not take away from him that discretion and place it beyond his control in any of his subordinates, nor could they themselves, as the people of Athens attempted to carry on campaigns by votes in the market place.[3]

Professor Willoughby writes:

> As to his constitutional power to send United States forces outside the country in time of peace when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt, although it has been contended by some that the exercise of this discretion can be limited by congressional statute. That Congress has this right to limit or to

[1] This memorandum also appeared in H. Rept. 2495, 81st Cong., 2d sess., p. 61.

[2] 157 U.S. (1895) 281, 284.

[3] *Our Chief Magistrate and His Powers* (1916), pp. 128–129.

forbid the sending of United States forces outside of the country in time of peace has been asserted by so eminent an authority as ex-Secretary Root. It would seem to author, however, that the President, under his powers as Commander in Chief of the Army and Navy, and his general control of the foreign relations of the United States, has this discretionary right constitutionally vested in him, and, therefore, not subject to congressional control. Especially, since the argument of the court in *Myers* v. *United States* with reference to the general character of the executive power vested in the President, and, apparently, the authority impliedly vested in him by reason of his obligation to take care that the laws be faithfully executed, it is reasonable to predict that, should the question be presented to it, the Supreme Court will so hold. Of course, if this sending is in pursuance of express provisions of a treaty, or for the execution of treaty provisions, the sending could not reasonably be subject to constitutional objection.[4]

In an address delivered before the American Bar Association in 1917 on the war powers under the Constitution, Mr. Hughes stated that "There is no limitation upon the authority of Congress to create an army and it is for the President as Commander-in-Chief to direct the campaigns of that Army wherever he may think they should be carried on." He referred to a statement by Chief Justice Taney in *Fleming* v. *Page* (9 How. 615) in which the Chief Justice said that as Commander in Chief the President "is authorized to direct the movements of the naval and military forces placed by law at his command."[5]

At the time the approval of the Treaty of Versailles was under consideration in the Senate, there was under discussion a reservation to article 10, presented by Senator Lodge, to the effect that "Congress . . . under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States." Senator Walsh of Montana stated in debate on November 10, 1919 that the statement was a recital of "What is asserted to be a principle of constitutional law." He said that if—

> . . . any declaration of that character should ever be made by the Senate of the United States, it would be singularly unfortunate. It is not true. It is not sound. It is fraught with the most momentous consequences, and may involve disasters the extent of which it is hardly possible to conceive.
>
> The whole course of our history has been a refutation of such a declaration, namely, that the President of the United States, the Chief Executive of the United States, the Commander in Chief of the Army of the United States, has no power to employ the land or naval forces without any express authorization upon the part of Congress. Since the beginning of our Government, our Navy has been sent over the seven seas and to every port in the world. Was there ever any congressional act authorizing the President to do anything of that kind?

He stated that our Navy travels the sea "in order to safeguard and protect the rights of American citizens in foreigns lands. Who can doubt that the President has no authority thus to utilize the naval and land forces of the United States?"

Mr. Borah stated:

> I agree fully with the legal or constitutional propositi which the Senator states, and I hope this [reservatio will be stricken out. It is an act of supererogation to p it in. It does not amount to anything. It is a recit which is not true.
>
> It can not change the Constitution, and it ought not to there. . . . It would simply be vain and futile and, if may say so, with due respect to those who drew it, th doing of an inconsequential thing."[6]

Not only is the President Commander in Chie of the Army and Navy, but he is also charged wit the duty of conducting the foreign relations o the United States and in this field he "alone ha the power to speak or listen as a representative o the Nation."[7]

Obviously, there are situations in which th powers of the President as Commander in Chie and his power to conduct the foreign relations o this country complement each other.

The basic interest of the United States is inter national peace and security. The United State has, throughout its history, upon orders of th Commander in Chief to the Armed Forces an without congressional authorization, acted to pre vent violent and unlawful acts in other states fron depriving the United States and its nationals o the benefits of such peace and security. It ha taken such action both unilaterally and in concer with others. A tabulation of 85 instances of th use of American Armed Forces without a declara tion of war was incorporated in the *Congressiona Record* for July 10, 1941.

Purposes for Sending American Troops Abroad

It is important to analyze the purposes for which the President as Commander in Chief has authorized the despatch of American troops abroad. In many instances, of course, the Armed Forces have been used to protect specific American lives and property. In other cases, however, United States forces have been used in the broad interests of American foreign policy, and their use could be characterized as participation in international police action.

The traditional power of the President to use the Armed Forces of the United States without consulting Congress was referred to in debates in the Senate in 1945. Senator Connally remarked:

> The historical instances in which the President has directed armed forces to go to other countries have not been confined to domestic or internal instances at all. Senator Millikin pointed out that in many cases the President has sent troops into a foreign country to protect our foreign polic[redacted]otably in Central and South America. That was [redacted] continued, in order to keep foreign countries out [redacted]ere—was not aimed at protecting any particular American citizen. It was aimed at protecting our foreign policy.

[4] *The Constitutional Law of the United States*, 1929, vol. III, p. 1567.)

[5] 58 *Cong. Rec.*, pt. 8, p. 8195, Nov. 10, 1919, 66th Cong., 1st sess.

[6] *United States* v. *Curtiss-Wright Export Corp.*, et al.

Charter of the United Nations we had laid down a foreign policy which we could protect, Senator Connally replied that that was absolutely correct. He added:

> I was trying to indicate that fact by reading the list of instances of intervention on our part in order to keep another government out of territory in this hemisphere. That was a question of carrying out our international policy, and not a question involving the protection of some American citizen or American property at the moment.[8]

During the Boxer Rebellion in China in 1900–1901, the President sent about 5,000 troops to join with British, Russian, German, French, and Japanese troops to relieve the siege of the foreign quarters in Peking and reestablish the treaty status.[9] This was done without express congressional authority. In defining United States policy at the time Secretary of State Hay said:

> . . . The purpose of the President is, as it has been heretofore, to act concurrently with the other powers; first, in opening up communication with Peking and rescuing the American officials, missionaries, and other Americans who are in danger; secondly, in affording all possible protection everywhere in China to American life and property; thirdly, in guarding and protecting all legitimate American interests; and, fourthly, in aiding to prevent a spread of the disorders to the other provinces of the Empire and a recurrence of such disasters. It is, of course, too early to forecast the means of attaining this last result; but the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.[8]

After the opening up of Japan to foreigners in the 1850's through the conclusion of commercial treaties between Japan and certain Western powers, antiforeign disturbances occurred. In 1863, the American Legation was burned following previous attacks on the British Legation. The commander of the U. S. S. *Wyoming* was instructed to use all necessary force for the safety of the legation or of Americans residing in Japan. Secretary of State Seward said that the prime objects of the United States were:

> First, to deserve and win the confidence of the Japanese Government and people, if possible, with a view to the common interest of all the treaty powers; secondly, to sustain and cooperate with the legations of these powers, in good faith, so as to render their efforts to the same end effective.[10]

In 1864, the Mikado, not recognizing the treaties with the Western powers, closed the straits of Shimonoseki. At the request of the Tycoon's government (opposed to the Mikado), American, British, French, and Netherlands forces, in a joint operation, opened the straits by force. The object of the Western powers was the enforcement of treaty rights, with the approval of the government that granted them.[11]

Again, in 1868, a detachment of Japanese troops assaulted foreign residents in the streets of Hiogo. One of the crew of the *Oneida* was seriously wounded. The safety of the foreign population being threatened, naval forces of the treaty powers made a joint landing and adopted measures to protect the foreign settlement.[12]

Former Assistant Secretary of State James Grafton Rogers has characterized these uses of force as "international police action", saying:

> They amounted to executive use of the Armed Forces to establish our own and the world's scheme of international order. Two American Presidents used men, ships and guns on a large and expensive scale.[13]

In 1888 and 1889, civil war took place in Samoa where the United States, Great Britain, and Germany had certain respective treaty rights for the maintenance of naval depots. German forces were landed, and the German Government invited the United States to join in an effort to restore calm and quiet in the islands in the interest of all the treaty powers. The commander of the United States naval forces in the Pacific was instructed by the Secretary of the Navy that the United States was willing to cooperate in restoring order "on the basis of the full preservation of American treaty rights and Samoan authority, as recognized and agreed to by Germany, Great Britain, and the United States." He was to extend full protection and defense to American citizens and property, to protest the displacement of the native government by Germany as violating the positive agreement and understanding between the treaty powers, but to inform the British and German Governments of his readiness to cooperate in causing all treaty rights to be respected and in restoring peace and order on the basis of the recognition of the Samoan right to independence.[14]

On July 7, 1941, The President sent to the Congress a message announcing that as Commander in Chief he had ordered the Navy to take all necessary steps to insure the safety of communications between Iceland and the United States as well as on the seas between the United States and all other strategic outposts and that American troops had been sent to Iceland in defense of that country. The United States, he said, could not permit "the occupation by Germany of strategic outposts in the Atlantic to be used as air or naval bases for eventual attack against the Western Hemisphere." For the same reason, he said, substantial forces of the United States had been sent to the bases ac-

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[8] *Cong. Rec.*, 79th Cong., 1st sess., vol. 91, pt. 8, Nov. 26, 1945, p. 10967.

[9] John Bassett Moore, *A Digest of International Law*, vol. v, p. 482. See also Taft, *op. cit.* pp. 114–115; Rogers, *op. cit.* pp. 58–62.

[10] John Bassett Moore, *A Digest of International Law*, vol. v, pp. 747–748.

[11] John Bassett Moore, *A Digest of International Law*, vol. v, p. 750; S. Ex. Doc. 58, 41 Cong. 2d sess.

[12] *Report of the Secretary of the Navy*, 1868, p. xl.

[13] *World Policing and the Constitution*, published by the World Peace Foundation, 1945, pp. 66, 67.

[14] John Bassett Moore, *A Digest of International Law*, vol. i, pp. 545–546.

Guiana in the South to forestall any pincers movement undertaken by Germany against the Western Hemisphere.[15]

Thus, even before the ratification of the United Nations Charter, the President had used the Armed Forces of the United States without consulting the Congress for the purpose of protecting the foreign policy of the United States. The ratification of the United Nations Charter was, of course, a landmark in the development of American foreign policy. As noted above, Senator Connally and Senator Millikin agreed that the President was entitled to use armed forces in protection of the foreign policy represented by the Charter. This view was also expressed in the Senate debates in connection with the ratification of the Charter. For example, Senator Wiley made the following pertinent statement:

> It is my understanding, according to the testimony given before the Foreign Relations Committee of the Senate, that the terms "agreement or agreements" as used in article 43 are synonymous with the word "treaty." On the other hand, I recognize that Congress might well interpret them as agreements brought about by the action of the Executive and ratified by a joint resolution of both Houses. These agreements would provide for a police force and the specific responsibility of each nation. But outside of these agreements, there is the power in our Executive to preserve the peace, to see that the "supreme laws" are faithfully executed. When we become a party to this charter, and define our responsibilities by the agreement or agreements, there can be no question of the power of the Executive to carry out our commitments in relation to international policing. His constitutional power, however, is in no manner impaired.[16]

An even fuller exposition of the point was made by Senator Austin, who stated:

> Mr. President, I am one of those lawyers in the United States who believe that the general powers of the President—not merely the war powers of the President but the general authority of the President—are commensurate with the obligation which is imposed upon him as President, that he take care that the laws are faithfully executed. That means that he shall take all the care that is required to see that the laws are faithfully executed.
>
> Of course, there are other specific references in the Constitution which show that he has authority to employ armed forces when necessary to carry out specific things named in the Constitution; but the great over-all and general authority arises from his obligation that he take care that the laws are faithfully executed. That has been true throughout our history, and the Chief Executive has taken care, and has sent the armed forces of the United States, without any act of Congress preceding their sending, on a great many occasions. I have three different compilations of those occasions. One of them runs as high as 150 times; another of them 72 times, and so forth. It makes a difference whether we consider the maneuvers which were merely shows of force as combined in the exercise of this authority—as I do—or whether we limit the count to those cases in which the armed forces have actually entered upon the territory of a peaceful neighbor. But there is no doubt in my mind of his obligation and authority to employ all the force that is necessary to enforce the laws.

[15] *Cong. Rec.*, 77th Cong., 1st sess., vol. 87, pt. 6, July 7, 1941, p. 7868.

[16] *Cong. Rec.*, 79th Cong., 1st sess., vol. 91, July 27, 1945, p. 8127–8128.

> security and peace violate the laws of the United States? Perhaps, Mr. President, it would not have violated the law of the United States previous to the obligations set forth in this treaty. Perhaps we have never before recognized and being true the fundamental doctrine with which I opened my remarks. But we are doing so now. We recognize that a breach of the peace anywhere on earth which threatens the security and peace of the world is an attack upon us; and after this treaty is accepted by 29 nations that will be the express law of the world. It will be the law of nations, because according to its express terms it will bind those who are nonmembers, as well as members, and it will be the law of the United States, because we shall have adopted it in a treaty. Indeed, it will be above the ordinary statutes of the United States, because it will be on a par with the Constitution, which provides that treaties made pursuant thereto shall be the supreme law of the land.
>
> So I have no doubt of the authority of the President in the past, and his authority in the future, to enforce peace. I am bound to say that I feel that the President is the officer under our Constitution in whom there is exclusively vested the responsibility for maintenance of peace.[17]

Action contrary to the Charter of the United Nations is action against the interests of the United States. Preservation of peace under the Charter is a cornerstone of American foreign policy. President Truman said in his inaugural address in 1949:

> In the coming years, our program for peace and freedom will emphasize four major courses of action.
>
> First, we will continue to give unfaltering support to the United Nations and related agencies, and we will continue to search for ways to strengthen their authority and increase their effectiveness.

In the Korean situation, the resolution of the Security Council of June 25 determined, under article 39 of the Charter, that the action of the North Koreans constituted a breach of the peace and called upon "the authorities in North Korea (a) to cease hostilities forthwith; and (b) to withdraw their armed forces to the thirty-eighth parallel." It also called upon "all Members to render every assistance to the United Nations in the execution of this resolution." This is an application of the principles set forth in article 2, paragraph 5 of the Charter, which states: "All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter . . ." The Security Council resolution of June 27, passed after the North Korean authorities had disregarded the June 25 resolution, recommended "that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area." This recommendation was also made under the authority of article 39 of the Charter.

The President's [redacted] seeks to accomplish the objectives of both [redacted]ions.

The continued defiance of the United Nations by the North Korean authorities would have meant that the United Nations would have ceased to

[17] *Cong. Rec.*, 79th Cong., 1st sess., vol. 91, July 26, 1945, p. 8004–8005.

tenance of international peace. The continued existence of the United Nations as an effective international organization is a paramount United States interest. The defiance of the United Nations is in clear violation of the Charter of the United Nations and of the resolutions adopted by the Security Council of the United Nations to bring about a settlement of the problem. It is a threat to international peace and security, a threat to the peace and security of the United States and to the security of United States forces in the Pacific.

These interests of the United States are interests which the President as Commander in Chief can protect by the employment of the Armed Forces of the United States without a declaration of war. It was they which the President's order of June 27 did protect. This order was within his authority as Commander in Chief.

USE OF LAND AND NAVAL FORCES OF THE UNITED STATES FOR PROTECTION PURPOSES[18]

The United States has used its land and naval forces in foreign territories during peacetime on [illegible] during the past hundred year They have been landed, *inter alia*, for the protection of American citizens and American territor as in the instance of the Spanish Floridas in 181 for the protection of American citizens located disturbed areas; for the suppression of piracy; fo meting out punishment (in an early day) to lawless bands who had murdered American citizens for the suppression of local riots and the preserv tion of order; for the purpose of securing the pay ment of indemnity; and to prevent massacre.

Although there may have been earlier instance the first instance that has been drawn to my atte tion of the landing of United States troops oc curred in 1812 when President Monroe sent force to expel freebooters who had taken possession i the name of the Governments of Buenos Aires an Venezuela of Amelia Island, off the coast of Flor ida. Although the island belonged to Spain th measure was not taken in concert with the Span ish Government or the local authorities of Florida I find that as late as 1932 American forces were sent to Shanghai owing to the Sino-Japanese con flict as a measure of protection for the lives and property of American citizens in that area.

A list of various landings of American forces and the occasions therefor follows:

Place	Year	Purpose
1. Amelia Island	1812	To protect Spanish island from foreign invasion or control.
2. Spanish Florida	1814	To expel the British.
3. Cuba	1823	To pursue and break up an establishment of pirates.
4. Puerto Rico	1824	To atone for insult to the flag and procure apology.
5. Falkland Islands	1831	To procure the release of certain vessels and their crews.
6. Island of Sumatra	1832	To punish natives for attack and seizure of American ship and murder of crew.
7. Fiji Islands	1840	To punish natives for an attack upon Americans.
8. Samoa	1841	To punish natives for the murder of a white man.
9. Island of Johanna	1851	To collect indemnity (display of force).
10. Japan	1853–54	To procure a commerical treaty.
11. China	1854	American and British forces acted jointly during civil war in China to protect American and British nationals.
12. Greytown	1854	To protect American property rights.
13. Fiji Islands	1855	To protect American life.
14. Uruguay	1855	To protect American consulate and American life and property.
15. China	1856	To prevent injury to American interests.
16. Egypt	1858	To secure protection of American citizens.
17. Uruguay	1858	To protect life and property of foreign residents; action taken at request of regular Government in conjunction with forces of other powers.
18. Fiji Islands	1858	To punish natives for murder of two Americans.
19. China	1859	To restore order in Shanghai.
20. Kisembo, Africa	1860	To prevent destruction of American property.
21. Panama	1860	To restore order during insurrection.
22. Japan	1863	To obtain redress for an unwarranted attack upon an American vessel.
23. Do	1864	To open the Straits of Shimonoseki in conjunction with other powers; action taken at request of the Tycoon's government.
24. Formosa	1867	To punish natives who had murdered the crew of a wrecked American bark.
25. Japan	1868	To protect American interests during local hostilities.
26. Uruguay	1868	To protect American interests at request of local authorities.
27. Korea	1871	To capture Korean forts after a surveying party which had been granted permission to make certain surveys and soundings in the interest of science and commerce had been treacherously attacked.
28. Honolulu	1874	To suppress riotous proceedings at request of local authorities.
29. Mexico	1876	To preserve order, pending arrival of regular Government forces after evacuation of revolutionists.

[18] Reprinted from H. Rept. 2495, 81st Cong., 2d sess., p. 67.

	Place	Year	Purpose
30.	Egypt	1882	To suppress riots and protect American interests.
31.	Korea	1888	To protect American residents.
32.	Samoa	1888	To establish a stable government; joint action by United States, Great Britain, and Germany.
33.	Haiti	1888	To obtain the release of an American merchant vessel captured by a Haitian war vessel.
34.	Navassa Island	1891	To protect American life and property.
35.	Chile	1891	To protect American consulate at Valparaiso.
36.	Hawaii	1893	To protect life and property at the time of the deposition of the Queen.
37.	Brazil	1893	To protect American commerce in Brazilian waters during a revolt of the Brazilian Navy; it was reported that the insurgents had the assistance of certain European powers.
38.	Korea	1894	To protect the American Legation.
39.	Samoa	1899	To assist in settling controversy over succession to Samoan throne.
40.	Nicaragua	1899	To protect life and property, upon petition of foreign merchants during insurrection.
41.	China	1900	To protect life and property at time of Boxer uprising.
42.	Dominican Republic	1903	To protect American interests.
43.	Do	1903	To protect American lives and property and to prevent fighting within certain area.
44.	Honduras	1907	To protect American consulate and American interests during hostilities between Honduras and Nicaragua.
45.	Nicaragua	1910	To protect American life and property during revolution; to prevent the bombardment of Bluefields.
46.	Honduras	1910–11	To protect American interests during revolutionary disturbances.
47.	China	1911	To protect the consulate and property of American citizens of Foochow.
48.	Do	1911	To protect American consulate and American citizens at Chinkiang.
49.	Do	1911	To increase the guard of the American Legation at Peking.
50.	Do	1912	To keep open the railroad from Peking to the sea.
51.	Do	1912	To extend protection.
52.	China, Swatow	1912	To save a woman and some children and conduct them to safety.
53.	Cuba	1912	To quell uprising; to protect American life and property.
54.	Honduras	1912	To protect an American-owned railroad.
55.	Nicaragua	1912–13	To protect American property, at request of Government of Nicaragua.
56.	Dominican Republic	1912–14	To protect Dominican customshouses, in conformity with the provisions of the treaty of 1907.
57.	China, Chapei	1913	To prevent disorder and give protection.
58.	China, Shanghai	1913	For protection.
59.	Paris	1914	To act as a guard for the American Embassy.
60.	Mexico, Veracruz	1914	To enforce demands for amends for affronts and indignities to an officer of the U. S. S. *Dolphin* and the crew of the whaleboat of the *Dolphin*.
61.	Haiti	1914–1915	To protect American life and property during disturbed conditions.
62.	China, Nanking	1916	To quell a riot.
63.	Mexico	1916–17	To pursue Villa after his invasion of American territory.
64.	Dominican Republic	1916–24	To suppress revolution; to establish military government.
65.	Cuba	1917–19	To protect American consulate and American lives and property during insurrection and banditti fighting.
66.	China, Chungking	1918	For protection during a political crisis.
67.	Honduras	1919	To cooperate with the forces of Honduras in maintaining order in a neutral zone.
68.	Panama	1919	To extend protection, at request of Panamanian Government.
69.	China, Kiukiang	1920	To restore order during riot.
70.	China, Youchow	1920	To guard American property.
71.	Guatemala	1920	To protect the American Legation during local fighting.
72.	Smyrna	1922	To protect American life and property during the advance of Turkish forces on that city.
73.	China, Tungchow	1922	To protect against possible violence by retreating Fengtien forces.
74.	China, Foochow	1922	To protect American nationals.
75.	China, Masu Island	1923	To protect Americans against brigandage.
76.	Honduras	1924	To protect American life and property during unsettled conditions; intermittent landing of forces.
77.	Do	1925	To protect American property.
78.	Panama	1925	To extend protection during unsettled conditions, at request of Panamanian Government.
79.	Nicaragua	1926	To protect life and property during rev[redacted]
80.	China, Hankow	1927	To protect lives and interests of Ameri[redacted]ng mob-riot disturbances.
81.	China, Shanghai	1927	To protect American lives and property.
82.	China, Nanking	1927	To afford protection against looting and general disorder.
83.	China, Chinkiang	1927	To extinguish fire on American property caused by gunfire.
84.	China, Canton	1927	To aid in evacuation.
85.	China, Shanghai	1932	To strengthen forces at Shanghai, as a measure of protection for the lives and property of American nationals.

July 1, 1949: Korean Military Advisory Group (KMAG) established.

August 4, 1949: North Korean forces launch a new and large-scale invasion of the Ongjin Peninsula, but are repulsed after heavy fighting.

August 6, 1949: Generalissimo Chiang Kai-shek arrives in Korea for talks with President Rhee on projected Pacific Pact.

August 9, 1949: North Korean radio calls for revolt against the government of Syngman Rhee in South Korea.

August 23, 1949: The Republic of Korea is formally admitted to membership in the World Health Organization as its sixty-fifth member.

September: The "Democratic People's Republic of Korea" fails to hold the all-Korea election called for in the manifesto issued on June 28, 1949, by the Communist-dominated Democratic Front for the attainment of unification of the fatherland. No explanation is given for the failure to carry out previously announced plans.

September 9–20, 1949: Extremely heavy guerrilla warfare commences across 38th parallel; heavy casualties are reported on both sides.

September 22, 1949: Steamship *Kimball Smith* defects to Chinnampo, North Korea, with ECA employees, Willis and Meschter, held captive by crew.

September 28, 1949: The United States Congress passes the Mutual Defense Assistance Act, which authorizes expenditure of $27,000,000 for military aid to Iran, the Philippines, and the Republic of Korea.

October 2, 1949: The United States presents to the Soviet Foreign Office a note requesting that the U. S. S. R. assist in determining the location of the missing ship and ECA officials and facilitate their return.

Two hundred and forty-nine guerrillas are executed on Cheju Island with approval of President Rhee as a result of riots earlier in the year. Those executed include 1 officer and 20 enlisted men of Ninth Regiment, formerly stationed on Cheju.

October 6, 1949: "Democratic People's Republic of Korea" recognizes the People's Republic of China.

October 10, 1949: The President signed Public Law 343, the third deficiency bill appropriating $30,000,000 for economic assistance to the Republic of Korea during the period July 1–October 15, 1949, and covering sums appropriated by Public Law 154 of June 30, 1949, which permitted spending on the basis of the annual budget estimate for 1 month ending July 30, 1949, and Public Law 196 approved August 1, 1949, permitting the continuation of spending on the same basis until August 16, 1949.

October 12, 1949: S. 2319 authorizing an appropriation of $120,000,000 for economic assistance to the Republic of Korea passed by the Senate.

October 14, 1949: The U. S. S. R. rejects the request made in the American note of October 2, stating that the matter is within the province of the "Democratic People's Republic of Korea."

The Foreign Minister of the "Democratic People's Republic of Korea" sends a letter to the Secretary-General of the UN challenging the legality of UN activity in Korea and expressing determination to drive the UN Commission out of Korea.

North Korean forces begin a new offensive on the Ongjin Peninsula, and severe fighting continues for several days.

October 22, 1949: The UN General Assembly decides to continue the UN Commission on Korea (UNCOK) and to charge it to investigate developments "which might lead to or otherwise involve military conflict in Korea."

The Economic Commission for Asia and the Far East (ECAFE) admits the Republic of Korea as an associate member and rejects the application of the "Democratic People's Republic of Korea."

[9] Reprinted from H. Rept. 2495, 81st Cong., 2d sess., p. 69.

[illegible] announces that "SKLP (South Korea Labor Party) Extermination Week" will begin on November 1; those who wish to repent and join the National Guidance Alliance (an organization for converted ex-Communists) are urged to do so before that date.

October 28, 1949: The President of the United States signs Public Law 430, second supplemental appropriation bill, appropriating another $30,000,000 for economic aid to the Republic of Korea during the period October 15, 1949 to February 15, 1950.

October 29, 1949: The United States presents to the U.S.S.R. a second note concerning the Steamship *Kimball Smith* and the two American officials of the Economic Cooperation Administration held in northern Korea.

November 7, 1949: The "Democratic People's Republic of Korea" recognizes the (East) German Democratic Republic.

November 14, 1949: The U.S.S.R., replying to the American note of October 29, agrees to inform the North Korean authorities, through the Soviet Ambassador in Pyongyang, of the United States request for information.

November 15, 1949: In a radio broadcast, the "Democratic People's Republic of Korea" acknowledges for the first time the presence of the two American officials in northern Korea and states that the authorities in the north are willing to turn them over to the American Government.

November 23, 1949: The Republic of Korea is admitted to membership in the UN Food and Agriculture Organization.

November 24–25, 1949: Village people's committees are elected in North Korea.

November 26, 1949: The new Secretary General of the UN Commission on Korea and other staff members arrive in Seoul.

December 3, 1949: Township people's committees are elected in North Korea.

December 11, 1949: Meschter and Willis, the two American officials of the Economic Cooperation Administration held in North Korea since September 22, are turned over to a representative of the American Embassy at the 38th parallel.

December 14, 1949: Kim Il Sung, Premier of the "Democratic People's Republic," and party leave North Korea for Moscow to participate in the celebration of Stalin's seventieth birthday.

December 17, 1949: Republic of Korea approved program discussed with them by MDAP Survey Team.

December 26, 1949: MDAP Survey Team arrives in Republic of Korea. Chung Paek, prominent and long-time Communist arrested in South Korea in late November on his return from North Korea, denounces the North Korean regime and pledges his allegiances to the Republic, lending prominence to the National Guidance Alliance and the South Korea "Voluntary Surrender Week."

January 12, 1950: Ambassador Philip Jessup speaks before the National Assembly of the Republic of Korea.

January 18, 1950: UN International Children's Emergency Fund (UNICEF) announces plans for a $550,000 child welfare program in Korea; Dr. Clarence W. MacCharles, of Canada, is named director.

January 19, 1950: H. R. 5330 authorizing the appropriation of $120,000,000 for economic assistance to the Republic of Korea defeated in the House of Representatives by a vote of 192–191.

January 26, 1950: The military defense assistance program and Korea Military Advisory Group (KMAG) agreements are signed.

February 8, 1950: The UN Economic and Social Council (ECOSOC) at Lake Success endorses the Republic of Korea's application by membership in the United Nations Educational, Scientific and Cultural Organization (UNESCO).

February 9, 1950: S. 2319 authorizing the appropriation of $120,000,000 for economic assistance to the Republic of Korea for fiscal year 1950 with an amendment extending aid to China passed by the House of Representatives.

passed by the Senate; President Rhee hands foreign correspondents message of gratitude for passage of the aid bill.

February 14, 1950: President Rhee, accompanied by Foreign Minister, Director of Office of Public Information (OPI), Deputy Chief of Staff of Korean Army, and staff, departs for Tokyo for consultation.

February 15, 1950: Korea requests spare parts and ammunition for 10 AT6 planes, and State Department allocates money to Defense Department.

February 17, 1950: The World Health Organization grants the Republic of Korea $750,000 for public health program for fiscal year 1950.

February 24, 1950: The Republic of Korea signs a contract with Japan for export of 100,000 metric tons of rice to Japan at $142 per ton.

February 27, 1950: President Truman transmits to the United States Congress requests for appropriation of $60,000,000 for aid to the Republic of Korea for fiscal year 1950 and for the authorization of $100,000,000 for economic assistance for fiscal year 1951.

March 3, 1950: Headquarters of the Special Army-Police Joint Search Organ in South Korea announces arrest of 196-man "destruction party" led by Ch'oe Yung Ch'oo. The party allegedly was taking orders from the North Korean Vice Minister of Internal Security in order to stage a revolt in March.

March 4, 1950: The Secretary-General of the UN announces that, in compliance with a request from the UN Commission on Korea, eight observers are being sent to Korea to observe clashes along the 38th parallel.

March 15, 1950: Korean program submitted by Department of Defense to Department of State.

March 20, 1950: KMAG agreement ratified by Korean legislature.

March 29, 1950: Korean military aid program approved by State Department.

March 30, 1950: The South Korea Assembly ratifies the Korea Military Advisory Group and military defense-assistance program agreement by a vote of 90 to 1.

March 31, 1950: The United States House of Representatives passes H. R. 7797, authorizing the appropriation of $100,000,000 for aid to the Republic of Korea during fiscal year 1951.

April 3, 1950: Korean Ambassador in Washington (John M. Chang) is handed United States aide-mémoire regarding financial situation in Korea and ECA assistance.

April 4, 1950: United States Ambassador to Korea (John J. Muccio) hands United States aide-mémoire to President Rhee. Ambassador Muccio is subsequently recalled for consultation regarding financial situation in Korea.

April 11, 1950: South Koreans request armament and ammunition for PC boats (sec. 408 (e) MDA Act).

April 19, 1950: The Office of Public Information of the Republic of Korea announces that a general election for members of the National Assembly is to be held on May 30.

April 20, 1950: Air Force directed to supply machine guns, spare parts, and ammunition to South Korea under section 408 (e) of the MDA Act on patrol craft sailing from west coast in May 1950.

April 24, 1950: The Foreign Minister of the Republic of Korea invites the United Nations Commission on Korea to observe general elections in the Republic. Allocation made by Department of State to Defense Department of funds to carry out supply action by Air Force.

April 28, 1950: Fulbright agreement between United States and Korea (ROK) is signed.

May 5, 1950: Senate passed S. 3304, authorizing the [illegible] million dollars for economic assistance to the Republic of Korea.

May 15, 1950: State Department authorizes additional Army and Coast Guard military assistance to South Korea.

May 18, 1950: House and Senate conferees agreed on H. R. 7797.

May 23, 1950: H. R. 7797 as reported by conference passed by House. Allocation by State Department to Defense Department of funds to carry out supply action.

May 25, 1950: H. R. 7797 as reported by conference passed by Senate. Joint Chiefs of Staff directed to program the additional Army and Coast Guard items authorized May 15, 1950.

May 30, 1950: National Assembly elections are held in the Republic of Korea. About 90 percent of the electorate votes, and the established political parties, including both the supporters of and the opposition to President Rhee, retain only a small percentage of their Assembly membership; over 65 percent of the seats go to independents.

June 5, 1950: President approves Foreign Economic Assistance Act of 1950 (Public Law 535), including authorization of $100,000,000 economic aid to Korea.

June 7, 1950: The North Korea regime proposes a general all-Korea election on August 5, a meeting of a Supreme Korean Assembly on August 15, and the holding of a preliminary Joint North-South Conference near the 38th parallel. The proposal specifically forbids the participation of members of the UN Commission on Korea, President Rhee, Lee Bum Suk, and other co-called national traitors.

June 19, 1950: The new National Assembly of the Republic of Korea convenes for its first meeting. The final turn-over in Assembly membership is approximately 85 percent.

June 20, 1950: North Korea makes a second unification proposal, varying only slightly from original offer. This second proposal emanates from the North Korean Government directly rather than from the Democratic Front, the political instrument for unification propaganda.

June 25, 1950: The North Korea People's Army and border constabulary forces invade South Korea and launch amphibious landings, supported by air attacks on Seoul and other strategic locations. General MacArthur directed to send available MDAP equipment from stocks of the Far Eastern Command.

June 25, 1950: The United States sponsors resolution before UN Security Council that armed attack on Republic of Korea by forces from North Korea constitutes breach of the peace and calling for immediate cessation of hostilities. Resolution passes 9 to 0.

June 27, 1950: Statement by President of United States announcing he has ordered air and sea forces to give troops of Republic of Korea cover and support.

General MacArthur begins implementation of the President's order.

UN Security Council resolution adopted, calling upon members of UN to furnish such assistance to the Republic of Korea as may be necessary to repel armed attack. Adopted 7 to 1 (later changed to 8 to 1, when India on June 29 voted in favor).

June 30, 1950: Statement by President of United States that he has authorized General MacArthur to use certain supporting ground units, authorizing USAF to conduct missions on specific targets in northern Korea wherever militarily necessary, and ordering naval blockade of entire Korean coast.

As of this date, the following countries have announced they would assist in enf[illegible] the UN Security Council's resolutions: The Unit[illegible]om, Australia, New Zealand, China, and the Nether[illegible]

TAB I

Some Presidential Authorities Available Under A Declaration of War

A declaration of war would satisfy the War Powers Resolution, trigger the Trading with the Enemy Act, permitting the seizure of enemy assets, permit the call-up of all reserves for the duration of the conflict plus 6 months, and suspend certain ceilings on the number of officers and enlisted personnel on active duty. In addition, the following authorities are among those that would be available to the President:

-- Would grant wide authority to "recapture" real estate formerly part of military installations

-- Would grant wide authority to direct that manufacturing plants meet military needs before other needs

-- Would authorize arming of civilian ships and aircraft (war or determination by the President that the security of the United States is threatened)

-- Would authorize the President to take control of any transporation system for purposes related to the emergency

-- Would permit immediate condemnation of private property for certain identified war purposes

-- Would permit suspension of laws governing retention and reappointment of CJCS, commissioned officers, reserve units, enlistments

-- Would grant wide authority on control of travel by aliens (war or national emergency declared by the President) and the apprehension, restraint, or removal of enemy aliens

-- Would grant wide authority to authorize military construction

-- Would permit suspension of maximum rental or leases of building (war or national emergency declared by the President or by Congress)

-- Would permit sale of war materiel to foreign governments on our side in war

-- Would give government the right of first refusal on all natural resources

-- Would permit suspension of leases on continental outer shelf (war or national emergency declared by the President or by Congress)

-- Would grant wide authority with respect to communications (may suspend or amend regulations, close facilities or stations, authorize use by any department of any facility)

-- Would permit contracting for war materiel and enforcement of contracts through plant seizures

-- Would authorize contracts for war materiel, changing contracts, seizing plants, ships, and war material

-- Would suspend restrictions on CBW (war or national emergency declared by the President or by Congress)

-- Would authorize licensing use of enemy patents, trademarks, and processes

Bases: The President may suspend the normal procedures for closing military installation if he certifies to Congress that closure is necessary for reasons of national security or military emergency. (Note: This provision probably does not waive applicable provisions of the National Environmental Policy Act (NEPA).)

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2

CHRON FILE

TO: SABAH, JABER

FROM: PRESIDENT

DOC DATE: 12 DEC 90
SOURCE REF:

KEYWORDS: KUWAIT
HS
IRAQ
PERSIAN GULF

PERSONS: SABAH, JABER

SUBJECT: CABLE FM PRES TO AMIR OF KUWAIT RE GULF CRISIS

ACTION: PRES APPROVED CABLE DUE DATE: 14 DEC 90 STATUS: C

STAFF OFFICER: CHARLES LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION	FOR CONCURRENCE	FOR INFO
		CHARLES
		HAASS
		NSC CHRON

DECLASSIFIED
White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By Cap NARA, Date 6/16/09

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12/13

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IMMEDIATE TO JEDDAH

1. ~~CONFIDENTIAL~~ (ENTIRE TEXT)

2. PLEASE DELIVER TO HIS HIGHNESS
SHEIKH JABIR AL-ALMAD AL-SABAH
AMIR OF THE STATE OF KUWAIT

3. BEGIN TEXT: YOUR HIGHNESS:



DECLASSIFIED
PER E.O. 13526
2010-0852-MR
MM 4/14/2016

NOW THAT I AM BACK FROM MY VISIT TO SOUTH AMERICA, I JUST WANT TO TAKE A MOMENT TO GIVE YOU MY SENSE OF WHERE WE STAND IN THE GULF. I AM PLEASED THAT ALL AMERICAN CITIZENS IN KUWAIT AND IRAQ WANTING TO LEAVE ARE SO DOING. YOU KNOW WE HAD KEPT OUR EMBASSY OPEN IN KUWAIT TO ADMINISTER TO OUR PEOPLE THERE. WE DECIDED TO WITHDRAW OUR REMAINING DIPLOMATIC STAFF FROM KUWAIT WHILE LEAVING THE EMBASSY ITSELF OPEN SINCE, WITH THE AMERICAN COMMUNITY GONE, THERE IS NO OFFICIAL BUSINESS FOR US TO CONDUCT THERE UNTIL YOUR GOVERNMENT IS RESTORED. YOUR HIGHNESS, LET ME REASSURE YOU THAT FOR OUR PART, THE HOSTAGE RELEASE HAS CHANGED NOTHING AND DONE NOTHING TO DIMINISH EITHER OUR OPPOSITION TO NEGOTIATION OR OUR DETERMINATION TO SEE ALL THE RELEVANT SECURITY COUNCIL RESOLUTIONS IMPLEMENTED IN ALL THEIR PARTS.

ON OUR UPCOMING TALKS WITH IRAQ, WE STILL HAVE NOT RESOLVED THE DATES FOR TARIQ AZIZ'S VISIT HERE AND JIM BAKER'S THERE. IT IS OBVIOUS THAT SADDAM'S DESIRE TO PUT OFF THE BAGHDAD MEETING UNTIL JANUARY TWELFTH IS ONLY THE LATEST EXAMPLE OF HIS DESIRE TO MANIPULATE DIPLOMACY TO WEAKEN THE COALITION AGAINST HIM AND TO MAKE THE POTENTIAL USE OF FORCE MORE DISTANT AND HENCE LESS LIKELY. WE WILL CONTINUE TO RESIST THIS AND OTHER SUCH ATTEMPTS, JUST AS WE WILL RESIST ATTEMPTS TO LINK IRAQI AGGRESSION AGAINST KUWAIT WITH OTHER ISSUES, LIKE THE PALESTINIAN ISSUE.

YOUR HIGHNESS, I WANT TO PERSONALLY UNDERSCORE TO YOU THAT OUR TALKS WILL INCLUDE NO COMPROMISES, NO PARTIAL SOLUTIONS, NO DEALS, AND NO FACE-SAVING GIMMICKS. WE ALSO ARE STRESSING TO OTHER GOVERNMENTS THAT INTEND TO COMMUNICATE WITH IRAQI OFFICIALS OVER THE COMING WEEKS THE NEED TO REINFORCE THIS. SADDAM MUST UNDERSTAND THAT THE CHOICE TO COMPLY WITH THE UN RESOLUTIONS IS HIS, OR HE WILL RISK THE CONSEQUENCES OF HIS INACTION.
I BELIEVE WE ARE ALL IN FOR A GREAT DEAL OF TESTING OF THIS SORT BETWEEN NOW AND THE MIDDLE OF JANUARY AS SADDAM AND HIS OFFICIALS WILL TRY TO DO EVERYTHING TO SPLIT THE COALITION AND ENHANCE THEIR PUBLIC POSTURE. NEEDLESS TO SAY, WE MUST CONTINUE TO HOLD FIRM AND HOLD TOGETHER. THIS IS NOT THE TIME FOR COMPROMISES OR FOR SUGGESTIONS, PUBLIC OR PRIVATE, OF WHAT IRAQ MIGHT EXPECT SHOULD IT WITHDRAW FROM KUWAIT. I KNOW THAT WE CAN COUNT ON YOU AND YOUR GOVERNMENT TO STAND WITH US UNTIL WE SUCCEED IN REALIZING ALL OUR OBJECTIVES WITHOUT CONDITION OR CONCESSION.
I WILL STAY IN CLOSE TOUCH WITH YOU ON MY THINKING AS WE PROCEED, AND AS ALWAYS, I WOULD VALUE HEARING FROM YOU AT ANY TIME.
WITH MY WARM REGARDS, SINCERELY, /S/ GEORGE BUSH.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

9689

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 11, 1990

Brent:
The ambassador won't be back till the week-end
RA
let me know if you just want us to send the message by cable to the Amir and then we can have the amb. in next week.

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: RICHARD N. HAASS

Natl Sec Advisor has seen

FROM: ~~S~~SANDRA CHARLES

SUBJECT: Presidential Response to the Amir of Kuwait

The President has asked us to prepare a personal letter to the Amir of Kuwait (Tab A), to reassure him of our determination in the Gulf to solve this crisis consistent with the UNSC resolutions and without cutting any deals with Iraq, to bolster Kuwaiti resolve as we enter into a difficult period over the next six weeks, and to continue to consult closely as events evolve.

A proposed response, which has been coordinated in substance with State, is at Tab A.

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments
Tab I Memo to the President
Tab A Letter to the Amir of Kuwait

DECLASSIFIED
PER E.O. 13526
2010-0852-MR
MM 4/14/2016

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Declassify on: OADR

Withdrawal/Redaction Sheet
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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04c. Memo	From Brent Scowcroft to POTUS, Re: Letter to the Amir of Kuwait [FOIA restrictions redacted] (1 pp.)	n.d.	(b)(1)	C

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Document Partially Declassified
(Copy of Document Follows)
By MM on 4/10/2023

Date Closed:	6/16/2009	**OA/ID Number:**	91145-004
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	2010-0852-MR(503.02)
AR Disposition:		**MR Disposition:**	Released in Part
AR Disposition Date:		**MR Disposition Date:**	4/14/2016

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(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
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P-2 Relating to the appointment to Federal office [(a)(2) 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]

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THE WHITE HOUSE

WASHINGTON

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ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT

SUBJECT: Letter to the Amir of Kuwait

DECLASSIFIED IN PART
PER E.O. 13526
2010-0852-MR
mm 4/14/2016

Purpose

To provide the Amir with our thinking on the hostage release and our upcoming talks with Iraq, to reassure him that we are not dealing with Iraq, and to bolster Kuwaiti resolve in sticking with the goals of the coalition.

Background

We have received reports that the Amir of Kuwait and other Kuwaiti officials are uneasy about the upcoming round of diplomacy between the United States and Iraq, particularly now that U.S. hostages are being released. The GOK may believe that U.S. resolve will weaken, based on perceived Congressional and domestic opposition to use of force to resolve the crisis, and that we will cut a deal.

1.4(d) [redacted]

Your letter assures the Amir that while we are pleased with the hostage release and willing to go the extra mile in holding talks with Iraq, but it will not change our bottom line: Iraqi's complete compliance with the UNSC resolutions on the Gulf. Your letter also makes clear that we expect no less 1.4(d) [redacted]

RECOMMENDATION

That you sign the letter to the Amir of Kuwait at Tab A.

Attachments
Tab A Letter to the Amir of Kuwait

cc: Vice President
Chief of Staff

~~CONFIDENTIAL~~
Declassify on: OADR

THE WHITE HOUSE

WASHINGTON

Your Highness:

Now that I am back from my short visit to South America, I just want to take a moment to give you my sense of where we stand in the Gulf. I am pleased that all American citizens in Kuwait and Iraq wanting to leave are so doing. You know we had kept our embassy open in Kuwait to administer to our people there. We decided to withdraw our few remaining diplomatic staff from Kuwait while leaving the embassy itself open since, with the American community gone, there is no official business for us to conduct there until your legitimate government is restored. Your Highness, let me reassure you that for our part, the hostage release has changed nothing and done nothing to diminish either our opposition to negotiation or our determination to see all the relevant Security Council resolutions implemented in all their parts.

On our upcoming talks with Iraq, we still have not resolved with the Iraqis the dates for Tariq Aziz's visit here and Jim Baker's there. It is obvious that Saddam's desire to put off the Baghdad meeting until January twelfth is only the latest example of his desire to manipulate diplomacy to weaken the coalition against him and to make the potential use of force more distant and hence less likely. We will continue to resist this and other such attempts, just as we will resist attempts to link Iraqi aggression against Kuwait with other issues, like the Palestinian issue.

Your Highness, I want to personally underscore to you that our talks will include no compromises, no partial solutions, no deals, and no face-saving gimmicks. We also are stressing

to other governments that intend to communicate with Iraqi officials over the coming weeks the need to reinforce this. Saddam must understand that the choice to comply with the UN resolutions is his, or he will risk the consequences of his inaction.

I believe we are all in for a great deal of testing of this sort between now and the middle of January as Saddam and his officials will try to do everything to split the coalition and enhance their public posture. Needless to say, we must continue to hold firm and hold together. I know that we can count on you and the Government of Kuwait to stand with us until we succeed in realizing all our objectives without condition or concession. This is not the time for

I will stay in close touch with you on my thinking as we proceed, and as always, I would value hearing from you at any time.

With my warm regards,

Sincerely,

~~[illegible]~~ compromises or for suggesting, public or private, of what Iraq might expect should it withdraw from your country.

His Highness
Sheikh Jabir al-Almad al-Sabah
Amir of the State of Kuwait
Kuwait

~~CONFIDENTIAL~~
NSC/S PROFILE

RECORD ID: 9009700
RECEIVED: 11 DEC 90 17

TO: PRESIDENT

CHRON FILE

FROM: SCOWCROFT

DOC DATE: 13 DEC 90
SOURCE REF:

2

KEYWORDS: IRAQ
HOSTAGES
KUWAIT
AP

PERSONS:

SUBJECT: PRES MTG W/ US HOSTAGES ON 13 DEC / TALKING POINTS / PARTICIPANTS LIST

ACTION: NOTED BY PRES DUE DATE: 14 DEC 90 STATUS: C

STAFF OFFICER: CHARLES LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION	FOR CONCURRENCE	FOR INFO
		CHARLES
		HAASS
		NSC CHRON

DECLASSIFIED
White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By Cap NARA, Date 6/16/09

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSMEN CLOSED BY: NSMJT DOC 2 OF 2

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

9700

THE WHITE HOUSE

WASHINGTON

December 13, 1990

THE PRESIDENT HAS SEEN

90 DEC 13 AM 8:36

CHRON FILE

DECLASSIFIED
PER E.O. 13526
2010-0852-MP
MM 4/14/2016

MEETING WITH
U.S. HOSTAGES

DATE: December 13, 1990
LOCATION: Oval Office
TIME: 3:15 - 3:55 p.m.

FROM: BRENT SCOWCROFT

I. PURPOSE

To express your admiration for the fortitude and courage shown by these individuals, to reiterate your determination to do what is necessary to achieve our objectives in concert with the international coalition to end Iraq's illegal invasion of Kuwait, and to hear their firsthand accounts of conditions inside Kuwait and Iraq.

II. BACKGROUND

The group you will be seeing is representative of those who were held hostage in Iraq, in hiding in Kuwait, and as "human shields". The group will be able to give you its firsthand views on life inside both countries, the effect of sanctions, and how much news of coalition military, economic and political strength is reaching the people of Iraq and Kuwait.

This meeting will give you an opportunity to commend the courage of these individuals and their families, and to underscore your previous statements that our determination to end the crisis (preferably peacefully), in keeping with the goals outlined by the UN, has not been diminished with the release of the hostages.

III. PARTICIPANTS

Tab B

IV. PRESS PLAN

~~White House photographer.~~ WH Press Pool at start of meeting.
JC

V. SEQUENCE

3:15 - 3:45 p.m. - Meeting in the Oval Office
3:45 - 3:50 p.m. - Photo Opportunity with Families

Attachment
Tab A Points to be Made
Tab B Participants List

cc: Vice President
Chief of Staff

~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

POINTS TO BE MADE FOR MEETING WITH
U.S. HOSTAGES

-- First, I want to say how much I admire your courage and fortitude throughout this ordeal. And I am pleased that it has come to a happy conclusion for you and your families.

-- I cannot express adequately the outrage we felt at Iraq's holding you all against your will and under such inhumane conditions. I am still concerned about the lives of those courageous Kuwaiti people that sheltered some of you and your colleagues and hope no harm will come to them.

-- While I am happy you are free, let me underscore that my resolve has not diminished one iota as a result of your release. There should be no question that we intend to stand with our friends to see that the rest of our goals are achieved and that Iraq's aggression is reversed.

-- In our upcoming talks, we will make sure Iraq is in no way rewarded or compensated for its ruthless actions against the Kuwaiti people, and we will make clear that Iraq has two choices -- either get out or suffer the consequences.

-- I have been receiving reports of the help of the Kuwaiti people for westerners in hiding, and the bravery of the Kuwaiti resistance as they continue to fight against their Iraqi occupiers. Could you tell us more about this, the conditions inside Kuwait, and anything you may have seen or heard about the morale of Iraqi troops there?

~~CONFIDENTIAL~~
Declassify on: OADR

DECLASSIFIED
PER E.O. 13526
2010-0852-MR
MM 4/14/2016

-- I also am interested in hearing about the effect the sanctions are having inside Iraq, and how much the Iraqi people really know about the political, military and economic actions the world has taken to see Saddam's invasion of Kuwait reversed, and what may be at stake for them.

-- I hope you will all speak out on your experience. It would be extremely valuable for you to see that the truth is heard by the American people.

CONFIDENTIAL

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05c. Report	Re: Biography [Personal Information] (1 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (December 1990) I [2]

Date Closed:	6/16/2009	**OA/ID Number:**	91145-004
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
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AR Disposition:		**MR Disposition:**	
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RESTRICTION CODES

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P-1 National Security Classified Information [(a)(1) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

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

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Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
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~~CONFIDENTIAL~~ ~~CONFIDENTIAL~~ 9700

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 11, 1990

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: RICHARD N. HAASS

FROM: SANDRA CHARLES

SUBJECT: Meeting for Hostages from Iraq and Kuwait

Attached at Tab I is the memorandum for the President's meeting on Thursday, December 13 at 3:15 p.m. with some of the American hostages who just returned from Iraq and Kuwait. Immediately following the meeting will be a photo op with their families. This will give the President a first hand opportunity to talk with them about conditions inside Iraq and Kuwait, and to express his admiration for their fortitude and courage.

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachment
Tab I Memo to the President
Tab A Points to be Made
Tab B Participants List

DECLASSIFIED
PER E.O. 13526
2010-0853-MR
MM 7/11/2016

~~CONFIDENTIAL~~ ~~CONFIDENTIAL~~
Declassify on: OADR

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 9009768
RECEIVED: 13 DEC 90 19

2.

TO: CICCONI, J

FROM: SITTMANN

DOC DATE: 14 DEC 90
SOURCE REF:

KEYWORDS: PERSIAN GULF
KUWAIT
SECURITY
IRAQ
CONGRESSIONAL
AP

CHRON FILE

PERSONS: SOLARZ, STEPHEN J

SUBJECT: TALKING POINTS FOR DEC 14 MTGS W/ COM FOR PEACE & SECURITY IN THE GULF

ACTION: SITTMANN SGD MEMO DUE DATE: 17 DEC 90 STATUS: C

STAFF OFFICER: HAASS LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION	FOR CONCURRENCE	FOR INFO
		EXECSEC
		GANTT
		HAASS
		LAMPLEY
		NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSMJT CLOSED BY: NSMEN DOC 2 OF 2

UNCLASSIFIED

9768

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 14, 1990

MEMORANDUM FOR JAMES CICCONI

FROM: WILLIAM F. SITTMANN

SUBJECT: Talking Points for December 14 Meetings with Committee for Peace and Security in the Gulf

Attached are Talking Points prepared for the President's use at three meetings:

-- Congressman Solarz (9-9:10 a.m., Oval Office)

-- Congressional members of Committee for Peace and Security in the Gulf (9:10-9:30, Cabinet Room)

-- All members of group (9:30-9:45, Map Room).

Attachment
Tab A Talking Points

cc: Fred McClure

UNCLASSIFIED

CARD 1 OF 1

[redacted]

POINTS TO BE MADE FOR MEETING WITH
CONGRESSMAN SOLARZ, 12/14

-- I JUST WANT YOU TO KNOW HOW MUCH I APPRECIATE WHAT YOU ARE DOING HERE.

-- I EXPECT THAT SOME OF YOUR COLLEAGUES ARE MORE THAN A LITTLE UPSET WITH YOUR STANCE, AND I ADMIRE YOUR INDEPENDENCE.

-- I WOULD APPRECIATE HAVING YOUR THOUGHTS ON WHAT MORE WE MIGHT DO TO WIN OVER THE PUBLIC AND THE CONGRESS.

UNCLASSIFIED

[redacted]

[redacted]

Themes for Meeting with Congressman Solarz

-- I just want you to know how much I appreciate what you are doing here.

-- I expect that some of your colleagues are more than a little upset with your stance, and I admire your independence.

-- I would appreciate having your thoughts on what more we might do to win over the public and the Congress.

UNCLASSIFIED

CARD 1 OF 2



POINTS TO BE MADE FOR MEETING WITH CONGRESSMEN, 12/14

-- I AM GLAD THAT YOU COULD ALL COME IN AT SUCH SHORT NOTICE.

-- IT IS VERY IMPORTANT THAT THIS DEBATE NOT BECOME PARTISAN AND PIT DEMOCRAT AGAINST REPUBLICAN.

-- I WOULD ALSO MUCH PREFER HAVING THE CONGRESS BEHIND ME. I AM OPEN TO SUCH SUGGESTIONS ABOUT HOW WE MIGHT GO ABOUT THIS.

UNCLASSIFIED



UNCLASSIFIED

CARD 2 OF 2

-- DOMESTIC CONSENSUS IS CRITICAL IF WE ARE TO CONVINCE SADDAM THAT WE ARE PREPARED TO FIGHT FOR OUR OBJECTIVES. INDEED, I AM CONVINCED THAT THE BEST WAY WE CAN AVOID A WAR IS BY CONVINCING SADDAM THAT WE ARE READY FOR ONE.



UNCLASSIFIED

Themes for Meeting with Congressmen

-- I am very glad that you could come in at such short notice.

-- It is very important that this debate not become partisan and pit Democrat against Republican.

-- I would also much prefer having the Congress behind me. I am open to suggestions about how we might go about this.

-- Domestic consensus is critical if we are to convince Saddam that we are prepared to fight for our objectives. Indeed, I am convinced that the best way we can avoid a war is by convincing Saddam that we are ready for one.

POINTS TO BE MADE FOR MEETING WITH
COMMITTEE FOR PEACE AND SECURITY IN THE GULF

-- I AM GLAD THAT SO MANY OF YOU COULD COME TODAY; I JUST WANT YOU ALL TO KNOW HOW MUCH I APPRECIATE YOUR EFFORTS.

-- I THINK WE HAVE PRETTY MUCH WON THE BATTLE ABOUT WHY WE MUST SUCCEED; WHERE WE HAVE A PROBLEM IS WITH THOSE WHO WOULD STICK WITH A SANCTIONS-ONLY APPROACH FOREVER.

-- LET ME JUST REASSURE YOU THAT WE ARE NOT ABOUT TO COMPROMISE OUR OBJECTIVES. THESE MEETINGS

WE ARE TRYING TO ARRANGE ARE TO DELIVER A MESSAGE TO SADDAM, NOT TO NEGOTIATE.

-- MEANWHILE, WE ARE BUILDING A DECISIVE MILITARY CAPABILITY. MY GOAL IS TO AVOID WAR BY CONVINCING SADDAM WE ARE SERIOUS.

-- IF WE SUCCEED, WE WILL FACE THE CHALLENGE OF DOING SOMETHING ABOUT IRAQ'S CONVENTIONAL AND UNCONVENTIONAL CAPABILITIES. I AM NOT INTERESTED IN RETURNING TO THE STATUS QUO ANTE.

-- IF WE DO GO TO WAR, IT WILL NOT BE ANOTHER VIETNAM.

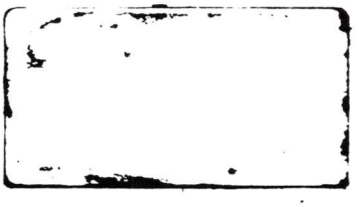
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PER E.O. 13526
2010-0853-MR
MM 7/11/2016

-- THERE IS A LOT OF TALENT AROUND THIS ROOM; I'D LIKE TO HEAR FROM YOU ABOUT WHAT WE SHOULD BE DOING.



~~CONFIDENTIAL~~





Themes for Committee For Peace and Security in the Gulf

-- I am glad that so many of you could come today; I just want you all to know how much I appreciate your efforts.

-- I think we have pretty much won the battle about why we must succeed; where we have a problem is with those who would stick with a sanctions-only approach forever.

-- Let me just reassure you that we are not about to compromise our objectives. These meetings we are trying to arrange are to deliver a message to Saddam, <u>not</u> to negotiate.

-- Meanwhile, we are building a decisive military capability. My goal is to avoid war by convincing Saddam we are serious.

-- If we succeed, we will face the challenge of doing something about Iraq's conventional and unconventional capabilities. I am not interested in returning to the status quo ante. If we do go to war, it will not be another Vietnam.

-- There is a lot of talent around this room; I'd like to hear from you about what we should be doing.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

9768

Deputy Natl Sec Advisor
has seen

December 14, 1990

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

FROM: RICHARD N. HAASS/VIRGINIA LAMPLEY

SUBJECT: Talking Points for December 14 Meetings with Committee for Peace and Security in the Gulf

At Tab A are proposed Talking Points for the President's three meetings with the Committee for Peace and Security in the Gulf.

RECOMMENDATION

That you authorize William Sittmann to forward the proposed Talking Points to Jim Cicconi (Sittmann memo at Tab I).

Approve ✓ Disapprove _____

Attachments
Tab I Sittmann Memo to Cicconi
Tab A Proposed Talking Points

National Security Council
The White House

PROOFED BY: WEA LOG # 9768

URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT

BYPASSED WW DESK: _____ DOCLOG WEA A/O _____

WEA

	SEQUENCE TO	HAS SEEN	DISPOSITION
Ken Hill	1	Copy	A
Bill Sittmann		Copy	
Bob Gates	2		
Brent Scowcroft			
Bill Sittmann	3		Needs SIG at Tab I
Situation Room			
West Wing Desk	4	12/14 AR	D
NSC Secretariat	5		N

90 DEC 13 P8:14

A = Action I = Information D = Dispatch R = Retain N = No further Action

cc: VP Sununu Other _____

Should be seen by: _____ (Date/Time)

COMMENTS

DISPATCH INSTRUCTIONS:

Ex Sec's Office has Doskette