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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	information, Jack Pritchard to Samuel Berger re Annotated Agenda for Principals' meeting (8 pages)	07/19/1999	P1/b(1)
002. paper	re KEDO (1 page)	11/24/1998	P1/b(1)
003. chart	re timeline (1 page)	02/17/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Miles Lackey (Legislative Affairs)
OA/Box Number: 2687

FOLDER TITLE:

Korea

2009-0528-F

kc1457

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 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. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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]
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SENSITIVE BUT UNCLASSIFIED

MEMO

TO: The Files

FROM: H - Dean Pittman

DATE: November 19, 1998

SUBJECT: Dr. Perry's Initial Hill Calls

SUMMARY

Dr. William Perry and Department Counsel Sherman held individual meetings Thursday, November 19, with Representatives Gilman, Bereuter, Pelosi, Hamilton, Hall, Senator McConnell and staff members for Representatives Obey and Callahan to discuss Dr. Perry's role as North Korea Policy Coordinator. Dr. Perry's appointment was welcomed, though concerns were raised over the fact he did not have negotiating powers and that his mandate was only for a few months.

Although Gilman provided a "secret" letter outlining initiatives the Administration should take on North Korea, other Members offered little in the way of policy fixes. Bereuter, Pelosi and Hamilton noted that the Administration was still handicapped by the perception, particularly on the part of Representative Livingston, that the Secretary had not been forthcoming on North Korea; it was critical they said to keep him closely in the loop. McConnell said little during his meeting, but welcomed the policy review. All generally agreed that humanitarian assistance should not be linked to security issues, though closer monitoring of food distribution was needed.

Perry explained his role, noting he would not have accepted a position as negotiator as it would have undermined the current negotiating process and sent the wrong signal to North Korea. He said it was important to conclude his review as early as possible, perhaps in three or four months, but was under no particular time constraints. Perry reiterated in each meeting the extreme seriousness of the situation and the catastrophic human cost of a military solution. He asked if this was understood on the Hill, to which he received mixed response.

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PELOSI MEETING

Representative Nancy Pelosi (D-CA), who last visited North Korea in 1997, voiced strong support for the Administration's North Korea policy and pledged to help in any way she could. She noted that most Hill opposition came from Republicans and Representative Livingston in particular. Republicans, she said, have complained that they were not informed about critical developments in North Korea; that there has been significant diversion of heavy fuel oil; that the U.S. will be on the hook for any future cost overruns for the light water reactors; and that the Administration was making a mistake limiting its discussion with North Korea to only one suspected site. Obey staff member Mark Murray added that it would be helpful for the Administration to make clear that the U.S. goal is to make North Korea cease its entire nuclear weapons program.

HAMILTON MEETING

Representative Lee Hamilton (D-IN), who will be heading to the Wilson Center next year, said that Perry's appointment was a huge step towards addressing congressional concerns. He advised that the Hill felt the Administration's North Korea policy was not well coordinated or articulated. He noted that the Republicans had never been sold on the Agreed Framework and continued to look for ways to undercut it. He personally believed the Administration had not paid sufficient attention at a high enough level to North Korea, indicating to some that there was a lack of enthusiasm within the Administration for the Agreed Framework. He also complained that the Intelligence Community had not been forthcoming to Members or staff.

Hamilton advised that the Administration had to be more aggressive on this policy and clearly communicate the catastrophic alternatives. In selling the program, the Administration needed to involve the U.S. military and use higher level officials to speak on the issue, preferably the President. Hamilton suggested that the South Koreans could be extremely helpful on the Hill. He added that the Intelligence Community was an important aspect of getting Congress on board, but that it must "sing the same tune" as the others in the Administration.

In response to Perry's questions, Hamilton said he did not believe many in Congress understood the severe consequences of military action on the Korean peninsula, seeing it more in terms of the Gulf War where relatively few lives were lost. He thought some Members, like Livingston,

continued to see North Korea through a cold war prism, and consequently resisted any engagement with the communist regime.

GILMAN MEETING

Representative Ben Gilman (R-NJ) was joined by staff members Steve Rademacher, Mark Kirk, and Walker Roberts and began the meeting by reading through prepared talking points and presenting a "secret" letter addressed to the Secretary outlining North Korea initiatives he would propose. He said he was concerned by Dr. Perry's limited mandate, had hoped the envoy would have full power to negotiate with North Korea, believed any discussions over suspect North Koreans sites should include all possible sites, and that we should not ignore North Korea's missile proliferation. He also raised the problem of food diversion and called for more careful monitoring by Korean Americans. Kirk thought food aid was likely to be a "bottomless pit," without agriculture reform in North Korea. Gilman reiterated a well-worn theme regarding Taiwan contributions to KEDO and urged the involvement of General Shalikashvili in the review.

Perry assured Gilman that he had as much time as he needed and that he would rely heavily on General Shalikashvili's judgement as he conducted the review. He said he would go to North Korea, if necessary, at the conclusion of the review to explain what policy decisions we had made, but he did not want to undermine Ambassador Kartman's ongoing negotiations. Responding to Perry, Gilman acknowledged that Congress was in agreement regarding the unacceptability of allowing North Korea to have a robust nuclear development program. Gilman and staff suggested Perry include the EU and India in his discussions.

BEREUTER MEETING

Rep. Doug Bereuter (R-NE) listed congressional concerns with the Administration's current North Korea policy, including the belief the Secretary misled Livingston (Bereuter believes the Secretary did not mislead, but was ill-served by DIA); Livingston and Callahan's preconceived notion that Perry would have negotiating powers; the refusal of DIA to provide closed briefing for MIRC; and concerns over Kartman's negotiating strategy. He also noted that the discovery of the suspect site was so serious that access had to be granted or the KEDO framework could not be sustained.

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Bereuter urged Perry to meet with Livingston as soon as possible, saying he was the key to House support for KEDO. He applauded Livingston's yet announced decision to name Bill Inglee as his foreign policy advisor. Bereuter also suggested the Administration needed quickly to clarify with Congress the scope of Dr. Perry's role.

In response to Perry's question on easing sanctions against North Korea, Bereuter said that there would be a significant burden of proof on the Administration to show that it was not caving to North Korea.

HALL MEETING

Rep. Tony Hall (D-OH) maintained North Korea would not fall anytime soon, that the government would allow its people to starve first. He suggested considering lifting sanctions in order to get more humanitarian assistance in to North Korea, perhaps in exchange for suspect site visits. He thought we should push for agricultural reform, but not link it with food aid. Hall believes North Korea's nuclear and missile programs are motivated strictly by economic needs, not delusions of world domination.

MCCONNELL MEETING

Senator Mitch McConnell (R-KY), staff member Robin Cleveland, and Callahan staffer Bill Inglee listened for about thirty minutes to Dr. Perry, but offered little in the way of comment or guidance. McConnell did acknowledge that he had questions about a policy of providing carrots to North Korea while the North Koreans were launching missiles. In light of that, he said a thorough review conducted by someone of Dr. Perry's stature was a good idea. (NOTE: in an 11/20 follow-up phone call, Inglee said it was good to hear how Dr. Perry saw his role. He hoped the final recommendation would include the naming of a Perry-like, overarching North Korea coordinator who would be able to engage the North Koreans in negotiations at a more senior level.)

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United States Department of State

Washington, D.C. 20520

BUREAU OF LEGISLATIVE AFFAIRS (H)

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United States Department of State

Washington, D.C. 20520

BUREAU OF LEGISLATIVE AFFAIRS (H)

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TO: MART LUDMAN

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JOINT RESOLUTION

To authorize the use of United States Armed Forces to Assist Implementation of the Kosovo Peace Agreement

Whereas the conflict in Kosovo has caused great human suffering and, if permitted to continue, could threaten the peace of Europe;

Whereas the Government of Serbia and representatives of the people of Kosovo have agreed in Rambouillet, France, to end the conflict in Kosovo; and

Whereas President Clinton has promised to deploy approximately 4,000 United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation to assist implementation of the Kosovo Peace Agreement: Now, therefore be it

Resolved by the Senate and the House of Representative so the United States of America in Congress assembled,

Section 1. Short Title.

This joint resolution may be cited as the “Authorization for Peacekeeping Operations in Kosovo Resolution”.

Sec. 2. Authorization.

The President is authorized to deploy ~~approximately 4,000~~ United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation to assist implementation of the Kosovo Peace Agreement.

POINTS TO BE MADE FOR TELEPHONE CONVERSATION
WITH MEMBERS OF CONGRESS ON POSSIBLE AIR STRIKES

- Wanted to brief you on developments concerning Kosovo. Next few days will be decisive. Parties are discussing proposed peace agreement with a deadline of Saturday at noon.
- The agreement is the best way to end violence in Kosovo, stop Serb repression and create genuine autonomy for Kosovar Albanians. Appears that the Albanians may be willing to accept it; Serbs dug in.
- If we hope to get an agreement, critical for us to make clear NATO's resolve this week. Need to show Belgrade we're serious and that talks can't be strung out indefinitely while Milosevic prepares for a new offensive. The threat of air strikes is the strongest leverage we have against Milosevic.
- NATO has been committed to the position that if talks fail, and blame belongs to the Serb side, NATO will strike.
- In order to have option to move quickly to use of military force, NATO air assets must be in place this week. For us, that means prepositioning some additional aircraft in Europe - about 65-70 - beginning tomorrow. We expect the deployment order to be issued today. This is a precautionary move - no decision to use force has been made. But if we don't take these steps, we will not be able to sustain pressure on Serbs.
- Want to work closely with you in days ahead. Important U.S. interests are stake, ranging from regional stability to humanitarian concerns to NATO and U.S. credibility. If it appears that we may need to use force, we will want to discuss with you in greater detail our objectives and strategy.
- If we are not firm now, we will be facing a renewed outbreak of hostilities this spring with another humanitarian catastrophe. This is the best chance for peace.

If asked "what is purpose/objective of the use of force?"

- Force would be used to limit Milosevic's ability to conduct large-scale repression against Kosovars. If as a result of the use of force he changes his mind and accepts the agreement, so much the better. If not, he must know that he cannot begin a new offensive with impunity.

If asked about contribution of Europeans to air strikes:

- European aircraft would constitute about 55% of total aircraft for Limited Air Response and about 44% of total aircraft for Phased Air Operations.

If asked about War Power Resolution or Roberts reporting:

- In the event of air strikes, we would report to Congress consistent with the WPR within 48 hours after the strikes.
- The Roberts Amendment does not apply to air strikes - it is limited to ground force deployment.

Lackey, Miles M.

From: Sapiro, Miriam E.
Sent: Thursday, February 18, 1999 8:13 PM
To: Lackey, Miles M.
Cc: @KOSOVO
Subject: RE: URGENT draft text of Kosovo Resolution [UNCLASSIFIED]

miles - just briefly, jamie's comments are very important. from policy perspective, terrible time b/c - as he said -might imply we don't have authority, thereby making kosovar side more crazy - OR undermine our strategy of persuading milosevic we're preparing for a breakdown. if/when we get to editing, best terms would be "interim political agreement" and NATO-led implementation force. ms

-----Original Message-----

From: Baker, James E.
Sent: Thursday, February 18, 1999 7:57 PM
To: Lackey, Miles M.; Sutphen, Mona K.; Hachigian, Nina L.; @NSA - Natl Security Advisor; @LEGAL - Legal Advisor; @KOSOVO
Cc: @LEGISLAT - Legislative Affairs
Subject: RE: URGENT draft text of Kosovo Resolution [UNCLASSIFIED]

Miles, here is our immediate reaction:

1. As you well know, as a matter of law, **we do not need such a resolution** and in no way should we suggest that we do. The President has the constitutional authority to authorize the contemplated deployment.
2. That being said, the President acts at the zenith of his authority where he is acting pursuant to Congressional authorization and his own constitutional authority. (Youngstown.) I believe we would and should indeed **welcome a clean authorization**.
 - This could be particularly important from a policy perspective in the event there are casualties taken in Kosovo.
3. However, it is important that:
 - (a) **We not accept assertions that we need the resolution**. This can be made clear in any Presidential signing statement, but it is important now that parties to the talks in France not come to think that Congress can veto the President's flexibility to act and act decisively.
 - (b) And that the resolution be **clean**. Thus, we will want to see the **whereas clauses**. (I am very cautious about commenting on a resolution that does not include the small print.) I would be fearful that unless there is a prior agreement with the leadership that it will be a clean resolution, it may get loaded up with **amendments on foreign command** and limitations that could be harmful to our policy and legal positions and ultimately result in a veto.
4. Any decision to welcome a resolution must incorporate an **assessment that the votes are there to pass it. The second worst outcome is a resolution that does not pass**. While the Congress cannot extinguish core constitutional authorities with votes not to support, the President acts at the penultimate ebb of his authority where he is exercising constitutional authority in the face of Congressional of such a vote. (Of course, a negative vote is not the same as a resolution opposing deployment, or

a funding cut off, but it would not be helpful.)

5. Finally, you will want a more authoritative policy view than mine that "NATO peacekeeping operation" and "Kosovo peace agreement" are the right terms.

-----Original Message-----

From: Lackey, Miles M.
Sent: Thursday, February 18, 1999 7:04 PM
To: Sutphen, Mona K.; Hachigian, Nina L.; @NSA - Natl Security Advisor; @LEGAL - Legal Advisor; @KOSOVO
Cc: @LEGISLAT - Legislative Affairs
Subject: URGENT draft text of Kosovo Resolution [UNCLASSIFIED]
Importance: High

PLEASE PASS TO SANDY, JIM AND DON

Gephardt's staff just got a draft from Hastert of the Kosovo resolution. It's a straight authorization, and it's a Joint Resolution (which means it would require the President's signature). It's nutty -- Hastert wants to portray this is being offered on behalf of the President (even though we played no part in the drafting and have not asked for it). Here's the text:

Whereas . . .

Whereas . . .

Resolved:

The president is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation to assist implementation of the Kosovo peace agreement.

There are many obvious issues/problems with this (substantively and politically) -- but there is one immediate question we need to address:

Hastert wants to announce **tomorrow** that the bill will be on the floor next week (Friday is the normal day for distributing the floor schedule). His staff is going to ask me if we believe that announcing this tomorrow would violate their pledge to us. Hastert may also ask SRB this if he returns your call. **SHOULD WE TELL HASTERT'S STAFF THAT WE BELIEVE THIS VIOLATES OUR UNDERSTANDING AND COULD UNDERMINE THE NEGOTIATIONS. AND ASK THEM NOT TO ANNOUNCE IT? I'm sure they will ask in return for a pledge from us that we will not deploy before the vote, which we cannot give them.**

Then we have to decide how to react to the draft. House Democratic staff are meeting tomorrow morning on how to respond. I would like to discuss -- they will have several questions for us.

KOSOVO & ITS REGIONAL IMPLICATIONS

What's at stake? What's the U.S. interest?

- o The U.S. has a fundamental interest in stable governments built on the rule of law, the protection of human rights, and justice for people of any ethnicity or creed. We must act to protect regional stability; avert a humanitarian disaster in Kosovo; and preserve the international community's credibility. Further violence in Kosovo could expand into wider regional fighting and undermine stability throughout Southeast Europe.

What Are We Doing?

- o The U.S., its allies, and Russia are united in outrage over Belgrade's continuing non-compliance with UNSC resolutions, the OSCE-FRY agreement, and its October 25 commitments to NATO.
- o We have been working closely with NATO allies and Contact Group (CG) members to maximize pressure on the parties to comply with their obligations, halt immediately all violence and provocation, and conclude an interim political settlement.
- o In response to united international pressure, FRY government and Kosovar Albanian representatives entered negotiations February 6 in Rambouillet (outside Paris) on the basis of a framework Agreement developed by Ambassador Hill and endorsed by the CG.
- o Talks in Rambouillet are proceeding on the text of the Agreement and its annexes, dealing with Kosovo's Constitution, future elections, and the role of an Ombudsman. These talks will not be open-ended. The parties must reach agreement by February 13, with a seven-day extension possible at the CG's request.
- o The CG and NATO have made clear to the parties that they must conclude negotiations -- on the basis of the framework Agreement and within the given timeframe -- or face swift and severe consequences. The international community will not tolerate backsliding or obstructionism by either side.
- o The President has said a NATO ground force could prove essential to implementation of any interim settlement. No decision has been reached on U.S. participation. We are consulting with Allies on details and mission of such a force, and with Congress on a potential U.S. contribution.
- o Meanwhile, KVM, under Ambassador Walker, continues to perform a critical role on the ground: verifying compliance with the cease-fire, facilitating international humanitarian efforts, investigating incidents of violence, and conducting on the ground negotiations to defuse confrontations and reinforce the cease-fire.

Contact: EUR/NCE:PPfeuffer x6-7152; S/P:Achilders x7-3393 02/12/99

IRAQ

What's at stake?

- o We must confront the threats that the Iraqi regime's aggression and weapons of mass destruction pose to the global community, to our vital interests, to Iraq's neighbors, and to its own people. During her recent trip, Secretary Albright confirmed substantial agreement on this with our friends and allies, both in Europe and in the Arab world.

What is the state of the latest crisis?

- o On November 5, 1998, the Security Council unanimously found Iraq in flagrant violation of its obligations. After giving Iraq every chance to fulfill its solemn commitments peacefully, the President decided on December 16 that we had no choice but to undertake a substantial military operation, along with our British allies. This effectively reduced Iraq's aggressive potential, particularly from missile production and Republican Guard units, but further action may be required.
- o Because of Iraq's illegal defiance, there are now no inspections of its remaining WMD capabilities. We and our international partners are determined to see those inspections resumed, effectively and unconditionally.
- o On January 30 the Security Council agreed to set up panels to assess three critical aspects of the Iraq situation: disarmament; humanitarian concerns; and issues relating to Kuwait. We support this undertaking, while maintaining UN sanctions until Iraq fully complies with its obligations.
- o We will continue to defend the pilots patrolling the No-Fly Zones in northern and southern Iraq. We have all the support we need from our friends in the region and beyond.
- o We will work for the day when a new Iraqi government rejoins the family of nations as a responsible and law-abiding member. A change in Iraq's government would change U.S. policy. We would enter rapidly into a dialogue with the successor regime.
- o We sympathize greatly with Iraq's people. We cosponsored UNSCR 986 (food-for-oil), and last year voted to double Iraq's humanitarian allotment and make it more effective.
- o We support Iraq's territorial integrity. We also are increasing our financial and other support for diverse Iraqi opposition elements. We will help the Kurds and other people of Iraq meet their practical needs and defend themselves against the murderous Baghdad regime.

Contact: S/P: DPollock 7-4735 2/12/99

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KOSOVO

What if there is no agreement by the Saturday deadline?

- The Contact Group deadline will end Saturday. The international community has made clear that there are only two choices in this conflict: the path of peace or the path of more conflict and violence. Our negotiators are working hard to bring about a political settlement that will give the Kosovars the self rule that they deserve.
- If the Serbs do not agree to a political settlement or comply with their obligations then they risk a confrontation with the NATO alliance. This would be a grave mistake.
- The talks have already been extended once. It is now up to both sides to make the hard choices for peace.

What are the specific details of the proposed interim peace settlement? How many Serb security forces can remain?

- The draft settlement provides substantial self-government to Kosovo expressed through executive, legislative and judicial institutions.
- Kosovars will have their own elections and direct authority over police, taxation, finances, education/schools, health care and cultural institutions.
- The settlement will call for the withdrawal of almost all army and Serb state police, except for a limited number of troops serving exclusively as border patrol units.

What are the U.S. national interests at stake in Kosovo?

Several key interests are at risk:

- **First, we have an important interest in protecting regional stability and our investment in Bosnia.**

- Escalating violence in Kosovo combined with a further exodus of refugees would destabilize other states in the area.
- Albania would increasingly become a staging area for the Kosovo Liberation Army, increasing the risk of cross-border conflict.
- The massive refugee flows could spread the instability to the fledgling democracy in Macedonia. Such instability would create broader regional risks, potentially involving our allies Greece and Turkey.
- Violence in Kosovo would also reduce the prospects for political reform in Belgrade and create tensions in Bosnia.
- **Second, we have an interest in averting a humanitarian catastrophe.**
 - Through the threat of NATO air strikes, we narrowly averted a humanitarian catastrophe last October when Belgrade's systematic campaign of violence and expulsions had left some 70,000 ethnic Albanians facing the prospect of winter without shelter.
 - If Belgrade is allowed to renew widespread repressive operations with the arrival of spring, we can expect further deaths and displacement.
- **Third, we have an interest in preserving NATO's credibility as a guarantor of European stability and U.S. credibility as the leader of NATO.**
 - NATO's intervention in Bosnia has shown how the Alliance can project stability in and around Europe.
 - NATO's involvement in Kosovo demonstrates its continuing essential role, as well as U.S. leadership in the Alliance.

Why is it necessary to have a U.S. ground component as part of any proposed deployment to Kosovo? Why can't the Europeans do it on their own?

- Our European Allies would bear most of the burden for any force in Kosovo, contributing 85% of the troops for the NATO operation. They would also pick up most of the responsibility for civilian implementation costs. But NATO is

strongest and most credible as a transatlantic partnership. U.S. involvement adds both credibility and conviction to the NATO mission, as it has in Bosnia.

- NATO's demonstrated resolve has been successful in averting a humanitarian disaster, and creating the opportunity for Serbs and Kosovar Albanians to settle their differences peacefully through international mediation. We must maintain the unity and resolve of the Alliance if we are to achieve a peaceful settlement and avoid a large-scale renewal of the conflict.

If a NATO force is deployed to Kosovo, who will be responsible for law enforcement functions -- NATO, the Kosovars, or the MUP? What role will the KVM have in law enforcement activities?

- First, let us be clear that a NATO force would not engage in civil police functions. The OSCE KVM will have responsibility for the training and establishment of a Kosovar police force.
- Initially, most MUP will withdraw, but a small percentage of MUP will be allowed to remain in Kosovo serving as civil police while the Kosovar police force is in the formative stages.
- Over a period of time specified in the agreement, the remaining MUP will be phased out as the Kosovars assume civil police functions. A NATO force would contribute to the secure environment needed for KVM and others to carry out the civil aspects of a signed agreement.

How long will U.S. troops have to stay in Kosovo? What is the exit strategy?

- U.S. participation in a NATO force in Kosovo would not be open-ended. I am working with my national security team to ensure we have a realistic exit strategy in place as part of the operation.
- Based on our experiences from Bosnia we do not plan to set firm deadlines, but rather implement a strategy that will create the conditions required for a self-sustaining peace, which does not depend indefinitely upon an international military force on the ground. We are developing a series of benchmarks that will help us sustain progress toward this goal.

- The root cause of the violence in Kosovo is the Serb security forces. The agreement calls for the phased removal of all Yugoslav Army and Serbian police units, with the exception of a small number of Army border guards under international supervision. Most of these forces would leave in the first few months of an agreement, with only a small percentage of police remaining, again under international supervision, and departing after one year.
- While these phased reductions are occurring, the OSCE will train an indigenous Kosovar police force capable of law enforcement responsibilities. We will also be building political institutions that can satisfy Kosovar aspirations for self-government. The OSCE will supervise elections and oversee the development of the government bodies envisioned in the agreement.
- If we can address the cause of the conflict --- Serb repression - and give the Kosovars back control over their lives through effective self government, we will have gone far towards eliminating the need for an international force. There may still be need for some type of over-the-horizon capability to deter of return of Serb security forces to Kosovo, but there would no longer be the need for an international force in Kosovo.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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003. chart	re timeline (1 page)	02/17/1999	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Miles Lackey (Legislative Affairs)
OA/Box Number: 2687

FOLDER TITLE:

Korea

2009-0528-F
kc1457

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 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.

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RR. Document will be reviewed upon request.

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

b(1) National security classified information [(b)(1) of the FOIA]
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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]
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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 concerning wells [(b)(9) of the FOIA]

POINTS TO BE MADE FOR
TELEPHONE CONVERSATION WITH
MEMBERS OF CONGRESS
ON POSSIBLE AIR STRIKES

- Wanted to brief you on developments concerning Kosovo. Next few days will be decisive. Not yet clear whether parties will reach agreement at Rambouillet or NATO will have to pursue military options against Belgrade.
- Our position remains that best way to end violence in Kosovo is for parties to reach agreement by deadline this weekend, which can end Serb repression and create genuine autonomy for Kosovar Albanians.
- Madeleine's trip was very important in getting closer to this goal. She found Kosovars ready to deal. But Serbs are not yet serious; she made it clear that they must make rapid progress or face serious consequences.
- Chris Hill saw Milosevic Tuesday. Meeting was difficult, with Serb side unyielding. Milosevic doesn't want a NATO force but that's the only way to implement the agreement. As Madeleine told Serb delegation, an agreement without NATO is no agreement at all.
- Unclear whether Milosevic waiting to see whether NATO is serious about strikes, or inviting strikes to provide the cover he needs to make a deal.
- Critical for us to make clear NATO's resolve this week. Need to show Belgrade we're serious about compliance - both with commitments FRY made in October and a fair settlement now. Air strikes are only real leverage we have against Milosevic.
- If talks fail, and blame belongs to the Serb side, NATO has prepared an operations plan that begins with a Limited Air Response and escalates into Phased Air Operations.
- Purpose of strikes is to gain his compliance. It's worked before - it brought him to Dayton. At a minimum, we would limit his ability to inflict damage on Kosovo. It would become impossible for him to gain a military victory through force; his only option is a settlement.

- To be ready to move quickly to these military options, NATO Allies must ensure they have their assets in place, this week. For us, that means prepositioning some aircraft in Europe - about 65-70 - probably beginning tomorrow.
- If negotiations succeed - which is obviously our strong preference - the threat of air strikes will have worked. Then we'll turn back to issues President wants to examine before making a final decision whether to contribute U.S. forces to a NATO-led implementation force.
- These issues include whether the parties have reached a sound agreement, whether the environment is truly permissive, whether the military mission is clearly defined and whether there's a realistic exit strategy in place.
- Want to work closely with you in the days ahead to ensure that the President has your full support for either option we will take. Important U.S. interests are stake, ranging from regional stability to humanitarian concerns to NATO and U.S. credibility.
- As President said on Saturday, if we don't act now, we'll be forced to act later, at a much higher cost.

TOM CAMPBELL
 15TH DISTRICT, CALIFORNIA
**COMMITTEE ON BANKING
 AND FINANCIAL SERVICES**
 SUBCOMMITTEES:
 FINANCIAL INSTITUTIONS
 AND CONSUMER CREDIT
 DOMESTIC AND INTERNATIONAL
 MONETARY POLICY
**COMMITTEE ON
 INTERNATIONAL RELATIONS**
 SUBCOMMITTEES:
 INTERNATIONAL ECONOMIC POLICY
 AND TRADE
 AFRICA



Congress of the United States
House of Representatives

February 19, 1999

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 2442 RAYBURN BUILDING
 WASHINGTON, DC 20515
 PHONE: (202) 225-2631
 FAX: (202) 225-6788
 E-MAIL: CAMPBELL@HR.HOUSE.GOV
DISTRICT OFFICE:
 910 CAMPGAY WAY, SUITE 1C
 CAMPBELL, CA 95008
 PHONE: (408) 371-7337
 FAX: (408) 371-7925
 KARIN MIRANDA PIPKIN
 CHIEF OF STAFF

Honorable William Jefferson Clinton
 President of the United States
 The White House
 Washington, D.C.

Dear Mr. President:

We have serious constitutional concerns about recent reports that you are planning military intervention in the Kosovo region of Yugoslavia, and again respectfully remind you that the Constitution requires you to obtain authority from Congress before taking military action against Yugoslavia.

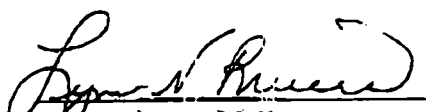
As we stated in our letters of August 4, and October 2, 1998, military intervention by U.S. forces into the war-torn region of Kosovo in order to stop attacks by Serbian forces against civilians and halt the fighting with the Kosovo Liberation Army in an area the United States recognizes as sovereign Yugoslav territory cannot be construed as "defensive" action within your inherent authority as Commander-in-Chief. Rather it would involve military actions against territory and air space which has not been the source of an attack on the United States. This action falls within the exclusive powers and responsibilities of Congress under Article I, Section 8, of the Constitution -- the war powers clause. No provision of the United Nations Charter or the North Atlantic Treaty can override the requirement of United States domestic law as set forth in the Constitution. In fact, Congress conditioned U.S. participation in both the U.N. and NATO on the requirement that Congress retain its constitutional prerogatives.

The Constitution compels you to obtain authority from Congress before taking military action against Yugoslavia. In earlier correspondence, dated January 15, 1999, your National Security Advisor cited previous uses of force in Bosnia and Somalia as examples of authority to conduct offensive military operations in this case. The examples are inapposite as none involve sending military forces into a foreign country's territory contrary to the will of the recognized government of that foreign country. Furthermore, past violations of constitutional duty form no justification for additional violations. Nor does consulting with a few Members of Congress satisfy the constitutional obligation to obtain the approval of Congress.

Sincerely yours,


 Tom Campbell, M.C.


 Barney Frank, M.C.


Lynn Rivers, M.C.


Gary Condit, M.C.

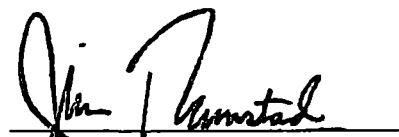

Dana Rohrabacher, M.C.

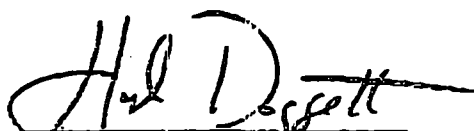

Jack Metcalf, M.C.

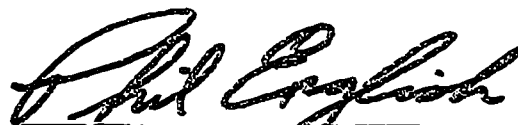

Christopher Shays, M.C.


Mark Sanford, M.C.


Frank Lobiondo, M.C.


Jim Ramstad, M.C.

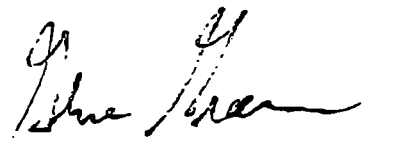

Lloyd Doggett, M.C.

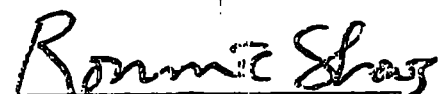

Phil English, M.C.

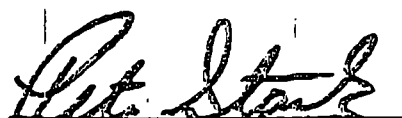

Partick Kennedy, M.C.


Ron Paul, M.C.

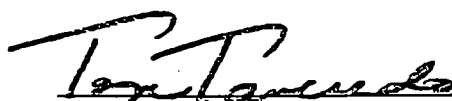

Doug Bereuter, M.C.


Gene Green, M.C.


Ronnie Shaws, M.C.


Pete Stark, M.C.


Robert Underwood, M.C.


Tom Tancredo, M.C.


Pat Danner, M.C.


Rescoe Bartlett, M.C.

Talking Points for Telephone Calls to Hill Members
Prior to Perry Team trip to region (WJP and WS)

- I wanted to touch base with you before I left for Asia next week.
- As you are aware, my North Korea Policy Review team has been working hard over the last couple of months to assess current U.S. policy toward North Korea, and to come up with recommendations for changes.
- We have made initial findings that point to a new North Korean policy that is likely to be much more integrated in scope.
- In short we are exploring an overall approach that foresees an international environment in which North Korea would find itself faced with policy choices.
- I need to emphasize that the product of the North Korea Policy review is still a work in progress. There is much more work to be done. However, there is one thing that I am quite certain of: to be successful we must have the active support of both the ROK and Japan and at least the acquiescence of the PRC.
- I therefore intend to ask the POTUS for authorization to consult with the ROK, Japan, and China. I expect to meet with the POTUS later this week. I will tell the POTUS my goal for this trip will be to determine whether these governments can support the general approach I have in mind; and, if so, under what circumstances.
- We will discuss with the ROK and Japan what we all might bring to the table in terms of incentives and disincentives and openly discuss the pros and cons of possible tactics. I hope this discussion will be a wide-ranging and substantive exchange.
- While we will seek to keep the details of my discussions in Asia confidential, there is likely to be much reporting on my activities during this trip. Much of it I suspect will be very inaccurate.
- We are not in a position at this time to make any commitments to these governments.
- As soon as I am able, I will return to Washington and brief you and others Members on the discussions I had while in Asia.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

March 15, 1999

To: SRB and JBS

From: Ken Lieberthal *KL*

Re: Congressional Notification of Kumchang-ni Agreement

FYI, the attached is the proposed call sheet for Congressional notification on the Kumchang-ni agreement tomorrow morning.

This is the list of Members
who will be contacted.

Jack

North Korea Roll Out Assignments

Stanley Roth

Rep. Ben Gilman	225-3776
Rep. Doug Bereuter	225-4806
Sen. Mitch McConnell	224-2541
Sen. Joseph Biden	224-5042
Sen. John McCain	224-2235
Sen. Frank Murkowski	224-6665
Rep. Sam Gejdenson	225-2076

Chuck Kartman

Rep. Tom Lantos	225-3531 (on plane w/Secretary)
Rep. Nancy Pelosi	225-4965
Sen. Carl Levin	224-6221
Sen. Daniel Inouye	224-3934
Rep. Ike Skelton	225-2876
Rep. Floyd Spence	225-2452

Wendy Sherman

Sen. Craig Thomas	224-6441	(Wendy alerted 3/11)
Sen. John Kerry	224-2742	(Wendy alerted 3/11)
Sen. Bob Kerrey	224-6551	(Wendy alerted 3/11)
Rep. Sonny Callahan	225-4931	
Rep. Bill Young	225-5961	
Sen. Patrick Leahy	224-5042	
Rep. David Obey	225-3365	
Sen. John Warner	224-2023	

Evans Revere

Bill Inglee (Hastert)	225-0600
Chris Williams (Lott)	224-5312
Marshall Billingslea (Helms)	224-4651
John Shank (Callahan)	225-2041
Robin Cleveland (McConnell)	224-2104

Eric John

Mark Murray (Obey)	225-3481
Carolyn Bartholemew (Pelosi)	225-4965
Tim Rieser (Leahey)	224-7284
Steve Rademacher (Gilman)	225-7376

H

Staff of above Members, including

Peter Yeo

Michael Ennis

Bob King

Rich Houghton

Nancy Stetson

Frank Jannuzi

Peter Brooks

Brett O'Brien

Sheila Murphy/Randy DeValk



United States Department of State

Washington, D.C. 20520

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● Comments:

DPK call

→ MAKE CALLS NOW

North Korea Roll Out Assignments

Stanley Roth

Rep. Ben Gilman	225-3776
Rep. Doug Bereuter	225-4806
Sen. Mitch McConnell	224-2541
Sen. Joseph Biden	224-5042
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Sen. Daniel Inouye	224-3934
Rep. Ike Skelton	225-2876
Rep. Floyd Spence	225-2452
Rep. <u>Tony Hall</u>	

Wendy Sherman

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Rep. Bill Young	225-5961	
Sen. Patrick Leahy	224-5042	
Rep. David Obey	225-3365	
Sen. John Warner	224-2023	

Evans Revere

Dead

MK	Bill Inglee (Hastert)	225-0600	Thurs 3 p.m. House bipartisan leadership
MK	Chris Williams (Lott)	224-5312	
OP	Marshall Billingslea (Helms)	224-4651	
DP	John Shank (Callahan)	225-2041	
OK	Robin Cleveland (McConnell)	224-2104 - <u>Kartman</u>	

BL Jim Dyer

Eric John

BL	Mark Murray (Obey)	225-3481
BL	Carolyn Bartholemew (Pelosi)	225-4965
BL	Tim Rieser (Leahy)	224-7284
DP	Steve Rademacher (Gilman)	225-7376

H

Staff of above Members, including

Peter Yeo

Michael Ennis

Bob King

Rich Houghton

Nancy Stetson

Frank Jannuzi

Peter Brooks

Brett O'Brien

Sheila Murphy/Randy DeValk

Talking Points on Kumchang-ni Agreement

o I'm pleased to be able to tell you that we will publicly announce later today that we've reached an agreement with the North Koreans on access to the suspect underground site at Kumchang-ni.

o The agreement addresses all of our concerns about both the current and future use of the site. Specifically:

The North Koreans have agreed to multiple visits by a team of U.S. experts to the underground site at Kumchang-ni.

The first visit will be in mid-May, with follow-up visits to be conducted beginning next year as long as our concerns remain.

The agreed procedures for these visits will give us complete access to the site.

o Our team of experts will determine whether the site is nuclear-related. As you know, we suspect that it currently is not, but we continue to believe the site was being built to house nuclear-related facilities at some future date.

o The follow-on visits, which will also examine the possibilities for converting the site to civilian use, will enable us to monitor the site periodically to ensure that it does not become nuclear.

o We did NOT agree to DPRK demands for "compensation" in return for access to the site. We told the North Koreans we would not "buy" their compliance with the Agreed Framework.

o We did repeat to the North Koreans something we've said publicly: removal of our suspicions concerning Kumchang-ni, something that requires satisfactory access, would allow us to take a modest step to improve their long-term food outlook.

o In that regard, we have informed them of our willingness to engage in a bilateral pilot agricultural rehabilitation project in potato production.

o The pilot project will be targeted on the famine-stricken Northeast, and implemented by U.S. PVOs. In connection with the project, we will provide 100,000 tons of food for work, to be distributed and monitored by the U.S. PVOs, to support workers engaged in the project.

o During the talks, the North Koreans raised their food needs, as they always do during our negotiations with them. They also sought to link our food aid with access to Kumchang-ni, a linkage we clearly rejected.

- 2 -

o We restated that our decisions on humanitarian assistance are based on need, as independently assessed by the World Food Program (WFP), other international organizations, and on our own information.

o As in the past, we previewed for them our thinking on how we might contribute to international relief efforts this year.

o FYI, we plan to announce a 100,000 metric ton response to the current WFP appeal in the next few days.

o The North Korean food situation remains dire. There is another, sizeable WFP appeal expected to be announced in April or May, and we are planning to make a 400,000 metric ton contribution to that appeal. These contributions mean that our food aid provided through the WFP will match that of last year.

o Additionally, the North Koreans have agreed with us to resume missile talks on March 29 in Pyongyang. The U.S. delegation will be headed by PM DAS Einhorn, who led the U.S. side in the three previous rounds of missile talks with the DPRK.

DOC-48339

THE WHITE HOUSE

WASHINGTON

August 20, 1998

Dear Bob:

In responding to your letter on funding for heavy fuel oil deliveries to preserve the Agreed Framework, my intent may not have been clear. Let me assure you, that the below listed points are unequivocal:

- We will insist and pursue discussions with the DPRK on complete cessation of all activities which would violate the Agreed Framework;
- The Administration will initiate meaningful discussions with North Korea on the full implementation of the Joint Declaration of the Denuclearization of the Korean Peninsula;
- The DPRK has various obligations under the Agreed Framework to accept NPT inspection requirements and we will insist they comply with these obligations.
- We again will raise the option of alternative energy sources with the North and in our bilateral talks; and
- We will provide detailed classified updates for Congress on the status of the North Korean nuclear weapons program by September 9th, and on an on-going basis.

Again, I appreciate your efforts to allow us to use FY98 funds to continue our obligations under the Agreed Framework.

Sincerely,

A handwritten signature in dark ink, reading "Samuel R. Berger". The signature is fluid and cursive, with the first name "Samuel" and last name "Berger" clearly legible.

Samuel R. Berger
Assistant to the President
for National Security Affairs

The Honorable Bob Livingston
Chairman, Committee on Appropriations
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

August 20, 1998

Dear Bob:

Thank you for your willingness, together with your colleague, Chairman Callahan, to remove your hold on the Administration's proposal to utilize its section 614 authority to provide additional funds for heavy fuel oil deliveries to preserve the Agreed Framework. As we have discussed with your staffs, these funds - combined with other Department resources, if necessary - are a critical tool for managing a satisfactory resolution of the concerns we both share.

While I do not accept all of the characterizations in your letter, we want to proceed on as cooperative and candid a basis as possible.

Regardless the issues raised in your letter, I make the following assurances:

- We will insist and pursue discussions with the DPRK on complete cessation of all activities which would violate the Agreed Framework;
- The Joint Declaration on the Denuclearization of the Korean Peninsula is a bilateral document between North and South Korea. We fought hard to include it in the Agreed Framework and we will continue to raise it in our discussion with the North;
- The DPRK has various obligations under the Agreed Framework to accept NPT inspection requirements and we will insist they comply with these obligations.
- We again will raise the option of alternative energy sources with the North in our bilateral talks; and
- We will provide detailed classified updates for Congress on the status of the North Korean nuclear weapons program by September 9th and on an on-going basis.

Your concurrence in our use of FY 98 funds and your withdrawal of your hold is appreciated. U.S. national security policy towards the Korean peninsula, one of our country's principal security priorities, must be bipartisan if it is to succeed. I commit to you that the President's national security team will work closely with you.

Sincerely,

A handwritten signature in black ink that reads "Samuel R. Berger". The signature is written in a cursive style with a large, stylized 'S' at the beginning.

Samuel R. Berger
Assistant to the President
for National Security Affairs

The Honorable Bob Livingston
Chairman, Committee on Appropriations
House of Representatives
Washington, D.C. 20515

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Congress of the United States

House of Representatives

Committee on Appropriations

Washington, DC 20515-6015

August 19, 1998

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CLERK AND STAFF DIRECTOR
 JAMES W. DYER

TELEPHONE:
 (202) 225-3771

The Honorable Samuel Berger
 Assistant to the President for National Security Affairs
 The White House
 Washington, D.C.

Dear Sandy:

Given the serious failings of the Administration's North Korea policy and the harmful effect this has on our national security, I believe I should be blunt in responding to your phone call yesterday regarding North Korea. For nearly four years now my colleague Chairman Sonny Callahan and I have expressed very serious reservations concerning the Administration's policy of providing advanced nuclear technology and training to North Korea, a nation that in all likelihood continued to pursue a dangerous nuclear weapons program. As a result, from the very beginning we voiced our strong opposition to a policy that could unwittingly support a clandestine nuclear weapons program in North Korea - a program whose sole purpose was to threaten the lives of our troops and those of our allies on the Korean peninsula. Yet we were repeatedly rebuffed by senior Administration officials who stated on the record that our concerns were unfounded and that the Agreed Framework had terminated the North Korean nuclear weapons program.

Sandy, I don't think I need to tell you that America's vital national security interests are not well served when the Administration pursues policies which are in effect dangerous illusions, ignoring grave national security problems instead of solving them. This is compounded when crucial facts related to this policy are repeatedly misrepresented to the Congress. For the past eighteen months the Congress was asked to provide funds to support this flawed policy based upon inaccurate statements made by senior Administration officials. On this issue alone I wish to be very direct. When issues have a direct bearing on America's vital national security interests, integrity and trust in the executive-legislative branch relationship is absolutely essential. The Administration's handling of this issue has dealt a serious blow to that trust.

Yesterday, you requested that I allow the Administration to provide \$15 million in fiscal year 1998 funds to further support this extremely questionable undertaking. After considerable thought, and in close consultation with Chairman Callahan, we agree not to oppose making these funds available *if you agree to provide Chairman Callahan and myself with a number of important and necessary assurances.* Frankly, Chairman Callahan asked me to convey to you his very strong reservations about the provision of any funds to North Korea. Therefore, both Chairman Callahan and I want to make it very clear that the withdrawal of our objection does not in any way constitute support for the Administration's current policy or the President's fiscal year 1999 request for North Korea. We cannot support a policy that entails the provision of nuclear reactors to North Korea if North Korea is undertaking actions which violate the conditions under which the Agreed Framework was originally negotiated.

Chairman Callahan and I would appreciate the following assurances:

- The Administration will pursue discussions with North Korea regarding the complete cessation of all activities which tend to violate the Agreed Framework;
- The Administration will initiate meaningful discussions with North Korea on the full implementation of the Joint Declaration on the Denuclearization of the Korean Peninsula;
- The Administration will insist on all NPT inspection requirements in order to assure that North Korea is not pursuing nuclear weapons related activities at other sites not covered by the Agreed Framework;
- The Administration will pursue with North Korea non-nuclear, fossil fuel energy production alternatives as opposed to the nuclear reactors provided for under the Agreed Framework; and
- The Administration will provide to the appropriate committees of the Congress by September 9th a detailed classified report on the current status of the North Korean nuclear weapons program.

Sandy, I would appreciate your written acknowledgement of these assurances at your earliest possible convenience. Should I not receive an acknowledgement by 4:00 pm tomorrow, I will not withdraw the hold on the funds you have requested.

Sincerely,

Signed for Robert L. Livingston by William Ingle
 Chairman Robert L. Livingston
 Committee on Appropriations