

FOIA MARKER

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

Folder Title: Chron File - August 1994 #1 [6]				
Staff Office-Individual: Defense Policy-Bell, Robert				
Original OA/ID Number: 265				
Row: 31	Section: 3	Shelf: 4	Position: 3	Stack: V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Duplicate of vz4609_001. Record ID: 9420940. (1 page)	08/08/1994	P1/b(1)
002a. memo	For William Itoh from Jim Seaton. Subject: Significant Military Exercise - GATEWAY 2-94. Record ID: 9406375. (1 page)	08/09/1994	P1/b(1)
002b. memo	For Executive Secretary, National Security Council. Subject: Significant Military Exercise - GATEWAY 2-94. (1 page)	08/02/1994	P1/b(1)
002c. cable	re: Part I Significant Military Exercise Brief (SMEB). [Gateway 2-94] (1 page)	07/15/1994	P1/b(1)
003a. memo	Duplicate of 002a. Record ID: 9406375. (1 page)	08/09/1994	P1/b(1)
003b. memo	Duplicate of 002b. (1 page)	08/02/1994	P1/b(1)
003c. cable	Duplicate of 002c. (1 page)	07/15/1994	P1/b(1)
003d. cable	Duplicate of 002c. (1 page)	07/15/1994	P1/b(1)
003e. cable	Duplicate of 002c. (1 page)	07/15/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [6]

2016-0152-F

vz4610

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.

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]
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 concerning wells [(b)(9) of the FOIA]

TO: ITOH

FROM: ANDREASEN
BELL

DOC DATE: 08 AUG 94
SOURCE REF:

KEYWORDS: NUCLEAR TESTING
ADMINISTRATIVE

PDD

PERSONS:

SUBJECT: REQUEST FOR APPROVAL TO BRIEF GALVIN TASK FORCE ON RELEVANT PDD

ACTION: ITOH APPROVED RECOM

DUE DATE: 11 AUG 94 STATUS: C

STAFF OFFICER: ANDREASEN

LOGREF:

FILES: NS

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
ANDREASEN
BELL
NSC CHRON

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By 12 NARA, Date 1/3/17

2016-0152 -F

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJEB

CLOSED BY: NSJEB

DOC 1 OF 1

~~SECRET~~

RECORD ID: 9420940

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

001 ITOH
001

CAO ASSIGNED ACTION REQUIRED

Z 94080908 FOR DECISION
X 94080908 ITOH APPROVED RECOM

~~SECRET~~

Withdrawal/Redaction Marker

Clinton Library

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Chron File - August 1994 #1 [6]

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The Secretary of Energy

Washington, DC 20585

August 5, 1994

Mr. William H. Itoh
Executive Secretary
National Security Council
The White House
Washington, DC 20506

Dear Mr. Itoh:

The National Security Subgroup of the Galvin Task Force is requesting a briefing on the Presidential Decision Directives which establish the Administration's requirements for the Nation's nuclear weapons-related programs.

From the group's inception, the members recognized that a good understanding of the Administration's directives regarding nuclear weapons-related programs was a necessary element for any assessment of the weapons laboratories. Therefore, they would be most appreciative if Mr. Steve Andreasen could provide a review of the relevant PDDs on August 9 at 12:00 noon, during the Subgroup's visit to Lawrence Livermore National Laboratory.

Each of the subgroup members hold the appropriate clearances required for such a review.

Due to the obvious time constraints imposed on the Subgroup's work, your timely response would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, which appears to read "Pete Didisheim".

Peter F. Didisheim
Special Assistant to the Secretary and
Acting Executive Director of the
Secretary of Energy Advisory Board

TO: JUKES, J

FROM: ITOH

DOC DATE: 08 AUG 94
SOURCE REF:

KEYWORDS: NAVIGATIONAL FREEDOM LEGAL ISSUES
 INTL OCEANS ENVIRONMENT & SCIENCE LEGISLATIVE REFERRAL

PERSONS:

SUBJECT: REPLY RE PROPOSED TESTIMONY IN INTL LAW OF SEA

ACTION: REED SGD MEMO

DUE DATE: 08 AUG 94 STATUS: C

STAFF OFFICER: HAHN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

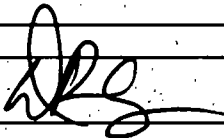
FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
EXECSEC
JONES

COMMENTS:

DISPATCHED BY  DATE 8/9 BY HAND W/ATTCH

OPENED BY: NSDRS CLOSED BY: NSDRS DOC 3 OF 3

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9406376

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 HAHN
002 ITOH
003

Z 94080514 PREPARE MEMO ITOH TO JUKES
Z 94080912 FOR SIGNATURE
X 94080912 REED SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 940808 JUKES, J

UNCLASSIFIED

TO: ITOH

FROM: JUKES, J

DOC DATE: 05 AUG 94
SOURCE REF:

KEYWORDS: NAVIGATIONAL FREEDOM LEGAL ISSUES
 INTL OCEANS ENVIRONMENT & SCIENCE LEGISLATIVE REFERRAL

PERSONS:

SUBJECT: PROPOSED TESTIMONY ON INTL LAW OF SEA

ACTION: PREPARE MEMO ITOH TO JUKES

DUE DATE: 08 AUG 94 STATUS: S

STAFF OFFICER: HAHN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

HAHN

FOR CONCURRENCE

DANVERS
KRECZKO

FOR INFO

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY:

DOC 1 OF 1

August 9, 1994

MEMORANDUM FOR JAMES J. JUKES

FROM:

for WILLIAM H. ITOH *WR*

SUBJECT:

Proposed Testimony on International Law of the Sea (LRM #M-1703)

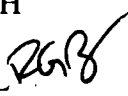
The National Security Council staff has no objections to the proposed testimony of RADM Shkor on the International Law of the Sea.

August 8, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT G. BELL 

FROM:

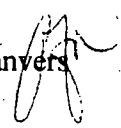
STEVEN R. JONES 

SUBJECT:

Proposed Testimony on International Law of the Sea (LRM #M-1703)

OMB has requested NSC views on the August 10 testimony of Rear Admiral John B. Shkor, Chief Counsel, U.S. Coast Guard, before the Senate Committee on Foreign Relations. RADM Shkor's testimony supports the Administration's recent signature of the Agreement amending the 1982 United Nations Convention on the Law of the Sea (UNCLOS 82). He supports the agreement as a near-term opportunity to "join with other industrialized nations in a widely accepted international order to regulate and safeguard the many diverse activities, interests and resources in the world's oceans." I recommend NSC concurrence with this testimony. Because of the extremely short suspense, I phone in this position to James Brown of OMB at noon, August 8.

Concurrences by:

Bill Danvers RECOMMENDATION

That you sign the memorandum at Tab I.

Attachment

Tab I Memorandum for Signature

Tab II Incoming Correspondence

6576
9 PAGES

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503**

August 5, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1703

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3151 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Jane Lyder - (202)208-4371 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
LABOR - Robert A. Shapiro - (202)219-8201 - 330
STATE - Julia C. Norton - (202)647-4463 - 225
TREASURY - Richard S. Carro - (202)622-1146 - 228
EPA - Thomas C. Roberts - (202)260-5414 - 326
CEQ - Liaison Officer (vacant) - (202)395-5750 - 256
NEC - Sonyia Matthews - (202)456-6630 - 429
NSC - William H. Itoh - (202)395-3723 - 249
USTR - Fred Montgomery - (202)395-3475 - 223

FROM: JAMES J. JUKES (for) *JJL*
Assistant Director for Legislative Reference

OMB CONTACT: James A. BROWN (395-3473)
Secretary's line (for simple responses): 395-3454

SUBJECT: Proposed Testimony on International Law of
the Sea

DEADLINE: 2:00 P.M. Monday August 8, 1994

COMMENTS: If we do not hear from you by the deadline, we will
assume that you have no objection to this testimony.

OMB requests the views of your agency on the above subject before
advising on its relationship to the program of the President, in
accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or
receipts for purposes of the the "Pay-As-You-Go" provisions of
Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:

Dan Tangherlini
Michael Deich
Mike Schmidt
Bob Damus

Clarissa Cerda
Rodney Bent
Bruce Sasser

DRAFT

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
STATEMENT OF
REAR ADMIRAL JOHN E. SHKOR
CHIEF COUNSEL, U.S. COAST GUARD
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
AUGUST 10, 1994

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, GOOD AFTERNOON. I AM REAR ADMIRAL JOHN SHKOR, CHIEF COUNSEL OF THE U.S. COAST GUARD. ALTHOUGH CURRENTLY ASSIGNED AS THE COAST GUARD'S CHIEF COUNSEL, I HAVE PREVIOUSLY SERVED AS THE DEPARTMENT OF TRANSPORTATION'S REPRESENTATIVE TO THE U.S. DELEGATION THAT ATTENDED THE THIRD UNITED NATION'S CONFERENCE ON THE LAW OF THE SEA, AS THE SEVENTH COAST GUARD DISTRICT LEGAL OFFICER IN THE EARLY DAYS OF THE DRUG WAR AT SEA, THE 1980 MARINE BOATLIFT, THE BEGINNING OF ALIEN MIGRANT INTERDICTION OPERATIONS, AND MOST RECENTLY AS CHIEF OF OPERATIONS, COAST GUARD PACIFIC AREA. THESE ASSIGNMENTS ALLOW ME TO PROVIDE COMMENTS NOT ONLY FROM THE LEGAL PERSPECTIVE, BUT FROM THE OPERATOR'S POINT OF VIEW AS WELL. LET ME ADD THAT I APPRECIATE THE OPPORTUNITY TO TESTIFY TODAY ON BEHALF OF THE COAST GUARD WITH RESPECT TO THE LAW OF THE SEA CONVENTION. IN ADDITION, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE FOLLOWING MY PREPARED REMARKS.

ON NOVEMBER 15 OF THIS YEAR, THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS 82) WILL ENTER INTO FORCE. THIS EVENT, COUPLED WITH THE RECENTLY CONCLUDED AGREEMENT ON THE DEEP SEABED MINING PROVISIONS, PRESENTS THE UNITED STATES WITH AN

DRAFT

OPPORTUNITY TO ACHIEVE A LONG-STANDING, YET ELUSIVE, OBJECTIVE. THAT IS ACCEPTANCE OF A WIDELY RATIFIED, COMPREHENSIVE LAW OF THE SEA TREATY WHICH PROTECTS AND PROMOTES A WIDE RANGE OF U.S. OCEAN INTERESTS. MANY OF THESE AFFECT THE U.S. COAST GUARD. BECAUSE OF OUR LAW ENFORCEMENT, ENVIRONMENTAL PROTECTION AND NATIONAL SECURITY MISSIONS, THE COAST GUARD HAS LONG BEEN A PROPONENT OF ACHIEVING A COMPREHENSIVE AND STABLE REGIME WITH RESPECT TO TRADITIONAL USES OF THE OCEANS.

FROM THE STANDPOINT OF COAST GUARD ACTIVITIES AND OPERATIONS, ACCESSION BY THE UNITED STATES TO THE CONVENTION, AS AMENDED BY THE AGREEMENT, IS A POSITIVE DEVELOPMENT. THERE ARE THREE PRINCIPAL REASONS.

FIRST, THE CONVENTION PRESERVES VITAL NAVIGATION FREEDOMS. IT LIMITS THE BREADTH OF THE TERRITORIAL SEA AT 12 MILES, SHOWING AS ILLEGITIMATE CLAIMS IN EXCESS OF THAT AMOUNT. YOU ARE NO DOUBT AWARE OF THE EXCESSIVE TERRITORIAL SEA CLAIMS OF SEVERAL SOUTH AMERICAN COUNTRIES, SOME OF WHICH EXTEND TO 200 MILES. THE CONVENTION MAY WELL SERVE TO CONVINCE THOSE COUNTRIES TO RETREAT FROM THEIR CURRENT POSITION AND ADOPT THE INTERNATIONALLY RECOGNIZED TERRITORIAL SEA LIMIT OF 12 NAUTICAL MILES. IT ALSO PRESERVES THE IMPORTANT NAVIGATION REGIME OF INNOCENT PASSAGE, AS WELL AS DEFINING TRANSIT PASSAGE IN INTERNATIONAL STRAITS AND ARCHIPELAGIC SEA LANES PASSAGE. TRADITIONAL FREEDOMS OF NAVIGATION AND OVERFLIGHT ARE LIKEWISE PRESERVED IN THE EXCLUSIVE ECONOMIC ZONE (EEZ) AND BEYOND. THESE NAVIGATION REGIMES PRESERVE

DRAFT

OUR RIGHT TO USE THE WORLD'S OCEANS TO MEET IMPORTANT U.S. NATIONAL SECURITY REQUIREMENTS AND FOR COMMERCIAL VESSELS TO CARRY OUR SEABORNE TRADE.

SECOND, THE CONVENTION ADVANCES OUR INTERESTS AS A COASTAL NATION IN PROTECTING THE MARINE ENVIRONMENT AND MANAGING RESOURCES. EXPERTS AGREE THAT THE PROBLEMS ASSOCIATED WITH MANAGEMENT OF FISH STOCKS WILL CONTINUE AS A CONTENTIOUS ISSUE FOR STATES WHICH RELY ON FISHING TO FEED THEIR POPULATION. THE CONVENTION PROVIDES A LEGAL BASELINE WHICH SANCTIONS THE ACTIONS OF REGIONAL FISHING ORGANIZATIONS TO DEAL WITH CONSERVATION ISSUES. INDEED, THE CONVENTION LEVIES IMPORTANT DUTIES ON THE COASTAL STATES TO RESPONSIBLY MANAGE THEIR FISHERY RESOURCES, AND PROVIDES THE BEST STRUCTURAL FRAMEWORK FOR RESOLVING CONFLICTS BETWEEN COMPETING USERS. IT ESTABLISHES THE 200-MILE EXCLUSIVE ECONOMIC ZONE, PROVISIONS OF WHICH ARE FULLY CONSISTENT WITH OUR CURRENT DOMESTIC FISHERIES POLICY AND INTERESTS. EXAMPLES OF DIRECT IMPACT ON COAST GUARD OPERATIONS IN THIS AREA CAN BE FOUND IN THE RECENTLY CONCLUDED BERING SEA "DONUT HOLE" AGREEMENT, WHICH WAS MODELED ON THE FISHERY PROVISIONS OF THE CONVENTION, AND THE U.N. RESOLUTION PROVIDING FOR A MORATORIUM ON DRIFTNET FISHING.

THE CONVENTION IS ALSO A FAR REACHING ENVIRONMENTAL ACCORD ADDRESSING VESSEL SOURCE POLLUTION, OCEAN DUMPING AND LAND-BASED SOURCES OF MARINE POLLUTION. AS YOU KNOW, THE COAST GUARD HAS RECENTLY EMBARKED ON A COMPREHENSIVE, WIDE-RANGING PORT STATE CONTROL PROGRAM WITH THE GOAL OF PURGING OUR WATERS OF

DRAFT

SUBSTANDARD SHIPS. THIS POLICY IS IN FACT CONSISTENT WITH AND SUPPORTED BY THE CONVENTION PROVISIONS THAT PROVIDE FOR BROAD PORT STATE ENFORCEMENT COMPETENCE. THE CONVENTION ALSO PRESCRIBES A DELICATE BALANCE BETWEEN THE RIGHTS OF COASTAL STATES TO ADOPT CERTAIN MEASURES TO PROTECT THE MARINE ENVIRONMENT ADJACENT TO THEIR SHORES AND THE GENERAL RIGHT OF A FLAG STATE TO EXERCISE PRESCRIPTIVE AND ENFORCEMENT JURISDICTION OVER THEIR VESSELS. IT ADDRESSES STATE RESPONSIBILITY TO CURB ALL SOURCES OF MARINE POLLUTION WHILE REQUIRING THAT ALL SUCH REGIMES BE CONSISTENT WITH NAVIGATION AND OTHER IMPORTANT MARITIME USES. THE CONVENTION IS ALSO THE GLUE THAT BINDS DIVERSE MARITIME INTERESTS IN THE ENVIRONMENTAL FIELD. WHILE THE U.S. DID NOT SIGN THE CONVENTION IN 1982, WE HAVE MAINTAINED A LEADERSHIP ROLE IN A NUMBER OF RELATED CONVENTIONS INCLUDING THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL), THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA (COLREGS) AND THE LONDON DUMPING CONVENTION. THE COMMON FRAME OF REFERENCE FOR ALL THREE OF THESE INTERNATIONAL MARITIME ORGANIZATION-ADMINISTERED CONVENTIONS IS THE LAW OF THE SEA CONVENTION. BY BECOMING A PARTY TO THE LAW OF THE SEA CONVENTION, THE UNITED STATES WILL BE IN A BETTER POSITION TO FURTHER THE NECESSARY DEVELOPMENT OF INTERNATIONALLY ACCEPTED STANDARDS AT IMO AND IN OTHER SIMILAR FORA.

THIRD, THE CONVENTION ADVANCES U.S. GOVERNMENT INTERESTS IN SUPPRESSING MARITIME DRUG TRAFFICKING ON THE HIGH SEAS. IT DOES THIS IN AT LEAST TWO WAYS. IT LIMITS EXCESSIVE TERRITORIAL SEA

DRAFT

CLAIMS WHICH ERUDE THE COAST GUARD'S ABILITY TO INTERDICT MARITIME DRUG SMUGGLING EFFORTS. SINCE THE COAST GUARD MAY NOT OPERATE WITHIN ANOTHER NATION'S TERRITORIAL SEA ABSENT A SPECIAL AGREEMENT, EXCESSIVE TERRITORIAL SEA CLAIMS EFFECTIVELY PROVIDE SMUGGLERS A SAFE HAVEN, FREE FROM COAST GUARD INTERDICTION EFFORTS. AS A PRACTICAL MATTER, THEN, BY LIMITING THESE CLAIMS TO TWELVE MILES, THE CONVENTION PRESERVES A BROADER HIGH SEAS REGION WITHIN WHICH U.S. MARITIME LAW ENFORCEMENT EFFORTS MAY OPERATE. IT ALSO REQUIRES STATES TO COOPERATE IN SUPPRESSING ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES BY VESSELS ON THE HIGH SEAS AND PERMITS STATES TO REQUEST THE ASSISTANCE OF OTHER STATES TO SUPPRESS THAT TRAFFIC. THIS PROVISION CLOSELY TRACKS PORTIONS OF ARTICLE 17 OF THE 1988 U.N. CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTICS AND PSYCHOTROPIC SUBSTANCES, WHICH WAS SIGNED BY THE UNITED STATES IN DECEMBER, 1988. THE GENERAL NATURE OF THE INTERNATIONAL COOPERATION PROVISIONS IN BOTH THE LAW OF THE SEA CONVENTION AND THE 1988 U.N. CONVENTION ARE RECOGNIZED. AN INTERNATIONAL WORKING GROUP ON MARITIME COOPERATION IS TENTATIVELY SET TO MEET IN SEPTEMBER TO BEGIN WORK ON A COMPREHENSIVE SET OF PRINCIPLES AND SPECIFIC RECOMMENDATIONS TO ENHANCE THE IMPLEMENTATION OF THESE PROVISIONS. NOTWITHSTANDING THE LACK OF SPECIFICITY IN THESE PROVISIONS, U.S. GOVERNMENT EXPERIENCE INDICATES THAT SINCE THE 1988 CONVENTION'S ENTRY INTO FORCE, INTERNATIONAL ENFORCEMENT COOPERATION HAS IMPROVED. THE ENTRY INTO FORCE OF THE LAW OF THE SEA CONVENTION WILL ONCE AGAIN DEMONSTRATE THE U.S. GOVERNMENT'S COMMITMENT TO ERADICATING NARCOTICS TRAFFICKING ON THE HIGH SEAS.

BECAUSE OF THE FUNDAMENTAL FLAWS OF THE ORIGINAL DEEP SEA BED MINING PROVISIONS FOUND IN PART XI, THE U.S. DID NOT SIGN THE CONVENTION WHEN IT OPENED IN 1982. EVEN THEN, HOWEVER, IT WAS RECOGNIZED THAT THE OTHER PARTS OF THE TREATY ON BALANCE SERVED THE INTERESTS OF THE UNITED STATES. PRESIDENT REAGAN, IN HIS 1983 OCEAN POLICY STATEMENT, EXPRESSED THE UNITED STATES' WILLINGNESS TO ACCEPT AND ACT IN ACCORDANCE WITH THE PROVISIONS RESPECTING TRADITIONAL OCEAN USES WHICH GENERALLY CONFIRMED EXISTING MARITIME LAW AND PRACTICE AND FAIRLY BALANCED THE INTERESTS OF ALL STATES.

I WAS, THEREFORE, HAPPY TO NOTE THAT ON JULY 29TH, 1994, THE UNITED STATES JOINED WITH 41 OTHER NATIONS AND THE EUROPEAN UNION IN SIGNING AN AGREEMENT MODIFYING PART XI OF THE LAW OF THE SEA CONVENTION. THIS WAS THE NECESSARY STEPPING STONE TO ACHIEVING OUR GOAL OF A UNIVERSALLY ACCEPTED LAW OF THE SEA CONVENTION. WHILE THE CONVENTION, AS MODIFIED, IS NOT A PERFECT SOLUTION TO ALL OCEAN POLICY ISSUES, THE COMPROMISES EMBODIED IN THE AGREEMENT AND CONVENTION ESTABLISH AN OCEAN REGULATORY REGIME THAT IS, ON BALANCE, IN THE NATIONAL INTEREST OF THE UNITED STATES.

IN THE VIEW OF THE DEPARTMENT OF TRANSPORTATION AND THE COAST GUARD, A UNIVERSAL REGIME FOR GOVERNANCE OF THE OCEANS IS NEEDED TO SAFEGUARD UNITED STATES SECURITY AND ECONOMIC INTERESTS. SOME OBSERVERS WILL LIKELY CONTINUE TO ARGUE THAT THE U.S. DOES

DRAFT

NOT NEED TO BECOME A STATE PARTY TO THIS CONVENTION. THIS VIEW IS WRONG. UNLIKE THE 1958 GENEVA CONVENTION ON THE HIGH SEAS, UNCLOS 82 IS NOT JUST A CODIFICATION OF EXISTING CUSTOMARY INTERNATIONAL LAW. UNCLOS 82 CONTAINS BOTH CUSTOMARY INTERNATIONAL LAW AND THE PROVISIONS ALLOWING FOR THE PROGRESSIVE DEVELOPMENT OF LAW. FOR THE UNITED STATES TO REMAIN OUTSIDE OF THE CONVENTION WOULD BOTH UNDERMINE THE SIGNIFICANT CONCESSIONS WE OBTAINED DURING THE NEGOTIATIONS OF THE CONVENTION IN THE AREA OF NAVIGATIONAL FREEDOMS, AND LIMIT OUR ABILITY TO SHAPE THE FUTURE OF THE CONVENTION AS IT EVOLVES OVER TIME. MOREOVER, THE AGREEMENT PROVIDES US WITH A NEAR-TERM OPPORTUNITY TO JOIN WITH OTHER INDUSTRIALIZED NATIONS IN A WIDELY ACCEPTED INTERNATIONAL ORDER TO REGULATE AND SAFEGUARD THE MANY DIVERSE ACTIVITIES, INTERESTS AND RESOURCES IN THE WORLD'S OCEANS.

THIS CONCLUDES MY PREPARED STATEMENT. I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY AND WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE. THANK YOU.

National Security Council
The White House

PROOFED BY: _____ LOG # 6376
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG XP A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Reed	<u>1</u>	<u>JUR</u>	
Kenney			
Itoh			
Soderberg			
Berger			
Lake			
Situation Room			
West Wing Desk	<u>2</u>	<u>B 8/9</u>	<u>D</u>
NSC Secretariat		<u>8/9</u>	<u>D</u>

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

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

DISPATCH INSTRUCTIONS:

TO: PETERSON, R

FROM: ITOH

DOC DATE: 08 AUG 94
SOURCE REF:

KEYWORDS: OCEANS
LEGAL ISSUES

NAVIGATIONAL FREEDOM
LEGISLATIVE REFERRAL

PERSONS:

SUBJECT: DOD PROPOSED TESTIMONY ON INTL LAW OF SEA

ACTION: SENS SGD MEMO

DUE DATE: 08 AUG 94 STATUS: C

STAFF OFFICER: CLAUSSEN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
EXECSEC
SEATON

COMMENTS:

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DATE

BY HAND

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OPENED BY: NSDRS

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DOC 3 OF 3

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9406419

DOC ACTION OFFICER

001 CLAUSSEN
002 ITOH
003

CAO ASSIGNED ACTION REQUIRED

Z 94080812 PREPARE MEMO ITOH TO PETERSON
Z 94081007 FOR SIGNATURE
X 94081007 SENS SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 940808 PETERSON, R

UNCLASSIFIED

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

6419

August 9, 1994

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH 

SUBJECT: Defense Proposed Testimony on International Law of Sea

The National Security Council staff concurs with the proposed Defense Department testimony.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

6419
URGENT

August 5, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1705

TO: Legislative Liaison Officer -

TRANSPORTATION - Tom Harlihy - (202)366-4687 - 226
COMMERCE - Michael A. Levitt - (202)482-3151 - 324
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Jane Lyder - (202)208-4371 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
LABOR - Robert A. Shapiro - (202)219-8201 - 330
STATE - Julia C. Norton - (202)647-4463 - 225
TREASURY - Richard S. Carro - (202)622-1146 - 228
EPA - Thomas C. Roberts - (202)260-5414 - 326
CEQ - Liaison Officer (vacant) - (202)395-5750 - 256
NEC - Sonyia Matthews - (202)456-6630 - 429
NSC - William H. Itoh - (202)395-3723 - 249
USTR - Fred Montgomery - (202)395-3475 - 223

FROM: RONALD K. PETERSON (for) *R. Peterson*
Assistant Director for Legislative Reference

OMB CONTACT: Jeff ASHFORD (395-3921)

SUBJECT: DEFENSE Proposed Testimony on International
Law of the Sea

DEADLINE: 3:00 P.M. Monday August 8, 1994

COMMENTS: Commerce/NOAA, State, and Coast Guard will also be testifying at this hearing. If you do not respond by the deadline, we assume that you have no objection to this testimony.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
Michael Deich
Mike Schmidt
Bob Damus
Rodney Bent
Jeff Payne

Top 1399

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please include the LRM number shown above, and the subject shown below.

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No objection

_____ No comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this
_____ response sheet

Statement
of
John H. McNeill
Senior Deputy General Counsel
and
Chairman, Task Force on the Law of the Sea Convention
U.S. Department of Defense

Hearing
on the
United Nations Convention on the Law of the Sea

Before
the
Committee on Foreign Relations
United States Senate

CLEARED
FOR OPEN PUBLICATION

AUG 05 1994 4

DIRECTORATE FOR FREEDOM OF INFORMATION
AND SECURITY REVIEW (OASD-PA)
DEPARTMENT OF DEFENSE

OASD(PA) DFOISR 94-C-1022

10 August 1994

**The Strategic Significance
of the
Convention on the Law of the Sea**

**Statement
of
John H. McNeill
Senior Deputy General Counsel
and
Chairman, Task Force on the Law of the Sea Convention
U.S. Department of Defense
Before
the
Committee on Foreign Relations
United States Senate**

10 August 1994

Introduction

Mr. Chairman, I would like to thank you and the other members of the Committee on Foreign Relations for the opportunity to present the views of the Department of Defense on the recently modified 1982 United Nations Convention on the Law of the Sea.

Mr. Chairman, on a personal note, I would like to commend you for the profound commitment you have shown, over nearly five decades, to the formulation and implementation of a comprehensive ocean regulatory regime. The 1982 United Nations Convention on the Law of the Sea is, in significant part, a reflection of your vision. It was fitting, indeed, that you escorted Ambassador Albright to the dais when she signed the Part XI Implementation Agreement, thereby paving the way for Senate consideration of U.S. adherence to the Convention itself. Mr. Chairman, I should also note that the U.S. commitment to a comprehensive legal regime for the world's oceans now spans six administrations, both

Republican and Democratic. Indeed, were it not for the principled stand taken by President Reagan, we would not be here today discussing the opportunity for U.S. participation in a Law of the Sea Convention shorn of unacceptable deep seabed mining provisions.

Mr. Chairman, on June 23, Deputy Secretary Deutch signed a charter establishing a Department of Defense Task Force on the Law of the Sea Convention. The creation of this Task Force is a recognition of the strategic importance of the LOS Convention, and of the high priority that the Department places on its ratification. The Deputy Secretary directed that the (Acting) Under Secretary for Policy and the Vice Chairman of the Joint Chiefs of Staff serve as the Executive Committee of this Department-wide effort, and asked me to oversee the day-to-day operations of the Task Force. It is in this capacity that I have the honor to appear before you today.

This hearing represents the first look by your Committee of jurisdiction at the issues surrounding the upcoming entry into force of the 1982 United Nations Convention on the Law of the Sea. Let me state that the Department of Defense intends to play a key role in acquainting the Senate with the importance and value of the Convention. Accordingly, today I would like to focus on its strategic significance, a theme that is reflected in a new Department of Defense *White Paper*, entitled "National Security and the Convention on the Law of the Sea," which, with your permission, I would like to submit for the record, for the information of the Committee.

The Department of Defense considers the legal framework which the Convention establishes to be essential to its mission. That framework assures our operational mobility and flexibility, helps to avoid conflict, and promotes the rule of law. RADM Center will touch upon some of those subjects in his statement. From an operational, policy, and legal perspective, DoD

supports the United States becoming Party to the Convention.

On July 29, 1994, the United States became a signatory to an agreement which resolves the outstanding concerns about the deep seabed mining provisions contained in Part XI of the Convention. The United States was not alone, however. Forty other nations joined us in signing the deep seabed mining agreement, including most of the major industrialized nations that had previously objected to the Part XI provisions. Many more nations are expected to sign in the coming months. Most of these signatories to the Agreement have stated their intention to seek ratification of the amended Convention. However, it should be emphasized that the Convention will enter into force on November 16, 1994 -- without the United States as a party -- since it has now been ratified by more than the requisite sixty States. That is why DoD believes it to be all the more essential for the U.S. to become a party to the modified Convention in a timely manner. Let me briefly present what the Department of Defense sees as the strategic advantages of U.S. adherence to the Convention.

Strategic Setting

The United States has vital and diverse interests in the oceans. Possessing one of the longest coastlines in the world, America relies on guaranteed access to living and non-living resources in its exclusive economic zone and on its continental shelf for its economic well being. As the world's preeminent naval power, the U.S. depends on freedom of navigation and overflight to project military power, maintain a military presence, and take part in other lawful uses of ocean space for military and commercial purposes. This global mobility has proven essential in protecting U.S. interests, as well as in promoting the shared interests of the international

community. As a leading trading nation, the United States relies upon the oceans to transport commercial goods of critical importance to our economy. The Convention also takes into account vital issues of resource management and environmental protection. Although not perfect, the Convention well balances these often competing interests and guarantees our strategic requirements.

In April 1993, Madeleine Albright, U.S. Ambassador to the United Nations, articulated this position clearly as she announced the intention of the Administration "to take a more active role" in resolving outstanding differences in Part XI toward achievement of a widely accepted Convention. "The Law of the Sea Convention," she then noted, "is an historic document and the balance it succeeded in achieving between the interests of coastal States in controlling activities occurring in adjacent offshore areas and those of maritime States in freedom of commercial and military navigation is of critical importance in an increasingly interdependent world."

This view was echoed in a statement issued by Secretary of Defense Perry on July 29, in which he stated, "The nation's security has depended upon our ability to conduct military operations over, under, and on the oceans. We support the Convention because it confirms traditional high seas freedoms of navigation and overflight; it details passage rights through international straits; and it reduces prospects for disagreements with coastal nations during operations."

The DOD Position

DoD, the U.S. Navy, and the U.S. Air Force have long been major proponents of the Convention. Focusing on navigational provisions, DoD representatives were members of the

U.S. delegation which hammered out the text during the nine years of negotiations. Since 1982, the Department of Defense has strongly advocated the Convention's navigational provisions. Combined with diplomatic initiatives, U.S. military forces have exercised navigational rights throughout the world to maintain and preserve these rights through State practice. As a result of frequent and routine transits, concepts such as transit passage and archipelagic sealanes passage have become well established in international practice. Similarly, our right to conduct military operations with "due regard" in the EEZ's of coastal States is now widely respected.

In 1991 and 1993, the DoD Representative for Ocean Policy Affairs prepared within the Department two "Ocean Policy Reviews." Each review called for active engagement in resolving outstanding issues to enable the Convention to come into force with the United States as a Party. The National Security Council approved this approach last year. With your permission, I will submit our 1993 Ocean Policy Review for the record. The Department of Defense continues to emphasize a vital, long-standing U.S. policy position: a comprehensive, widely accepted, and stable legal regime for the world's oceans that safeguards navigation and overflight rights is an essential element of U.S. defense strategy.

U.S. defense strategy for the 1990's and beyond is highly dependent upon traditional freedoms of navigation, including unimpeded transit and overflight of the world's oceans, international straits, and vast expanses of archipelagic waters, as well as innocent passage through territorial seas. While the United States has effectively maintained these rights over the past decade, excessive claims to jurisdiction by coastal States continue to threaten U.S. security interests. The cost, and effort to counter these challenges will increase as U.S. force structure, particularly overseas bases, is reduced.

U.S. naval forces continue to operate on, over, and under the world's oceans in a manner fully consistent with international law as reflected in the Convention. The United States continues to protest excessive maritime claims and operates in these contested areas routinely on a global scale. Recently, for example, the United States protested the illegal aspects of the 1993 Iranian Marine Areas law which purports to inhibit uses of the Persian Gulf. U.S. forces continue to operate in the area in a manner fully consistent with the provisions of the Convention. Although the legal principles involved are clear, the Persian Gulf is an example of an area ripe for potential conflict over maritime claims, particularly if major maritime and coastal States fail to reach consensus on the applicable legal principles by becoming parties to the Convention. Increasingly, coastal and archipelagic States are acquiring sophisticated submarine, air, and surface military resources. As we have seen in recent conflicts, state-of-the-art torpedo, anti-ship missile, and mine-weapon systems can represent a significant threat to U.S. and allied forces operating in coastal waters.

A 1992 report which the Navy prepared entitled "... From the Sea" recognizes that naval effectiveness also depends upon the capability to project power and maintain naval presence:

Naval expeditionary forces are ... [u]nrestricted by the need for transit or overflight approval from foreign governments in order to enter the scene of action. The international respect for freedom of the seas guarantees legal access up to territorial waters of all coastal countries of the world. This affords Naval Forces the unique capability to provide peaceful presence in ambiguous situations before a crisis erupts.

I might add that one should not view the importance of the freedoms of navigation and overflight from a naval perspective alone. As the U.S. Armed Forces have downsized and become more "joint," all services recognize that freedoms of navigation and overflight are vital not only to the sustenance of forward-based forces, but also to the ability to project U.S. Forces

overseas, and, if required, ashore. The development of the concept of the Joint Task Force, in which the Army, Navy, Air Force and Marines, and sometimes the Coast Guard as well, are deployed and employed as a team, has brought home to the entire defense establishment the importance of navigational and overflight freedoms to the accomplishment of our national security mission.

If the United States becomes a party to the Convention, we will be in a much stronger position to further define navigation and overflight rights. Our legal interpretation and actions, along with those of other maritime States, will help shape the development of those rights under the Convention. On the other hand, if the United States once again decides to reject the Convention, some observers think we may risk our leadership position, and the delicate "balance of interests" which the Convention represents may disintegrate. Coastal States may assert, and seek to enforce, increasingly egregious excessive claims, particularly in littoral waters far from the United States where the coastal State enjoys military and political advantages. In any event, we believe that our global mobility rights, and those of other maritime States, can be best assured if the U.S. becomes a party to the adjusted Convention.

Alternative Course of Action

Some in the United States espouse an alternative course of action. They would reject the Convention and urge that we continue to conduct our international maritime relations as a non-Party -- "business as usual." After all, the United States has operated its military forces in accordance with the Convention's navigational provisions for over a decade. Our current legal position is based on President Reagan's policy statement of March 1983 which accepted that the

navigation and overflight provisions of the Convention -- as well as those relating to other traditional uses of the oceans -- confirm international law and practice.

Proponents of this view can argue, quite correctly, that we have enjoyed a good deal of success influencing the development of international law. Despite attempts by some coastal States to restrict navigational freedom through excessive claims, we have protected most of our critical freedoms of commercial and military navigation and overflight and enjoyed many of the other benefits of the Convention, including a universally respected claim to an Exclusive Economic Zone (EEZ).

However, continuing to rely on this approach alone may have long-term negative effects. Customary international law, upon which we have relied to define our rights, is "fuzzy around the edges" and, by its very nature, subject to change. And, in addition, some continue to view the Convention as a contractual arrangement from which only parties can benefit, arguing that the Convention was a "package deal" from which States could not "pick and choose" from its benefits while not accepting its obligations. A number of States do not agree with our attempts to rely unilaterally upon the navigational provisions in the Convention.

U.S. interests would therefore appear to be best served by a stable, widely accepted international regime. Without acceding to the Convention, the United States may have more difficulty maintaining its traditional leadership position in ocean law and policy. Moreover, the balance of interests contained in the Convention may unravel; excessive maritime claims could proliferate to the detriment of the global mobility interests of all States. Insistence upon our navigational rights outside the Convention could run into intense political and, perhaps, military resistance from coastal States. Marine scientific research would undoubtedly become highly

regulated, if not denied altogether. As a result, maritime States may be hard pressed to argue that a disintegrating Convention continues to reflect customary law. Much is at stake, including strategic mobility, as well as our abilities to develop global resources, promote commercial trade, protect the marine environment, and combat maritime drug trafficking and illegal immigration by sea. We believe that, in an increasingly interdependent world, the United States can best maintain its leadership role in ocean law as a party to the Convention.

Summary and Conclusion

The LOS Convention contains a comprehensive codification of long-recognized tenets of customary international law which reflect a fair balance of traditional ocean uses. The freedoms embodied in this document are exercised by our naval forces and commercial shipping interests every day. Operations Desert Shield and Desert Storm demonstrated the importance of protecting and promoting these freedoms. It is important to bear in mind, however, that the LOS Convention and the law it reflects are not static concepts: they are dynamic, ever-evolving reflections of State practice. However, if the the United States remains outside the Convention, it will not be in a position to affect the evolution of this ocean regulatory regime.

All States have a key interest in protecting and consolidating the gains previously achieved through years of State practice, the UNCLOS negotiations, and other efforts. We must safeguard international transit rights for ships and aircraft of all nations. We must not acquiesce in unlawful claims or practices which restrict or impede these and other navigational freedoms. Such claims will, if allowed to ripen, threaten the delicate balance of interests reflected in the 1982 Convention. Each State's physical security, economic, and environmental interests are

compatible — the framework is found in the LOS Convention. We believe the U.S. should champion the Convention's principles in order to promote navigational and overflight freedoms, prudent resource development, unrestricted global trade, and protection of the marine environment. Without such careful attention, the delicate fabric of the Convention could quickly unravel, to the detriment of all nations. The 1982 Convention, as revised, now represents the greatest milestone yet in the development of the law of the sea. Its value lies in the complex but deliberate balance of maritime and coastal interests and its preservation of vital navigational and overflight freedoms which benefit us all. Finally, in addition to "locking in" the navigational rights we currently exercise and espouse, we believe U.S. accession would foster greater respect for the development of international law and demonstrate a renewed willingness on the part of our government to assume a leadership position in the important areas of ocean law and policy.

Mr. Chairman, I thank you for the opportunity to appear before the Committee today.

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9406375
RECEIVED: 05 AUG 94 13

TO: MCALEER, R

FROM: ITOH

DOC DATE: 08 AUG 94
SOURCE REF:

KEYWORDS: MILITARY EXERCISES

TURKEY

PERSONS:

SUBJECT: SIGNIFICANT MILITARY EXERCISE GATEWAY 2 - 94

ACTION: REED SGD MEMO

DUE DATE: 09 AUG 94 STATUS: C

STAFF OFFICER: SEATON

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL

EXECSEC

SEATON

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E.O. 13526

White House Guidelines, September 11, 2006

By V2 NARA, Date 1/2/07

2016-0152-F

COMMENTS:

DISPATCHED BY

DATE

BY HAND

W/ATTCH

OPENED BY: NSMBN

CLOSED BY: NSJDA

DOC

3 OF

3

~~CONFIDENTIAL~~

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICERCAO ASSIGNED ACTION REQUIRED

001 HAHN
002 ITOH
003

Z 94080514 PREPARE MEMO FOR ITOH
Z 94081007 FOR SIGNATURE
X 94081007 REED SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTIONDISPATCH FOR INFO

003 940808 MCALEER, R

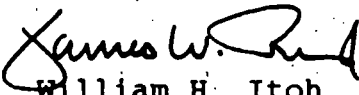
NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 9, 1994

MEMORANDUM FOR COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

SUBJECT: Significant Military Exercise GATEWAY 2-94

The National Security Council staff concurs in military exercise
GATEWAY 2-94.


William H. Itoh, COL, USA
 Executive Secretary

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. memo	For William Itoh from Jim Seaton. Subject: Significant Military Exercise - GATEWAY 2-94. Record ID: 9406375. (1 page)	08/09/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [6]

2016-0152-F
vz4610

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.

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]
- 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 concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. memo	For Executive Secretary, National Security Council. Subject: Significant Military Exercise - GATEWAY 2-94. (1 page)	08/02/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [6]

2016-0152-F

vz4610

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.

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]
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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002c. cable	re: Part I Significant Military Exercise Brief (SMEB). [Gateway 2-94] (1 page)	07/15/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [6]

2016-0152-F
vz4610

RESTRICTION CODES

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

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

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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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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.

TO: ITOH

FROM: STARR, B

DOC DATE: 08 AUG 94
SOURCE REF:

KEYWORDS: PUBLIC DIPLOMACY
IWG

NON PROLIFERATION
ARMS CONTROL

PERSONS:

SUBJECT: NOTIFICATION & AGENDA OF IWG MTG ON PUBLIC DIPLOMACY FOR ARMS
CONTROL & NONPROLIFERATION 10 AUG

ACTION: FOR RECORD PURPOSES

DUE DATE: 13 AUG 94 STATUS: C

STAFF OFFICER: NONE

LOGREF:

FILES: IFG

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

AOKI
BELL
CLARKE
GOTTEMOELLER
HALPERIN
ITOH
KRECKO
NSC CHRON
PONEMAN
SCHIFTER
WITKOWSKY

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJEB

CLOSED BY: NSJEB

DOC 1 OF 1

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9420950

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001

X 94081010 FOR RECORD PURPOSES

UNCLASSIFIED

20950

D/EX9400681-1
UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Washington, D.C. 20451

OFFICE OF
THE DIRECTOR

AUG 8 1994

MEMORANDUM FOR:

MR. WILLIAM H. ITOH
Executive Secretary
National Security Council

COL ROBERT P. MCALEER
Executive Secretary
Department of Defense

MR. DOUGLAS F. GARTHOFF
Executive Secretary
Central Intelligence Agency

MR. ANTHONY A. DAS
Executive Secretary
Department of Commerce

MR. MAX ROBINSON
Executive Secretary
Department of State

MS. ANN W. LAVIN
Director, Executive Secretariat
Department of Energy

COL T. R. PATRICK
Secretary, Joint Staff
Joint Chiefs of Staff

MS. MARY ELLEN CONNELL
Executive Secretary
U.S. Information Agency

SUBJECT: AGENDA FOR THE NEXT MEETING OF THE INTERAGENCY WORKING
GROUP ON PUBLIC DIPLOMACY FOR ARMS CONTROL AND
NONPROLIFERATION

Please forward to your principals the attached Agenda for the next meeting of the Interagency Working Group on Public Diplomacy for Arms Control and Nonproliferation to be held Wednesday, August 10, 1994 from 2:15 p.m. to 4:00 p.m. in the ACDA Conference Room, Room 5941, New State. Agencies should call in names of attendees and clearance information to Matt Murphy in ACDA's Office of Public Information at (202) 647-8677 by COB Tuesday, August 9, 1994.

Barbara Starr
Barbara Starr
Executive Secretary

Attachment:
As stated

INTERAGENCY WORKING GROUP ON PUBLIC DIPLOMACY FOR ARMS CONTROL
AND NONPROLIFERATION

August 8, 1994

AGENDA

I. Minutes of Previous Meeting

II. Status of PD Implementation Activities

- A. OSIA briefing by Mac Macmillen, Chief, OSIA Office of Security, on materials available to support CWC Public Diplomacy outreach activities
- B. ACDA briefings by Mary Fannin on the status of CWC ratification and CWC implementing legislation, and by Rick D'Andrea on ACDA's CWC brochure and video
- C. ACDA briefing by Matt Murphy on the status of Wyoming MOU public information materials
- D. OSD briefing by Brian Kilgallen on the status of the START Public Diplomacy Plan
- E. Briefing by ACDA's Strategic and Eurasian Affairs Bureau on the status of the Treaty Implementation Briefing for Kazakh Officials
- F. Draft of ACDA sponsored Seminar, "Arms and Proliferation Control Technology Needs", to be handed out
- G. Completed Public Diplomacy Materials to be handed out: Official Texts: "Statement By The Honorable John D. Holum to The Conference on Disarmament"; "Remarks of The Honorable John D. Holum To A Conference On NPT Review and Extension At The Lawrence Livermore National Laboratory"; "Remarks of the Honorable John D. Holum to the Des Moines Chapter of The Council on Foreign Relations"; and "Address By Dr. Stanley Riveles To The Seventh Multinational Conference On Theater Missile Defense." Fact Sheets: "Signatories and Parties to the Treaty on The Nonproliferation of Nuclear Weapons"; "Chemical Weapons Convention Signatories and Parties"; and "Biological Weapons Convention: The Special Conference and Beyond"
- H. In Progress: ACDA briefing by Doug Shaw on the status of the 11:00 a.m., August 11 NGO seminar on the 1995 NPT Extension Conference

III. Looking Ahead

- A. "Heads Up"

-2-

B. CLASSIFIED "Arms Control and Nonproliferation
Calendar"

C. UNCLASSIFIED "Arms Control and Nonproliferation
Calendar"

IV. Next Meeting

Wednesday, August 31, 1994 at 2:15 p.m. in the ACDA
Conference Room, 5941, Main State

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

6350

August 10, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL *RB*

FROM: JIM SEATON *JSL*

SUBJECT: SR for the President to Hold 50th Anniversary of
Iwo Jima Flag Raising Ceremony

At Tab II is a letter from a private citizen asking about any plans the nation may have to hold an appropriate ceremony marking the 50th anniversary of the Iwo Jima landings. A ceremony is already planned by General Kicklighter's DoD 50th Anniversary of WWII Committee for February 19, 1995 at the Marine Memorial in Arlington, Virginia. We believe the President should plan on attending this event and will submit a schedule proposal later this year. The memorandum to Scheduling at Tab I explains that a ceremony is planned and the details are being worked out regarding the President's attendance at the event.

Concurrence by: Bill Danvers *BD*

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

6350

MEMORANDUM FOR RICKI SEIDMAN

FROM: WILLIAM H. ITOH

SUBJECT: SR for the President to Hold 50th Anniversary of
Iwo Jima Flag Raising Ceremony

The National Security Council staff recommends the President attend the February 19, 1995 ceremony commemorating the 50th Anniversary of the landings on Iwo Jima at the Marine Memorial in Arlington, Virginia. We will submit a formal schedule proposal later this year when more event details are available.

6350 Staff

Scheduling Advice Memorandum

FROM: RICKI SEIDMAN

TO:

JOAN BAGGETT
LLOYD CUTLER
RAHM EMANUEL
JOHN EMERSON
MARK GEARAN
DAVID GERGEN
JACK GIBBONS
PAT GRIFFIN
MARCIA HALE
KAREN HANCOX
ALEXIS HERMAN
NANCY HERNREICH
HAROLD ICKES
WILL ITOH
PHIL LADER
ANTHONY LAKE
BRUCE LINDSEY

AL MALDON
KATIE MCGINTY
MACK MCLARTY
LEON PANETTA
JOHN PODESTA
JACK QUINN
CAROL RASCO
BOB RUBIN
ELI SEGAL
PATTI SOLIS
GEORGE STEPHANOPOLOUS
ANN STOCK
CHRISTINE VARNEY
MELANNE VERVEER
DANNY WEXLER
MAGGIE WILLIAMS
TONY WILSON

RE: 50th Anniversary of Two Time the Raisins

The Scheduling Office is considering the attached invitation.
Please advise us:

- ☒ POTUS should attend. *we will*
☐ POTUS should/need not attend.
☐ POTUS should/need not attend but should send a representative.

☒ If you think POTUS should attend please submit a proposal ASAP.

Your Additional Comments:

*we will submit an SP closer to
the event. fgs*

PLEASE RETURN THIS MEMO TO ANNA WINDERBAUM IN ROOM 185.5 BY 8/7/99

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- ☐ O - OUTGOING
- ☐ H - INTERNAL
- ☐ I - INCOMING

Date Correspondence
Received (YY/MM/DD)

Name of Correspondent: Jack Gauthier

- ☐ MI Mail Report

Office/Agency: OLC

(B)

(C)

Subject: Requests to be part of any upcoming event marking the historic flag raising at Two Jima if planned or that something be planned in Washington, D.C. in August.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
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SC WIND

ORIGINATOR

9/1/11

NS

ITOH

Referral No.

1108101

Referral Note:

Referral Note:

Referral Note:

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/ Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response - Initials of Signer
- Code - "A"
- Completion Date - Date of Outgoing

Comments:

Keep this worksheet attached to the original Incoming mail.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

SCANNED

07246

July 2, 1994

6
SCHE 04-
Jack Gaither
7518B Twin Crest Court
Baltimore, Md. 21237

JUL 15 1994

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

Dear Mr. President:

February 23, 1995 will mark the 50th anniversary of the historic Iwo Jima Flag-Raising. I would hope some commemoration is planned for this occasion; I would assume this would take place at the Monument at Arlington.

I am writing to either: (1.) Request advisement as to time and scheduling of this event so that I might be present or (2.) Respectfully suggest that, if no such commemoration is planned that one certainly be considered.

Enclosed, please find a copy of my poem, "Partisan", which I have just this date completed.

I await your response or that of an appropriate member of your staff.

Thank you.

Sincerely,



Jack Gaither

cc: Commandant, United States Marine Corps.

cc: FLAT EARTH PRESS/eNteLeCHY Magazine-Louisville, TN

July 2, 1994

Jack Gaither
7518B Twin Crest Court
Baltimore, Md. 21237

UNITED STATES MARINE CORPS
Historical Division
Headquarters, U.S. Marine Corps
Washington, D.C. 20380

Gentlemen:

I am writing to thank you for your assistance in providing me with accurate information concerning the Marines who raised the Flag on Iwo Jima on February 23rd, 1945. Your response was deeply appreciated.

Enclosed, please find a copy of my letter to the President and the Commandant of the Marine Corps which I trust speaks for itself.

I have forwarded-or, more accurately, will soon forward in the next few days-a copy of "PARTISAN" to my publisher, FLAT EARTH PRESS, in Louisville, Tennessee. It is my hope that Mr. Steven Horn, editor, will consider the publication of this work in the upcoming October issue of eNteLechY Magazine, a fine literary offering to which I have had the great pleasure of contributing in the past; a copy of this work is also enclosed for you. Thank you, again.

Sincerely,



Jack Gaither

cc: Hon. William Clinton,
President of the United States
Commandant of the Marine Corps
Steven Horn, editor, eNteLechY.
Publisher, Flat Earth Press

---A very important P.S.

Would you have available to the general public-or is it possible to purchase from you-both a black and white (preferably approx. 8 X 10) photo of the actual Iwo Jima flag-raising and a photo (again, preferably 8 X 10--black & white or color) of the Arlington monument depicting the flag-raising? If so, I would respectfully request two of each. PLEASE ADVISE.

---Thank you.

Jack Gaither
7518B Twin Crest Court
Baltimore, Md. 21237
(410) 661-4661 (H)
(410) 686-4556 (W)

PROLOGUE

I take this opportunity to thank the UNITED STATES MARINE CORPS, Historical Division-Headquarters, United States Marine Corps, Washington, D.C. for its assistance.

February 23rd, 1995 will mark the 50th anniversary of the Flag-raising on Iwo Jima. The writer requests that he be advised of any public commemoration of this historic event; if no such commemoration is planned, then the writer urges that one be considered. In either case, the writer wishes to attend the commensurate ceremony. To the foregoing end, I have written both the White House and the Commandant of the United States Marine Corps. A reply is awaited this date.

July 3, 1994

This writing is dedicated to my Father, who served with honor and courage in the UNITED STATES MARINE CORPS during World War II; my Father was not involved in the battle upon which this poem is based. However, I am privileged to know and understand that he held those things about which I am trying to speak in both awe and reverence. He died in 1987.

PARTISAN

For more than now two centuries you
have waded on
to barren beaches, beaches
where death waits for you,
my partisan.

I live as I
would wish to do,
I live out my days
in small and selfish ways
because of you,
my partisan.

You are why
my life can flow
as I would choose.
From those bloody beaches
where you died,
I arose,
free-
free to live as I
would choose to live.
My partisan.
My warrior.

Your valor-now so clear to me.
Though you are gone
it speaks to me.
Of battles fought
and yet to be,
my partisan.
My warrior.

Jack Gaither

PARTISAN-Page 2.

The Pacific Island of Iwo Jima.
February 23, 1945:

Through your pouring sweat,
you saw Suribachi, keenly met
through your blackened eyes.
You saw this prize
could not be scaled. It was
defended by the scions of
an ancient empire.

And now, the enemy comes,
my partisan.
Does he know you are
the first to fight?
First to look upon his mountain?
And now:
the enemy comes,
running forward to you,
ready to die for Suribachi.
Please, my partisan, stand fast for me!
I yearn to be free.
Stand fast, do not retreat,
please do not run!
The battle for this mountain
is now begun,
for now he comes,
the fanatic comes
over the ridge and through
the swamp to you.
"...Fix Bayonets!..."
Too close,
Too close to fire,
he comes upon you.
Flesh and blood fly-
you may die for me today,
my partisan!
Now over the ridge he comes,
and yet you do not run.
Instead, you stand,
you stand and fight!
Oh, through this bloody night,
not one
not one turns to run.
You fight for me,
my partisan.
Parry, stand and turn,
another down,
still not one
not one
turns to run. You fight,
through this bloody night.
From the swamp, the enemy comes.
Your crimson bayonet
amassing his corpses, yet
still the enemy comes,
dying for his mountain while
you die for liberty, for me.
My partisan.
My warrior.

Jack Gaither

PARTISAN-Page 3.

Please, breathe one more breath, my one,
for-Look!-now the flag on Suribachi
is slowly raised
and my Liberty thrives on
to these days,
my partisan.

Your valor-now so clear to me.
Though you are gone
it speaks to me.
Of battles fought
and yet to be,
my partisan.
My warrior.

You are gone
and yet
lest I forget
that bloody night,
this day it is
of you I write.
My partisan.
My warrior.

The Marines who raised the flag on Mount Suribachi:

- PFC Ira Hayes. Survived. Died 1955
- Pharmacist Mate 2/C John Bradley. Survived. Died 1994
- PFC Rene Gagnon. Survived. Died 1979.
- PFC Franklin R. Sousley. Killed in action, Iwo Jima.
- SGT. Michael Strank. Killed in action, Iwo Jima.

EPILOGUE

PARTISAN is further dedicated to the following men; none of them has ever talked with me about their combat experiences nor have I ever asked them to do so. Conversely, I have never been able to express to them the deep appreciation and awe in which I have always held their willingness to answer their Country's call:

- Henry Gaither. United States Army. World War 11. My Uncle. Survived.
- Pasquith Gaither. United States Merchant Marine. World War 11. My Uncle. Survived. Died, Lisbon, Portugal. 1953.
- Henry Shelley. United States Army. World War 11. My Uncle. Survived.
- Edward Shelley. United States Army. World War 11. My Uncle. Survived.
- Edward A. Bull. United States Marine Corps. Vietnam Conflict. My Friend. Survived.

(continued, please---)

Jack Gaither

PARTISAN-Page 4.

--Clay H. Gaither. United States Army. Vietnam Conflict. My Cousin, business partner, and friend. Survived.

"...it is essential to retain your self-confidence and do your duty, and aside from that, let nature take care of itself."

--General George S. Patton, Jr.

8/9/94

Does Our Defense Budget Underfund the Bottom Up Review (BUR) Force Posture?

Background

Senator Nunn believes there is at least a \$60 billion shortfall between our FY 1995-1999 Future Years Defense Plan (FYDP) and the funding level required to support the BUR force, assuming you make no further decisions to provide Defense with topline relief. This includes \$20 billion in offsets that would have to be identified to pay the costs of higher than anticipated inflation across the FYDP; \$26 billion that is currently not budgeted that will have to be identified if Congress continues each year to reject our proposal to set military and DoD civilian pay at rates below those currently authorized by law (i.e., inflation minus .5%); \$12 billion for procurement reforms which Senator Nunn believes our budget "double counts" and hence will not be realized; and unspecified billions for higher than projected base closing costs. A recent GAO report charges that the shortfall is on the order of \$150 billion -- a finding that has been sharply challenged by the OSD Comptroller. Defense concedes there is about a \$40 billion gap, if one assumes Congress will continue to set military pay at the inflation minus .5% level across the FYDP (as has now been agreed to for FY 1995 by both houses in the conference on the FY 1995 defense authorization bill). In making final decisions on the FY 1994 budget, you granted Defense \$11.4 billion in topline relief to pay the costs across the FYDP of the higher than requested pay raise for FY 1994 but approved no compensation for the higher than expected inflation. At the same time, though, you stressed that you would revisit the inflation compensation issue on a year-by-year basis and that your decision not to hold Defense harmless for the inflation rise in FY 1994 did not necessarily set a precedent for decisions in future years.

Points To Make:

- I recognize that we are facing a shortfall of roughly \$40 billion between our current FYDP budget assumptions and what will be required if current inflation estimates hold true and Congress continues to insist on setting military pay rates at inflation minus .5%.
- Last year I granted Defense \$11.4 billion in topline relief across the FYDP to cover the higher than requested military pay rates Congress approved for FY 1994. I understand your Conference Report on the FY 1995 defense authorization bill includes a 2.6% military pay increase for FY 1995 (one percent higher than requested) so that issue will again be on the table as I make decisions on the FY 1996 budget request.
- As we work through that process this fall, I will want to obtain the latest and most reliable inflation estimates available so we can determine the extent to which the \$20 billion in unbudgeted outyear inflation costs that we projected last year now needs to be adjusted up or down and whether any compensation should be provided for these extra costs. As you know, last year I chose not to compensate Defense for inflation, but promised to revisit that decision on a year-by-year basis.
- As I emphasized, Sam, in my State of the Union address, I am committed to maintaining the best equipped, the best trained and the best prepared fighting force in the world. As we struggle

with the difficult budget decisions that lie ahead of us this year, I will want to continue to consult with you very closely. As always, I deeply value your counsel on these matters.

Military Readiness

Last month, the outside panel of retired generals headed by General "Shy" Meyer concluded that the readiness of our Armed Forces remains acceptable, though there were certain warning signs. Secretary Perry vowed that readiness would remain his highest priority and released a long list of initiatives he and General Shalikashvili had agreed upon for ensuring there was no return to a "hollow" force.

Points to Make:

- Despite anecdotal reports in some recent articles about declining readiness, Secretary Perry, General Shali and the Meyer panel all agree that overall the readiness of our Armed Forces remains acceptably high.
- Readiness is our highest priority and we are committed to protecting it.
- Bill Perry and Shali have initiated a number of measures to ensure there is no return to a "hollow" force, which I hope you and your staff have been briefed on.
- We will continue to monitor the readiness indicators very carefully to make sure there is no slippage in this crucial area.

B-2 Bomber

Background

One of the last remaining major issues in the conference on the FY 1995 defense authorization bill is the \$150 million in funds approved by the Senate to maintain the option for another year of producing B-2 bombers beyond the 20 currently authorized in law. Senator Nunn believes our bomber force has been cut precariously low, sees further B-2 production as a cost effective means of reestablishing an appropriately robust bomber inventory and questions whether we have thought through the B-2 in a roles and mission context as a lower-cost alternative to other force projection assets, such as carrier battle groups. Despite supportive letters from Secretary Perry and Deputy Secretary Deutch, Senator Levin's amendment to strip the \$150 million from the bill was defeated by the Senate 55-45. Chairman Dellums and a clear majority in the House is strongly opposed to additional B-2s. Senator Nunn had hoped the Administration would at a minimum remain neutral in this fight and was angered by the Deutch letter to Levin and a more recent McLarty letter to Senator Feinstein, both opposing the \$150 million.

Points To Make:

-- I know the B-2 issue has been one of the most contentious issues in your conference. Where does that stand as of this hour?

-- We all agree the B-2 has a marvelous capability, but I frankly do not see where we would get the additional billions to buy another 20 -- especially in light of the shortfall we are already facing in our FYDP and all the competing demands for our scarce defense dollars.

Glosson Nomination

Background

Your nomination to retire Lt Gen Buster Glosson at three-star rank has been stalled since February. Critics, led by Senator Grassley, have based their opposition on a joint Air Force/DoD IG report that found that General Glosson had lied under oath concerning his alleged efforts to influence a promotion board. Defense believes that the IG report's finding of perjury was not substantiated by the facts as developed in that report, but Secretary Perry and Secretary Widnall have not been able to overcome Grassley's opposition. Today, Senator Nunn announced an agreement he has reached with Secretary Perry to appoint an independent three-man board to review the facts in this case. Perry will report back to the Senate on the results on this fact finding panel by September 15.

Points to Make:

-- I know your Committee has been stuck for months on how to handle the Glosson nomination.

-- I am glad to hear that you and Bill Perry have agreed to set up a fact finding panel. It seems to me that is the best way to proceed now, since so many Senators do not know whether to believe Glosson or the IG.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003a. memo	Duplicate of 002a. Record ID: 9406375. (1 page)	08/09/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [6]

2016-0152-F
vz4610

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.

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]
- 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 concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

SUBJECT: Significant Military Exercise GATEWAY 2-94

The National Security Council staff concurs in military exercise
GATEWAY 2-94.

William H. Itoh
Executive Secretary

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003b. memo	Duplicate of 002b. (1 page)	08/02/1994	P1/b(1)

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Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003c. cable	Duplicate of 002c. (1 page)	07/15/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

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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]
- 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 concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003d. cable	Duplicate of 002c. (1 page)	07/15/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [6]

2016-0152-F
vz4610

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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