

FOIA MARKER

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Folder Title:

Chron File - November 1994 #2 [1]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

377

Row:	Section:	Shelf:	Position:	Stack:
31	3	6	1	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. briefing paper	Presidential Review Thirty Four. (23 pages)	11/19/1994	P1/b(1)
002. letter	[Personally Identifiable Information] [partial] (2 pages)	11/07/1994	b(6)
003a. memo	For Anthony Lake from Joseph Sestak. Subject: Discussion Point for Principals Weekly Luncheon. Record ID: 9409094. (1 page)	11/21/1994	P1/b(1)
003b. memo	For Anthony Lake from Robert Suettinger. Subject: Incident Involving the USS Kitty Hawk. Record ID: 9409094. (3 pages)	11/09/1994	P1/b(1)
003c. memo	For the Assistant to the President for National Security Affairs from William Perry. Subject: USS Kitty Hawk Carrier Battle Group. (1 page)	11/09/1994	P1/b(1)
003d. talking points	Proposed Talking Points. (2 pages)	11/09/1994	P1/b(1)
003e. map	Map of the Yellow Sea. (1 page)	11/09/1994	P1/b(1)
003f. memo	For the Secretary of Defense and the Deputy Secretary of Defense from General Counsel. (2 pages)	11/09/1994	P1/b(1)
003g. cable	re: [reactions to Kitty Hawk Aircraft] (4 pages)	11/16/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 377

FOLDER TITLE:

Chron File - November 1994 #2 [1]

2016-0152-F

vz4659

RESTRICTION CODES

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RR. Document will be reviewed upon request.

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~~SECRET~~

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

Relly Copy

November 19, 1994

MEMORANDUM FOR: LYNN DAVIS
Department of State

WALTER SLOCOMBE
Department of Defense

CHARLES CURTIS
Department of Energy

JOHN LAUDER
Central Intelligence Agency

WESLEY CLARK
Joint Chiefs of Staff

JOHN HOLUM
Arms Control and Disarmament Agency

SUBJECT: PRD-34 Draft Decision Paper (S)

Attached is the NSC draft Decision Paper on PRD-34, "U.S. Policy on Strategic Nuclear Arms Control Beyond the START I and START II Treaties." Agencies should provide comments on the attached draft (in writing) to Steve Andreasen no later than COB Tuesday, November 29. We will then circulate a revised version of the decision paper by COB Friday, December 2, for an IWG to be held the week of December 5. (S)

We are slightly behind schedule in bringing this PRD to closure; therefore, agencies should expect both a DC and PC during the month of December on these issues so that we can present recommendations to the President by the end of the year (as directed in PDD-30). (S)

Robert G. Bell

Robert G. Bell
Special Assistant to the President
and Senior Director for Defense
Policy and Arms Control

~~SECRET~~

Declassify on: OADR

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By WJ NARA, Date 1/3/07
2016-0152-f

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WASHINGTON, D.C. 20506

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November 19, 1994

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Department of Energy

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Central Intelligence Agency

WESLEY CLARK
Joint Chiefs of Staff

JOHN HOLUM
Arms Control and Disarmament Agency

SUBJECT: IWG on SCC-48 and START Implementation ~~(S)~~

The IWG will meet Tuesday, November 22, from 4:30 - 6:00 in Room 208 to discuss the results of SCC-48. Attendance is principal plus one. ~~(S)~~

I am also asking OSD and JCS to provide a short (15 minute) briefing to the IWG on START implementation. ~~(S)~~

Robert G. Bell

Robert G. Bell
Special Assistant to the President
and Senior Director for Defense
Policy and Arms Control

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By WZ NARA, Date 12/3/77
2016-0527

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9316

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/16/94 ACTION/CONCURRENCE/COMMENT DUE BY: 11/21/94

SUBJECT: MILITARY NOMINATIONS: 25 OFFICERS FOR PROMOTION TO THE GRADE OF
MAJOR GENERAL AND BRIGADIER GENERAL, USAR

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McGINTY	☐	☐
PANETTA	☐	☐	MYERS	☐	☐
McLARTY	☐	☐	QUINN	☐	☐
ICKES	☐	☐	RASCO	☐	☐
BOWLES	☐	☐	RUBIN	☐	☐
RIVLIN	☐	☐	SEGAL	☐	☐
BAGGETT	☐	☐	STEPHANOPOULOS	☐	☐
EMANUEL	☐	☐	TYSON	☐	☐
GEARAN	☐	☐	VARNEY	☐	☐
GERGEN	☐	☐	WEBSTER	☐	☐
GIBBONS	☐	☐	WILLIAMS	☐	☐
GRIFFIN	☐	☐	BELL	☒	☐
HALE	☐	☐	CLERK	☐	☒
HERMAN	☐	☐		☐	☐
LAKE	☐	☐		☐	☐
LINDSEY	☐	☐		☐	☐
MIKVA	☐	☐		☐	☐

REMARKS:

Do you have any objections?

RESPONSE:

The National Security Council staff concurs in the attached military nominations.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
Ext. 2702

Anthony Lake

THE WHITE HOUSE

WASHINGTON

November 16, 1994

94 NOV 16 P5:39

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *J*
FROM: ALAN P. SULLIVAN *Mark & Rosen*
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE
SUBJECT: General Officer Nomination

Forwarded for your approval and signature is a nomination containing the names of 25 officers for promotion to the grade of major general and brigadier general, as indicated, in the Reserve of the Army of the United States.

This nomination is submitted by the Secretary of Defense after considering adverse information pertaining to one officer which has been provided by the Under Secretary of Defense (Personnel and Readiness) (TAB A). If you approve this nomination, the adverse information will be provided to the Senate Armed Services Committee.

This nomination is based on the report of a Federal Recognition Board approved by the Secretary of the Army and forwarded by the Secretary of Defense.

Recommendation

That you approve and sign the attached.

Attachment



THE SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1000

7 NOV 1994

MEMORANDUM FOR THE PRESIDENT

SUBJECT: General Officer Nomination

I recommend you nominate the twenty-five officers whose names are on the attached list for appointment to the grade indicated in the Reserve of the Army of the United States. These officers have been recommended for promotion by a Federal Recognition Board approved by the Secretary of the Army.

I have personally reviewed adverse information concerning Colonel Thomas D. Kinley and will provide the information to the White House Military Office separately. Should you approve this nomination recommendation, I will provide the same information to the Senate Armed Services Committee.

This action will not result in the Army exceeding the authorized strength of general officers in an active status in the Reserve of the Army.

William J. Perry

Attachment

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The White House

Washington

To the Senate of the United States:

I nominate:

The following United States Army National Guard officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of Sections 593(a), 3385 and 3392, Title 10, United States Code:

To be Major General

Brigadier General James J. Hughes, Jr. (b)(6)

Brigadier General William D. Jones,

Brigadier General Gerald A. Rudisill,

Brigadier General Melvin C. Thrash,

To be Brigadier General

Brigadier General John W. Hubbard, (b)(6)

Colonel John D. Havens, (b)(6)

Colonel Ronald D. Tincher,

Colonel Peter B. Injasouljan,

Colonel Alfred E. Tobin, (b)(6)

Colonel James W. O'Toole, (b)(6)

Colonel Francis D. Vavala,

Colonel Michael H. Harris,

Colonel Albert A. Mangone,

Colonel David P. Rataczak,

Colonel Thomas D. Kinley,

[002]

Colonel Joseph J. Taluto, (b)(6)

Colonel Roger C. Green, Jr., (b)(6)

Colonel Norman A. Hoffman, (b)(6)

Colonel Ewald E. Beth, (b)(6)

Colonel Raymond A. Vezina, (b)(6)

[002]

Colonel Eduardo R. Duenas, (b)(6)

Colonel Gene Sisneros, (b)(6)

Colonel Gus L. Hargett, Jr., (b)(6)

Colonel Harold J. Stearns, (b)(6)

Colonel John Avila, Jr., (b)(6)

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003b. memo	For Anthony Lake from Robert Suettinger. Subject: Incident Involving the USS Kitty Hawk. Record ID: 9409094. (3 pages)	11/09/1994	P1/b(1)

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- 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]

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

November 21, 1994

ACTION

MEMORANDUM FOR NANCY SODERBERG

THROUGH: DANIEL PONEMAN *DP*FROM: ELISA D. HARRIS *EH*SUBJECT: Invitation to Speak to the American Society for
Microbiology (ASM) -- December 8, 1994

I have been invited to speak to a group of scientists at the American Society for Microbiology on December 8, 1994. I would discuss the Administration's efforts to strengthen the Biological and Toxin Weapons Convention (BWC), including preparations for the next BWC Review Conference, in 1996.

Concurrence by: *RB* Robert Bell, *AK* Alan KreczkoRECOMMENDATION

That you approve my acceptance of the invitation at Tab I.

Approve _____ Disapprove _____

Attachment

Tab I Invitation

AMERICAN SOCIETY FOR MICROBIOLOGY

Public and Scientific Affairs Board
1325 MASSACHUSETTS AVE., N.W.
WASHINGTON, D.C. 20005-4171
TEL: (202) 737-3600
FAX: (202) 942-9335

November 2, 1994

Dr. Lisa Harris
National Security Council
Washington, D.C.

Dear Dr. Harris:

I am writing to invite you to speak to a group of prestigious scientists who will be meeting at the American Society for Microbiology (ASM), on Thursday, December 8, 1994. The ASM is convening a meeting on December 8 of a Task Force of expert scientists to deliberate on scientific issues and recommendations for effective monitoring to prevent and detect biological arms. The microbiologists who will be meeting on December 8 at ASM headquarters here in Washington, D.C. include: Dr. Joshua Lederberg, Rockefeller University; Dr. Stephen Morse, Rockefeller University; Dr. Brian Mahy, National Center for Infectious Diseases, CDC; Dr. Kenneth Berns, Cornell University Medical School; Dr. Alan Holmberg, Eli Lilly; Dr. Ronald Atlas, University of Louisville; Dr. Ronald Luftig, Louisiana State University Medical Center; Dr. David Huxsoll, Louisiana State University; Dr. Peter Gerone, Tulane University; Dr. Matthew Meselson, Harvard University; Dr. Richard Novick, New York University Medical Center; Dr. Ray Zilinskas, University of Maryland Biotechnology Institute and Dr. Alan Goldhammer, Biotechnology Industry Organization.

We plan to start the meeting at 10:00 am. We would very much like to have you address the group for about 30-35 minutes or so, beginning at 10:05 am. It would be very beneficial for the group to hear about the Administration's activities with regard to the Biological and Toxic Weapons Convention, VEREX, the Special Conference held in Geneva in September and preparations for the Review of the Convention in which compliance and verification will be important issues.

The ASM is the largest life science society in the world with a membership of 40,000 scientists.

I hope you will be able to accept our invitation and I look forward to hearing from you as soon as possible. I can be reached by telephone at (202) 942-9294, FAX (202) 942-9335 or e-mail jshoemaker@asmusa.org.

Sincerely,


Janet Shoemaker
Director, Office of Public and Scientific
Affairs

TO: LANTOS, TOM

FROM: PRESIDENT

DOC DATE: 21 NOV 94
SOURCE REF:

KEYWORDS: KUWAIT
IRAQ

CO

PERSONS:

SUBJECT: PRES REPLY LTR TO REP LANTOS RE RECENT CRISIS ON IRAQ - KUWAIT
BORDER

ACTION: FOR DISPATCH

DUE DATE: 25 OCT 94 STATUS: C

STAFF OFFICER: LAIPSON

LOGREF: 9408809 9408884

FILES: WH

NSCP:

CODES:

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

FOR ACTION

WH STRIPPING DESK

FOR CONCURRENCE

FOR INFO

BELL
DANVERS
INDYK
LAIPSON
NSC CHRON

COMMENTS:

DISPATCHED BY

640

DATE

11/22

BY HAND

W/ATTCH

OPENED BY: NSGP

CLOSED BY: NSKDB

DOC 4 OF 4

NATIONAL SECURITY COUNCIL

ID 9408602

REFERRAL

DATE: 22 NOV 94

MEMORANDUM FOR: WH STRIPPING DESK

DOCUMENT DESCRIPTION: TO: LANTOS, TOM

SOURCE: PRESIDENT

DATE: 21 NOV 94

SUBJ: PRES REPLY LTR TO REP LANTOS RE RECENT CRISIS ON IRAQ - KUWAIT

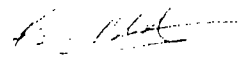
BORDER

REQUIRED ACTION: FOR DISPATCH

DUE DATE:

COMMENT:

FOR


JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE

THE WHITE HOUSE

WASHINGTON

November 21, 1994

Dear Tom:

Thank you for your thoughtful letter on the recent crisis on the Iraq-Kuwait border. I appreciate your support. I am pleased that our response had its desired effect: withdrawal of Iraqi forces deployed to the south, as we demanded in our demarche following the passage of U.N. Security Council Resolution 949.

We continue to play an active role in deterring possible Iraqi aggression against the Kurds. Operation Provide Comfort II sends a powerful signal to Baghdad and our relief activities demonstrate our concern for the well-being of this often-threatened community of Iraqi citizens. In an October demarche to the Iraqis, we warned them about any further hostile actions, including actions against the Kurds. We will continue to scrutinize their troop movements in the north and south of Iraq and are ready to respond promptly to threats against Iraq's neighbor or its Kurdish citizens.

Thank you again for writing on this important topic.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Lantos", written in a cursive style.

Representative Tom Lantos
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

November 14, 1994 3:42 PM

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LARK 
PATRICK GRIFFIN 

SUBJECT: Correspondence with Congressman Lantos on Kuwait Crisis

Purpose

To respond to Representative Lantos' letter praising your decisive action with respect to Kuwait and calling for assurances regarding the Kurds of northern Iraq.

Background

The Congressman has written to express support for your policy towards the recent Iraqi deployments toward Kuwait and to request that you make clear that the United States would be prepared to take action in the event of aggression against the Kurds.

RECOMMENDATION

That you sign the attached letter.

Attachments

Tab A Letter to Congressman Lantos
Tab B Incoming Correspondence

CLASSIFICATION

Declassify on: OADR

cc: Vice President
Chief of Staff

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

November 10, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: MARTIN INDYK *MI*FROM: ELLEN LAIPSON *EL*

SUBJECT: Letter from Congressman Lantos on Iraq/Kuwait

The Congressman is pleased with the response to the recent crisis on the Iraqi-Kuwaiti border, and urges that we be as forceful with respect to the Kurds in the north. Our response explains the efforts we have taken with respect to the Kurds.

Concurrence by: *BB* Bob Bell, *BD* Bill DarversRECOMMENDATION

That you forward the attached package.

Attachments

Tab I Memo to the President

Tab A Letter to Congressman Lantos

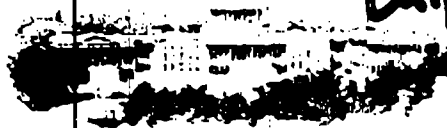
Tab B Incoming Correspondence

TOM LANTOS
CALIFORNIA

WASHINGTON OFFICE
2182 RAYBURN BUILDING
WASHINGTON, D.C. 20515
(202) 225-3631

DISTRICT OFFICE
400 EL CAMINO REAL
SUITE 820
SAN MATEO, CA 94402
(415) 342-0300
IN SAN FRANCISCO:
(415) 686-5257

*Staff to Ellen
Laipson*



FOREIGN AFFAIRS COMMITTEE
CHAIRMAN
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND
HUMAN RIGHTS
SUBCOMMITTEE ON EUROPE AND THE MIDDLE EAST
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
GOVERNMENT OPERATIONS COMMITTEE
VICE CHAIRMAN
SUBCOMMITTEE ON EMPLOYMENT, HOUSING AND AVIATION
SUBCOMMITTEE ON LEGISLATION AND NATIONAL SECURITY
CHAIRMAN, PERMANENT UNITED STATES
CONGRESSIONAL DELEGATION TO THE
EUROPEAN PARLIAMENT
CO CHAIRMAN, CONGRESSIONAL
HUMAN RIGHTS CAUCUS

Congress of the United States
House of Representatives
Washington, D.C. 20515

October 20, 1994

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

I welcome your prompt and decisive action in sending forces to the defense of Kuwait. In doing so, you have prevented a second Gulf War and sent a strong message to Saddam Hussein and his hostile forces.

Saddam Hussein, nevertheless, remains a most grave danger to the people of Iraq, as well as to the neighbors of Iraq. I am writing to you today to express my serious concern about the vulnerability of the Kurdish population of Iraq. Now that Saddam Hussein has been decisively rebuffed as a result of your quick response in southern Iraq, there is serious concern that he may respond by moving against the four million Kurds in northern Iraq.

That, as you well know, is precisely what happened in April 1991, following Saddam Hussein's defeat in the Gulf War. While allied forces stood by with arms folded, Baghdad sent its tanks and helicopter gunships against the Iraqi Kurds killing tens of thousands and causing nearly two million to flee into the mountains and over the borders into Turkey and Iran.

Saddam Hussein could do this again today, almost as easily as he did it in 1991, for the lightly-armed Kurdish militias are no more a match now for Iraqi armor and artillery than they were three years ago. The air cover extended by the United States and its allies under Operation Provide Comfort protects only that part of the Kurdish territory north of the 36th parallel, while more than half of the Kurdistan region lies to the south of that line. Furthermore, it seems questionable that the air contingent assigned to Operation Provide Comfort would be sufficient to prevent Iraqi ground forces from advancing north of the 36th parallel.

The Hon. William J. Clinton
President of the United States
Page 2

Any successful effort by the Iraqi authorities to reincorporate the Kurdistan region under Baghdad's rule would be a major victory for Saddam Hussein. It would restore his regime's flagging momentum and would put an end to the threat he perceives from the experiment in democratic government by the Kurds of northern Iraq. The Kurdistan Autonomous Region, which has been governed since the Kurdish elections of May 1992 by democratically elected representatives, is liberated Iraqi territory. Furthermore, the Iraqi National Congress, the coalition of pro-democracy parties that opposes Saddam Hussein, conducts opposition activities against Baghdad from bases in the Kurdistan region.

There are already reports that the Iraqi army has begun strengthening its forces in the north of Iraq, possibly in preparation for a move against the Kurdish population. If this were to occur, it would again cause a terrible slaughter and the flight of hundreds of thousands of Kurds into Turkey and Iran.

I urge you to make unequivocally clear that the United States would be prepared to take action against Iraq in the event of Iraqi aggression against the Kurds. In this context, it is important that the Iraqi government understand that the United States will respond as well to action against the Kurds south of the 36th parallel.

Cordially,



Tom Lantos
Member of Congress

CC: Hon. Warren Christopher
Secretary of State

Hon. Madeleine K. Albright
U.S. Permanent Representative to the United Nations

Hon. Anthony Lake
National Security Advisor to the President

8602

TOM LANTOS
CALIFORNIA

WASHINGTON OFFICE:

2182 RAYBURN BUILDING
WASHINGTON, D.C. 20515
(202) 225-3531

DISTRICT OFFICE:

400 EL CAMINO REAL
SUITE 820
SAN MATEO, CA 94402
(415) 342-0300
IN SAN FRANCISCO
(415) 566-5257FOREIGN AFFAIRS COMMITTEE
CHAIRMAN
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND
HUMAN RIGHTS
SUBCOMMITTEE ON EUROPE AND THE MIDDLE EAST
SUBCOMMITTEE ON INTERNATIONAL OPERATIONSGOVERNMENT OPERATIONS COMMITTEE
VICE CHAIRMAN
SUBCOMMITTEE ON EMPLOYMENT, HOUSING AND AVIATION
SUBCOMMITTEE ON LEGISLATION AND NATIONAL SECURITYCHAIRMAN, PERMANENT UNITED STATES
CONGRESSIONAL DELEGATION TO THE
EUROPEAN PARLIAMENT
CO CHAIRMAN, CONGRESSIONAL
HUMAN RIGHTS CAUCUS**Congress of the United States**
House of Representatives
Washington, D.C. 20515

October 20, 1994

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

I welcome your prompt and decisive action in sending forces to the defense of Kuwait. In doing so, you have prevented a second Gulf War and sent a strong message to Saddam Hussein and his hostile forces.

Saddam Hussein, nevertheless, remains a most grave danger to the people of Iraq, as well as to the neighbors of Iraq. I am writing to you today to express my serious concern about the vulnerability of the Kurdish population of Iraq. Now that Saddam Hussein has been decisively rebuffed as a result of your quick response in southern Iraq, there is serious concern that he may respond by moving against the four million Kurds in northern Iraq.

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Saddam Hussein could do this gain today, almost as easily as he did it in 1991, for the lightly-armed Kurdish militias are no more a match now for Iraqi armor and artillery than they were three years ago. The air cover extended by the United States and its allies under Operation Provide Comfort protects only that part of the Kurdish territory north of the 36th parallel, while more than half of the Kurdistan region lies to the south of that line. Furthermore, it seems questionable that the air contingent assigned to Operation Provide Comfort would be sufficient to prevent Iraqi ground forces from advancing north of the 36th parallel.

The Hon. William J. Clinton
President of the United States
Page 2

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I urge you to make unequivocally clear that the United States would be prepared to take action against Iraq in the event of Iraqi aggression against the Kurds. In this context, it is important that the Iraqi government understand that the United States will respond as well to action against the Kurds south of the 36th parallel.

Cordially,



Tom Lantos
Member of Congress

CC: Hon. Warren Christopher
Secretary of State

Hon. Madeleine K. Albright
U.S. Permanent Representative to the United Nations

Hon. Anthony Lake
National Security Advisor to the President

8602

ID# 084025

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: OCTOBER 24, 1994

NAME OF CORRESPONDENT: THE HONORABLE TOM LANTOS

SUBJECT: SUPPORTS PRESIDENT'S DECISION IN SENDING
FORCES TO THE DEFENSE OF KUWAIT

		ACTION		DISPOSITION	
ROUTE TO:		ACT	DATE	TYPE	C
OFFICE/AGENCY	(STAFF NAME)	CODE	YY/MM/DD	RESP	D YY/MM/DD
PATRICK GRIFFIN		ORG	94/10/24		C 94/10/24
REFERRAL NOTE:					
WILLIAM ITOH		RSA	94/10/24		/ /
REFERRAL NOTE:					/ /
REFERRAL NOTE:					/ /
REFERRAL NOTE:					/ /
REFERRAL NOTE:					/ /
REFERRAL NOTE:					/ /

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:F INDIVIDUAL CODES: 1230
MAIL USER CODES: (A)D_CA (B) (C)

*ACTION CODES: *DISPOSITION *OUTGOING *
* * *CORRESPONDENCE: *
*A-APPROPRIATE ACTION *A-ANSWERED *TYPE RESP=INITIALS *
*C-COMMENT/RECOM *B-NON-SPEC-REFERRAL * OF SIGNER *
*D-DRAFT RESPONSE *C-COMPLETED * CODE = A *
*F-FURNISH FACT SHEET *S-SUSPENDED *COMPLETED = DATE OF *
I-INFO COPY/NO ACT NEC * OUTGOING *
*R-DIRECT REPLY W/COPY * * *
*S-FOR-SIGNATURE * * *
*X-INTERIM REPLY * * *

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75,OEOb) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

SCANNED

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

November 21, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT BELL *RB*

FROM:

JOSEPH SESTAK *JS*SUBJECT: Invitation to attend Iwo Jima Day Commemorative
Services in Boston

At Tab II is an invitation from a Richard Mc Grath, Chairman of a Massachusetts Iwo Jima Day Committee, for the President to participate in Iwo Jima Day Commemoration Services in Boston on February 19, 1995. We previously have submitted a schedule proposal for the President to attend Iwo Jima Commemorations at the Marine Memorial in Arlington, Virginia, which we believe are most appropriate for him that day (Tab III). For information, Mr. Mc Grath had sent an identical invitation which was regretted July 22 by Ricki Seidman.

RECOMMENDATION

That you sign the memorandum at Tab I recommending the President decline the invitation.

Attachment

Tab I Memorandum for signature
Tab A Incoming correspondence
Tab B Scheduling Proposal

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

November 21, 1994

ACTION

MEMORANDUM FOR WILLIAM WEBSTER

FROM: WILLIAM H. ITOH

SUBJECT: Invitation to attend Iwo Jima Day Commemorative
Services in Boston

The National Security Council staff recommends the President decline the invitation at Tab A to participate in Iwo Jima Day Commemoration Services in Boston on February 19, 1995. A schedule proposal for the President to attend a similar event hosted by the Commandant of the Marine Corps at the Marine Memorial in Arlington, Virginia, has already been submitted for him that day (Tab B).

Attachment

Tab A Incoming correspondence
Tab B Scheduling Proposal

9245

Scheduling Advice Memorandum

FROM: BILLY WEBSTER

TO:

JOAN BAGGETT
ERSKINE BOWLES
RAHM EMANUEL
JOHN EMERSON
MARK GEARAN
JACK GIBBONS
PAT GRIFFIN
MARCIA HALE
KAREN HANCOX
ALEXIS HERMAN
NANCY HERNREICH
HAROLD ICKES
WILL ITOH
ANTHONY LAKE
BRUCE LINDSEY
AL MALDON
KATIE MCGINTY

MACK MCLARTY
ABNER MIKVA
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:

Ina Juma Day in Mass.

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

- ☐ POTUS should/need not attend.
☐ POTUS should/need not attend but should send a representative

☒ If you think POTUS should attend please submit a scheduling proposal, **WITH THE INVITATION ATTACHED**, ASAP

Your Additional Comments:

PLEASE RETURN THIS MEMO TO ANNE MCGUIRE IN ROOM 185.5 BY

11/22

IV095

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1/95Name of Correspondent: Richard M. McShane☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: invites President to attend annual Iwo Jima Day
Commemorative Service on February 19, 1995 in Boston

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>SC</u>	<u>MCGU</u>	ORIGINATOR	<u>94/11/10</u>			<u>1/1</u>
<u>NS</u>	<u>ITDH</u>	Referral Note:	<u>A</u>	<u>94/11/15</u>		<u>1/1</u>
		Referral Note:				<u>1/1</u>
		Referral Note:				<u>1/1</u>
		Referral Note:				<u>1/1</u>
		Referral Note:				<u>1/1</u>

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: _____

SCANNED

Keep this worksheet attached to the original incoming letter.

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.

IWO JIMA DAY COMMITTEE

22 River Rd., Marion, MA 02738
748-1461

OCT 24 1994

PERMANENT CHAIRMAN
Richard M. McGrath

October 15, 1994

086761

NOV 7 1999

President William Jefferson Clinton
The White House
Washington

Dear Mr. President:

I received Mr. Ricki L. Seidman's letter of 22Jul94 conveying your appreciation for our Invitation to be our Guest of Honor next 19Feb95, Sunday at our Annual IWO JIMA DAY Commemorative Services on the 50th Anniversary of the Invasion of Iwo Jima and the 25th Anniversary of my creating IWO JIMA DAY and Commemorative Services for it.

I am enclosing a decent (not good-our 2 cameramen had problems with their camcorders), VHS "dub" tape of this year's Services along with an info/fact page on the history of why our Services should be recognized Nationally.

I hope you received the original Governor's Proclamation; Mass. Senate & House Resolutions and Program Book I sent to you with my 23May94 letter. Noone from your Office has ever responded (the same no response happened last year!).

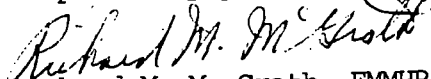
Where your name as President appears on the Proclamation and Resolutions and not receiving any form of response to my letter and a "dub" tape for 1993 and this year, I wonder if you received them or someone filed them away?

I most sincerely hope your, your wife and Marine Aide will be able to be with us on 19Feb95 in the State House Hall of Flags, Boston at 1030 hours.

I wonder if you know that the Iwo Jima Flag-Raising statue in Arlington is the only National Memorial/Statue for WWII veterans? I know Chairman of the Joint Chiefs of Staff, Gen. John M. Shalikashvili does because he has taken the time to send me two thoughtful, appropriate letters. Perhaps you will consider having him, his wife and Military Aide represent you at our 19Feb95 Commemorative Services, if you cannot?

Thank you for your consideration of our Invitation and request. Also, would you please have your correspondence director type another original 15Feb94 personal letter you had sent to me, but I did not receive in time to read at the Services and someone "scooped it" from my file at the end of the Services and I have looked everywhere for it?

Respectfully yours,


Richard M. Mc Grath, FMMHR
RMMC/bjmc

"Uncommon Valor was A Common Virtue"



IWO JIMA DAY COMMITTEE

22 River Rd., Marion, MA 02738
748-1461

PERMANENT CHAIRMAN
Richard M. McGrath

50th Anniversary of Invasion of IWO JIMA

Date/Time 19Feb95 1030 hours

Event Special Commemorative Services on IWO JIMA DAY

Location Hall of Flags, State House, Boston, Mass.

Event Sponsor IWO JIMA DAY COMMITTEE-IWO JIMA DAY, INC.

Contact Richard M. Mc Grath, FMMHR Permanent Chairman & President
22 River Road, Marion, MA 02738 Tel. 508-748-1461

Notes of Interest: Former G/Sgt. Richard M. Mc Grath, USMC began Iwo Jima Day Commemorative Services in 1970; authored the first and only state law mandating the Governor to Proclaim every Feb. 19th as IWO JIMA DAY (C, 19 of Acts of 1972) and three (3) sons of the Commonwealth received the Congressional Medal of Honor Posthumously (Pfc. William R. Caddy of Quincy; Sgt. Joseph Julian of Sturbridge and G/Sgt. William G. Walsh of Roxbury).

One (1) oz. bronze USA VETERAN key ring will be given to all military and veterans attending!

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 1, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH:

ROBERT BELL *RB*

FROM:

KEITH HAHN *KH*

SUBJECT: Schedule Proposal for World War II Commemorative Events

Tab I is a Schedule Proposal that identifies all of the World War II Commemorative events in which we feel the President should participate through 1995.

Concurrences by: Stanley Roth *SR*, Alexander Vershbow *AV* and Tom Ross *TR*

Nicholas Burns

RECOMMENDATION

That you forward the Schedule Proposal at Tab I.

Attachment

Tab I Schedule Proposal

THE WHITE HOUSE

Schedule Proposal

WASHINGTON

date 10 / 20 / 94 ACCEPT REGRET PENDING.

TO:

Billy Webster
Director of Scheduling and Advance

FROM:

Anthony Lake

REQUEST

1994-1995 Presidential participation
in World War II commemorative
events.

PURPOSE:

To provide advance notice of World
War II commemorative events in which
the President ~~should~~ participate.

BACKGROUND:

The 50th Anniversary of World War II
Commemoration Committee has
identified a number of ceremonies
throughout the remainder of this
year and 1995 in which the President
might want to participate.
Commemorations will culminate on
Veterans Day, November 11, 1995.

PREVIOUS PARTICIPATION:

Commemorative ceremonies in Italy,
United Kingdom and France, June
1994.

DATE AND TIME:

Iwo Jima Commemorations, U.S; Marine
Corps Memorial, Washington, D.C.,
February 19, 1995 (already accepted
and on President's schedule).*Anne Walley*
*65 330*Musical Salute to African American
Veterans, Washington, D.C., February ^{18th}
~~20 or 25~~, 1995. *Constitutional Hall**Feb. 20/25 18th*Battle of Okinawa Commemoration,
Arlington Cemetery, April 1, 1995.*Salute to*
*A-Americans*National VE Day Commemoration,
Arlington Cemetery and U.S.
Holocaust Memorial Museum, May 8,
1995.

cc: Stephanie Streett

Russian Ceremonies for VE Day,
Moscow, May 9, 1995 (President
Yeltsin invited. Our response is
pending).

VJ Day Commemoration, Honolulu, HI,
September 2-3, 1995.

50th Anniversary of the United
Nations, New York City, NY, October
24, 1995.

National Day of Commemoration,
Washington, D.C., November 11, 1995.

DURATION:	To be determined
LOCATION:	As indicated
PARTICIPANTS:	To be determined
OUTLINE OF EVENTS:	To be determined
REMARKS REQUIRED:	Yes
MEDIA COVERAGE:	Open Press
FIRST LADY'S ATTENDANCE:	As desired
VICE PRESIDENT'S ATTENDANCE:	No
SECOND LADY'S ATTENDANCE:	No
RECOMMENDED BY:	Anthony Lake
CONTACT:	Robert Bell x69191

Military Readiness

Background

On November 15, Secretary Perry announced that three active divisions are in a less than satisfactory readiness status which could limit their ability to accomplish potential missions. This readiness shortfall is a temporary situation resulting from Congress' failure in August and September to pass in a timely manner supplemental appropriations measures with funding to reimburse Defense for several contingency operations that occurred late in the fiscal year. Although Secretary Perry had explicitly warned Congress on August 4 that failure to act immediately on the supplemental would result in training cutbacks and lower readiness for certain units (including the three that have now slipped to "C-3" status), Congress did not act until after the Fiscal Year ended. This forced the Army to shift operations and maintenance funds away from regular training. Secretary Perry has estimated that with the availability of FY95 funding, these divisions' readiness will be restored during the second quarter of FY95.

- I have repeatedly pledged to ensure that our fighting forces are the best prepared, best trained and best equipped in the world, and remain fully committed to ensuring our military's readiness is fully maintained.
- In August, Secretary Perry had explicitly warned Congress that this readiness problem would occur unless it immediately passed supplemental appropriations to cover several contingency operations, but Congress did not act until the training had been cancelled.
- With the FY 94 supplemental bill and the FY95 defense authorization and appropriations bills now enacted, we are moving quickly to correct this readiness deficiency and we expect all three units to reach an acceptable level by the second quarter of FY95.
- In addition, as we continue working on the FY96 budget, the Administration intends to work closely with Congress to work out a mechanism whereby the Services are reimbursed for contingency operations in a more timely fashion, so as to avoid a repeat of this experience next year.

POTUS as Command-in-Chief

Background

Senator Helms stated during a TV interview aired Saturday that he did not believe you had demonstrated the ability to serve as Commander-in-Chief and that "the people in the Armed Forces" agreed with him. Over the weekend, public statements were made supporting your performance as Commander-in-Chief by General Shalikashvili and Senators Dole, Hatch and Dodd. Leon Panetta also responded on the record Sunday, terming Helm's statements "reckless" and sending "terrible signals" at home and abroad.

- As a United States Senator, Mr. Helms has taken an oath to "support and defend the Constitution against all enemies, foreign and domestic."
- Article II, Section 2, of the Constitution establishes the President of the United States as Commander-in-Chief. The Constitution establishes no "means test" for the discharge of this power other than that the President be duly elected.
- For Mr. Helms to suggest otherwise -- or worse, to encourage the idea that our dedicated and loyal Armed Forces might think otherwise -- belies not only the oath he takes as a Senator but also the abiding respect for the sanctity of the Constitution he purports as a conservative to profess.

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

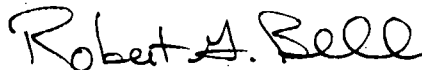
November 22, 1994

Dear Admiral Bulkeley:

I wanted to send you several pictures of the June 6, 1994 ceremonies onboard the USS GEORGE WASHINGTON (CVN 73). I thought this ceremony was one of the most moving moments of the Normandy commemoration ceremonies. The recollection of that gray morning, so reminiscent of the conditions fifty years ago to the day, will always stay with me. We were all very conscious of your proud and selfless service to this nation.

It was an honor to make your acquaintance, Admiral. I only regret that the official photographs do not include better pictures of you. You exemplify the valor and courage which President Clinton underscored that day as the model for our generation. I can assure you that I will work to ensure that the President's participation in these and other commemorative events of the 50th Anniversary of World War II will continue to serve that purpose.

Sincerely,



Robert G. Bell

Special Assistant to the President
and Senior Director for Defense
Policy and Arms Control

Vice Admiral John D. Bulkeley, USN (Ret.)
10706 Lorain Avenue
Silver Springs, Maryland 20901

TO: PETERSON, R

FROM: ITOH

DOC DATE: 22 NOV 94
SOURCE REF:

KEYWORDS: CHEMICAL WARFARE

LEGISLATIVE REFERRAL

PERSONS:

SUBJECT: PROPOSED ACSA RPT ON ADMIN CHEMICAL WEAPONS CONVENTION
IMPLEMENTATION ACT OF 94

ACTION: SENS SGD MEMO

DUE DATE: 15 NOV 94 STATUS: C

STAFF OFFICER: HARRIS

LOGREF:

FILES: WH

NSCP:

CODES:

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

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
EXECSEC
HARRIS
PONEMAN

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY: NSGP

DOC 3 OF 3

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9409102

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 HARRIS	Z 94111211 PREPARE MEMO ITOH TO PETERSON
002 ITOH	Z 94112216 FOR SIGNATURE
003	X 94112216 SENS SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 941122 PETERSON, R

UNCLASSIFIED

National Security Council
The White House

PROOFED BY: OPH LOG # 9102
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
 BYPASSED WW DESK: _____ DOCLOG OPH A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
<u>OPH</u> Reed			
Sens	<u>1</u>	<u>ADJ</u>	
Itoh			
Soderberg			
Berger			
Lake			
Situation Room			
West Wing Desk	<u>2</u>	<u>OPH #12</u>	<u>B</u>
NSC Secretariat			

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

cc: _____

COMMENTS:

Exec Sec Office has diskette _____

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

November 22, 1994

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM ITOH SUBJECT: Proposed ACDA Report on the Administration's
Chemical Weapons Convention Implementation
Act of 1994

The National Security Council concurs with the changes indicated in the attachment to the proposed ACDA report on the Administration's Chemical Weapons Convention Implementation Act of 1994, subject to Justice Department concurrence. Concurrence has been conveyed telephonically.

Attachment

9102

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

November 9, 1994

SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

LRM #D-898
DRAFT #582

TO: Legislative Liaison Officer -

STATE - Julia C. Norton - (202)647-4463 - 225
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
NSC - William H. Itoh - (202)456-9220 - 249
COMMERCE - Michael A. Levitt - (202)482-3151 - 324
ENERGY - Bob Rabben - (202)586-6718 - 209
EPA - Thomas C. Roberts - (202)260-5414 - 326
LABOR - Robert A. Shapiro - (202)219-8201 - 330
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
TREASURY - Richard S. Carro - (202)622-1146 - 228

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

OMB CONTACT: Annette ROONEY (395-7300)
Secretary's line (for simple responses): 395-6194

SUBJECT: ACDA Proposed Report on ACDA Draft Bill
Chemical Weapons Convention Implementation
Act of 1994

DEADLINE: November 15, 1994

COMMENTS: This report responds to a request from the House
Foreign Affairs Committee on the CWC legislation.

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:
J. Ashford
B. Damus

10pg

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

-1-

Dear Mr. Chairman:

protections *corporations*

You have asked for a legal opinion concerning the adequacy of the Fourth Amendment ~~protections~~ contained in the provisions of the proposed Chemical Weapons Convention Implementation Act of 1994 (The Act). The Administration believes that the provisions of the Chemical Weapons Convention (CWC) and the Act fully protect citizens of the United States, including ~~corporate~~ *citizens*, from unreasonable searches and seizures.

protections

As an initial matter, the Administration anticipates that access to private facilities will be voluntarily granted for the vast majority of inspections under the CWC. The Supreme Court has held that where valid consent to search is obtained, the ~~protections~~ under the Fourth Amendment are waived, including the need to obtain a search warrant. Therefore, the Administration believes that Fourth Amendment concerns might conceivably arise in only a small number of instances.

se

~~In the~~ ^{se}presumably rare case ^sin which access is not voluntarily granted, the Administration believes that obtaining a search warrant will be the most effective means of ensuring that a search pursuant to the CWC does not violate the inspected party's Fourth Amendment rights. Accordingly, for either a "routine" or "challenge" inspection, the Act contains procedures for requesting and issuing a search warrant from any official authorized to issue search warrants in accordance with the Fourth Amendment. ~~Although the Act does not specify what type of search warrant will be requested,~~ the Government anticipates that either administrative search warrants or criminal search warrants will be sought, depending on the type of inspection and the circumstances surrounding the inspection request.

Routine Inspections

in these situations

Routine inspections, by their very nature, are not conducted pursuant to a suspicion of a treaty violation, and therefore could not meet the "probable cause" standard required for the issuance of a criminal search warrant. As a result, in the event that access is not provided on a voluntary basis for a routine inspection of a private facility, the Government will seek to obtain an administrative search warrant. Such a warrant is issued on the basis of "administrative probable cause," i.e., a finding that there exists a reasonable administrative scheme for conducting inspections authorized by, and in furtherance of, explicit legislation, and that the object of the inspection fits within that scheme and was chosen by neutral and objective criteria.

There is judicial authority for granting administrative search warrants on the basis of evidence that falls short of probable cause. Accordingly,

11/08/94 09:21 202 847 0024

ACDA/OCA

003

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When requesting an administrative search warrant under the Act, the Government must provide to the official authorized to issue search warrants all appropriate information supplied by the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW) regarding the basis for the selection of the facility or location. The Government would also be required to provide any other appropriate information available to it relating to the reasonableness of the selection of the location for the inspection.

Challenge Inspections

However,
Although challenge inspections are conducted upon the request of a State Party to the CWC that has a specific concern about compliance with the Convention, the Administration anticipates that administrative search warrants will be adequate for the majority of non-consensual challenge inspections. Because the evidence provided by the Technical Secretariat may rise to the level of "probable cause," however, the Act leaves open the possibility of obtaining a criminal search warrant.

When requesting a warrant for a challenge inspection, the Government must provide to the official authorized to issue search warrants the same information as is required for a routine inspection. In addition, for challenge inspections, the Government must submit appropriate evidence or reasons provided by the requesting State Party with regard to its concerns about compliance with the Convention at the facility or location.

It should be noted that, at U.S. insistence, the CWC explicitly allows an inspected Party to "tak[e] into account... [its] constitutional obligations...with regard to... searches and seizures" when providing access for a challenge inspection. Therefore, the United States would not be in violation of the Convention if this process resulted in the Government being required to limit access by the inspection team on the basis of the Fourth Amendment's prohibition of unreasonable searches and seizures.

Issuance of Warrants

Once the appropriate information is provided, the Act directs the authorized official to issue promptly a search warrant authorizing the requested routine or challenge inspection if: an affidavit is submitted by the Government showing that the CWC is in force for the United States; the facility sought to be inspected is subject to the specific type of inspection requested; the procedures established under the CWC and the Act for initiating an inspection have been complied with; and the

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Government undertakes to ensure that the inspection is conducted in a reasonable manner and will not exceed the scope or duration set forth in or authorized by the CWC or the implementing legislation. The warrant must specify: the type of inspection authorized; the purpose of the inspection; the type of facility to be inspected; the items, documents and areas that may be inspected; the commencement and concluding dates and times of the inspection; and the identities of the representative of the Technical Secretariat of the OPCW, if known, and, if applicable, the representatives of the U.S. Government.

Additional Protections

The inspection regime set forth in the Act is patterned after similar administrative inspection regimes already in force in the United States, e.g., inspections of chemical industry under the Toxic Substances Control Act. Accordingly, regardless of whether the inspection is conducted voluntarily or involuntarily, as with these other schemes, the proposed legislation contains a number of provisions designed to protect individual rights.

Under the Act, written notice must be provided to the owner and to the operator, occupant or agent in charge of the premises to be inspected (although failure to receive a notice will not prevent an inspection). The notice must be submitted to the owner/operator as soon as possible after the Government receives it from the Technical Secretariat of the OPCW. The notice must include all appropriate information supplied by the Technical Secretariat regarding the basis for the selection of the facility, including, for challenge inspections, appropriate evidence or reasons provided by the requesting State Party with regard to that State Party's concerns.

In addition, the Act provides that if the owner, operator, occupant or agent in charge of the premises is present, a member of the inspection team and, if present, the U.S. Government representative must present appropriate credentials. Consistent with the timeframes in the CWC, each inspection must be commenced and completed with reasonable promptness and conducted at reasonable times, within reasonable limits, and in a reasonable manner. The Government must endeavor to ensure that, to the extent possible consistent with the CWC, each inspection is commenced, conducted and concluded during ordinary working hours. (Although it must be noted that the timelines under the CWC are in continuous hours; therefore, inspectors have a right to work around-the-clock.) To the extent possible consistent with the CWC, no inspection can extend to financial, sales and marketing (other than shipment), pricing, personnel, research, or patent data, or data maintained for compliance with environmental or

however,

-4-

occupational health and safety regulations.

protections
Finally, under the Act, if the U.S. has signed a facility agreement with the OPCW, any routine inspection of that facility must be conducted in accordance with the facility agreement. Because a facility agreement will establish mandatory detailed inspection procedures for a facility, the Administration believes that the conclusion of a facility agreement will encourage owners, operators, occupants or agents in charge of facilities subject to inspection under the CWC to voluntarily grant access to their facilities. Furthermore, even if access is denied, a facility agreement will provide additional ~~protections~~ for the owner, operator, occupant or agent in charge of the premises of a facility by limiting the scope of inspection activities to those contained in the agreement.

Under the CWC and the Act, facility agreements must be concluded for all Schedule 1 facilities and for Schedule 2 facilities, unless the owner and the operator, occupant or agent in charge of the premises and the Technical Secretariat of the OPCW agree that such an agreement is not necessary. The owners, operators, occupants or agents in charge of the premises of Schedule 3 facilities, and other chemical production facilities subject to inspections pursuant to Part IX of the Verification Annex of the CWC, have the option to request a facility agreement. The Act provides that, if a request is made, the United States Government should conclude a facility agreement for that facility. It should be noted that, under the Act, the owner and the operator shall have the right, to the extent practicable consistent with the obligation of the U.S. under the CWC, to participate in the negotiation of all facility agreements.

The Administration believes that these procedures fully protect individual rights under the Fourth Amendment.

Sincerely,

John D. Holum
Director

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

November 17, 1994

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: *RGB* ROBERT BELL/DANIEL *DL* NEMAN

FROM: ELISA D. HARRIS *EDH*

SUBJECT: Proposed ACDA Report on the Administration's
Chemical Weapons Convention Implementation
Act of 1994

At Tab I is a memorandum for your signature concurring with changes to the proposed ACDA report on the Administration's Chemical Weapons Convention Implementation Act of 1994.

Concurrence by: Alan Kreczko *AK*

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence