

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
--------------------------	---------------	------	-------------

001. email	Laura Sepucha to Michael Hamel. Subject: Lott Letter. (16 pages)	09/09/1996	P1/b(1)
------------	--	------------	---------

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Senator Helms])
OA/Box Number: 590000

FOLDER TITLE:

[09/09/1996-11/19/1996]

2006-1363-F

vz5617

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 Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
--------------------------	---------------	------	-------------

001. email	Laura Sepucha to Michael Hamel. Subject: Lott Letter. (16 pages)	09/09/1996	P1/b(1)
------------	--	------------	---------

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Senator Helms])
OA/Box Number: 590000

FOLDER TITLE:

[09/09/1996-11/19/1996]

Van Zbinden
2006-1363-F
vz5617

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]

MS Mail

DATE-TIME 10 September 96 19:57

FROM Friedrich, M. K.

CLASSIFICATION UNCLASSIFIED

SUBJECT As requested [UNCLASSIFIED]

TO Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY [[LOTT.DOC : 4923 in LOTT.DOC]][[LUGAR.DOC : 4924 in LUGAR.DOC]]

**ATTACHMENT
FILE DATE** 10 September 96 19:55

**ATTACHMENT
FILE NAME** LOTT.DOC

Dear Mr. Leader:

The President has asked that I respond to your letter regarding Senate consideration of the Chemical Weapons Convention (CWC).

On behalf of the President, I would like to thank you for your cooperation and leadership in scheduling a Senate vote on this vital treaty which, as you know, has been before the Senate since November 1993. The CWC, which was negotiated under President Reagan and concluded and signed under President Bush, is an important element of our bipartisan efforts over the years to address two of the most

important threats facing us in the post Cold War era: the proliferation of weapons of mass destruction and terrorism.

I was concerned by your letter and regret that you believe that the Administration has not been fully cooperative with Senate efforts to obtain critical information. I want to assure you that the Administration remains eager and committed to continuing to assist the Senate in developing a complete record for its consideration prior to floor action on the CWC, as stated in the June 28, 1996, unanimous consent agreement.

During the almost three years the Convention has been before the Senate, the Administration has worked very hard to ensure that the Senate has been fully informed on the Convention and that all its questions have been answered. Our efforts to inform the Senate have included testimony at 13 hearings, including testimony by many Cabinet officials. We have conducted dozens of briefings for members and staff by representatives of key agencies, including yesterday's productive session with the Arms Control Observer Group. The President has appointed two Special Advisors on the CWC, to address Senate questions and concerns as part of the ratification process. Former Representative Martin Lancaster served in this capacity in 1995 and Dr. Lori Esposito Murray currently holds this position. On behalf of the President, they have personally briefed every Senate office, offered individual briefings to every member of the Senate and personally briefed over 40 Senators.

In addition, we have answered over 300 questions for the record. Senator Helms has asked many of these questions and we have always responded to his concerns. For example, we have not only provided Senator Helms our database of companies likely to be affected by the CWC, but we have also provided him a list of chemical companies we

have determined unlikely to be affected by the CWC. Overall, the Administration has provided the Senate with over 1500 pages of information on the CWC -- over 300 pages of testimony, over 500 pages of answers to Senate letters and reports, over 400 pages of answers to Senate questions for the treaty record and over 300 pages of other documentation.

With regard to Senator Helms' most recent letters, the President and I both personally responded to Senator Helms, first on July 31 and then again on August 13; these responses included detailed attachments that answered a series of specific questions asked by Senator Helms.

The Administration has repeatedly offered to make relevant classified information available to the Senate through classified briefings and reports. I explained to Senator Helms in my response to his most recent letters that, while I regretted we could not declassify the documents he requested, we remained eager to brief the Senator and any of his colleagues, as well as cleared staff, at the earliest possible time, both on those documents as well as on other concerns. Such a briefing was provided to Senator Kyl but, to date, Senator Helms has not responded to these offers.

We have carefully reviewed your request for declassification of the May 21, 1996 cable written by ACDA Director Holum, the July 8, 1996 letter from Russian Prime Minister Chernomyrdin and selected paragraphs from various intelligence community documents. I regret that we cannot declassify the May 21, 1996 Holum cable or the letter from Russian Prime Minister Chernomyrdin to Vice President Gore because these documents have been properly classified pursuant to E.O. 12958; they contain sensitive diplomatic information regarding high-level, ongoing negotiations, the disclosure of which may affect our ability to negotiate in confidence. In addition, the correspondence you requested is between the highest levels of the United States and Russian governments, and was exchanged with the

expectation that it would be kept in the strictest confidence.

As

you know, an essential element of the Executive Branch's conduct of foreign relations is the protection of the confidentiality of high level, sensitive diplomatic discussions and correspondence.

After a careful review of the paragraphs of the intelligence documents that you requested be declassified, we have determined they

were properly classified. However, we have been able to declassify a

portion of the material without risk to sources and methods and it

is attached. The sentences and paragraphs that are still classified

remain so because they contain information which could place sources

and methods at risk. In several cases, declassification of requested

materials also would reveal information about U.S. force vulnerabilities. The paragraphs from which most of the judgments were

extracted remain classified because it is difficult to identify clearly the source paragraphs. Therefore, granting paragraph release

authority could inadvertently permit release of intelligence which

would be damaging to declassify.

I would like to reaffirm personally the Administration's commitment

to brief you or any other Senator and cleared staff on the documents

discussed above under appropriate classification at any time before

the Senate debate on the CWC. As you know, a high-level Administration team briefed Senators and staff on the CWC, including

many of the issues raised in your letter, on Monday, September 9, 1996. We remain committed to continuing to assist the Senate as it

prepares to vote on advice and consent to ratification of this vital

Convention.

As part of this continuing effort, I have attached a detailed response which includes the declassified material.

Sincerely,

Anthony Lake
Assistant to the President for
National Security Affairs

The Honorable Trent Lott
Majority Leader
United States Senate
Washington, D.C. 20510

Attachment

**ATTACHMENT
FILE DATE**

10 September 96 19:54

**ATTACHMENT
FILE NAME**

LUGAR.DOC

Dear Mr. Chairman:

As the Senate vote approaches on the Chemical Weapons Convention (CWC), I want to thank you again for your continuing efforts to see this Convention ratified.

I have been concerned by recent charges that the Administration has not been fully cooperative with the Senate's efforts to obtain critical information about the CWC. I want to assure you, as I have recently assured Majority Leader Lott, that the Administration remains eager and committed to continue to assist the Senate in developing a complete record for its consideration prior to floor action on the CWC, as stated in the June 28, 1996, unanimous consent agreement.

During the almost three years the Convention has been before the Senate, the Administration has worked very hard to ensure that the

Senate has been fully informed on the Convention and that all its questions have been answered. Our efforts to inform the Senate have

included testimony at 13 hearings, including testimony by many Cabinet officials. We have conducted dozens of briefings for Members

and staff by representatives of key agencies, including yesterday's

productive session with the Arms Control Observer Group. The President has appointed two Special Advisors on the CWC, to address

Senate questions and concerns as part of the ratification process.

Former Representative Martin Lancaster served in this capacity in 1995 and Dr. Lori Esposito Murray currently holds this position.

On

behalf of the President, they have personally briefed every Senate

office, offered individual briefings to every member of the Senate,

and personally briefed over 40 Senators.

In addition, we have answered over 300 questions for the record.

Senator Helms has asked many of these questions and we have always

responded to his concerns. For example, we have not only provided

Senator Helms our database of companies likely to be affected by the

CWC, but we have also provided him a list of chemical companies we

have determined unlikely to be affected by the CWC. Overall, the Administration has provided the Senate with over 1500 pages of information on the CWC -- over 300 pages of testimony, over 500

pages of answers to Senate letters and reports, over 400 pages of answers

to Senate questions for the treaty record and over 300 pages of other

documentation.

With regard to Senator Helms' most recent letters, as you know, the

President and I both personally responded to Senator Helms, first on

July 31 and then again on August 13; these responses included

detailed attachments that answered a series of specific questions asked by Senator Helms.

The Administration has repeatedly offered to make relevant classified information available to the Senate through classified briefings and reports. I explained to Senator Helms in my response to his most recent letter that while I regretted that we could not declassify the documents he requested, we remained eager to brief the Senator and any of his colleagues, as well as cleared staff, at the earliest possible time, on those documents as well as on other concerns. Such a briefing was provided to Senator Kyl but, to date, Senator Helms has not responded to these offers.

Recently, Majority Leader Lott also requested declassification of the May 21, 1996 cable written by ACDA Director Holum, the July 8, 1996 letter from Russian Prime Minister Chernomyrdin and selected paragraphs from various intelligence community documents. I have informed him that I regret that we cannot declassify the May 21, 1996 Holum cable or the letter from Russian Prime Minister Chernomyrdin to Vice President Gore because these documents have been properly classified pursuant to E.O. 12958; they contain sensitive diplomatic information regarding high-level, ongoing negotiations, the disclosure of which may affect our ability to negotiate in confidence. In addition, the correspondence requested is between the highest levels of the United States and Russian governments and was exchanged with the expectation that it would be kept in the strictest confidence. An essential element of the Executive Branch's conduct of foreign relations is the protection of the confidentiality of high-level, sensitive diplomatic discussions and correspondence.

After a careful review of the paragraphs of the intelligence documents, we have determined they were properly classified. However, we have been able to declassify a portion of the material without risk to sources and methods and it is attached. The sentences and paragraphs that are still classified remain so because they

contain
information which could place sources and methods at risk. In
several cases, declassification of requested materials also would
reveal information about U.S. force vulnerabilities. The
paragraphs
from which most of the judgments were extracted remain classified
because it is difficult to identify clearly the source
paragraphs.
Therefore, granting paragraph release authority could
inadvertently
permit release of intelligence which would be damaging to
declassify.

I would like personally to reaffirm the Administration's
commitment
to brief any Senator and cleared staff on the documents discussed
above under appropriate classification at any time before the
Senate
debate on the CWC. We remain committed to continuing to assist
the
Senate as it prepares to vote on advice and consent to
ratification
of this vital Convention.

As part of this continuing effort, I have attached a detailed
response which includes the declassified material.

Sincerely,

Anthony Lake
Assistant to the President for
National Security Affairs

The Honorable Richard Lugar
Chairman, Committee on Agriculture,
Nutrition and Forestry
United States Senate
Washington, D.C. 20510

Attachment

M S M a i l

DATE-TIME 11 September 96 09:45

FROM Verville, Elizabeth G.

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: 5351 [UNCLASSIFIED]

TO Albert, Ronda A.
Armstrong, Fulton T.
Baldwin, Kenneth
Beers, Rand R.
Bendick, Gordon L.
Boynton, Peter J.
Brown, Dallas
Burrell, Christina L.
Clarke, Richard A.
Daadler, Ivo H.
Danvers, William C.
Davis, William K.
Dobbins, James F.
Eddy, Randolph P.
Joshi, M. Kay
Kinser-Kidane, Brenda J.
Lindsay, James M.
Natoli, Kim M.
Orr, Robert C.
Piccone, Theodore J.
Pyatt, Geoffrey R.
Rice, Susan E.
Roundtree, Beverly J.
Schwartz, Eric P.
Sheehan, Michael A.
Simon, Steven N.
Verville, Elizabeth G.
Wechsler, William F.

CARBON_COPY Biernacki, Eileen V.
Dohse, Fred J.
Friedrich, M. K.
Harmon, Joyce A.
Hilliard, Brenda I.
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Wetzel, M. Jeanne

TEXT_BODY

Thanks.

From: Joshi, M. Kay
To: Verville, Elizabeth G.; @GLOBAL - Global Affairs; @INTERAM - Inter-American; @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @EXECSEC - Executive Secretary
Subject: RE: 5351 [UNCLASSIFIED]
Date: Wednesday, September 11, 1996 09:43 AM

The letter to Senator Helms (package 5351) has been signed by the President and returned to our office today. Because of the President's travel schedule, it was dated September 4. The package was closed out today.

From: Sens, Andrew D.
To: Joshi, M. Kay
CC: /R, Record at A1
Subject: FW: 5351 [UNCLASSIFIED]
Date: Wednesday, September 11, 1996 09:26 AM

Can you follow up with Stern or shall I? This looks to be really overdue.

From: Verville, Elizabeth G.
To: Sens, Andrew D.
CC: /N, NonRecord at A1; @GLOBAL - Global Affairs; @LEGISLAT-Legislative Affairs; @INTERAM - Inter-American
Subject: FW: 5351 [UNCLASSIFIED]
Date: Wednesday, September 11, 1996 09:06 AM

Andy,

To bring to your attention an increasingly overdue response to Sen. Helms. on Colombia drug sanctions.

Thanks

Liz

From: Baldwin, Kenneth
To: Verville, Elizabeth G.
CC: /R, Record at A1; Albert, Ronda A.; Roundtree, Beverly J.
Subject: 5351 [UNCLASSIFIED]
Date: Tuesday, September 10, 1996 06:01 PM

Liz:
Helms letter re Colombia is w/POTUS since 4 Sep, at 8:31pm. We should notify Andy Sens that this is a sensitive issue and should move urgently.

M S M a i l

DATE-TIME 11 September 96 11:42

FROM Sepucha, Laura E.

CLASSIFICATION UNCLASSIFIED

SUBJECT [UNCLASSIFIED]

TO Bell, Robert G.
Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.

CARBON_COPY Edwards, Joan
Fairfax, Kenneth J.
Harris, Elisa D.
Kelly, Sandra L.
Poneman, Daniel B.
Quinn, Mary E.
Samore, Gary S.
Sepucha, Laura E.

TEXT_BODY

Bob/Gordy/Dan --

Attached are letters from Lake to Pell and Levin containing essentially the same info we passed to Lott (and Lugar). Please comment / clear. thanks

-- Laura (6028 is the attachment; 6123 A and B are letters)

[[6028B.DOC : 2859 in 6028B.DOC]][[6123.DOC : 2860 in 6123.DOC]][[6123A.DOC : 2861 in 6123A.DOC]][[6123B.DOC : 2862 in 6123B.DOC]]

**ATTACHMENT
FILE DATE** 11 September 96 10:26

**ATTACHMENT
FILE NAME** 6028B.DOC

Responses to Issues Raised by Majority Leader Lott

The issues addressed in the attachment to your letter concern

chemical weapons proliferation challenges we must address, with or without the CWC. The CWC provides concrete measures that will raise the costs and risks of engaging in CW-related activities. The CWC also will improve our knowledge about CW activities worldwide. This is why the CWC has been strongly supported by both President Bush and President Clinton.

Since the CWC was submitted to the Senate in 1993, the Intelligence Community has kept the Senate fully informed of its judgments regarding the Convention. During the past three years, the Intelligence Community has produced two NIEs and numerous other reports, testified in numerous public and executive session hearings, answered dozens of intelligence questions for the record, and provided a number of briefings on precisely the issues you raise in the attachment to your letter, as well as many others.

Intelligence Community judgments on the CWC are not at odds with Administration policy. In fact, Intelligence Community judgments play an integral role in the formation of policy regarding the Chemical Weapons Convention. The following responses regarding the issues raised in the attachment to your letter may help clarify this.

1. Novel Agents

New chemicals of concern and novel agents are covered under the CWC; it is incorrect to assert that because an agent is not on the Schedules it is not subject to the CWC. The CWC captures new chemicals of concern and novel agents under the definition of a "chemical weapon" and prohibits the development, production, acquisition, stockpiling, retention, use, and direct or indirect transfer to anyone of chemical weapons. Concerns that new chemicals of concern and novel agents were being used to violate the CWC would provide a basis for bilateral consultation and challenge inspection under Article X of the Convention. It would not be necessary to show that such chemicals are listed in the Schedules of the Convention to exercise this option.

Furthermore, the CWC explicitly provides for expanding the lists of chemicals subject to declaration and verification as new CW agents are identified and to improve verification procedures and equipment as new technology emerges and experience is gained.

As regards our chemical defense capabilities, the Department of Defense Counterproliferation Program is, with Congress' support, already aggressively pursuing an effective response to ensure that our troops are the best protected and best equipped fighting force for operations in a nuclear, biological, or chemical environment.

The National Defense Authorization Act for FY 94 led to the formation of the Joint Nuclear Biological and Chemical (NBC) Defense Board, the Joint Services Integration Group and the Joint Services Material Group. These boards, which have representatives from the Services, Joint Staff and OSD, are working to identify the needs of the military for chemical/biological defense and are providing input to the Defense Acquisition Board process through the Secretary of Defense.

The U.S. military is well aware that it may be called upon to operate in a hostile environment in which chemical weapons may be used or threatened to be used. Though U.S. chemical equipment is second to none, we understand the need to continually improve our capabilities. Through the Defense Acquisition Board process, the military is taking steps to ensure these improvements continue. The Administration's budget request for FY 97 for our chemical defense programs is \$505 million.

In this context, the following paragraph from NIE 95-9/I of May 1995 is hereby declassified: "Production of new binary agents would be difficult to detect and confirm as a CWC-prohibited activity."

2. Russian Intentions Regarding Chemical Weapons

It is important to keep in mind, when discussing Russian intentions regarding chemical weapons, that there is not yet in force a treaty obligation prohibiting the possession of chemical weapons against which we can measure compliance. The CWC will establish such a prohibition and, most importantly, the new tools to pursue any concerns we may have about suspected CW activities, whether in Russia or any other State Party. As the Intelligence Community has testified, the CWC will provide us with access to information not otherwise available which will help us in our efforts to detect, deter, and if necessary, punish violations of the CWC.

Regarding the views of the Russian leadership, President Yeltsin and other senior government officials have repeatedly expressed support for the CWC. We will expect Russia and all other Parties to adhere to all the Convention's provisions including those concerning CW development and production. The Russian government has recently reaffirmed its commitment to become an original Party to the CWC and announced it is seeking speedy submission of the Convention to the Parliament for ratification.

In this context, the following paragraph from NIE 95-9/I of May 1995 is hereby declassified:

"President Yeltsin has publicly endorsed CW disarmament and supported ratification and implementation of CW arms control agreements to which Russia is a signatory. The extent to which Yeltsin has attempted to enforce his will on the bureaucracy is not clear. He may not be aware of the scope of ongoing CW activities, or if he is aware, he may be unable to control them. We cannot exclude the possibility that Yeltsin approves of an offensive CW capability and will support a covert program once the CWC enters into force. He may accept the military's argument about the need to retain a CW capability. Moreover, being subjected to far more bureaucratic pressure to sustain the program than to do away with it, he may find it easier to give way to military arguments."

It should be noted, however, that detailed information on the views of key individuals is limited and insufficient to document with confidence their current personal and professional positions for

maintaining a CW program.

3. Verification

No treaty is 100 percent verifiable. While the Intelligence Community has indicated that CW development and production is and will remain difficult to distinguish from legitimate commercial activities, they have simultaneously noted the importance of acquiring the CWC as a new collection tool to aid their efforts to monitor CW proliferation, which we must do, with or without the CWC.

The CWC's verification provisions constitute the most comprehensive and intrusive verification regime ever negotiated, covering virtually every aspect of a CW program, from development through production and stockpiling.

The CWC's declaration provisions will improve the U.S. ability to obtain information about other countries' CW efforts. These provisions will facilitate detection and monitoring of prohibited activities by providing the U.S. access to certain information about declarations of CW production facilities and storage sites as well as relevant chemical industry facilities and activities. The CWC's inspection provisions permit access to both declared and undeclared facilities and locations, thus making clandestine CW production and stockpiling more difficult, risky and expensive. Routine inspections will enhance deterrence and detection of clandestine product by monitoring activities at relevant chemical industry facilities. These inspections will increase the cost and the risk of carrying out illicit chemical weapons activities.

Challenge inspections will further enhance deterrence and detection of prohibited activities by providing States Parties with the right to request an international inspection at any facility or location in another State Party in order to clarify and resolve a potential compliance concern. As the scope and size of a program increases, it is more likely that illicit activities will be detected. Challenge inspections are but one part of the CWC's comprehensive

verification
regime which, in its totality, complements our ongoing
intelligence
monitoring effort in this area. As former DCI Woolsey testified
before the Senate Foreign Relations Committee on June 23, 1994:

"The CWC will, however, strengthen our ability to deal with the
problem that we confront with or without the Convention: the
requirement to discover what states are developing and producing
chemical weapons when these activities are difficult to
distinguish from legitimate commercial endeavors. The isolation
and adverse attention that nonsignatories will draw upon
themselves may spur greater multinational cooperation in
attempting to halt offensive CW programs.

In sum, what the Chemical Weapons Convention provides the
Intelligence Community is a new tool to add to our collection
tool kit. It is an instrument with broad applicability, which
can help resolve a wide variety of problems. Moreover, it is a
universal tool which can be used by diplomats and politicians, as
well as intelligence specialists, to further a common goal:
elimination of the threat of chemical weapons."

In this context, the following paragraphs from NIE 93-32J/I of
August 1993 is hereby declassified:

"The capability of the Intelligence Community to monitor
compliance with the Chemical Weapons Convention is severely
limited and likely to remain so for the rest of the decade.

The key provision of the monitoring regime -- challenge
inspections at undeclared sites -- can be thwarted by a nation
determined to preserve a small, secret program using the delays
and managed access rules allowed by the convention."

4. Terrorism

The CWC will increase the difficulty for terrorists and
proliferators of acquiring chemical weapons and significantly
improve
our law enforcement ability to investigate and prosecute chemical
terrorists even before chemical weapons are used. Japan serves
as an
example of the importance of this treaty and its implementing
legislation in combating the terrorist threat. Within 10 days of
the
poison gas attacks in the Tokyo subways, the Japanese enacted the
CWC
implementing legislation. The Japanese completed ratification of
the CWC a month later.

No treaty is foolproof. However, the CWC and its implementing legislation will provide significant benefits in dealing with the threat of chemical terrorism. Implementing legislation will strengthen our legal authority to investigate and prosecute persons who commit acts prohibited by the treaty. It will also make the public more aware of the threat of chemical weapons and of the fact that the acquisition of such weapons is illegal.

The following are among its significant benefits:

Investigation. The proposed U.S. implementing legislation contains the clearest, most comprehensive and internationally recognized definition of a chemical weapon available. The definition contained in the implementing legislation will enable an investigator to request a search warrant on the basis of reasonable suspicion of illegal chemical weapons activity (such as production of chemical weapons agent), rather than suspicion of an attempt or conspiracy to use a weapon of mass destruction, as under current U.S. law. By providing law enforcement officials and prosecutors an actionable legal basis for investigating the development, production, transfer or acquisition of chemical weapons, CWC implementing legislation improves prospects for detection, early prosecution and possibly even prevention of chemical terrorism in the U.S.

Prosecution. The proposed U.S. implementing legislation will also aid prosecution. Because possession of a chemical weapon (whether or not it is intended to be used) would be prohibited under the Convention, it would also be illegal under the CWC implementing legislation and thus would provide a sufficient basis for prosecution. Currently, prosecutors must rely on legislation intended for other purposes, such as a law against conspiracy to use a weapon of mass destruction.

Penalties. Under the proposed U.S. implementing legislation, any person who knowingly engages in prohibited CW-related activities far short of actual use of a chemical weapon could be subject to the

maximum punishment of life in prison or any term of years. In contrast, under existing U.S. legislation, equivalent penalties require proof of use or an attempt or conspiracy to use a weapon of mass destruction. Thus, it would be difficult under current law for prosecutors to prove that a violation of the law has occurred unless a scheme to use chemical weapons is well advanced.

Trade Controls. The proposed U.S. implementing legislation would also supplement existing export/import control laws and regulations by strictly controlling the import and export of those chemicals posing the greatest risk (listed in Schedule 1 of the CWC) and also regulating the production, acquisition, retention, transfer or use of such chemicals within the U.S. Fines of up to \$50,000 could be imposed for unlawful production, acquisition, transfer, etc. of such chemicals.

Emergency Authority. The proposed U.S. implementing legislation contains authority to seize, forfeit and destroy chemical weapons. This important provision protects the constitutional rights of property owners while allowing law enforcement officials to seize and destroy a chemical weapon under exigent circumstances (i.e. where harm is imminent or likely). This provides additional authority to prevent a potential catastrophe and save lives.

Public Awareness. Tips by concerned private citizens are the lifeblood of successful police investigations. Ratification of the CWC and enactment of its implementing legislation will ensure, due to reporting and inspection requirements and penalties for violations, that private companies and concerned citizens are more alert to and more likely to report any suspected chemical weapons-related activities.

The nonproliferation provisions of the CWC will deny terrorists easy access to chemical weapons by requiring Parties to eliminate

national stockpiles and by controlling international transfers of certain chemicals than can be used to make chemical weapons. In particular, the CWC requires Parties to cease transfers of certain CW agents and CW precursor chemicals to non-Parties and restrict such transfers to Parties. In addition, reporting is required on anticipated production levels of Schedule 1, 2, and 3 chemicals and anticipated imports and exports of Schedule 1 and 2 chemicals. These measures will help restrict access to key chemicals, while also helping to alert law enforcement and other government officials to suspicious activities.

Finally, one of the key tools in combating terrorism is early intelligence. The CWC will provide access to international declaration and inspection information and will strengthen the intelligence links between the United States and the international community that will help us detect and prevent chemical attacks. By tying the United States into a global verification network and strengthening our intelligence sharing with the international community this treaty can be an early warning that is essential for combating terrorism.

In this context, the following paragraph from DIA PC-1563-4-96 of February 1996 is hereby declassified:

"Irrespective of whether the CWC enters into force, terrorists will likely look upon CW as a means to gain greater publicity and instill widespread fear. The March 1995 Tokyo subway attack by the Aum Shinrikyo would not have been prevented by the CWC."

I would also invite your attention to the following conclusions concerning the impact of the CWC contained in the May 1996 report issued by the Director of Central Intelligence Interagency Committee on Terrorism entitled "Aum Shinrikyo: Insights to the Chemical and Biological Terrorist Threat":

"The Chemical Weapons Convention (CWC) is designed to regulate and monitor the procurement, production, and use of some chemicals used in CW production with varying degrees of intrusiveness, depending on which of the three Schedules of Chemicals a compound is listed. Within five years of the CWC's

entry into force, transfer of all Schedule 1 and 2 chemicals to non-States Party will be banned, and transfer of Schedule 3 chemicals to non-States Party will require end-use certificates. In addition, all sites within a State Party are subject to challenge inspections initiated by another State Party with substantive information that illegal activities are taking place by the government or any other group. The Convention's provisions probably would make it more difficult and costly for terrorists to acquire CW by increasing the risk of detection, but a determined group could circumvent the provisions.

The CWC mandates that each State Party establish national laws to prohibit anyone on its territory or any citizen abroad from developing, producing, stockpiling, acquiring or using CW. Each State Party must develop and pass national legislation to ensure the implementation of all CWC obligations and provisions. Depending on the quality of the legislation and its enforcement, the institution of these laws would help establish a political and legal basis for the prosecution of a terrorist group.

In the case of Aum Shinrikyo, the CWC would not have hindered the cult from procuring the needed chemical compounds used in its production of sarin. Further, the Aum would have escaped the CWC requirement for an end-use certification because it purchased the chemical within Japan."

5. Rogue States

The Administration recognizes the possibility that not all States Parties may comply with their CWC obligations immediately upon the Convention's entry into force. However, information acquired through the CWC's declaration and inspection provisions will supplement our national intelligence resources and place us in a better position than we are now to deter and detect clandestine chemical weapons programs. Moreover, unlike any previous arms control agreement, the CWC provides a range of punitive measures including trade sanctions that can be imposed against a Party to the treaty who fails to meet its treaty obligations.

In short, as former DCI Woolsey and other intelligence officials have pointed out, the CWC will provide a useful tool in our inventory of means to stem the worldwide expansion of chemical weapons capabilities and to assist in monitoring CW programs worldwide, whether inside or outside the CWC.

**ATTACHMENT
FILE DATE**

11 September 96 10:36

**ATTACHMENT
FILE NAME**6123.DOC
6123SECRET
SECRET

September 11, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL/DANIEL PONEMAN

FROM: LAURA SEPUCHA

SUBJECT: Letters to Senators Claiborne Pell and Carl Levin
Regarding the Chemical Weapons Convention (CWC)

September 10, you responded to a letter Majority Leader Trent Lott sent the President requesting the Administration reconsider declassification of several CWC-related documents prior to Senate vote on the Convention. In our continuing efforts to keep Senators Pell and Levin apprised of our correspondence with the Senate leadership on the CWC, the attached proposed draft letters at Tab I provide the Senators with the information you have provided Senator Lott.

Concurrence by: Bill Danvers

RECOMMENDATION

That you sign the proposed responses at Tab I.

Attachments

Tab I Proposed Responses to Senators Pell and Levin

Tab II Incoming Correspondence

**ATTACHMENT
FILE DATE**

11 September 96 10:41

**ATTACHMENT
FILE NAME**

6123A.DOC

Dear Senator Pell:

As the Senate vote approaches on the CWC, I again want to thank you for your continuing efforts to see this Convention ratified.

I have been concerned by recent charges that the Administration has not been fully cooperative with the Senate's obtain critical information about the Chemical Weapons Convention. I want to assure you, as I have recently assured Majority Leader Lott, that the Administration remains eager and committed to continue to assist the Senate in developing a complete record for its consideration prior to floor action on the Chemical Weapons Convention, as stated in the June 28, 1996, unanimous consent agreement.

During the almost three years the Convention has been before the Senate, the Administration has worked very hard to ensure that the Senate has been fully informed on the Convention and that all of its questions have been answered. Our efforts to inform the Senate

have included testimony at 13 hearings, including testimony by many Cabinet officials. We have conducted dozens of briefings for members and staff by representatives of key agencies, including yesterday's productive session with the Arms Control Observer Group. The President has appointed two Special Advisers on the CWC, to address Senate questions and concerns as part of the ratification process. Former Congressman Martin Lancaster served in this capacity in 1995, and Dr. Lori Esposito Murray currently holds this position. On behalf of the President, they have personally briefed every Senate office, offered individual briefings to every member of the Senate, and personally briefed over 40 Senators.

In addition, we have answered over 300 questions for the record. Senator Helms has asked many of these questions and we have always responded to his concerns. For example, we have not only provided Senator Helms our database of companies likely to be affected by the CWC, but we have also provided him a list of chemical companies we have determined unlikely to be affected by the CWC. Overall, the Administration has provided the Senate with over 1500 pages of information on the Chemical Weapons Convention -- over 300 pages of testimony, over 500 pages of answers to Senate letters and reports, over 400 pages of answers to Senate questions for the treaty record, and over 300 pages of other documentation.

With regard to Senator Helms' most recent letters, as you know, the President and I both personally responded to Senator Helms, first on July 31 and then again on August 13; these responses included detailed attachments that answered a series of specific questions asked by Senator Helms.

The Administration has repeatedly offered to make relevant classified information available to the Senate through classified briefings and reports. I explained to Senator Helms in my

response
to his most recent letter that while I regretted that we could
not
declassify the documents he requested, we remained eager to brief
the
Senator and any of his colleagues, as well as cleared staff, at
the
earliest possible time on those documents, as well as on other
concerns. Such a briefing was provided to Senator Kyl but, to
date,
Senator Helms has not responded to these offers.

Recently, Majority Leader Lott also requested declassification of
the May 21, 1996 cable written by ACDA Director Holum, the
July 8, 1996 letter from Russian Prime Minister Chernomyrdin, and
selected paragraphs from various intelligence community
documents. I
have informed him that I regret that we cannot declassify the May
21, 1996 Holum cable or the letter from Russian Prime Minister
Chernomyrdin to Vice President Gore because these documents have
been
properly classified pursuant to E.O. 12958: they contain
sensitive
diplomatic information regarding high-level, ongoing
negotiations,
the disclosure of which may affect our ability to negotiate in
confidence. In addition, the correspondence requested is between
the
highest levels of the United States and Russian governments, and
was
exchanged with the expectation that it would be kept in the
strictest
confidence. An essential element of the Executive Branch's
conduct
of foreign relations is the protection of the confidentiality of
high
level, sensitive diplomatic discussions and correspondence.

After a careful review of the paragraphs of the intelligence
documents, we have determined they were properly classified;
however,
we have been able to declassify a portion of the material without
risk to sources and methods and it is attached. The sentences
and
paragraphs that are still classified remain so because they
contain
information which could place sources and methods at risk. In
several cases, declassification of requested materials also would
reveal information about U.S. force vulnerabilities. The
paragraphs

from which most of the judgments were extracted remain classified because it is difficult to identify clearly the source paragraphs.

Therefore, granting paragraph release authority could inadvertently permit release of intelligence which would be damaging to declassify.

I would like personally to reaffirm the Administration's commitment to brief any Senator and cleared staff on the documents discussed above under appropriate classification at any time before the Senate debate on the CWC. We remain committed to continuing to assist the Senate as it prepares to vote on advice and consent to ratification of this vital Convention.

As part of this continuing effort, I have attached a detailed response which includes the declassified material.

Sincerely,

Anthony Lake
Assistant to the President for
National Security Affairs

The Honorable Claiborne Pell
United States Senate
Washington, D.C. 20510

Attachment

ATTACHMENT
FILE DATE

11 September 96 10:40

ATTACHMENT

FILE NAME

6123B.DOC

Dear Carl:

As the Senate vote approaches on the CWC, I again want to thank you for your continuing efforts to see this Convention ratified.

I have been concerned by recent charges that the Administration has not been fully cooperative with the Senate's effort to obtain critical information about the Chemical Weapons Convention. I want to assure you, as I have recently assured Majority Leader Lott, that the Administration remains eager and committed to continue to assist the Senate in developing a complete record for its consideration prior to floor action on the Chemical Weapons Convention, as stated in the June 28, 1996, unanimous consent agreement.

During the almost three years the Convention has been before the Senate, the Administration has worked very hard to ensure that the Senate has been fully informed on the Convention and that all of its questions have been answered. Our efforts to inform the Senate have included testimony at 13 hearings, including testimony by many Cabinet officials. We have conducted dozens of briefings for members and staff by representatives of key agencies, including yesterday's productive session with the Arms Control Observer Group. The President has appointed two Special Advisers on the CWC, to address Senate questions and concerns as part of the ratification process. Former Congressman Martin Lancaster served in this capacity in 1995,

and Dr. Lori Esposito Murray currently holds this position. On behalf of the President, they have personally briefed every Senate office, offered individual briefings to every member of the Senate, and personally briefed over 40 Senators.

In addition, we have answered over 300 questions for the record. Senator Helms has asked many of these questions and we have always responded to his concerns. For example, we have not only provided Senator Helms our database of companies likely to be affected by the CWC, but we have also provided him a list of chemical companies we have determined unlikely to be affected by the CWC. Overall, the Administration has provided the Senate with over 1500 pages of information on the Chemical Weapons Convention -- over 300 pages of testimony, over 500 pages of answers to Senate letters and reports, over 400 pages of answers to Senate questions for the treaty record, and over 300 pages of other documentation.

With regard to Senator Helms' most recent letters, as you know, the President and I both personally responded to Senator Helms, first on July 31 and then again on August 13; these responses included detailed attachments that answered a series of specific questions asked by Senator Helms.

The Administration has repeatedly offered to make relevant classified information available to the Senate through classified briefings and reports. I explained to Senator Helms in my response to his most recent letter that while I regretted that we could not declassify the documents he requested, we remained eager to brief the Senator and any of his colleagues, as well as cleared staff, at the earliest possible time on those documents, as well as on other concerns. Such a briefing was provided to Senator Kyl but, to date, Senator Helms has not responded to these offers.

Recently, Majority Leader Lott also requested declassification of

the May 21, 1996 cable written by ACDA Director Holum, the July 8, 1996 letter from Russian Prime Minister Chernomyrdin, and selected paragraphs from various intelligence community documents. I have informed him that I regret that we cannot declassify the May 21, 1996 Holum cable or the letter from Russian Prime Minister Chernomyrdin to Vice President Gore because these documents have been properly classified pursuant to E.O. 12958: they contain sensitive diplomatic information regarding high-level, ongoing negotiations, the disclosure of which may affect our ability to negotiate in confidence. In addition, the correspondence requested is between the highest levels of the United States and Russian governments, and was exchanged with the expectation that it would be kept in the strictest confidence. An essential element of the Executive Branch's conduct of foreign relations is the protection of the confidentiality of high level, sensitive diplomatic discussions and correspondence.

After a careful review of the paragraphs of the intelligence documents, we have determined they were properly classified; however, we have been able to declassify a portion of the material without risk to sources and methods and it is attached. The sentences and paragraphs that are still classified remain so because they contain information which could place sources and methods at risk. In several cases, declassification of requested materials also would reveal information about U.S. force vulnerabilities. The paragraphs from which most of the judgments were extracted remain classified because it is difficult to identify clearly the source paragraphs. Therefore, granting paragraph release authority could inadvertently permit release of intelligence which would be damaging to declassify.

I would like personally to reaffirm the Administration's commitment to brief any Senator and cleared staff on the documents discussed above under appropriate classification at any time before the Senate

debate on the CWC. We remain committed to continuing to assist the Senate as it prepares to vote on advice and consent to ratification of this vital Convention.

As part of this continuing effort, I have attached a detailed response which includes the declassified material.

Sincerely,

Anthony Lake
Assistant to the President for
National Security Affairs

The Honorable Carl Levin
United States Senate
Washington, D.C. 20510

Attachment

M S M a i l

DATE-TIME 27 September 96 16:44
FROM Boynton, Peter J.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: 506 drawdown pkg [UNCLASSIFIED]

TO Andreasen, Steven P.
Armstrong, Fulton T.
Bell, Robert G.
Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Dobbins, James F.
Kelly, Sandra L.
Kinser-Kidane, Brenda J.
Moody, Angelyn D.
Mulligan, George D.
Natoli, Kim M.
Piccone, Theodore J.
Pyatt, Geoffrey R.
Seaton, James B.
Sestak, Joseph A.
Witkowski, Anne A.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

fyi, legal clearance

From: Sparks, John E.
To: Boynton, Peter J.
CC: /R, Record at A1; @LEGAL - Legal Advisor
Subject: RE: 506 drawdown pkg [UNCLASSIFIED]
Date: Friday, September 27, 1996 04:40 PM

[[6129PRES.DOC : 4189 in 6129PRES.DOC]]

Cleared with minor edit. See attached.

From: Boynton, Peter J.
To: Piccone, Theodore J.; Sestak, Joseph A.; Sparks, John E.
CC: /R, Record at A1; @GLOBAL - Global Affairs; @LEGISLAT-Legislative Affairs; @DEFENSE - Defense Policy; @LEGAL - Legal Advisor;

@INTERAM -
Inter-American
Subject: FW: 506 drawdown pkg [UNCLASSIFIED]
Date: Friday, September 27, 1996 04:00 PM

<<Attached File: 6129PD96.DOC>>
<<Attached File: 6129PRES.DOC>>
<<Attached File: 6129TL.DOC>>

Pls provide comments/clearance on the attached package. It recommends the President sign a PD for a \$75 million defense drawdown for counternarcotics in FY96. We should move this to TL prior to cob today.

You may recall an earlier package by which the President authorized State to notify Congress of his intent to make two drawdowns, this one plus another in FY97 for \$37 million. Sen Helms has put a hold on the FY97 package, and as a result we are not recommending the President proceed with the FY97 drawdown at this time.

tk

From: Davis, William K.
To: Boynton, Peter J.
CC: /R, Record at A1; @GLOBAL - Global Affairs; @LEGISLAT-Legislative Affairs
Subject: FW: 506 drawdown pkg [UNCLASSIFIED]
Date: Friday, September 27, 1996 03:42 PM

Peter, language inserted. Fisk just called to say he clears on '96 but not on '97. I gave him a commitment that we would talk further before moving anything on '97 and suggested we brief next week - he said he'd get back to us. Fisk groused about them counting notification periods from when they receive a letter (i.e. the 16th in this case), so they are "doing us a favor" by approving this before they consider the notification period to have expired. I acknowledged their graciousness (and now we move this pronto!). I've informed State Leg Affairs as well. thanks

From: Boynton, Peter J.
To: Davis, William K.
CC: /R, Record at A1
Subject: 506 drawdown pkg [UNCLASSIFIED]
Date: Friday, September 27, 1996 12:58 PM

Will; this is the draft package to forward the 506 drawdown PD to TL and the President.

Pls add the necessary leg stuff (i've left a space in the POTUS memo, but of course add to the TL one as well if you need to). The PD is based on a copy from the one in State's package.

I'll hold off on sending this around for clearance until you've added the leg stuff.

tk

**ATTACHMENT
FILE DATE**

27 September 96 16:39

**ATTACHMENT
FILE NAME**

6129PRES.DOC

cc: Vice President
Chief of Staff

ACTION

MEMORANDUM FOR THE PRESIDENT

**FROM: ANTHONY LAKE
JOHN HILLEY**

THROUGH EXECUTIVE CLERK

**SUBJECT: Defense Drawdown in Support of Foreign Anti-Drug
Efforts**

Purpose

To recommend that you make a determination that it is in the national interest of the United States to draw down \$75 million worth of articles, services, and military education and training from DoD's stocks for anti-narcotics assistance to Colombia, Venezuela, Peru and the Eastern Caribbean. If you choose to do so, the determination would need to be made on September 30 since the authority will otherwise expire at the end of this fiscal year.

The attached Presidential Determination would, if signed, constitute such a determination and would instruct the Departments of State and Defense to take the necessary steps to direct these actions in support of foreign anti-drug efforts.

The Secretaries of State and Defense support this proposal, as does ONDCP Director McCaffrey who worked closely with us for its preparation.

Background

The Congress has criticized the Administration for not doing enough to interdict drugs, but at the same time it has failed to fully fund your counternarcotics budget requests. To address this budgetary shortfall, we propose that you allocate resources to support foreign anti-narcotics efforts using Executive Authority with a Defense drawdown under Section 506(a)(2) of the Foreign Assistance Act (FAA). For you to exercise this authority, the law requires you to determine that such a drawdown is in the national interest of the United States and to notify Congress 15 days before doing so.

The required Congressional notification has already been made at your earlier direction, and included two drawdowns; the first one being the subject of this memo worth \$75 million under fiscal year 1996 authority, and a second drawdown under fiscal year 1997 authority intended to provide the Mexican military with \$37 million worth of UH-1H helicopters and C-26 surveillance aircraft. We recommend you delay making a determination for the second drawdown until additional Congressional consultations can be completed. The required Congressional notification period ends on September 29.

Our consultations with the Hill yielded some complaints that we had not provided sufficient advance notice or consultation regarding this initiative, but there were no serious or substantive objections to

the FY 1996 drawdown.

How The Drawdown Authority Would Be Used

The FY 1996 drawdown would provide \$75 million worth of counter-narcotics assistance to Colombia, Venezuela, Peru and the Eastern Caribbean. For the Colombian national police and military, we would provide \$40.5 million worth of utility helicopters, C-26 surveillance/transport aircraft, river patrol boats, training, communications gear and field equipment. For the Venezuelan military, we would provide \$12.25 million worth of C-26 aircraft, river patrol boats, training and communications equipment. For the Peruvian military, we would provide \$13.75 million worth of C-26 aircraft, river patrol boats and communications equipment. In the Eastern Caribbean, we would provide \$8.5 million worth of C-26 aircraft, patrol boats, communications equipment and training. This equipment would directly assist the police and military forces working in each of these countries to stem the flow of illicit drugs moving through their territories headed for the United States.

Assistance to Colombia

This counter-narcotics assistance to Colombia will not be inconsistent with your decision of March 1, 1996, under provisions of section 490 of the FAA, to deny narcotics certification of Colombia. Colombia is still eligible for counter-narcotics assistance under chapter 8 of part I of the FAA, it remains eligible for assistance under the provisions of section 506(a)(2), and none of our proposed assistance is barred under section 490 decertification. The assistance we will provide is consistent with our national program to take the steps necessary to stem the flow of illegal drugs into this country.

RECOMMENDATION

That you sign the Presidential Determination at Tab A. (If you choose to do so, the Determination would need to be made on

September

30 in order to meet the Congressional notification requirement,
while still coming under fiscal year 1996 authority)

Attachments

Tab A Presidential Determination for FY-96 Drawdown

Tab B Congressional Notification Letters with Memorandums of
Justification

M S M a i l

DATE-TIME 03 October 96 11:29

FROM Armstrong, Fulton T.

CLASSIFICATION UNCLASSIFIED

SUBJECT Helms: BTTR IG Request [UNCLASSIFIED]

TO Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.

CARBON_COPY Armstrong, Fulton T.
Dobbins, James F.
Kinser-Kidane, Brenda J.
Malley, Robert
Natoli, Kim M.

TEXT_BODY Bill, Gordy: Heads-up ... State/ARA has told me that they've received informal word that Sen. Helms will request a State/IG investigation into handling of the shootdown of BTTR aircraft and alleged pursuit into US airspace of Basulto's plane. Probably safe to assume he's doing same with DOD. --Fulton

[Email did not print properly. Email re-constructed by Archives staff]

http://classifiedhttp://classified/email/data_source/msmail/record/cd004/nov1996/328b5b3d.html

page 1 of 8

M S M a i l DATE-TIME 14 November 96 12:42
FROM Danvers, William C.
CLASSIFICATION UNCLASSIFIED
SUBJECT Look Ahead [UNCLASSIFIED]
TO Bass, Peter E.
Biernacki, Eileen V.
Cicio, Kristen K.
Dohse, Fred J.
Friedrich, M. K.
Hall, Wilma G.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Veit, Katherine M.
Wetzel, M. Jeanne
Wiley, Mary C.
CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
TEXT_BODY
Note for Nancy:

Here is our legislative look ahead:

[[LOOKAHED.DOC : 3083 in LOOKAHED.DOC]]
ATTACHMENT FILE DATE 14 November 96 11:53
ATTACHMENT FILE NAME LOOKAHED.DOC
7392

November 14, 1996

MEMORANDUM FOR ANTHONY LAKE

THROUGH: WILLIAM C. DANVERS

FROM: WILL DAVIS/GORDY BENDICK

SUBJECT: Congressional Outlook for National Security and

Foreign Policy Issues

The 105th Congress will organize itself in the coming weeks-- the House in mid-November and the Senate in early December-- and will convene sometime in mid to late January. Despite initial overtures for bi-partisan cooperation between the Executive and Legislative branches, we can expect much the same *modus operandi* from the 105th as we saw from the 104th. More specifically, we will see investigations, document requests, and legislative compromise on Executive branch initiatives as the norm.

This memo outlines the major national security and foreign policy issues we anticipate dominating the 105th Congress. We group the issues into three categories: 1) areas where the President can make things happen; 2) problem areas where Congress will press us; and 3) on-going issues that will require constant management. We also have a brief paragraph at the end of the memo on the 106th Congress.

A. THE 105TH CONGRESS

1. POTENTIAL AREAS FOR PRESIDENTIAL INVOLVEMENT - These issues are ones we anticipate will require the President to personally call or meet with key members.

INTERNATIONAL RESOURCES - When the President's FY 1998 budget request arrives on the Hill, it will face immediate downward pressure from Congressional Republicans, especially in the area of international spending (Function 150). The House and Senate Budget Committees will act first, setting the overall ceiling for Function 150 in their annual Budget Resolution, probably by late March or early April. However, for the Administration to have any impact on the 150 number, we must weigh in early in the year directly with the leadership and the Budget Committees at a high level. If the decision is to exempt international programs from sharing in the burden of balancing the budget, vigorous effort will be required to explain how 150 is different.

CONSOLIDATION - A sub-issue within the resources debate will be consolidation of the foreign affairs agencies. With the Republicans retaining control of Congress, consolidation will resurface as a major legislative initiative. Helms' staff have

indicated it will be one of the first topics the Chairman addresses in the new Congress (even to the point of quizzing the nominee for Secretary of State about his or her views on consolidation at the confirmation hearing). Helms' staff have said, however, that they have learned from their failed attempt of last year and will instead proceed this time only with bi-partisan support. A possible deal on increased international resources could be struck via a bi-partisan consolidation initiative. We need to decide among ourselves early on what the bottom line is.

DOD BUDGET LEVELS - The Hill is convinced that DOD's budget is largely underfunded, particularly in acquisition accounts (Procurement and R&D). The Pentagon is on record over the past two years as saying that they need to get to \$60 billion in acquisition accounts quicker than the overall DOD plan allows. Without question, the Republican-led Congress will again add large sums of funding to DOD acquisition accounts. Because the issue of DOD funding will be directly related to the debate that will surround the soon-to-be-reborn Balanced Budget Amendment, the White House, NSC, OMB and DOD must be in lock-step on discussing this issue with the Hill. Strong Presidential and Pentagon support of the FY 97 Budget must be the message delivered to Capitol Hill. Pentagon support needs to include the uniformed military leadership.

TREATIES - There are currently a number of treaties awaiting Senate action. CWC, for example, enjoys bipartisan support. Unfortunately, it was stopped by a group of activist Republican Senators. Other treaties could face similar fates without direct Presidential and Cabinet involvement. In addition to CWC, CTBT, CFE Flank Agreement, Convention on Nuclear Safety and the CCW Protocol on Landmines will all be on the agenda in the next Congress. The President will undoubtedly need to work directly with Senate leadership to ensure that the Administration can come to an accommodation with the Senate on the actions needed to be completed to ensure that progress is made towards ratification of these treaties.

QUADRENNIAL DEFENSE REVIEW (QDR) - The Pentagon is currently completing their QDR. This massive study formulates the future defense strategy for the U.S. and the optimal Defense structure to meet that challenge through 2005. The results of this study will dictate force structure levels as well as the resources necessary

to match the force structure. The Congress (both Republicans and Democrats) will want to participate heavily in the study as it unfolds. The FY 97 DoD Authorization bill mandated the establishment of a National Defense Panel (NDP) that will provide input to the QDR, critique the QDR and do an independent, alternative force structure review through the year 2010. The QDR goes to the Hill in May. The NDP concludes its work by December, 1997. We anticipate the NDP will rely on Pentagon resources to do its work.

SUPPLEMENTALS - We anticipate there will be a need in early FY 97

for a supplemental to fund Bosnia and perhaps Zaire, as well as other funding requirements-- e.g. \$20 million for Viet Nam commandos. While we believe that Congress can be convinced to support the supplemental, it will not be easy. There will likely be plenty of criticism and maybe some conditionality on funds for Zaire and Bosnia.

2. PROBLEM AREAS - These are issues that Congress is likely to focus on that will put us on the defensive. Depending on the level of Congressional pressure, some of these issues could require the President to call or meet with key members.

ABM/NMD/TMD - It is unlikely the Republican Congress will allow the Defend America Act to go away. They will probably pursue their goal in some form in the 105th Congress. The Senate, in particular, is likely to launch this debate in early 1997. Their venue will not only be the DOD Authorization Bill, but also any debate that may occur resultant to the negotiations regarding ABM Treaty modifications.

CHINA - We have already heard from the "pro-MFN" members on the Hill such as Bereuter, Matsui and Feinstein about a desire to do away with the annual Jackson-Vanik renewal process to grant China permanent MFN. We have been urged by these members to get the jump on the anti-MFN forces who will begin their campaign (especially lobbying new members) in the Spring.

Nonproliferation
issues are another potential trouble spot, as are human rights, Taiwan and the burgeoning trade deficit.

CUBA - Helms/Burton implementation and the move of TV Marti's headquarters to Miami will continue to be barometers by which our commitment to removing Castro will be measured on the Hill.
INDONESIA - Congress has already launched a barrage of document requests attempting to uncover whether our policy toward

Indonesia

has been affected due to campaign contributions. We are scheduled to proceed with the notification of the F-16 sale to Indonesia early in the new Congress. We can expect a great deal of Congressional scrutiny and public debate of our relationship with Indonesia.

POPULATION/FAMILY PLANNING - For FY 97 AID family planning assistance to be released before July, the President must transmit a finding to Congress describing the impact of the delay in releasing funds, and subsequently Congress must pass a joint resolution by the end of February to release the funds. We will need an aggressive outreach effort and education strategy to turn the House and Senate votes in our favor.

AFRICA TRADE - Reps. McDermott, Rangel and Crane will push a bi-partisan initiative to focus attention on and stimulate trade with Africa. While the concept is one worth supporting, the mechanism for funding the initiative must be looked at closely (past versions of the legislation proposed raiding AID's already savaged Development Assistance account). Legislation is likely to be introduced and hearings called by the Ways & Means Trade Subcommittee early in the session.

3. ON-GOING ISSUES - These are issues that are familiar from the last Congress but will continue to require significant attention periodically at senior levels.

ZAIRE - We will face Congressional scrutiny as long as there are American troops in Zaire. This is potentially manageable, but we will have to keep the Hill informed of our activities there.

RUSSIA/NIS - There will be a continuing need to justify funding levels for Russia/NIS assistance programs, including the Nunn-Lugar programs. We will also have to contend with Congressional earmarks, as well as restrictions for funding under certain circumstances-- e.g. the Iran-reactor waiver on aid to Russia.

HAITI - The Hill will press us on at least three aspects of our relationship with Haiti:

1) Assistance - In the immediate future, we will need to resolve "holds" that have been placed by << Sen >> . << Helms >> and Rep. Callahan on \$15M in balance of payments support and several other smaller programs. Further, it is very likely that we will need to exercise the waiver authority provided in the FY '97 version of the "Dole amendment" which restricts aid to the

government of Haiti until investigations are completed into political murders. The waiver (based on a standard of "national security interest") will need to be done before the end of the year to ensure the continued flow of assistance for training for the Presidential Security Unit.

2)UNSMIH Extension - While we are not required under the law to notify Congress since this will be neither a new nor expanded peacekeeping operation, Congress will still scrutinize our funding requests for this operation closely.

3) Congressional Investigations - The various Congressional inquiries into the investigation of political killings in Haiti fizzled as time ran out in the 104th Congress. With most of the key Congressional figures in these inquiries re- elected, it is likely that the document and hearing requests will be resuscitated early in the next session.

BURMA - If the status quo remains in Burma, we will face significant pressure from the pro-sanctions members in Congress led by Sens. McConnell, Moynihan and Leahy. These members feel that the criteria of "large-scale repression of or violence against the Democratic opposition" in the Cohen/Feinstein amendment have already been met. If we have not taken concrete steps to increase pressure on the SLORC by January, it is very likely that new legislation will be introduced to impose immediate mandatory economic sanctions against Burma.

ACRF/BURUNDI - While funds have already been allocated for the ACRF in the FY 1997 budget, Congressional approval of notifications will be required, as will creation of any new UN peacekeeping mission that may go into Burundi.

NATO ENLARGEMENT - The Congress will continue to press for increased participation in NATO, without regard to the consequences to Russian negotiations and sensitivities. The prudent, reasoned course of this Administration will be under extensive examination. By February 1, DoD has to produce a Congressionally mandated study of NATO enlargement, which will focus largely on the cost of enlargement.

NORTH KOREA/KEDO - The conditions in the FY 1997 Foreign Operations Appropriations bill on our assistance to KEDO will

have
to be certified, and a Presidential waiver of the prohibition on
aid to North Korea will have to be submitted before the end of
the
year. We can expect further attempts by Congress to limit or
condition or contributions to KEDO.

IRAN/LIBYA SANCTIONS - Congress, led by Sen. D'Amato and Rep.
Gilman, will watch closely the way in which we implement the
Iran/Libya sanctions legislation signed by the President last
August.

EXPORT CONTROLS/PROLIFERATION ISSUES - The Congress will
continue
to press for legislative solutions to export controls,
especially
in the areas of proliferation. EAA and Encryption will be on the
docket of both the House and the Senate in 1997, possibly in a
single bill this time. We can expect additional legislation in
the
areas of proliferation of other nuclear nations that will
undoubtedly contain strong sanctions against those nations that
export any weapons of mass destruction or the attendant
technology
of those weapons.

COUNTERNARCOTICS - Bi-partisan Congressional staff have warned
that we are now beyond the campaign season, and Administration
counternarcotics funding requests and other initiatives will
receive careful and skeptical scrutiny. << Sen >> . << Helms >> has been, and
will continue to be an obstacle to providing counternarcotics
assistance to Mexico.

MIDDLE EAST - Rep. Ben Gilman continues to block \$10M in aid to
the Palestinians. Gilman has placed a hold on the funds
(intended
for the World Bank fund that pays salaries and other
administrative costs for the Palestinian Authority) due to
reports
that Arafat and the PLO have a substantial cache of personal
funds. This and other aid to the Palestinians, such as the
Middle
East Development Bank, will become increasingly difficult to
obtain from Congress, especially if the Peace Process stalls.

B. THE FINAL TWO YEARS - In addition to our foreign policy
priorities, the composition of the 106th Congress will have an
important impact on our relations with the Hill. We can, however,

expect that funding and treaty-related difficulties will continue
to

be an issue with the Hill. Without knowing the composition of the Congress or what specific problems lay ahead for our foreign policy, it is difficult to predict where we might need to focus our efforts with the Hill.

M S M a i l

DATE-TIME 18 October 96 18:12
FROM Suettinger, Robert L.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Helms & Hong Kong [UNCLASSIFIED]

TO Bass, Peter E.
Cicio, Kristen K.
Danvers, William C.
Hall, Wilma G.
Veit, Katherine M.
Wiley, Mary C.

CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Davis, William K.
Kristoff, Sandra J.

TEXT_BODY

Struck me as being a bit irregular, which is why I sent it to you. Could be an interesting story.

From: Danvers, William C.
To: Bass, Peter E.; Suettinger, Robert L.; @NSA - Natl Security Advisor
CC: /R, Record at A1; Kristoff, Sandra J.; @LEGISLAT-Legislative Affairs
Subject: RE: Helms & Hong Kong [UNCLASSIFIED]
Date: Friday, October 18, 1996 04:15 PM

This seems to me to be bad form. Sen. Helms is trying to undermine USG position on this issue by going around the President. I wonder what can be done?

From: Suettinger, Robert L.
To: Bass, Peter E.; Danvers, William C.; @NSA - Natl Security Advisor
CC: /R, Record at A1; Kristoff, Sandra J.
Subject: Helms & Hong Kong [UNCLASSIFIED]
Date: Friday, October 18, 1996 02:27 PM

Peter, Bill --

Wanted to bring to your attention the following cable, so am copying it rather than sending through intel reader.
Bob

UNCLAS LONDON 012812

SENSITIVE

DEPT FOR EAP/CM, L/EAP AND H

E.O. 12958: N/A

TAGS: PREL, OPRC, HK

SUBJECT: HONG KONG: CORRESPONDENCE BETWEEN GOV. PATTEN
AND
SENATOR HELMS

1. SENSITIVE BUT UNCLASSIFIED.

2. THE FOREIGN OFFICE SHARED WITH US COPIES OF A RECENT
EXCHANGE OF LETTERS BETWEEN SFRC CHAIRMAN SENATOR JESSE
HELMS

AND HONG KONG GOVERNOR CHRIS PATTEN. SENATOR HELMS,
REFERRING

TO BEIJING'S INTENTION TO CREATE A HONG KONG PROVISIONAL
LEGISLATURE, CRITICIZES THE CLINTON ADMINISTRATION FOR
REFUSING TO CONDEMN CHINA'S FAILURE TO COMPLY WITH ITS
LEGAL

OBLIGATIONS UNDER THE JOINT DECLARATION. HE ASKS PATTEN
TO

TELL THE U.S. THAT GREAT BRITAIN WOULD NOT OBJECT TO
"UNEQUIVOCAL U.S. OPPOSITION TO CHINESE VIOLATIONS" OF THE
JD.

IN REPLY, GOVERNOR PATTEN, WHILE REITERATING HIS STRONG
SUPPORT FOR THE CONTINUATION OF LEGCO, POINTS OUT THAT
HIS

OPPOSITION TO THE PL RESTS ON POLITICAL, NOT LEGAL,
GROUNDS.

PATTEN DOES NOT ADDRESS THE POSITION OF THE USG. TEXTS
TRANSMITTED BELOW.

3. BEGIN TEXT OF SENATOR HELMS' LETTER:

OCTOBER 1, 1996

DEAR GOVERNOR:

DURING THE PAST FEW MONTHS, CONGRESSIONAL SUPPORTERS OF
HONG KONG HAVE BEEN ENGAGED IN AN EFFORT TO IMPRESS
UPON THE

U.S. STATE DEPARTMENT THE IMPORTANCE OF RESPONDING TO
CHINA'S

VIOLATIONS OF THE JOINT DECLARATION, ESPECIALLY CHINA'S
ANNOUNCEMENT THAT IT WILL APPOINT A PROVISIONAL
LEGISLATURE

RATHER THAN PERMIT AN ELECTED ONE AS PROMISED.

SO FAR, OUR EFFORT HAS BEEN UNSUCCESSFUL BECAUSE THE CLINTON ADMINISTRATION IS TAKING THE POSITION THAT, AS A LEGAL MATTER, IT IS "UNABLE" TO COMMENT ON CHINA'S FAILURE TO COMPLY WITH ITS OBLIGATIONS UNDER THE JOINT DECLARATION. IN JULY, ASSISTANT SECRETARY OF STATE WINSTON LORD TESTIFIED BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE THAT "THE U.S. DOES NOT OFFER LEGAL INTERPRETATIONS OF AGREEMENTS TO WHICH IS NOT A PARTY. THIS IS ESPECIALLY TRUE IN CASES LIKE THAT OF THE PROPOSED PROVISIONAL LEGISLATURE IN HONG KONG THAT INVOLVE A QUESTION OF TREATY INTERPRETATION, AND WHERE THE PARTIES THEMSELVES HAVE NOT STATED THEIR LEGAL POSITIONS." SECRETARY LORD WENT ON TO SAY "(B)Y THE WAY, THE BRITISH HAVE NOT STATED THEIR LEGAL POSITION."

I BELIEVE THE ADMINISTRATION KNOWS THAT ITS POSITION REGARDING U.S. COMPETENCE TO JUDGE THE IMPLEMENTATION OF THE JOINT DECLARATION IS UNTENABLE AND THAT BY CASTING THE DECISION IN LEGAL TERMS, THE ADMINISTRATION IS ATTEMPTING TO OBFUSCATE ITS ABDICATION (OF) ITS RESPONSIBILITIES AS THE ONLY MAJOR POWER DEVOTED TO DEMOCRACY, HUMAN RIGHTS AND THE RULE OF LAW. TO MAKE THIS ABDICATION LESS OBVIOUS, THE ADMINISTRATION APPEARS TO BE HIDING BEHIND ITS LAWYERS AND THE BRITISH GOVERNMENT.

MY COLLEAGUES AND I BELIEVE WE CAN HANDLE THE LAWYERS. BUT ONLY YOUR GOVERNMENT CAN REMOVE THE OTHER OBSTACLE TO A STRONG U.S. POSITION ON CHINESE COMPLIANCE WITH THE JOINT DECLARATION. IT WOULD BE A VERY POSITIVE DEVELOPMENT INDEED IF GREAT BRITAIN WOULD MAKE CLEAR THAT GREAT BRITAIN DOES NOT OBJECT (1) TO THE U.S.'S COMMON SENSE READING OF THE JOINT

DECLARATION AND (2) TO UNEQUIVOCAL U.S. OPPOSITION TO
CHINESE
VIOLATIONS.

THERE IS STILL TIME FOR A MORE AGGRESSIVE U.S. POSTURE ON
THIS
ISSUE. HOWEVER, THE ADMINISTRATION IS BEHAVING AS IF IT HAS
ACCEPTED CHINA'S PLAN TO APPOINT A NEW BODY TO REPLACE
THE
LEGISLATIVE COUNCIL ELECTED IN 1995.

THERE IS NO TIME TO SPARE. THE CONSEQUENCES OF CONTINUING
CURRENT U.S. POLICY WILL BE ENORMOUS AND IRREVERSIBLE.
HONG
KONG'S FRIENDS MUST TRY TO CHANGE THIS POLICY. GREAT
BRITAIN
IS SURELY CHIEF AMONG THIS GROUP OF FRIENDS AND SHE HAS A
UNIQUE ROLE TO PLAY.

SINCERELY,
/S/
JESSE HELMS
UNITED STATES SENATE

END TEXT.

4. BEGIN TEXT OF GOV. PATTEN'S RESPONSE:

17 OCTOBER 1996

DEAR SENATOR,

(HEADER:) PROVISIONAL LEGISLATURE

THANK YOU FOR YOUR LETTER OF 1 OCTOBER 1996.

THE POSITION OF THE BRITISH AND THE HONG KONG
GOVERNMENTS ON
THE QUESTION OF A PROVISIONAL LEGISLATURE IS CLEAR AND
UNSHAKABLE. IT REMAINS OUR FIRM JUDGEMENT THAT THE
ARRANGEMENTS FOR THE 1995 LEGISLATIVE COUNCIL ELECTIONS
ARE
OPEN AND FAIR, AND ARE FULLY CONSISTENT WITH THE JOINT
DECLARATION AND THE BASIC LAW. THERE CAN ALSO BE NO
DOUBT
WHATSOEVER ABOUT PUBLIC ACCEPTABILITY OF THE ELECTIONS:
THE
RECORD NUMBER OF CANDIDATES AND THE RECORD VOTER
TURNOUT SPEAK
VOLUMES. WE SEE NO REASON WHY THE CURRENT LEGISLATIVE

COUNCIL, PROPERLY ELECTED AND WITH A CLEAR MANDATE, SHOULD NOT BE ALLOWED TO SERVE THE NORMAL FOUR-YEAR TERM. WE CAN SEE NO JUSTIFICATION FOR A PROVISIONAL LEGISLATURE.

THE POSITION UNDER THE JOINT DECLARATION AND THE BASIC LAW, IS QUITE STRAIGHT-FORWARD. THE JOINT DECLARATION SAYS THAT THE LEGISLATURE OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION SHALL BE CONSTITUTED BY ELECTIONS. THE BASIC LAW AND THE ASSOCIATED NATIONAL PEOPLE'S CONGRESS DECISIONS SET OUT IN SOME DETAIL HOW THE FIRST SAR LEGISLATURE IS TO BE ELECTED. NEITHER THE JOINT DECLARATION NOR THE BASIC LAW MAKES ANY MENTION OF A PROVISIONAL LEGISLATURE. IF THE CHINESE GOVERNMENT WERE TO PROCEED TO ESTABLISH SUCH A BODY, IT WOULD BE FOR THEM TO EXPLAIN THE COMPATIBILITY OF THEIR ACTION WITH THE JOINT DECLARATION AND THE BASIC LAW.

A PROVISIONAL LEGISLATURE IS STILL A HYPOTHETICAL INSTITUTION AT THIS STAGE. LAWYERS ARE, QUITE UNDERSTANDABLY, RELUCTANT TO FORM DEFINITIVE VIEWS ON THE LEGAL CONSEQUENCES OF THINGS WHICH HAVE NOT YET HAPPENED. FOR THE MOMENT AT LEAST, THE JUDGEMENT HAS TO BE POLITICAL RATHER THAN LEGAL. ON THAT, THE BRITISH AND THE HONG KONG GOVERNMENTS ARE UNEQUIVOCAL. THE PRIME MINISTER, THE FOREIGN SECRETARY AND OTHER MINISTERS HAVE ON DIFFERENT OCCASIONS PUT OUR POSITION TO THE CHINESE SIDE IN UNAMBIGUOUS TERMS. THE FOREIGN SECRETARY HAS SAID PUBLICLY THAT THE IDEA OF A PROVISIONAL LEGISLATURE IS "REPREHENSIBLE AND UNJUSTIFIABLE". HE HAS REPEATED OUR POSITION AGAIN RECENTLY AT HIS MEETING WITH CHINESE VICE PREMIER QIAN QICHEN IN NEW YORK.

WE HAVE MADE CLEAR TO THE CHINESE SIDE THAT THE
ESTABLISHMENT
OF A PROVISIONAL LEGISLATURE AT ANY TIME IS NOT SOMETHING
WHICH WE CAN JUSTIFY IN TERMS OF THE JOINT DECLARATION OR
THE
BASIC LAW, AND THAT THE ONUS WILL FALL ON THEM TO EXPLAIN
HOW
IT SQUARES WITH THE TWO DOCUMENTS. WE HAVE FURTHER
REMINDED
THE CHINESE SIDE THAT IF THEY SET UP A QUESTIONABLE
INSTITUTION UNDER QUESTIONABLE CIRCUMSTANCES, THIS
INSTITUTION
WILL CERTAINLY BE QUESTIONED. THERE WILL BE NO HELP FROM
US
IN DEALING WITH ANY LEGAL CHALLENGE WHICH MAY ARISE.

IN THE DAYS AND WEEKS AHEAD, WE WILL CONTINUE TO USE ALL
AVAILABLE OPPORTUNITIES TO PERSUADE THE CHINESE
GOVERNMENT NOT
TO EMBARK ON A COURSE OF ACTION WHICH WOULD RUN
PROFOUNDLY
AGAINST HONG KONG'S INTERESTS. IT REMAINS TO BE SEEN
WHETHER
THE CHINESE GOVERNMENT WILL RECONSIDER THEIR POSITION. IN
THE
MEANTIME, HONG KONG WELCOMES THE CONTINUED ATTENTION
OF
FRIENDS AND PARTNERS ON THIS MOST IMPORTANT SUBJECT.

YOURS SINCERELY,
/S/
C. PATTEN
GOVERNOR

END TEXT
CROWE

M S M a i l

DATE-TIME 06 November 96 15:01
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Treaty Ratifications [UNCLASSIFIED]

TO Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.

CARBON_COPY Andreasen, Steven P.
Bell, Robert G.
Benjamin, Daniel
Blinken, Antony J.
Caravelli, John M.
Edwards, Joan
Fetig, James L.
Gibney, James S.
Gray, Wendy
Harris, Elisa D.
Johnson, David T.
Kelly, Sandra L.
Moffett, Julia
Moody, Angelyn D.
Mulligan, George D.
Naplan, Steven J.
Patmon, Matthew W.
Quinn, Mary E.
Samore, Gary S.
Santarcangelo, Jason M.
Seaton, James B.
Sestak, Joseph A.
Showalter, Victoria A.
Witkowsky, Anne A.
Wozniak, Natalie S.

TEXT_BODY

We have apparently agreed on 2:00-3:00 next Tuesday, in my office.

From: Danvers, William C.
To: Bell, Robert G.; @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @NONPRO - Export Controls; @DEFENSE - Defense Policy;
@PRESS - Public Affairs; @PLANNING - Strat Plan & Comm
Subject: RE: Treaty Ratifications [UNCLASSIFIED]

Date: Wednesday, November 06, 1996 02:24 PM

Let's have the meeting the NSC meeting this week. We would be glad to schedule it. When do you want to do it?

From: Bell, Robert G.
To: @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @NONPRO - Export Controls; @DEFENSE - Defense Policy;
@PRESS - Public Affairs; @PLANNING - Strat Plan & Comm
Subject: Treaty Ratifications [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 02:21 PM

Bill:

As you know, we will start the second Clinton term with six major arms control treaties/agreements in the queue pending Senate/congressional action:

1. CWC
2. CTBT
3. CFE Flank Agreement
4. CCW "Landmines" Protocol
5. SPNFZ
6. ANWFZ.

We also need action on the Convention on Nuclear Safety and Law of Seas, both of which have "national security" if not "arms control" implications. ABM/TMD "Part 1" remains a distant possibility, IF we break the Russian linkage AND were we (unlikely, but not impossible) to decide to submit the Part 1 agreements to a vote.)

ACDA wants an early PC on CWC. I agree a PC would be very useful and relatively time-urgent, since it would focus Principals early-on on the huge task before us in gaining Senate advice and consent before April 29th (the EIF date for the treaty), including the major question of how we spring CWC from SFRC assuming Sen. Helms refuses to schedule a mark-up. Prior to the PC (which for scheduling reasons is impossible before December, when everyone is back from Asia), it would seem to me that we need to do two things, in addition to preparing, inter-agency, a good PC paper laying out a CWC strategy:

1. Have APNSA and ACDA Director meet with Lugar and Biden to get their sense of how to work the SFRC problem; and
2. Convene the Legislative Strategy Group to begin sorting out how CWC relates to the other 5/7/8 treaties and agreements listed above.

I'd suggest we schedule an internal NSC meeting in the next few days (you, me, and all other Senior Directors and Directors with an interest in these agreements) to talk this through. I'd welcome your ideas about this approach.

M S M a i l

DATE-TIME 06 November 96 15:06
FROM Blinken, Antony J.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Treaty Ratifications [UNCLASSIFIED]
TO Gray, Wendy
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

sounds good

From: Gray, Wendy E.
To: Blinken, Antony J.; Moffett, Julia
CC: /R, Record at A1
Subject: RE: Treaty Ratifications [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 03:04 PM

Hi!

Meeting will be Tuesday, Nov 12, 2-3 in Bob Bell's Office

From: Blinken, Antony J.
To: Bell, Robert G.; Danvers, William C.; @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @NONPRO - Export Controls; @DEFENSE - Defense Policy;
@PRESS - Public Affairs; @PLANNING - Strat Plan & Comm
Subject: RE: Treaty Ratifications [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 02:30 PM

julia and I would be happy to be there.

From: Danvers, William C.
To: Bell, Robert G.; @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @NONPRO - Export Controls; @DEFENSE - Defense Policy;
@PRESS - Public Affairs; @PLANNING - Strat Plan & Comm
Subject: RE: Treaty Ratifications [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 02:24 PM

Let's have the meeting the NSC meeting this week. We would be glad to schedule it. When do you want to do it?

From: Bell, Robert G.
To: @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @NONPRO - Export Controls; @DEFENSE - Defense Policy;
@PRESS - Public Affairs; @PLANNING - Strat Plan & Comm
Subject: Treaty Ratifications [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 02:21 PM

Bill:

As you know, we will start the second Clinton term with six major arms control treaties/agreements in the queue pending Senate/congressional action:

1. CWC
2. CTBT
3. CFE Flank Agreement
4. CCW "Landmines" Protocol
5. SPNFZ
6. ANWFZ.

We also need action on the Convention on Nuclear Safety and Law of Seas, both of which have "national security" if not "arms control" implications. ABM/TMD "Part 1" remains a distant possibility, IF we break the Russian linkage AND were we (unlikely, but not impossible) to decide to submit the Part 1 agreements to a vote.)

ACDA wants an early PC on CWC. I agree a PC would be very useful and relatively time-urgent, since it would focus Principals early-on on the huge task before us in gaining Senate advice and consent before April 29th (the EIF date for the treaty), including the major question of how we spring CWC from SFRC assuming Sen. Helms refuses to schedule a mark-up. Prior to the PC (which for scheduling reasons is impossible before December, when everyone is back from Asia), it would seem to me that we need to do two things, in addition to preparing, inter-agency, a good PC paper laying out a CWC strategy:

1. Have APNSA and ACDA Director meet with Lugar and Biden to get their sense of how to work the SFRC problem; and
2. Convene the Legislative Strategy Group to begin sorting out how CWC relates to the other 5/7/8 treaties and agreements listed above.

I'd suggest we schedule an internal NSC meeting in the next few days (you, me, and all other Senior Directors and Directors with an interest in these agreements) to talk this through. I'd welcome your ideas about this approach.

M S M a i l

DATE-TIME 15 November 96 11:31
FROM Wozniak, Natalie S.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Treaty Ratifications [UNCLASSIFIED]
TO Fetig, James L.
Johnson, David T.
Wozniak, Natalie S.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

David/Jim --

This meeting is now scheduled for 4:15 p.m. TODAY (11/15).

Natalie

From: Bell, Robert G.
To: Danvers, William C.; @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @NONPRO - Export Controls; @DEFENSE - Defense Policy;
@PRESS - Public Affairs; @PLANNING - Strat Plan & Comm
Subject: RE: Treaty Ratifications [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 03:01 PM

We have apparently agreed on 2:00-3:00 next Tuesday, in my office.

From: Danvers, William C.
To: Bell, Robert G.; @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @NONPRO - Export Controls; @DEFENSE - Defense Policy;
@PRESS - Public Affairs; @PLANNING - Strat Plan & Comm
Subject: RE: Treaty Ratifications [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 02:24 PM

Let's have the meeting the NSC meeting this week. We would be glad to schedule it. When do you want to do it?

From: Bell, Robert G.
To: @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; @NONPRO - Export Controls; @DEFENSE - Defense Policy;
@PRESS - Public Affairs; @PLANNING - Strat Plan & Comm

Subject: Treaty Ratifications [UNCLASSIFIED]

Date: Wednesday, November 06, 1996 02:21 PM

Bill:

As you know, we will start the second Clinton term with six major arms control treaties/agreements in the queue pending Senate/congressional action:

1. CWC
2. CTBT
3. CFE Flank Agreement
4. CCW "Landmines" Protocol
5. SPNFZ
6. ANWFZ.

We also need action on the Convention on Nuclear Safety and Law of Seas, both of which have "national security" if not "arms control" implications. ABM/TMD "Part 1" remains a distant possibility, IF we break the Russian linkage AND were we (unlikely, but not impossible) to decide to submit the Part 1 agreements to a vote.)

ACDA wants an early PC on CWC. I agree a PC would be very useful and relatively time-urgent, since it would focus Principals early-on on the huge task before us in gaining Senate advice and consent before April 29th (the EIF date for the treaty), including the major question of how we spring CWC from SFRC assuming Sen. Helms refuses to schedule a mark-up. Prior to the PC (which for scheduling reasons is impossible before December, when everyone is back from Asia), it would seem to me that we need to do two things, in addition to preparing, inter-agency, a good PC paper laying out a CWC strategy:

1. Have APNSA and ACDA Director meet with Lugar and Biden to get their sense of how to work the SFRC problem; and
2. Convene the Legislative Strategy Group to begin sorting out how CWC relates to the other 5/7/8 treaties and agreements listed above.

I'd suggest we schedule an internal NSC meeting in the next few days (you, me, and all other Senior Directors and Directors with an interest in these agreements) to talk this through. I'd welcome your ideas about this approach.

M S M a i l

DATE-TIME 25 November 96 18:37
FROM Boynton, Peter J.
CLASSIFICATION UNCLASSIFIED
SUBJECT adds to pdg 7555 [UNCLASSIFIED]

TO Biernacki, Eileen V.
Dohse, Fred J.
Friedrich, M. K.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Wetzel, M. Jeanne

CARBON_COPY Albert, Ronda A.
Baldwin, Kenneth
Bedell, Blair B.
Beers, Rand R.
Boynton, Peter J.
Brown, Dallas
Chen, Philip D.
Clarke, Richard A.
Daadler, Ivo H.
Lindsay, James M.
Orr, Robert C.
Rice, Susan E.
Roundtree, Beverly J.
Schwartz, Eric P.
Sheehan, Michael A.
Simon, Steven N.
Verville, Elizabeth G.
Wechsler, William F.

TEXT_BODY

[[7555ADD.DOC : 4645 in 7555ADD.DOC]]

Per telephone call with Fred, the attached language should be added to the memo to the President in package #7555 (defense drawdown for counternarcotics for mexico).

the language should be added after the second paragraph in the "Background" section (new paragraph inserted after the words "caribbean states")

tk

**ATTACHMENT
FILE DATE**

25 November 96 18:22

**ATTACHMENT
FILE NAME**

7555ADD.DOC

Prior to the end of the Congressional notification period, Senator Helms placed a written hold on the second drawdown, intended for Mexico, due to concerns over end-use monitoring. In response, we have negotiated an agreement with Mexico to establish a mechanism for assuring this equipment is used primarily for counternarcotics purposes.

Senator Helms has now lifted his hold, in writing, subject to a "Gentleman's Agreement" between the Administration and Senator Helms' staff that we will not physically transfer the UH-1H helicopters under this drawdown until the 20 UH-1H's previously authorized to be sent to Mexico under Excess Defense Article authority are delivered, in use, and being monitored effectively by Embassy Mexico. We believe it is nonetheless important to move forward promptly with the drawdown because it will include needed spare parts for the 20 helicopters previously authorized.

M S M a i l

DATE-TIME 18 November 96 19:50

FROM Boynton, Peter J.

CLASSIFICATION UNCLASSIFIED

SUBJECT Defense Drawdown for Counter-Narc [UNCLASSIFIED]

TO Bell, Robert G.
Danvers, William C.
Dobbins, James F.
Kreczko, Alan J.

CARBON_COPY Albert, Ronda A.
Andreasen, Steven P.
Armstrong, Fulton T.
Baker, James E.
Baldwin, Kenneth
Bedell, Blair B.
Beers, Rand R.
Bendick, Gordon L.
Boynton, Peter J.
Brown, Dallas
Burrell, Christina L.
Chen, Philip D.
Clarke, Richard A.
Daadler, Ivo H.
Davis, William K.
Hunerwadel, Joan S.
Kelly, Sandra L.
Kinser-Kidane, Brenda J.
Lindsay, James M.
Moody, Angelyn D.
Mulligan, George D.
Natoli, Kim M.
Orr, Robert C.
Piccone, Theodore J.
Pyatt, Geoffrey R.
Rice, Susan E.
Roundtree, Beverly J.
Schwartz, Eric P.
Seaton, James B.
Sestak, Joseph A.
Sheehan, Michael A.
Simon, Steven N.
Sparks, John E.
Verville, Elizabeth G.
Wechsler, William F.

Witkowsky, Anne A.

TEXT_BODY

Pls provide your comments/clearance for the attached package that recommends the President sign a determination directing a Defense drawdown worth \$37m in anti-narcotics aid for the Mexican military. (you've seen this before, when the President notified Congress last September of his intent to direct two drawdowns, this one being the second of the two)

We would like to coordinate this package w/ Director McCaffrey at ONDCP prior to his departure Tuesday afternoon, so replies by Tuesday morning would be greatly appreciated.

tk

[[7555TL.DOC : 4953 in 7555TL.DOC]][[7555PRES.DOC : 4954 in 7555PRES.DOC]][[7555PD.DOC : 4955 in 7555PD.DOC]]

**ATTACHMENT
FILE DATE**

18 November 96 19:35

**ATTACHMENT
FILE NAME**

7555TL.DOC
7555

, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: RICHARD A. CLARKE

FROM: PETER BOYNTON

SUBJECT: Presidential Determination Regarding a Defense Drawdown for Anti-Narcotics Aid to Mexico

Purpose

At Tab I is a memo from you and Barry McCaffrey to the President recommending that he sign the Presidential Determination at Tab A authorizing the Departments of State and Defense to draw down up to

\$37 million worth of defense articles and services under Section 506(a)(2) of the Foreign Assistance Act to provide the Mexican military with \$37 million worth of UH-1H helicopters, C-26

surveillance aircraft, spares and training for anti-narcotics purposes.

Background

On September 14, the President authorized the Department of State to notify Congress of his intent to direct two drawdowns for anti-narcotics aid: one for \$75 million using FY96 authority for Colombia, Venezuela, Peru and the Eastern Caribbean; and the other, using FY97 authority, worth \$37 million for Mexico. The President signed a Presidential Determination for the first drawdown worth \$75 million on September 30.

Prior to the end of the Congressional notification period, Senator Helms placed a written hold on the second drawdown, intended for Mexico, due to concerns over end-use monitoring. A subsequent meeting with Senator Helms' staff resulted in a lifting of the hold, subject to a "Gentleman's Agreement" between the Administration and Senator Helms' staff that we will not transfer the UH-1H helicopters under this drawdown until the 20 UH-1H's previously authorized to be sent to Mexico under Excess Defense Article authority are delivered, in use, and being monitored effectively by Embassy Mexico. An important component of the FY 1997 drawdown for Mexico is spare parts which will be needed for the first 20 helicopters being delivered under the Excess Defense Article authority, so we believe it is important to move forward promptly with the drawdown.

The Secretaries of State and Defense, and OMB concur with this proposal.

Concurrences by: Bob Bell, Bill Danvers, Alan Kreczko, Jim Dobbins

RECOMMENDATION

That you forward the attached decision memo to the President.

Attachments

Tab I Memorandum for the President

Tab A Presidential Determination

Tab B State Department Memorandum with Congressional
Notification Documents**ATTACHMENT
FILE DATE**

18 November 96 19:3

**ATTACHMENT
FILE NAME**

7555PRES.DOC

7555

cc: Vice President
Chief of Staff

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH EXECUTIVE CLERK

FROM: BARRY McCaffrey
ANTHONY LAKE
JOHN HILLEYSUBJECT: Presidential Determination Regarding a Defense
Drawdown for Anti-Narcotics Aid to Mexico

Purpose

To authorize the Departments of State and Defense to draw down up
to
\$37 million in defense articles and services to provide
anti-narcotics aid to the Mexican military in the form of UH-1H
helicopters, C-26 observation aircraft, spare parts and training.

Background

On September 14, you authorized the Departments of State and
Defense
to notify Congress of your intent to direct two Defense drawdowns
for anti-narcotics aid under section 506(a)(2) of the Foreign
Assistance Act of 1961, as amended ("FAA").

You signed a Presidential Determination on September 30 for the first of the two drawdowns, providing \$75 million worth of anti-narcotics aid to Colombia, Venezuela, Peru and the Eastern Caribbean states.

The attached Presidential Determination would, if signed, authorize the Departments of State and Defense to proceed with the second drawdown, providing \$37 million worth of anti-narcotics aid to the Mexican military.

The Secretaries of State and Defense support this proposal.

RECOMMENDATION

That you sign the Presidential Determination at Tab A.

Attachments

Tab A Presidential Determination

Tab B State Department Memorandum with Congressional Notification Documents

**ATTACHMENT
FILE DATE**

18 November 96 19:30

**ATTACHMENT
FILE NAME**

7555PD.DOC

Presidential Determination

No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Drawdown of Articles, Services, and Military Education and Training from DOD to Provide Anti-Narcotics Assistance to Mexico.

Pursuant to the authority vested in me by section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2318(a)(2) ("the Act"), I hereby determine that it is in the national interest of the United States to draw down articles, services, and military education and training from the inventory and resources of the Department of Defense for the purpose of providing anti-narcotics assistance to Mexico.

Therefore, I direct the drawdown of up to \$37 million of such articles, services, and military education and training from the Department of Defense for the Government of Mexico for the purposes and under the authorities of Chapter 8 of Part I of the Act.

The Secretary of State is authorized and directed to report this determination to the Congress immediately and to arrange for its publication in the Federal Register.

M S M a i l

DATE-TIME 19 November 96 13:29
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT 2d Term Issues [UNCLASSIFIED]
TO Andreasen, Steven P.
Bell, Robert G.
Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Kelly, Sandra L.
Moody, Angelyn D.
Mulligan, George D.
Seaton, James B.
Sestak, Joseph A.
Witkowsky, Anne A.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY
Bill, Gordy, Defense Directors: FYI

[[2DTERM.DOC : 3389 in 2DTERM.DOC]]

**ATTACHMENT
FILE DATE** 19 November 96 12:26

**ATTACHMENT
FILE NAME** 2DTERM.DOC
7581

November 19, 1996

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM: ROBERT G. BELL

SUBJECT: Second Term Agenda

Per your request at last week's Senior Directors' meeting, what follows is my thinking about the agenda in the defense and arms control areas over the next four years, with an emphasis on 1997.

Category One: Issues Requiring POTUS Time and Energy

1. Russian START II Ratification/Initiation of START III

Much is riding on this. A failure to secure entry into force of START II would not only forfeit the substantial gains for strategic stability embodied in the Treaty (especially ICBM deMIRVing) but also force DOD to add \$3-5 billion to the FYDP to pay for maintaining START I levels. More generally, historians would be unforgiving if two Clinton terms elapsed without realizing this priority objective.

Getting this done cannot be accomplished without the personal involvement of the President, both in terms of persuading Yeltsin (once he's well) that he must get off the dime and throw his government's weight behind the faltering ratification effort in the Duma and in terms of deciding outstanding issues internal to our own government concerning U.S. policy on future strategic reductions, the nature of deterrence and targeting doctrine.

2. Chemical Weapons Convention (CWC) Ratification

Even though former Senator Dole will likely fade from the scene in terms of being an active player in the CWC debate, Senators Helms and Kyl, supported by a core of conservative Republicans and urged on by a cadre of hard-line former Reagan administration national security officials, will fight us every inch of the way next year on this treaty. They smell blood and sense an opportunity to sabotage not only CWC but also CTB ratification and our whole second-term arms control agenda by scuttling the treaty. The Republican gain of two seats, coupled with the departure of moderate supporters of the

treaty, will complicate getting 67 "yes" votes. Furthermore, we do not have much time: now that 65 states have ratified, the CWC enters into force on April 29. Helms will claim more hearings and questions for the record are required and dedicate himself to ensuring there is no vote next session (if ever) in his committee to report the CWC back out to the full Senate, and we may need to win a floor vote on a discharge motion. In short, we face a huge "right out of the blocks" challenge at the start of the second term and are in for one heck of a fight -- a battle equivalent to NAFTA or GATT. This is "war-room" material.

There are three indispensable "keys" to victory:

- ☐ The POTUS, VP, SecDef, SecState, CJCS, DCI, Attorney General and SecCommerce are personally going to have to devote far more time and energy to winning over individual Senators than was the case in 1996.
- ☐ We will need a "face-saving device" for Republicans who drifted off the reservation with Dole in September that will allow them to explain why they can now vote for the treaty; this most likely will mean negotiating (perhaps with a Republican group of moderate/conservatives led by McCain) a package of "corrective" conditions to attach to the Lugar resolution of ratification that address, in a manner acceptable to us, concerns raised by Dole related to CWC universality and verification.
- ☐ Lott must be part of the solution and not part of the problem; that means he must be approached at very senior levels early on.

3. CTB Ratification

If we fail on CWC, CTB ratification could be crippled. If we win on CWC, the CTB will still be a sharply contested fight. The Gaffney fax machine is already whirling, and the same coalition of former Reagan officials that mobilized against CWC is already plotting to kill CTB. Remember, also, that the CTB was opposed in the 1996 Republican party platform; that 45 Senators voted last summer for

a
 Kyl amendment (defeated 55-45) that would have relaxed the 1992
 Hatfield-Exon-Mitchell moratorium legislation to permit the U.S.
 to
 resume nuclear testing pending formal entry in force of CTB; and
 that
 the treaty must, as a procedural and jurisdictional matter, get
 past
 the Helms roadblock in the SFRC.

Here, as with CWC, the "keys" to victory include:

- ☐ Personal involvement and lobbying of individual Senators by POTUS, VP and national security Principals.
- ☐ POTUS intervention with DOE and OMB in FY 1998 budget "endgame" to ensure stockpile stewardship accounts are not decremented (which would further inflame Hill opponents who already charge these accounts have been egregiously underfunded).
- ☐ Close coordination with a pro-CTB group of moderate/conservative Republicans (including Lugar, Stevens, McCain, etc.) on a package of conditions by which CTB skeptics can be won over.
- ☐ Winning Lott's support.

Category Two: Problem Areas Where We're on Defense

1. Defense Budget

Even though the Administration's FYDP and the Hill's budget resolution are only \$17 billion apart through FY 2002 (out of a total of \$1.6 trillion), our increases remain mainly in the outyears. Pro-defense Republican members will again insist on plussing up the FY 1998 accounts, especially for weapons modernization. Perry's plans for a major upswing in procurement funding in FY 1998 are already being scaled back at DOD as money is shifted to O&M for our continued presence in Bosnia. Accepting a \$7-12 billion congressional increase next year (as we did the last two years) will be much harder, assuming early emphasis is placed in 1997 on agreement on a genuine balanced budget.

2. National Missile Defense (NMD)

Even though missile defense never came up in the debates and fizzled as a 1996 campaign issue, the key Hill chairmen who have been championing NMD will all be back and they will probably be back with a vengeance. We face another tug-o-war throughout the defense authorization and appropriations cycles in both houses as we stand firm for our "3+3" plan and they try to legislate a commitment in 1997 to deploy in 2003 (perhaps by forcing a vote on a modified "low-cost" version of the "Defend America Act"). At a minimum, they will want to add an extra \$300-500 million for NMD.

3. ABM/TMD Demarcation

The report on congressional approval options for ABM/TMD "Part 1," which we owe Congress as a result of the Livingston amendment to the FY 1997 CJS Appropriations Act, is due November 29 (currently with Kreczko and interagency lawyers for a final chop). This report must be submitted whether or not we get Part 1 signed, and it will produce a sharp backlash once it lands on the Hill (I am assuming Principals and POTUS will agree that no further votes providing House/Senate approval are required to implement the accords). Thus, we will certainly face provisions again in the FY 1998 defense authorization and appropriations cycles mandating submission of both the "MOU on Succession" and the "Agreed Statement" on lower velocity TMDs to the Senate for a two-third vote. This will again necessitate a veto threat, since having to obtain that margin of approval in a Republican-controlled Senate is impossible. Hopefully, Mamedov will (this time) deliver on his pledge from last Friday to allow Part 1 to be signed even if Part 2 is not completed, and that will facilitate our task in holding Democrats behind our position.

That said, the Russians could well intend now to withhold depositing their "instrument of approval" of the signed Part 1 documents

(e.g., claiming they require Duma approval and then slow-rolling their submission to that body). That would allow them, without admitting it, to hold entry into force of Part 1 hostage to completion of Part 2.

2. Since bridging our remaining differences on Part 2 remains problematic, Principal-level (and perhaps POTUS) interventions may well be required to break the link. Resolving disputes over Part 2 issues (especially the Russian demand that we agree to TMD "speed limits") may also necessitate involvement by Principals.

With our certification in September that THAAD is "good to go" for ABM compliance purposes (even though it continues to fail to meet its test objectives), all six of our major TMD programs (Patriot 2/GEM, PAC 3, THAAD, Navy Lower Tier, CORPS SAM/MEADS, and Navy Upper Tier) have been found to be treaty compliant. One might ask why, then, we need a demarcation agreement any longer. There are two answers:

- ☐ A continuing impasse on demarcation will further complicate Duma ratification of START II.
- ☐ Future sensor enhancements for THAAD and Navy Upper Tier may well increase their capabilities to the point where we will not be able to certify them as ABM-compliant unless we have secured the "demonstrated capability" standard through a Part 1 and Part 2 demarcation agreement.

4. B-2 Bomber

Representatives Dicks and Skelton will lead an effort on the FY 1997 defense bills to add funding to procure nine additional B-2s (for a total of 30). We will remind this group that the POTUS is opposed to any B-2s beyond the 21st unless the "Deep Attack Weapons Mix Study" (DAWMS) makes the case for this course of action. (The DAWMS is not due to be completed until spring.)

5. Yamantau Mountain

The Hill will continue to be exercised about continuing Russian construction at Yamantau Mountain, and we really are nowhere in terms of persuading the Russians to halt this project. Linkages may be proposed by some members to Nunn-Lugar funding.

6. Gulf War Illness (GWI)

This is Admiral Busick and Elisa's issue, but GWI will in my judgment continue to undermine the overall credibility of the Defense Department. We will likely also face the first legislative proposals next year to award benefits to ill veterans even if no causal linkage has been demonstrated scientifically to Gulf War service.

Category Three: Important Management Issues Not Requiring Substantial POTUS Involvement:

1. Quadrennial Defense Review (QDR)

As was the case with the 1993 Bottom-Up Review (BUR), this huge strategy/forces/posture review will only involve the President when SecDef and CJCS are ready to bring the final recommendations to the Oval Office for the President's approval in early May of next year. However, as I will explain in the second, "think piece" memo you requested, the QDR is one issue that the NSC needs to watch very carefully, since we have significant equities in the decisions that will have to be made, particularly the early (i.e., December) decisions on the "two-MRC strategy" issue and later decisions regarding the combat role of the National Guard.

2. Indian Accession to CTB

Although the CTB Treaty cannot by its own terms enter into force until September 24, 1998, it can only do so then if India (and Pakistan) have ratified -- and we cannot wait until 1998 to begin to push hard on an "Indian accession strategy" (State has drafted a game plan, which my IWG is reviewing). In short, there will be recurring

requirements through the coming year to engage Principals (and from time to time the President) in steps that will move us toward realization of this priority objective.

3. CFE Adaptation

As discussed at Friday's PC meeting, CFE Adaptation will require recurring involvement by Principals through 1997 and beyond to ensure we are: (a) "pushing the envelope" in terms of creative, forward-leaning thinking, while still (b) keeping faith with our NATO allies and our friends in Central Europe, the Baltics and the Caucasus.

4. CFE Flank Approval

We submitted the CFE flank accord to Congress in September for approval via an appropriate legislative vehicle, but neither house acted prior to adjournment. We will need to fight hard to get this through (perhaps on the FY 1998 defense authorization bill or a supplemental FY 1997 defense appropriation) early in the year. Although we expect the 29 other CFE parties to agree to extend the original deadline for obtaining congressional or parliamentary approval (December 15) by several months, that still means we have little time next session to overcome Republican opposition to the deal -- opposition that was fueled by Baltic and Caucasus states' grouching about aspects of the final flank compromise.

5. Anti-Personnel Landmines (APL) Negotiation

Despite lingering State opposition and fierce criticism from Senator Leahy and the NGOs, we appear headed (correctly, in my view) toward a decision to try to negotiate a world-wide APL ban in the Conference on Disarmament (CD). That will not, however, be easy to accomplish. Several prominent CD states (Russia, China, Pakistan, and others) are opposed to an APL ban and others (Mexico, India) will try to extract a price ("time bound nuclear disarmament" commitments) to support us. But there are no other viable options that are consistent with the President's May 16 decisions. This means we

will
 have to soldier on in the face of multiple procedural roadblocks
 in
 the CD and with the media favorably reporting continued NGO
 condemnation of our approach. Leahy can also be expected to
 propose
 legislative restrictions that go beyond our policy but which will
 be
 hard to defeat/deflect. We may also face widespread apathy in
 the
 Senate concerning ratification of the May 1996 "CCW Protocol"
 expanding restrictions globally on APL use -- restrictions that

 conservatives think are misguided and Leahy thinks are woefully
 inadequate.

6. Law of the Sea Treaty Ratification

Senator Helms said "No!" to repeated Administration efforts to
 move
 this important treaty in the first term, even after Senators
 Stevens
 and Thurmond asked him to proceed. Getting Helms to schedule a
 markup next session will probably require taking a hostage.

7. Depot Privatization

Last session Congress handed us our hats on our proposal to
 repeal
 the "60/40" restriction on the amount of work at military depots
 that
 can be out-sourced. We were lucky to escape with the status quo.

The President's Privatization-in-Place (PIP) plan for San Antonio
 and
 Sacramento ALCs requires the lifting or easing of "60/40" within
 several years and our overall FYDP assumes greater savings from
 more
 privatization defense-wide, yet no one at DOD or the Air Force
 has an
 idea about how we are going to break the grip of the
 congressional
 "depot lobby."

8. NATO JSTARS

As previously reported, Paul Kaminski did heroic work at the CNAD
 two weeks ago in keeping the NATO JSTARS "fast track" procurement
 option alive, but we are far from persuading Britain and Germany
 to

say "yes." Securing an affirmative decision by the CNAD next November will require continuing efforts by senior officials throughout the year.

9. Nuclear Free Zone (NFZ) Ratification

It is unlikely that the Senate will be strongly opposed to the protocols we signed in 1996 to the South Pacific and African NFZ treaties (though Helms will be hugely disinterested). However, the ratification debate will highlight our caveat preserving a U.S. nuclear first-use option in response to a chemical or biological attack, under Conrad Harper's doctrine of "belligerent reprisal."

This position will come as a surprise/shock to many NAM states, who talked themselves into believing that we gave up nuclear first use in these regions except pursuant to the long-standing "negative security assurance" doctrine articulated by Secretary Vance in 1978.

That, in turn, could occasion a blow-back on our 1995 success in getting NPT extended indefinitely and unconditionally, and in securing near-universal approval of the CTB.

Some diplomatic heavy-lifting will be required to keep all countries on the reservation once news of our position breaks at the outset of ratification hearings. For that reason, we may well want to delay submitting these accords until well into 1997.