

Exchange Mail

DATE-TIME 2/8/99 6:49:15 PM
FROM Witkowsky, Anne A.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: MOU to ABM Treaty & Helms Editorial [UNCLASSIFIED]
TO Bell, Robert G.
Krass, Caroline D.

CARBON_COPY Andreasen, Steven P.
Bell, Robert G.
Bouchard, Joseph F.
Kelly, Sandra L.
Langley, Janice M.
Mulligan, George D.
Peterman, David (Brian)
Pimentel, Betsy J.
vonLipsey, Roderick K.
Wasserman, Elaine P.
Witkowsky, Anne A.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Highsmith, Newell L.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY Yes. We can draw on them for our reply to the recent Helms letter on CFE, due within the next two weeks (we'll send to @Legal for clearance).

-----Original

Message-----

From: Bell, Robert G.

Sent: Monday, February 08,
1999 6:47 PM

To: Krass, Caroline D.

Cc: @DEFENSE - Defense Policy;

@LEGAL - Legal Advisor

Subject: RE: MOU to ABM Treaty & Helms Editorial
[UNCLASSIFIED]

Thanks - these conclusions will be very helpful.

-----Original

Message-----

From: Krass, Caroline D.

Sent: Monday, February 08,
1999 6:39 PM

To: Bell, Robert G.

Cc: @DEFENSE - Defense Policy;

@LEGAL - Legal Advisor

Subject: MOU to ABM Treaty & Helms Editorial
[UNCLASSIFIED]

In light of the Wall Street Journal editorial written by Jesse Helms on January 22 entitled "Amend the ABM Treaty? No, Scrap It," we have consulted with both Justice/OLC and State/L about two issues: (1) whether there is any timeframe within which the President must submit the 1997 ABM protocols to the Senate for advice and consent; and (2) whether the Senate may reject a treaty that has not been submitted to it by the President.

First, OLC and

L agree that the President has the constitutional authority to control the timing of the submission of a treaty to the Senate for its advice and consent. The historical record reveals that Presidents have often delayed submitting a treaty to the Senate until well after the U.S. has negotiated and signed the treaty. In addition, because the President has a constitutional right to withhold from the Senate an already-negotiated treaty, it follows that he has the right to determine whether and when to submit a treaty to the Senate. Finally, the President's foreign affairs power gives him implicit authority to control the timing of the submission of a treaty due to the potential implications of such submission for the nation's diplomatic relations.

(The most OLC would infer from the President's certification in conjunction with Condition (9) of the resolution of advice and consent to the ratification of the CFE Flank Document is that the President may have committed to submitting the MOU on succession prior to the end of his Administration.)

Second, OLC and L agree

that the Senate is free to conduct hearings on whatever it chooses, including the MOU, but that the hearings and even a "no" vote on the MOU would not be legally meaningful; the President could still submit the MOU to the Senate whenever he would like to. State's Treaty Office is unaware of any precedent for a vote by the full Senate on a treaty that the President has not first submitted to it. Of course there would be significant policy issues if Helms does decide to hold hearings on the MOU before it is referred from the President.

Exchange Mail

DATE-TIME 2/8/99 6:52:23 PM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: MOU to ABM Treaty & Helms Editorial [UNCLASSIFIED]
TO Baker, James E.

CARBON_COPY**TEXT_BODY**

Thanks -- it certainly helps to have you guiding me.

-----Original

Message-----

From: Baker, James E.
Sent: Monday, February 08,
1999 6:52 PM
To: Krass, Caroline D.
Subject: FW: MOU to ABM Treaty
& Helms Editorial [UNCLASSIFIED]

Good response to your note.

You are doing a good job of making yourself welcome and indispensable to an important client.

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

From: Witkowsky,
Anne A.
Sent: Monday, February 08, 1999 6:49 PM
To: Bell, Robert
G.; Krass, Caroline D.
Cc: @DEFENSE - Defense Policy; @LEGAL - Legal
Advisor
Subject: RE: MOU to ABM Treaty & Helms Editorial [UNCLASSIFIED]

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1999 6:47 PM
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@LEGAL - Legal Advisor
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[UNCLASSIFIED]

Thanks - these conclusions will be very helpful.

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Sent: Monday, February 08,
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Cc: @DEFENSE - Defense Policy;

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Exchange Mail

DATE-TIME 2/8/99 7:28:32 PM
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: MOU to ABM Treaty & Helms Editorial [UNCLASSIFIED]
TO Andreasen, Steven P.

CARBON_COPY**TEXT_BODY**

Appreciated.

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

From: Andreasen, Steven
P.

Sent: Monday, February 08, 1999 6:47 PM

To: Krass, Caroline

D.; Bell, Robert G.

Cc: @DEFENSE - Defense Policy; @LEGAL - Legal
Advisor

Subject: RE: MOU to ABM Treaty & Helms Editorial [UNCLASSIFIED]

Importance: High

Whew.

Applause for the lawyers ...

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

From: Krass,

Caroline D.

Sent: Monday, February 08, 1999 6:39 PM

To: Bell,

Robert G.

Cc: @DEFENSE - Defense Policy; @LEGAL - Legal Advisor

Subject: MOU

to ABM Treaty & Helms Editorial [UNCLASSIFIED]

In light of the

Wall Street Journal editorial written by Jesse Helms on January 22 entitled "Amend the ABM Treaty? No, Scrap It," we have consulted with both Justice/OLC and State/L about two issues: (1) whether there is any timeframe within which the President must submit the 1997 ABM protocols to the Senate for advice and consent; and (2) whether the Senate may reject a treaty that has not been submitted to it by the President.

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Exchange Mail

DATE-TIME 2/19/99 8:11:27 AM
FROM Montgomery, Mark C.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Legislative Strategy [UNCLASSIFIED]
TO Wechsler, William F.

CARBON_COPY

TEXT_BODY With changes

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

From: Wechsler, William
F.

Sent: Thursday, February 18, 1999 6:20 PM

To: Montgomery, Mark
C.

Subject: Legislative Strategy [UNCLASSIFIED]

TRANSLATED_ATTACHMENT

Legislative Strategy_.doc
SENATE COMMITTEES TO BRIEF

SENATE APPROPRIATIONS COMMITTEE

Key Majority Staff: Steven Costese, Jim Morhard, Kevin Linsky, Carl
Truscott,

Jim Moorhart, Eric Harnishfeger

Key Minority Staff: James English, Scott Guddes, Lila Helms

* Subcommittee on Commerce, State and Justice

* Subcommittee on Defense

* Subcommittee on Foreign Operations

* Subcommittee on Labor, Health and Human Service, and Education

* Subcommittee on Treasury, Postal Service and General Government

SENATE ARMED SERVICES COMMITTEE

Key Minority Staff: Madelyn Creedon

* Subcommittee on Emerging Threats - Jim Beauchamp, Alan
McCurry

SENATE BUDGET COMMITTEE

Key Majority Staff: Carole McGuire

SENATE FOREIGN RELATIONS COMMITTEE

Key Majority Staff: Chris Walking, Roger Noriega, Danielle Pletka
Key Minority Staff: Brian McKeon, Ed Levin
* Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism

SENATE JUDICIARY COMMITTEE

Key Majority Staff: Jeanine Esperne, Bruce McConnell, Janive Kephart
Key
Minority Staff: Neil Quinter
* Subcommittee on Technology, Terrorism and Government Information

SENATE SELECT COMMITTEE ON INTELLIGENCE

Key Majority Staff: William Duhnke

SENATORS TO BRIEF

Senator John Ashcroft (R-MO)
Member, Senate Foreign Relations Committee
Interests:
Positions:
Briefers:

Senator Joe Biden (D-DE)
Ranking Minority Member, Senate Foreign Relations Committee
Ranking Minority Member, Senate Judiciary Subcommittee on Technology, Terrorism and Government Information
Interests: His staff tells State that he is interested in getting more active on WMD & terrorism; agreed to participate in regular Berger roundtables on critical infrastructure protection
Positions:
Briefers: Clarke

Senator Jeff Bingaman (D-NM)
Ranking Minority Member, Senate Armed Services Subcommittee on Emerging Threats
Interests:
Positions:
Briefers:

Senator Sam Brownback (R-KS)
Member, Senate Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism
Interests:
Positions:

Briefers:

Robert Byrd (D-WV)

Ranking Minority Member, Senate Appropriations Committee

Interests:

Positions:

Briefers:

Senator Ben Nighthorse Campbell (R-CO)

Chairman, Senate Approp. Subcom. on Treasury, Postal Service and General

Government

Interests: special events (need to get him interested in Cyber Corps)

Positions: pro-Administration

2/4/99 hearing: "I think those kinds of models [Denver G8] need to be expanded

on so that we anticipate the increased kinds of terrorism that is focused on

these high profile events....I am pleased the president is planning on devoting

more of the budget toward research and development."

Briefers:

Senator Paul Coverdale (R-GA)

Chairman, Senate Foreign Relations Subcommittee on Western Hemisphere, Peace

Corps, Narcotics and Terrorism

Interests:

Positions:

Briefers:

Senator Chris Dodd (D-CT)

Ranking Minority Member, Senate Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism

Interests:

Positions:

Briefers:

Senator Pete Domenici (R-NM)

Chairman, Senate Budget Committee

Member, Senate Appropriations Subcommittee on Commerce, Justice and State

Interests:

Positions:

Briefers:

Senator Dianne Feinstein (D-CA)

Ranking Minority Mem., Sen. Judiciary Subcom. on Technology,
Terrorism and Gov.

Info

Interests: WMD, Cyber Terrorism

Positions:

Briefers: Clarke, Reno

Senator Bill Frist (R-TN)

Member, Commerce Subcommittee on Communications

Interests: chair of the caucus on science and technology; agreed to
participate

in regular Berger roundtables on critical infrastructure protection

Positions:

Briefers: Clarke

Senator Judd Gregg (R-NH)

Chairman, Senate Appropriations Subcommittee on Commerce, State
and Justice

Interests: all subjects

Positions: anti-Administration

2/4/99 hearing: "I was extremely discouraged relative to the
President's press

conference that he held on terrorism. It appeared to me to be a press
conference

which had been written out on the back of an envelope....I don't think
under the

numbers we're being presented with that you're going to be able to do
that

[embassy security] unless I go back and find some money somewhere
else....OMB has

sent up a budget that is not going to work in order to protect the
embassies, in

my opinion. "

Briefers: Clarke

Senator Tom Harkin (D-IA)

Ranking Minority Member, Senate Approp. Subcommittee on Labor,
HHS and Education

Interests:

Positions:

Briefers:

Senator Orrin Hatch (R-UT)

Chairman, Senate Judiciary Committee

Interests: terrorism; agreed to participate in regular Berger roundtables
on

critical infrastructure protection

Positions:

Briefers:

Senator Jesse Helms (R-NC)
Chairman, Senate Foreign Relations Committee

Interests:

Positions:

Briefers:

Senator Ernest Hollings (D-SC)
Ranking Minority Member, Senate App. Subcommittee on
Commerce, State and Justice

Interests: embassy security

Positions: anti-Administration

2/4/99 hearing: "We've gone the Inman approach and we got rid of a lot of good, valuable property, built fortress America, and it hasn't worked....With that in mind I don't think we're going to appropriate \$1 billion for a bunch of new buildings."

Briefers: Cohen, Carpenter, Sheehan

Daniel Inouye (D-HI)

Ranking Minority Member, Senate Appropriations Subcommittee on
Defense

Interests:

Positions:

Briefers:

Senator Bob Kerry (D-NE)

Vice Chairman, Senate Select Committee On Intelligence

Interests: agreed to participate in regular Berger roundtables on
critical

infrastructure protection

Positions: very interested in ISACs

Briefers: Clarke

Key staff: Gozo

Senator John Kerry (D-MA)

Member, Senate Foreign Relations Subcommittee on Western
Hemisphere, Peace Corps,
Narcotics and Terrorism

Interests:

Positions:

Briefers:

Senator Herb Kohl (D-WI)

Ranking Minority, Sen. Approp. Subcom. on Treasury, Postal, and
Gen. Government

Interests:

Positions:

Briefers:

Senator John Kyl (R-AZ)

Chairman, Senate Judiciary Subcommittee on Technology, Terrorism and Gov. Info.

Interests: WMD, Cyber Terrorism, NIPC; agreed to participate in regular Berger roundtables on critical infrastructure protection

Positions: we are not organized enough and we are not doing enough

Briefers: Clarke, Reno, Freeh

Senator Patrick Leahy (D-VT)

Ranking Minority Member, Judiciary Committee

Ranking Minority Member, Senate Appropriations Subcommittee on Foreign Operations

Interests: cyber terrorism

Positions: pro-Administration

"What we have to worry about is a very small, well trained, well-equipped,

well-financed and determined terrorist group....Can you imagine if...airports

were shut down because of terrorist attacks of switching gears and so forth?"

Briefers:

Senator Carl Levin (D-MI)

Ranking Minority Member, Senate Armed Services Committee

Interests: agreed to participate in regular Berger roundtables on critical infrastructure protection

Positions:

Briefers: Clarke (with Jamie Gorelick)

Senator Joe Lieberman (D-CT)

Member, Senate Judiciary Subcommittee on Technology, Terrorism and Gov.

Information

Interests:

Positions:

Briefers:

Senator Dick Lugar (R-IN)

Chairman, Agriculture Committee

Member, Senate Armed Services Committee

Interests: Cosponsor: Nunn/Lugar/Domineci Domestic Preparedness Act; Co-sponsor

Nunn/ Lugar Cooperative threat Reduction Initiatives; Food security recognized as

part of critical infrastructure protection; agreed to participate in regular

Berger roundtables on CIP
Positions: Very strong supportive of NLD Domestic Preparedness
Briefers: Clarke and LGH
Personal Staff: Ken Myers Sr, Ken Myers Jr.

Senator John McCain (R-AZ)
Member, Armed Services Committee
Interests: vulnerability of defense systems to cyber attack; agreed to participate in regular Berger roundtables on critical infrastructure protection
Positions:
Briefers: Clarke
Key staff: Mark Salter

Mitch McConnell (R-KY)
Chairman, Senate Appropriations Subcommittee on Foreign Operations
Interests:
Positions:
Briefers:

Senator Barbara Mikulski (D-MD)
Member, Senate Appropriations. Subcommittee on Commerce, State and Justice
Interests: biological weapons, public health surveillance
Positions: pro-Administration
"Bond and I have added more money for helping FEMA be able to respond....We don't want to throw the money out like pin the tail on the donkey and have no effective, coordinated, strategic, targeted response...We really need to make sure that we have what we need abroad and as well as domestically....Let's check our party hats at the door."
Briefers:

Senator Chuck Robb (D-VA)
Member, Senate Armed Services Committee
Interests: Only Senator on all the national security committees; on democratic caucus on technology and communications and Senate internet caucus; agreed to participate in regular Berger roundtables on critical infrastructure protection
Positions:
Briefers: Clarke

Senator Pat Roberts (R-KA)
Chairman, Senate Armed Services Subcommittee on Emerging Threats
Interests: emerging threats
Positions: new man in a newly created position
Briefers: Clarke, Hamre

Senator Jeff Sessions (R-AL)
Member, Senate Judiciary Subcommittee on Technology, Terrorism and Gov.
Information
Interests: WMD, Terrorism
Positions:
Briefers: Clarke

Senator Charles Schumer (D-NY)
Member, Senate Judiciary Subcommittee on Technology, Terrorism and Gov.
Information
Interests:
Positions:
Briefers:

Senator Richard Shelby (R-AL)
Chairman, Senate Select Committee On Intelligence
Interests:
Positions:
Briefers:

Senator Arlen Specter (R-PA)
Chairman, Senate Appropriations Subcommittee on Labor, HHS and Education,
Chairman, Veterans Affairs Committee
Interests: use of VA in domestic terrorism initiatives
Positions:
Briefers:
Key committee staff: Charlie Battaglia, staff director

Senator Ted Stevens (R-AK)
Chairman, Senate Appropriations Committee and its Defense Subcommittee
Interests:
Positions:
Briefers:

Senator John Warner (R-VA)
Chairman, Senate Armed Services Committee
Interests:
Positions:
Briefers:

HOUSE COMMITTEES TO BRIEF

HOUSE COMMITTEE ON APPROPRIATIONS

Key Majority Staff: James Dyer, Jim Kolikowski, Cordia Strom, Jennifer Miller

Key Minority Staff: Scott Lilly, Pat Schueter

* Subcommittee on Commerce, Justice, State and Judiciary

* Subcommittee on Foreign Operations

* Subcommittee on National Security

* Subcommittee on Treasury, Postal Service and General Government

HOUSE COMMITTEE ON THE BUDGET

HOUSE COMMERCE COMMITTEE

Key Majority Staff: JD Derderian

Key Minority Staff: Reid Stuntz

HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

Key Majority Staff: John Mackey, Kristine Gilly

Key Minority Staff: Mara Rudman, Peter Yeo

HOUSE COMMITTEE ON THE JUDICIARY

* Subcommittee on Crime

HOUSE COMMITTEE ON NATIONAL SECURITY

Key Staff: Andrew Ellis, Maureen Cragin; Peter Pry; Jean Reed;

* Subcommittee on Military Research and Development (Weldon-Chair)

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Key Majority Staff: Catherine Eberwein

REPRESENTATIVES TO BRIEF

Representative Berman

Member, House Committee on International Relations

Interests: history of interest in the subject

Positions:

Briefers:

Representative Tom Bliley (R-VA)

Chairman, Committee on Commerce
Interests: domestic preparedness and terrorism; recently sent POTUS
view
regarding EPA's plan to put worst-case scenarios of hazardous
facilities on
Internet. Intends to conduct hearings.
Briefers:

Representative Burton
Member, House Committee on International Relations
Interests: history of interest in the subject
Positions:
Briefers:

Representative Sonny Callahan (R-AL)
Chairman, House Appropriations Subcommittee on Foreign
Operations
Interests:
Positions:
Briefers:

Representative John Conyers (D-MI)
Ranking Minority Member, House Committee on the Judiciary
Interests:
Positions:
Briefers:

Representative Norman Dicks (D-WA)
Ranking Minority Member, House Permanent Select Committee On
Intelligence
Interests:
Positions:
Briefers:

Representative Sam Gejdenon (D-CT)
Ranking Minority Member, House Committee on International
Relations
Interests:
Positions:
Briefers:

Representative Ben Gilman (R-NY)
Chairman, House Committee on International Relations
Interests:
Positions:
Briefers:

Representative Porter Goss (R-FL)

Chairman, House Permanent Select Committee On Intelligence

Interests:

Positions: likely supporter of NSC initiatives

Briefers:

Representative Steny Hoyer (D-MD)

Ranking Minority, House Approp. Subcom. on Treasury, Postal Service and Gen.

Govt.

Interests:

Positions:

Briefers:

Representative John Kasich (R-OH)

Chairman, House Committee on the Budget

Interests:

Positions:

Briefers:

Representative Jim Kolbe (R-AZ)

Chairman, House Approp. Subcommittee on Treasury, Postal Service and General

Govt.

Interests:

Positions:

Briefers:

Representative Henry Hyde (R-IL)

Chairman, House Committee on the Judiciary

Interests:

Positions:

Briefers:

Representative Patrick Kennedy (D-RI)

Member, National Security Committee, Subcommittee on Military R&D

Interests: supporter of DOD Special Mission Units and combating terrorism

Positions:

Briefers:

Representative Lanton

Member, House Committee on International Relations

Interests: history of interest in the subject

Positions:

Briefers:

Representative Jerry Lewis (R-CA)
Chairman, House Appropriations Subcommittee on National Security
Interests:
Positions:
Briefers:

Representative Bill McCollum
Chairman, House Judiciary Subcommittee on Crime
Interests:
Positions:
Briefers:

Representative John Murtha (D-PA)
Ranking Minority Member, House Appropriations Subcommittee on
National Security
Interests:
Positions:
Briefers:

Representative David Obey (D-WI)
Ranking Minority Member, House Committee on Appropriations
Interests:
Positions:
Briefers:

Representative Nancy Pelosi (D-CA)
Ranking Minority Member, House Appropriations Subcommittee on
Foreign Operations
Interests:
Positions:
Briefers:

Representative Harold Rogers (R-KY)
Chairman, House Approp. Subcommittee on Commerce, Justice, State
and Judiciary
Interests:
Positions:
Briefers:

Representative Saxon
Member, House Committee on National Security
Interests: chairman of Republican ad hoc task force on unconventional
warfare and
terrorism
Positions:

Briefers:

Representative Jose Serrano (D-NY)
Ranking Minority Member, House Approp. Subcommittee on
Commerce, Justice & State

Interests:

Positions:

Briefers:

Representative Ike Skelton (D-MO)
Ranking Minority Member, House Committee on National Security

Interests:

Positions: pro-Administration initiatives; supports NSC initiatives

Briefers:

Key Personal Staff: Bill Natter

Representative Floyd Spence (R-SC)
Chairman, House Committee on National Security

Interests:

Positions:

Briefers:

Representative John Spratt (D-SC)
Ranking Minority Member, House Committee on the Budget

Interests:

Positions:

Briefers:

Representative Curt Weldon
Member, House Committee on National Security
Interests: first responders, critical infrastructure and cyber defense

Positions:

Briefers:

Key Personal Staff: Doug Ritter

Representative Frank Wolfe (R-VA)
Member, House Appropriations Subcommittee on Foreign Operations
Interests: sponsored last year's legislation creating a 10-member

special
terrorism commission

Positions:

Briefers:

Representative Bill Young (R-FL)
Chairman, House Committee on Appropriations

Interests:

Positions:

Briefers:

Exchange Mail

DATE-TIME 2/19/99 8:27:51 AM

FROM Bell, Robert G.

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: Helms response -- [UNCLASSIFIED]

TO Witkowsky, Anne A.

CARBON_COPY Bell, Robert G.

TEXT_BODY Anne: pls. see multiple edits to shorten and make more "user friendly" in POTUS's own voice.

-----Original Message-----
From: Witkowsky,
Anne A.
Sent: Thursday, February 18, 1999 10:27 PM
To: Bell, Robert
G.
Cc: Wasserman, Elaine P.
Subject: Helms response -- [UNCLASSIFIED]
Importance: High

FOR
ACTION

Bob:

Here's a cut at a response to Helms. For your comments before circulation for clearance. Copy of incoming in your box.

TRANSLATED_ATTACHMENT 0957ltr.doc

Dear Senator Helms:

Thank you for your letter regarding the Conventional Armed Forces in Europe (CFE) Treaty.

I am committed to adapting CFE in a way that produces a sound agreement. An adapted treaty should reflect changes in the European security environment since Treaty signature in 1990, while fully protecting U.S. and alliance security interests.

You have expressed concern that the Administration might make a last-minute push to conclude an adapted CFE Treaty prior to the Washington summit. Let me reassure you about our intentions. At last September's Moscow Summit I set forth the goal of concluding an adapted CFE Treaty by the time of the 1999 OSCE summit, now scheduled for this coming November. In December, at the OSCE meeting of Foreign Ministers in Oslo, all CFE states adopted that goal, including Russia. The Ministers also recognized that if this goal were to be accomplished, Parties would need to try to resolve the key outstanding issues in the first months of this year. I want to emphasize that these are goals, not deadlines.

I also want to underscore that as the negotiations have progressed we have kept the Senate conditions adopted in the Resolution of Ratification to the 1996 Flank Agreement very much in mind and maintained a regular dialogue with your staff on these issues. For example, during our consultations on February 11, we briefed your staff on recent progress by Turkey and Russia in reaching an agreement in principle on the main elements that would apply to the flank area under an adapted treaty. We believe these elements, if complemented with a few additional understandings, could provide a basis for agreement among the thirty CFE states on this important issue in the negotiations and reinforce all

parties' sovereignty and independence, particularly the New Independent States.

In parallel with the CFE negotiations, we have actively pursued the issue of Russian force withdrawals from Moldova. In December, with our strong support, all OSCE Foreign Ministers agreed on a number of steps that could facilitate resolution of this issue, including the elaboration within six months of an equipment withdrawal schedule. [Shouldn't we mention/plug the CTR-II funding for Moldovian troop w/d?]

you have also raised concern about how CFE will affect our new NATO allies. As you know, we have been negotiating on the basis of the February 1997 NATO proposal for the last two years. NATO has proposed a treaty structure that will ensure the necessary military flexibility for an enlarged alliance. This flexibility cannot and will not be dependent on the availability of "headroom," but on agreement to provisions for temporarily exceeding territorial ceilings that will apply uniformly to all states outside the flank area. We have made clear in the negotiations these temporary deployments will not be used as a substitute for permanent stationing.

Finally, with respect to the ABM Treaty, as I stated in the certification I made under Condition (9) of the resolution of ratification of the CFE Flank Agreement, "I will submit to the Senate for advice and consent to ratification any international agreement...that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty." Consistent with this certification, the Memorandum of Understanding (MOU) on ABM Treaty Succession, which was signed on September 26, 1997, will be provided to the Senate for its advice and consent. While I respect the fact that the MOU will not enter into force without the advice and consent of

the Senate, there is no question the ABM Treaty has continued in force following the dissolution of the Soviet Union. If the Senate were to fail to approve the MOU, ambiguity would remain about the extent to which states other than Russia are Parties; however, the ABM Treaty would continue in force.

I look forward to staying in touch with you on these important issues.

Sincerely,

The Honorable Jesse Helms
Chairman, Foreign Relations Committee
United States Senate
Washington, DC

Exchange Mail

DATE-TIME 2/19/99 10:37:32 AM
FROM Segal, Jack D.
CLASSIFICATION UNCLASSIFIED
SUBJECT Helms letter [UNCLASSIFIED]
TO Kaufman, Stuart J.

CARBON_COPY
TEXT_BODY Stuart, note the para on Moldova

TRANSLATED_ATTACHMENT 0957ltr_.doc

Dear Senator Helms:

Thank you for your letter regarding the Conventional Armed Forces in Europe (CFE) Treaty.

I am committed to adapting CFE in a way that produces a sound agreement. An adapted treaty should reflect changes in the European security environment since Treaty signature in 1990, while fully protecting U.S. and alliance security interests.

With respect to your concern that the Administration might make a last-minute push to conclude an adapted CFE Treaty prior to the Washington summit, let me reassure you about our intentions. Last September, in Moscow, I set forth the goal of concluding an adapted CFE Treaty by the time of the 1999 OSCE summit, now scheduled for this coming November. Last December, at the OSCE

meeting of
Foreign Ministers in Oslo, all CFE states adopted that goal, including
Russia.
At the same time, Ministers recognized that if this goal were to be
accomplished,
Parties would need to resolve the key outstanding issues in the first
months of
this year. We have been negotiating on the basis of the NATO
proposal for about
two years. We will not negotiate to artificially imposed deadlines, but
we
believe the best course is to continue our search for solutions that have
thus
far evaded the Parties, if we are to achieve our objective of an adapted
treaty
by next fall.

Let me also assure you that, as the negotiations have progressed, we
have kept
the concerns of the Senate in mind, as expressed in the Resolution of
Ratification to the 1996 Flank Agreement. In this regard, as your staff
was
briefed on February 11, Turkey and Russia have recently reached
some important
understandings on the flank regime. We believe these understandings,
which could
form the basis for provisions governing flank countries in an adapted
CFE treaty,
will reinforce the sovereignty and independence of Parties to the
Treaty,
particularly the New Independent States. They will do so in part by
establishing
tight ceilings on the amount of Treaty-Limited Equipment (TLE)
flank states can
have present on their territory, which will require some reduction in
Russian
stationed forces. As required by the Flank Agreement resolution of
advice and
consent to ratification, the United States is also pursuing new
transparency
measures for TLE that is temporarily deployed under the Treaty,
including in the
flank, and which will reinforce the principle of host state consent.

Outside the CFE negotiations, we have actively pursued the issue of
Russian force
withdrawals from Moldova. In December, with our strong support, all
OSCE Foreign
Ministers agreed on a number of steps that could facilitate resolution
of this

issue, including the elaboration within six months of an equipment withdrawal schedule.

With respect to the questions you have raised about how CFE will affect new allies, NATO has proposed a treaty structure that will ensure the necessary military flexibility for an enlarged alliance. This flexibility cannot and will not be dependent on the availability of "headroom," but on agreement to provisions for temporarily exceeding territorial ceilings that will apply uniformly to all states outside the flank area. We have made clear in the negotiations these temporary deployments will not be used as a substitute for permanent stationing.

Finally, with respect to the ABM Treaty, as I stated in the certification I made under Condition (9) of the resolution of ratification of the CFE Flank Agreement, "I will submit to the Senate for advice and consent to ratification any international agreement...that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty." Consistent with this certification, the Memorandum of Understanding (MOU) on ABM Treaty Succession, which was signed on September 26, 1997, will be provided to the Senate for its advice and consent. While I respect the fact that the MOU will not enter into force without the advice and consent of the Senate, there is no question the ABM Treaty has continued in force following the dissolution of the Soviet Union. If the Senate were to fail to approve the MOU, ambiguity would remain about the extent to which states other than Russia are Parties; however, the ABM Treaty would continue in force.

I look forward to staying in touch with you on these important issues.

Sincerely,

The Honorable Jesse Helms
Chairman, Foreign Relations Committee
United States Senate
Washington, DC

Exchange Mail

DATE-TIME 2/19/99 11:57:17 AM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Response to Senator Helms -- [UNCLASSIFIED]
TO Witkowsky, Anne A.

CARBON_COPY

TEXT_BODY Forgot to add one more minor edit -- I think it should be Resolution of Ratification "of", not "to." I've made the change on this version.

-----Original

Message-----

From: Krass, Caroline D.
Sent: Friday, February 19, 1999 11:49 AM
To: Witkowsky, Anne A.
Cc: @LEGAL - Legal Advisor
Subject: FW:
Response to Senator Helms -- [UNCLASSIFIED]

Legal clears with
the attached minor edits.

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

From: Witkowsky,
Anne A.
Sent: Friday, February 19, 1999 10:46 AM
To: Witkowsky,
Anne A.; Weiss, Andrew S.; McEldowney, Nancy E.; Flanagan,
Stephen
J.; Baker, James E.; Lackey, Miles M.
Cc: @CEE - Central/Eastern
Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative
Affairs;
@RUSSIA - Russia/Ukraine
Subject: RE: Response to Senator Helms
-- [UNCLASSIFIED]

My apologies to all. Sent you wrong version.
Attached (version #2) is for your clearance.

-----Original

Message-----

From: Witkowski, Anne A.

Sent: Friday, February 19,

1999 10:10 AM

To: Weiss, Andrew S.; McElDowney, Nancy E.; Flanagan,
Stephen J.; Baker, James E.; Lackey, Miles M.

Cc: @CEE - Central/Eastern

Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative
Affairs;

@RUSSIA - Russia/Ukraine

Subject: Response to Senator Helms --

[UNCLASSIFIED]

Importance: High

FOR ACTION

Andrew, Nancy,
Steve, Jamie, Miles:

Attached is a response to Senator Helms'
letter on CFE and ABM (as it relates to the flank agreement). Need
to get this up to the hill before Albright testifies before SFRC
next Tuesday, so need clearance by 1:00 today. Sorry for short
suspense.

Cover memos to follow.

<< File: 0957ltr.doc >>

TRANSLATED_ATTACHMENT 0957ltr2.doc

Dear Senator Helms:

Thank you for your letter regarding the Conventional Armed Forces in
Europe (CFE)
Treaty.

I am committed to adapting CFE in a way that produces a sound
agreement. An
adapted treaty should reflect changes in the European security
environment since
Treaty signature in 1990, while fully protecting U.S. and alliance

security
interests.

You have expressed concern that the Administration might make a last-minute push to conclude an adapted CFE Treaty prior to the Washington summit. Let me reassure you about our intentions. At last September's Moscow Summit I set forth the goal of concluding an adapted CFE Treaty by the time of the 1999 OSCE summit, now scheduled for this coming November. In December, at the OSCE meeting of Foreign Ministers in Oslo, all CFE states adopted that goal, including Russia. The Ministers also recognized that if this goal were to be accomplished, Parties would need to try to resolve the key outstanding issues in the first months of this year. I want to emphasize that these are goals, not deadlines.

I also want to underscore that as the negotiations have progressed we have kept very much in mind the Senate conditions adopted in the Resolution of Ratification of the 1996 Flank Agreement and maintained a regular dialogue with your staff on these issues. For example, during our consultations on February 11, we briefed your staff on recent progress by Turkey and Russia in reaching an agreement in principle on the main elements that would apply to the flank area under an adapted treaty. We believe these elements, if complemented with a few additional understandings, could provide a basis for agreement among the thirty CFE states on this important issue in the negotiations and reinforce flank states' sovereignty and independence, particularly the New Independent States.

In parallel with the CFE negotiations, we have actively pursued the issue of Russian force withdrawals from Moldova. In December, with our strong support, all OSCE Foreign Ministers agreed on a number of steps that could facilitate resolution of this issue, including the elaboration within six months of an equipment withdrawal schedule. As part of our expanded threat

reduction
assistance initiative, this year we have requested funding from the
Congress that
could help with the costs related to these withdrawals.

You have also raised concern about how CFE will affect our new
NATO allies. NATO
has proposed a treaty structure that will ensure the necessary military
flexibility for an enlarged alliance. This flexibility cannot and will not
be
dependent on the availability of "headroom," but on agreement to
provisions for
temporarily exceeding territorial ceilings that will apply uniformly to
all
states outside the flank area. We have made clear in the negotiations
these
temporary deployments will not be used as a substitute for permanent
stationing.

Finally, with respect to the ABM Treaty, as I stated in the certification
I made
under Condition (9) of the rResolution of Ratification of the CFE
Flank
Agreement, "I will submit to the Senate for advice and consent to
ratification
any international agreement . . . that would add one or more countries
as States
Parties to the ABM Treaty, or otherwise convert the ABM Treaty
from a bilateral
treaty to a multilateral treaty." Consistent with this certification, the
Memorandum of Understanding (MOU) on ABM Treaty Succession,
which was signed on
September 26, 1997, will be provided to the Senate for its advice and
consent.
While I respect the fact that the MOU will not enter into force without
the
advice and consent of the Senate, there is no question the ABM Treaty
has
continued in force following the dissolution of the Soviet Union. If the
Senate
were to fail to approve the MOU, ambiguity would remain about the
extent to which
states other than Russia are Parties; however, the ABM Treaty would
continue in
force.

I look forward to staying in touch with you on these important issues.

Sincerely,

The Honorable Jesse Helms
Chairman, Foreign Relations Committee
United States Senate
Washington, DC

Exchange Mail

DATE-TIME 2/19/99 12:32:23 PM
FROM Weiss, Andrew S.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Response to Senator Helms -- [UNCLASSIFIED]
TO Witkowsky, Anne A.

CARBON_COPY

Andreasen, Steven P.
Bell, Robert G.
Bouchard, Joseph F.
Kelly, Sandra L.
Langley, Janice M.
Mulligan, George D.
Peterman, David (Brian)
Pimentel, Betsy J.
vonLipsey, Roderick K.
Wasserman, Elaine P.
Witkowsky, Anne A.
Barnett, Cheryl E.
Elkind, Jonathan H.
Kaufman, Stuart J.
Pascual, Carlos E.
Segal, Jack D.
Silva, Mary Ann T.
Weiss, Andrew S.
Abercrombie-Winstanley, Gina K.
Burrell, Christina L.
Farrar, Jay C.
Lackey, Miles M.
Rudman, Mara E.
Tavlarides, Mark J.
Bandler, Donald K.
Brown, Keirn C.
Ebitz, Todd D.
Gobush, Matthew N.
Gordon, Philip H.
Hurwitz, Marc I.
McEldowney, Nancy E.
Russ, Judith P.
Tavlarides, Mark J.
Uyehara, Margaret A.
Bandler, Donald K.
Braden, Susan R.
Brown, Keirn C.

Flanagan, Stephen J.
Maxfield, Nancy H.

TEXT_BODY

Looks good. A couple of minor adjustments. Hope I haven't held you up.....

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

From: Witkowski,
Anne A.
Sent: Friday, February 19, 1999 10:46 AM
To: Witkowski,
Anne A.; Weiss, Andrew S.; McEldowney, Nancy E.; Flanagan,
Stephen
J.; Baker, James E.; Lackey, Miles M.
Cc: @CEE - Central/Eastern
Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative
Affairs;
@RUSSIA - Russia/Ukraine
Subject: RE: Response to Senator Helms
-- [UNCLASSIFIED]

My apologies to all. Sent you wrong version.
Attached (version #2) is for your clearance.

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

From: Witkowski, Anne A.
Sent: Friday, February 19,
1999 10:10 AM
To: Weiss, Andrew S.; McEldowney, Nancy E.; Flanagan,
Stephen J.; Baker, James E.; Lackey, Miles M.
Cc: @CEE - Central/Eastern
Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative
Affairs;
@RUSSIA - Russia/Ukraine
Subject: Response to Senator Helms --
[UNCLASSIFIED]
Importance: High

FOR ACTION

Andrew, Nancy,
Steve, Jamie, Miles:

Attached is a response to Senator Helms'
letter on CFE and ABM (as it relates to the flank agreement). Need
to get this up to the hill before Albright testifies before SFRC
next Tuesday, so need clearance by 1:00 today. Sorry for short

suspense.
Cover memos to follow.

<< File: 0957ltr.doc >>

TRANSLATED_ATTACHMENT 0957ltr2.doc

Dear Senator Helms:

Thank you for your letter regarding the Conventional Armed Forces in Europe (CFE) Treaty.

I am committed to adapting CFE in a way that produces a sound agreement. An adapted treaty should reflect changes in the European security environment since Treaty signature in 1990, while fully protecting U.S. and alliance security interests.

You have expressed concern that the Administration might make a last-minute push to conclude an adapted CFE Treaty prior to the Washington summit. Let me reassure you about our intentions. At last September's Moscow Summit I underscored to Russian President Yeltsin our goal of concluding an adapted CFE Treaty by the time of the 1999 OSCE summit, now scheduled for this coming November. In December, at the OSCE meeting of Foreign Ministers in Oslo, all CFE states adopted that goal, including Russia. The Ministers also recognized that if this goal were to be accomplished, Parties would need to try to resolve the key outstanding issues in the first months of this year. I want to emphasize that these are goals, not deadlines.

I also want to underscore that as the negotiations have progressed we

have kept
the Senate conditions adopted in the Resolution of Ratification to the
1996 Flank
Agreement very much in mind and maintained a regular dialogue with
your staff on
these issues. For example, during our consultations on February 11,
we briefed
your staff on recent progress by Turkey and Russia in reaching an
agreement in
principle on the main elements that would apply to the flank area
under an
adapted treaty. We believe these elements, if complemented with
important
additional understandings, could provide a basis for agreement among
the thirty
CFE states on this important issue in the negotiations and reinforce
flank
states' sovereignty and independence, particularly the New
Independent States.

In parallel with the CFE negotiations, we have actively pursued the
issue of
Russian force withdrawals from Moldova. In December, with our
strong support,
all OSCE Foreign Ministers agreed on a number of steps that could
facilitate
resolution of this issue, including the elaboration within six months of
an
equipment withdrawal schedule. As part of the expanded NIS threat
reduction
initiative that I announced in the State of the Union, this year we have
requested funding from the Congress that could help with the costs
related to
Russian troop withdrawals from neighboring countries.

You have also raised concern about how CFE will affect our new
NATO allies. NATO
has proposed a treaty structure that will ensure the necessary military
flexibility for an enlarged alliance. This flexibility cannot and will not
be
dependent on the availability of "headroom," but on agreement to
provisions for
temporarily exceeding territorial ceilings that will apply uniformly to
all
states outside the flank area. We have made clear in the negotiations
these
temporary deployments will not be used as a substitute for permanent
stationing.

Finally, with respect to the ABM Treaty, as I stated in the certification

I made
under Condition (9) of the resolution of ratification of the CFE Flank
Agreement,
"I will submit to the Senate for advice and consent to ratification any
international agreement...that would add one or more countries as
States Parties
to the ABM Treaty, or otherwise convert the ABM Treaty from a
bilateral treaty to
a multilateral treaty." Consistent with this certification, the
Memorandum of
Understanding (MOU) on ABM Treaty Succession, which was signed
on September 26,
1997, will be provided to the Senate for its advice and consent. While
I respect
the fact that the MOU will not enter into force without the advice and
consent of
the Senate, there is no question the ABM Treaty has continued in
force following
the dissolution of the Soviet Union. If the Senate were to fail to
approve the
MOU, ambiguity would remain about the extent to which states other
than Russia
are Parties; however, the ABM Treaty would continue in force.

I look forward to staying in touch with you on these important issues.

Sincerely,

The Honorable Jesse Helms
Chairman, Foreign Relations Committee
United States Senate
Washington, DC

Exchange Mail

DATE-TIME 3/5/99 2:56:16 PM
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Heritage ABM Rebuttal [UNCLASSIFIED]
TO Andreassen, Steven P.
Krass, Caroline D.
Baker, James E.

CARBON_COPY**TEXT_BODY**

I will try to avoid leaping to what would appear to be the otherwise inescapable conclusion that we (State/L) are -- almost 3/4 year into the saga of our (NSC) requesting this analysis -- "nowhere" or, at best, "the check is in the mail" land.

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

From: Andreassen,
Steven P.
Sent: Friday, March 05, 1999 11:50 AM
To: Krass, Caroline
D.; Bell, Robert G.; Baker, James E.
Subject: RE: Heritage ABM Rebuttal
[UNCLASSIFIED]
Importance: High

Caroline --

Regarding the word "promptly" ... we now have a letter from Jesse Helms to the President requesting his views on yet another legal brief holding that the ABM Treaty is no longer in force (done by Doug Feith and George Miron). Moreover, Gaffney and others continue to pound us on the issue, noting it (i.e., the fact the ABM Treaty is no longer in force) as yet another reason why Senators should vote in favor of the Cochran NMD bill next week. Meanwhile, yours truly and his immediate superior are out on the hustings on the ABM debate, unarmed to defend the Administration's position on this vital point (other than to say, "our lawyers say it isn't so," which has always been comforting to me but doesn't necessarily go down well at the Heritage Foundation and CATO). In short, we really need State to produce points that we can use to "push back" on why we believe the ABM Treaty is still in force today. Can you please check to find out what, exactly, Matheson's definition of the phrase "promptly" is, and see

if it can coincide with "early next week."

Thanks. Steve.

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

From: Krass, Caroline D.

Sent: Tuesday, January 26, 1999 9:59 AM

To: Bell, Robert G.; Andreasen,
Steven P.; Baker, James E.

Cc: Rudman, Mara E.; @LEGAL - Legal Advisor;
@DEFENSE - Defense Policy

Subject: RE: Heritage ABM Rebuttal [UNCLASSIFIED]

Jamie

has talked to State/L and Mike Matheson will be promptly preparing talking points in response to the Heritage Foundation study.

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

From: Bell, Robert G.

Sent: Monday, January 25, 1999
8:26 PM

To: Andreasen, Steven P.; Krass, Caroline D.; Baker, James
E.

Cc: Rudman, Mara E.; @LEGAL - Legal Advisor; @DEFENSE - Defense
Policy

Subject: RE: Heritage ABM Rebuttal [UNCLASSIFIED]

Hmmm

#2: Caroline: I don't want to be in a "shoot the messenger" mode here (especially since the messenger has only recently joined our distinguished legal brain trust) but..... (why is there always a "but"?). but the original Heritage Foundation study claiming "no treaty exists" was issued (with some fanfare in certain media), like last summer, and we asked State/L to pull together an impeccable rebuttal argument at that time (months before we even knew Congress was going to slip the merger bill into the final Congressional legislative flurry in October). Lo, many moons ago (actually many months ago) I was quoted -- on the record -- as saying that "inter-agency lawyers find the Heritage Foundation's line of argument singularly unimpressive" and have told others, on background, that it "makes the Sofaer reinterpretation seem brilliantly reasoned by comparison." Since then, I have been valiantly holding the outer perimeter of our defenses on this issue, waiting for the State/L cavalry to arrive to reinforce my lonely position. To be informed now -- at this excruciatingly late date -- that (a) State needs to first figure out how this relates to the merger (not due for many moons (oops, weeks) yet to come, and (b) then they can get down to business here is, excuse my primal

screaming, "singularly uncomfortable". Is it really the case that at State/L they are not only not at Square One, but that there must be a process/discussions/decisions/whatever to even get to Square One? Is it really possible --leaving aside the NSC request for this analysis - that certain folks on the Hill and in conservative think tanks have been parading John Norton Moore and Doug Feith and other conservative legal illuminaries around for over half a year trumpeting their claim and no one -- not a soul -- within the upper reaches or even middle reaches of the Department of State has said -- say at a staff meeting -- or written down a note to be sent to L -- "hey, what are we saying about this?"

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

From: Andreasen,
Steven P.

Sent: Monday, January 25, 1999 4:53 PM

To: Krass, Caroline

D.; Baker, James E.; Bell, Robert G.

Cc: Rudman, Mara E.; @LEGAL

- Legal Advisor

Subject: RE: Heritage ABM Rebuttal [UNCLASSIFIED]

Importance: High

Hmmm

... why do I get the feeling that an imminent clash of Matheson-Hoinkes is on the horizon ... in any event, if this is not "worked out" quickly, suggest we consider asking Holum to step in to adjudicate any process-related perturbations so that someone can get on with it ... otherwise, we risk leaving the field open to that noted international lawyer, George Will ...

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

From: Krass, Caroline D.

Sent: Monday, January 25, 1999 4:47 PM

To: Baker, James E.; Bell,

Robert G.; Andreasen, Steven P.

Cc: Rudman, Mara E.; @LEGAL - Legal

Advisor

Subject: RE: Heritage ABM Rebuttal [UNCLASSIFIED]

State/L

needs to figure out who the appropriate author of the rebuttal will be (in light of the State/ACDA reorganization) and will then prepare something. I explained the importance and will keep you posted.

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

From: Baker, James E.

Sent: Monday, January 25, 1999

12:19 PM

To: Bell, Robert G.; Andreassen, Steven P.
Cc: Rudman,
Mara E.; @LEGAL - Legal Advisor
Subject: RE: Heritage ABM Rebuttal
[UNCLASSIFIED]

Thanks. Caroline Krass is following-up. Please
add her to distribution list.

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

From: Bell,
Robert G.
Sent: Monday, January 25, 1999 12:15 PM
To: Andreassen,
Steven P.; Baker, James E.
Cc: Rudman, Mara E.
Subject: RE: Heritage
ABM Rebuttal [UNCLASSIFIED]

Jamie/Steve:

Just a clarification:
the Condition (#9) was on the CFE Flank Agreement Resolution of
Ratification (not CWC). And our chat was Friday (vice this morning).

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

From: Andreassen, Steven P.
Sent: Monday, January
25, 1999 12:13 PM
To: Baker, James E.
Cc: Bell, Robert G.; Rudman,
Mara E.
Subject: Heritage ABM Rebuttal [UNCLASSIFIED]
Importance: High

Jamie

--

I know you spoke with Bob this morning about the need for a
"legal cut" on whether there is an implicit "clock" ticking on transmitting
the ABM MOU to the Senate, as per Condition 9 of the CWC Resolution
of Ratification (and, taking into account McIntosh).

Some time
ago, we also provided State/L, via the recently departed Newell,
with a copy of the infamous Heritage Foundation brief that makes
the case that the ABM Treaty died with the dissolution of the USSR.
State/L was tasked with putting together a legal rebuttal, which,

to my knowledge, we have yet to see. In short, sooner rather than later, we are going to need to be able to say more than just "we disagree" when confronted by the Heritage Foundation brief (i.e., a legal rebuttal of our own), so that we can push back and try and keep this idea from taking "root" with a majority of Republicans

...

Steve

Exchange Mail

DATE-TIME 3/8/99 8:52:19 AM

FROM Lackey, Miles M.

CLASSIFICATION UNCLASSIFIED

SUBJECT China Hill Calls [UNCLASSIFIED]

TO Hachigian, Nina L.
Bartlett, L. June
Davies, Glyn T.
Dejban, Donna D.
Hachigian, Nina L.
Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Moretz, Sheila K.
O'Brien, Penelope R.
Rice, Edward A.
Scott-Perez, Marilyn L.
Storey, Sharon V.
Sutphen, Mona K.
Arvizu, Alexander A.
Bader, Jeffrey A.
Heitkotter, Karen R.
Lieberthal, Kenneth G.
Pritchard, Charles (Jack) L.
Caravelli, John M.
Edwards, Joan K.
Harris, Elisa D.
Samore, Gary S.
Tucker, Maureen E.
Bobbitt, Philip C.
Crowley, Philip J.
Gobush, Matthew N.
Greenberg, Brenda L.
Hammer, Michael A.
Hurwitz, Marc I.
Leavy, David C.
Williams, Mary C.
Wozniak, Natalie S.

CARBON_COPY Burrell, Christina L.
Lackey, Miles M.
Tavlarides, Mark J.

TEXT_BODY

To: Jim, Jeff, Ken, PJ, and Gary,

To follow up on this morning's
meetings, here's a draft list of hill calls on China.

Additions?

Subtractions?

Miles

Hill

Calls on China

Tom Daschle

Trent Lott

Richard Shelby

Bob

Kerry

Jesse Helms

Joe Biden

Craig Thomas

John Kerry

John

Warner

Carl Levin

(?) Fred Thompson (?)

Joe Lieberman

Denny

Hastert

Dick Gephardt

Porter Goss

Julian Dixon

(Norm Dicks)

Ben

Gilman

Sam Gejdenson

Doug Bereuter

Tom Lantos

Floyd Spence
Ike
Skelton

(?) Dan Burton (?)
Henry Waxman

Friendlies

David
Dreier
Diane Feinstein
Bob Matsui
Jim Kolbe
Howard Berman
Chuck
Hagel
Bob Grams
Chuck Robb

Exchange Mail

DATE-TIME 3/16/99 11:14:03 AM
FROM Bartlett, L. June
CLASSIFICATION UNCLASSIFIED
SUBJECT Guest List for NATO Summit [UNCLASSIFIED]
TO Russ, Judith P.

CARBON_COPY Bartlett, L. June
Dejban, Donna D.
Hasman, Thomas M.
Hilliard, Brenda I.
Joshi, M. Kay
Millison, Cathy L.

TEXT_BODY Judy,

I have only one guest list, the one in package 1599 -- commemorative event -- attached below. Since the other package 1396 (gala dinner on 24 April) is closed out (9 March), we do not have the diskette -- it would have been sent back to your office.

TRANSLATED_ATTACHMENT

1599 Commemorative Guest List Mar 8 99.doc

COMMEMORATIVE EVENT GUEST LIST
APRIL 23, 1999

I. NATO

Delegations of 19 (228 maximum)

Each delegation will be given 12 invitations for the inside portion to include

Leader and leader's spouse, Foreign Minister, Defense Minister, CHOD, Permanent

Representative and other delegation members to be determined.

NATO International Staff (SYG plus 29)

His Excellency

Dr. Javier Solana
Secretary General of NATO

His Excellency
Ambassador Sergio Balanzino
Deputy Secretary General

General Klaus Naumann
Chairman of the Military Committee

Ambassador Klaus-Peter Klaiber
Assistant Secretary General
Political Affairs Division

Mr. Anthony Cragg
Assistant Secretary General
Defense Planning and Operations Division

Mr. Oivind Baekken
Assistant Secretary General
Security Investment, Logistics & Civil Emergency Planning

Mr. Yves Sillard
Assistant Secretary General
Scientific and Environmental Affairs

Mr. Norman W. Ray
Assistant Secretary General
Defense Support

Lieutenant General Ole Kandborg
Director, International Military Staff

Mr. Jorge Domecq
Director, Private Office

Mr. Leo Verbruggen
Executive Secretary

Mr. Holger Pfeiffer
Deputy Assistant Secretary General
Political Affairs Division

Mr. Donald J. McConnell
Deputy Assistant Secretary General
Political Affairs Division

Mr. Frederic M. Krug
Director, NATO Office of Security

Mr. Peter Daniel
Director, Information and Press

Mr. Pieter Feith
Director, Crisis Management and Operations Directorate,
Defense Planning and Operations Division

Dr. Jamie P. Shea
NATO Spokesman

Mr. Charles J. Dale
Director, Defense Partnership & Cooperation Directorate
Defense Planning and Operations Division

Mr. Robert Irvine
Head, Nuclear Policy Directorate
Defense Planning and Operations Division

Dr. John Barrett
Head, Policy Planning
Political Affairs Division

Mr. Ulrich Brandenburg
Head, Partnership and Cooperation Section
Political Affairs Division

Mrs. Jette Nordam
Head, NATO Multilateral and Regional Affairs Section
Political Affairs Division

Mrs. Cristina Gallach
Deputy Spokeswoman

Dr. Bernd A. Goetze
Director, NATO International Staff

Mr. Derek Roberts
Head, Political Economic and Crisis Management Section

Mr. Marc Bentinck
Head, Defense Policy Section
Defense Planning and Operations Division

Colonel Gerd Bischof
Military Assistant to CMC

Mr. Hoyt Yee
Deputy Director of the Private Office

Mr. Ekkehard Brose
Deputy Director of the Private Office

Mr. Alastair Merrill
Deputy Director of the Private Office

Western European Union (2)

The Honorable Jose Cutileiro
Secretary General
Western European Union
#4, rue de la Regence
1000 Brussels, Belgium

One other Senior Official - to be determined

Supreme Allied Commander Europe (2)

General Wesley Clark
Supreme Allied Commander Europe
Supreme Headquarters Allied Powers Europe
APO AE 09705

Mr. Michael Durkee
Political Affairs Advisor to the SACEUR
Supreme Headquarters Allied Powers Europe
APO AE 09705

Supreme Allied Commander Atlantic (2)

Admiral Harold W. Gehman, Jr.
Supreme Allied Commander Atlantic
Headquarters, Allied Command Atlantic
7857 Blandy Road, Suite 100
Norfolk, Virginia 23551-2490

Vice-Admiral E. Van Rijn
SACLANT Representative to NATO
Autoroute de Zaventem
1110 Brussels, Belgium

II. ADMINISTRATION

The White House (names TBD) (50)

National Security Council (13)

The Honorable Samuel R. Berger 1FL/WW WH

The Honorable James B. Steinberg 1FL/WW WH
MG Donald L. Kerrick GFL/WW WH
The Honorable Glyn Davies GFL/WW WH
The Honorable Donald K. Bandler 331 OEOB
Ms. Nancy McEldowney 331 OEOB
Dr. Philip Gordon 331 OEOB
The Honorable Tony Blinken 368 OEOB
The Honorable Stephen Flanagan 372 OEOB
The Honorable Carlos Pascual 374 OEOB
The Honorable David Leavy 489 OEOB
The Honorable Miles Lackey 375 OEOB
The Honorable Robert Bell 386 OEOB
Mark Tavlarides 375 OEOB

Department of State (22) 2201 C Street, N.W., Washington, D.C.

The Honorable Madeleine Albright 7th Floor
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(202) 647-5291

The Honorable Strobe Talbott Room 7220
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The Honorable Barbara Larkin Room 7261
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The Honorable John D. Holum Room 7208
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and Director,
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Ambassador Mary Mel French, Chief of Protocol Room 1232
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The Honorable Marc Grossman Room 6226
Assistant Secretary of State for European Affairs
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The Honorable Jamie Rubin Room 7246
Assistant Secretary of State for Public Affairs and
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Mr. Charles Duncan Room 6311
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Major General Joseph Garrett, Deputy Director, Room 3800
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Washington D.C. 20318-5101

Lieutenant General David S. Weisman
U.S. Representative, NATO Military Committee
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Washington D.C. 20318-5104

III. CONGRESS

In addition, 44 seats will be allocated by the leadership

Senate (33)

The Honorable Trent Lott
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The Honorable Thomas A. Daschle
United States Senate
Room 509 Senate Hart Office Building
Washington D.C. 20510
(202) 224-2321

The Honorable Strom Thurmond
United States Senate
Room 217 Senate Russell Office Building
Washington D.C. 20510
(202) 224-6233

The Honorable Jesse Helms

United States Senate
Room 403 Senate Dirksen Office Building
Washington, D.C. 20510
(202) 224-6342

The Honorable Joseph R. Biden, Jr.
United States Senate
Room 221 Senate Russell Office Building
Washington, D.C. 20510
(202) 224-5042

The Honorable Robert C. Byrd
United States Senate
Room 311 Senate Hart Office Building
Washington, D.C. 20510
(202) 224-3954

The Honorable Richard G. Lugar
United States Senate
Room 306 Senate House Office Building
Washington, D.C. 20510
(202) 224-4814

The Honorable Gordon Smith
United States Senate
Room 359 Senate Dirksen Office Building
Washington, D.C. 20510
(202) 224-3753

The Honorable William V. Roth, Jr.
United States Senate
Room 104 Senate Hart Office Building
Washington D.C. 20510
(202) 224-2441

The Honorable John Warner
United States Senate
Room 225 Senate Russell Office Building
Washington, D. C. 20510
(202) 224-2023

The Honorable Carl Levin
United States Senate
Room 459 Senate Russell Office Building
Washington, D. C. 20510
(202) 224-6221

The Honorable Ted Stevens
United States Senate
Room 522 Senate Russell Office Building
Washington, D. C. 20510

(202) 224-3004

The Honorable Daniel K. Inouye
United States Senate
Room 722, Senate Hart Office Building
Washington, D. C. 20510
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The Honorable Jon Kyl (R-AZ)
United States Senate
724 Hart Senate Office Building
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The Honorable Paul Coverdell (R-GA)
United States Senate
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Washington, D. C. 20510
(202) 224-3643

The Honorable Charles Hagel (R-NE)
United States Senate
346 Russell Senate Office Building
Washington, D. C. 20510
(202) 224-4224

The Honorable Barbara Mikulski (D-MD)
United State Senate
709 Hart Senate Office Building
Washington, D. C. 20510
(202) 224-4654

The Honorable John McCain (R-AZ)
United States Senate
241 Russell Senate Office Building
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The Honorable Joseph Lieberman (D-CT)
United States Senate
706 Hart Senate Office Building
Washington, D. C. 20510
(202) 224-4041

The Honorable Charles Robb (D-VA)
United States Senate
154 Russell Senate Office Building
Washington, D. C. 20510
(202) 224-4024

The Honorable Judd Gregg (R-NH)

United States Senate
393 Russell Senate Office Building
Washington, D. C. 20510
(202) 224-3324

The Honorable Ernest Hollings (D-SC)
United States Senate
125 Russell Senate Office Building
Washington, D. C. 20510
(202) 224-6121

The Honorable Mitch McConnell, Jr.
United States Senate
361A Senate Russell Office Building
Washington D.C. 20510
(202) 224-2541

The Honorable Patrick Leahy
United States Senate
433 Senate Russell Office Building
Washington D.C. 20510
(202) 224-4242

The Honorable Jeff Bingaman
United States Senate
703 Senate Hart Office Building
Washington, D.C. 20510
(202) 224-5521

The Honorable Byron Dorgan
United States Senate
713 Senate Hart Office Building
Washington, D.C. 20510
(202) 224-2551

The Honorable Robert J. Kerrey
United States Senate
141 Senate Hart Office Building
Washington, D.C. 20510
(202) 224-6551
The Honorable Daniel Patrick Moynihan
United States Senate
464 Senate Hart Office Building
Washington, D.C. 20510
(202) 224-4451

The Honorable Paul S. Sarbanes
United States Senate
309 Senate Hart Office Building
Washington, D.C. 20510

(202) 224-4524

The Honorable Paul Wellstone
United States Senate
136 Senate Hart Office Building
Washington, D.C. 20510
(202) 224-6541

The Honorable Olympia Snowe
United States Senate
250 Senate Russell Office Building
Washington, D.C. 20510
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The Honorable Kay Bailey Hutchison
United States Senate
283 Senate Russell Office Building
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(202) 224-5922

The Honorable Frank Lautenberg
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506 Senate Hart Office Building
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House of Representatives (23)

The Honorable Floyd Spence
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The Honorable Ike Skelton
United States House of Representatives
Room 2206, Rayburn House Office Building
Washington, D. C. 20515
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The Honorable C. W. Bill Young
United States House of Representatives
Room 2407, Rayburn House Office Building
Washington, D. C. 20515
(202) 225-5961

The Honorable John P. Murtha

United States House of Representatives
Room 2423, Rayburn House Office Building
Washington, D. C. 20515
(202) 225-2065

The Honorable Richard A. Gephardt
United States House of Representatives
Room 1226 Longworth House Office Building
Washington D.C. 20515
(202) 225-2671

The Honorable J. Dennis Hastert
United States House of Representatives
Room 2263 Rayburn House Office Building
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(202) 225-2976

The Honorable Benjamin A. Gilman
United States House of Representatives
Room 2449 Rayburn House Office Building
Washington D.C. 20515
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The Honorable Sam Gejdenson
United States House of Representatives
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Washington D.C. 20515
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The Honorable Jerry Lewis
United States House of Representatives
Room 2112 Rayburn House Office Building
Washington D.C. 20515
(202) 225-5861

The Honorable John Spratt Jr.
United States House of Representatives
Room 1536 Longworth House Office Building
Washington D.C. 20515
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The Honorable Herbert Bateman
United States House of Representatives
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The Honorable David R. Obey (D-WI)
United States House of Representatives
2314 Rayburn House Office Building
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(202) 225-3365

The Honorable Harold Rogers (R-KY)
United States House of Representatives
2470 Rayburn House Office Building
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The Honorable Jose E. Serrano (D-NY)
United States House of Representatives
2332 Rayburn House Office Building
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The Honorable Nancy Pelosi (D-CA)
United States House of Representatives
2457 Rayburn House Office Building
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The Honorable Sonny Callahan (R-AL)
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2466 Rayburn House Office Building
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The Honorable Doug Bereuter (R-NE)
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The Honorable Porter J. Goss (R-FL)
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The Honorable Norman Sisisky (D-VA)
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The Honorable Joseph M. McDade
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The Honorable David E. Bonior

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The Honorable Tom Lantos
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The Honorable Julian C. Dixon
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IV. LOCAL GOVERNMENT (1)

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V. BUSINESS LEADERS (25)

Host Committee CEOs

VI. FORMER OFFICIALS (total)

Former Secretaries of State (7)

The Honorable Warren M. Christopher
O'Melveny & Myers
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Los Angeles, California 90067
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The Honorable Cyrus Vance
Simpson Thacher and Bartlett
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The Honorable General Alexander Haig (Ret.)

Worldwide Associates
1155 15th Street, Suite 800
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202-429-9788

The Honorable Lawrence Eagleburger
Chairman, International Comm on Holocaust Era Insurance Claims
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Washington DC 20005
202-289-4100

The Honorable James A. Baker III
Baker and Botts
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Houston, TX 77002
713-229-1306

The Honorable Henry A. Kissinger
Kissinger Associates
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New York, NJ
212-759-7919

The Honorable George P. Shultz
Hoover Institution
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Stanford, CA 94305-6010
(650) 723-3112

Former Secretaries of Defense (1)

The Honorable William J. Perry
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Former Chairmen of the Joint Chiefs of Staff (2)

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Admiral William J. Crowe (Ret.)
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703-973-0373

Former National Security Advisors (4)

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202-296-9312

General Colin L. Powell, USA (Ret)
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Dr. Zbigniew Brzezinski
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Former Supreme Allied Commanders Europe (1)

General George Joulwan, USA (Ret.)
1348 S. 19th
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Former Supreme Allied Commander Atlantic (1)

General John J. Sheehan, USMC (Ret.)
No. 2 Whaddon
William Mews
London SW1X9HG United Kingdom

VII. PRIVATE SECTOR (HISTORIC/POLICY/CULTURE) (54 total)

Historical Personages (6)

Mrs. Margaret Truman Daniel
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Daughter of former President Harry Truman

Mr. David Acheson, President
Atlantic Council of the United States
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Son of former Secretary of State present at 1949 signature of the
North Atlantic
Treaty by his father

The Honorable Avis T. Bohlen
United States Ambassador to Bulgaria
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As a child, Ambassador Bohlen accompanied her father, Ambassador
Charles Bohlen,
to the signing of the Washington Treaty

Mr. Walter Cronkite
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The Honorable George Kennan
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Policy Planning Director at the time of the signing in 1949

Mr. Gail S. Halvorsen
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During the Berlin airlift he was the pilot that dropped the candy

Policy/Academia (48)

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Prof. Ernest May
Harvard University
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Room L352
Cambridge, MA 02138
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FAX: (617) 496-6886

Mrs. Gail Kruzel (widow of Dr. Joseph Kruzel-died in Bosnia)
6618 Jill Court
McLean, Virginia 22101
(703) 442-9510

Mrs. Sandra J.S. Drew (widow of Mr. Nelson Drew-died in Bosnia)
12769 Flat Meadow Lane
Herndon, VA 22071
(703) 758-7625

Mrs. Katharina Frasure
(widow of Mr. Robert C. Frasure-died in Bosnia, Aug, 19, 1995)
212 S. Pitt Street
Alexandria, VA 22314
(703) 684-4018

Mrs. Elfie Woerner (widow of former SecGen Manfred Woerner)
Riesheinerstr. 8
82166 Graeselsing/Munich
Federal Republic of Germany
(011-49-89) 855-922
FAX: (011-49-89) 854-3107

VIII. ETHNIC, VETERANS, LABOR (to be provided by OPL) (200)

21

29

1599

Exchange Mail

DATE-TIME 3/18/99 1:22:21 PM
FROM Wippman, David
CLASSIFICATION UNCLASSIFIED
SUBJECT Helms' letter on human rights E.O. [UNCLASSIFIED]
TO Lackey, Miles M.
Krass, Caroline D.

CARBON_COPY Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.
Burrell, Christina L.
Lackey, Miles M.
Tavlarides, Mark J.
Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefine (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Williamson, Joel E.
Wippman, David

TEXT_BODY I am still awaiting State/L's clearance on the attached, but hope to have it this afternoon. Would appreciate your comments/concurrence asap; this is overdue and ExecSec is looking for it.

TRANSLATED_ATTACHMENT 1091 Berger memo.doc

March 13, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Implementation of Human Rights Treaties

Attached is a memorandum to the President and a response to a letter from Senator Helms and 28 others on the above subject.

Concurrence by: Caroline Krass, Miles Lackey

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

1091

TRANSLATED_ATTACHMENT 1091 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

LARRY STEIN

SUBJECT: Implementation of Human Rights Treaties

Purpose

To respond to a letter from Senator Helms and 28 other senators about Executive Order 13107 relating to the implementation of human rights treaties.

Background

On Human Rights Day, you signed an Executive Order that reaffirms our commitment to the implementation of our human rights treaty obligations and enhances our ability to ensure that such obligations are carried out. Senator Helms and 28 others wrote to inform you that they have received a "deluge" of phone calls from citizens expressing concern that it is the intent of this Order is to circumvent the Senate's role in the ratification process. (We have received a significant amount of positive response to the Order as well.) The Senators ask you to confirm several points relating to the Order and to provide a list of the human rights treaties covered by the Order.

Your response confirms each of the points raised by the letter. It reassures the Senators that the EO does not authorize the circumvention of the Senate's role in the ratification process.

RECOMMENDATION

That you sign the attached letter.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

TRANSLATED_ATTACHMENT 1091 Helms letter.doc

Dear Senator Helms:

Thank you for your letter regarding Executive Order 13107 relating to the implementation of human rights treaties. I issued this Order on the 50th anniversary of the adoption of the Universal Declaration of Human Rights to reaffirm our commitment to the fundamental values enshrined in that document.

In response to your first point, I can confirm that the Order relates only to the implementation of those human rights treaty obligations the United States has assumed, subject to any reservations, declarations or understandings, as a result of having ratified the respective treaties in accordance with our constitutional procedures. (Per your request, a list of those treaties is attached.) The Order is not intended to implement any treaty the United States has not ratified or to circumvent the Senate's role of providing advice and consent in the ratification process.

Second, the Order does not cause any non-self-executing treaty provision to take on the force of U.S. law. Rather, the purpose of the Order is to reaffirm to Executive Branch agencies their role in fulfilling U.S. obligations under those human rights treaties to which the United States is a party and to establish an interagency process that will enhance our ability to carry out such duties.

Third, the Order is not intended to authorize the unilateral

modification by the
Executive Branch of current reservations, understandings, declarations
or
provisos contained in the Senate's resolutions of ratification giving
advice and
consent to these treaties. It is my understanding that changes of this
type
could be made either with the Senate's advice and consent or by some
other
recognized constitutional method, such as legislation enacted by the
Congress as
whole.

I hope this information allays any concerns that you or your
constituents may
have about this Order. Please let me know if you need further
clarification on
these or other points.

Thank you for sharing your thoughts with me on this issue.

Sincerely,

The Honorable Jesse Helms
United States Senate
Washington, D.C. 20510

Human Rights Treaties to Which the United States is a Party

The Agreement for the Suppression of the White Slave Traffic of May
18, 1904, as
amended by a Protocol of May 4, 1949;

The Convention to Suppress the Slave Trade and Slavery of
September 25, 1926, as
amended by a Protocol of December 7, 1953;

The Convention on the Prevention and Punishment of the Crime of
Genocide of
December 9, 1948;

The Inter-American Convention on the Granting of Political Rights to
Women of
March 17, 1949;

The Convention on the Political Rights of Women of
March 31, 1953;

The Supplementary Convention on the Abolition of Slavery, the Slave
Trade, and
Institutions and Practices Similar to Slavery of September 7, 1956;

The Convention Concerning the Abolition of Forced Labor of June
25, 1957 (ILO
Convention 105);

The International Convention on the Elimination of All Forms of
Racial
Discrimination of December 21, 1965;

The International Covenant on Civil and Political Rights of December
16, 1966;

The Protocol Relating to the Status of Refugees of
January 31, 1967; and

The Convention Against Torture and Other Cruel and Other Cruel,
Inhuman or
Degrading Treatment or Punishment of December 10, 1984.

Exchange Mail

DATE-TIME 3/18/99 6:29:18 PM
FROM Wippman, David
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Helms' letter on human rights E.O. [UNCLASSIFIED]
TO Hill, Roseanne M.

CARBON_COPY

TEXT_BODY

Can you accept all the changes in the package below and print out in final for me to proof and then to give to Eric? Thanks.

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

From: Krass, Caroline D.
Sent: Thursday, March 18,
1999 6:20 PM
To: Wippman, David
Cc: @LEGAL - Legal Advisor; @MULTILAT
- Multilateral and Humanitarian Affairs; @LEGISLAT - Legislative
Affairs
Subject: FW: Helms' letter on human rights E.O. [UNCLASSIFIED]

Justice/OLC

either wants both "seek to" and "seeking" in the fourth paragraph (I have added in the attached) or for us to delete these two phrases altogether. With that change and a few other minor changes to the cover memos, we clear.

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

From: Wippman,
David
Sent: Thursday, March 18, 1999 4:40 PM
To: Lackey, Miles
M.; Krass, Caroline D.; Schwartz, Eric P.
Cc: @LEGAL - Legal Advisor;
@LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral and
Humanitarian
Affairs
Subject: FW: Helms' letter on human rights E.O. [UNCLASSIFIED]

I
have made some revisions to the Helms letter after further
conversations

with State and Justice. They are OK with the letter as it is now. Would appreciate your concurrence by COB if at all possible.

-----Original

Message-----

From: Wippman, David

Sent: Thursday, March 18, 1999

1:22 PM

To: Lackey, Miles M.; Krass, Caroline D.

Cc: @LEGAL - Legal

Advisor; @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral

and Humanitarian Affairs

Subject: Helms' letter on human rights

E.O. [UNCLASSIFIED]

I am still awaiting State/L's clearance on the attached, but hope to have it this afternoon. Would appreciate your comments/concurrence asap; this is overdue and ExecSec is looking for it.

TRANSLATED_ATTACHMENT 1091 Berger memo.doc

March 13, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Implementation of Human Rights Treaties

Attached is a memorandum to the President and a response to a letter from Senator Helms and 28 other Senators on the above subject.

Concurrence by: Caroline Krass, Miles Lackey

RECOMMENDATION

That you sign the attached memorandum.

Attachments
Tab I Memorandum to the President
Tab A Proposed Response
Tab B Incoming Correspondence
1

1091

TRANSLATED_ATTACHMENT 1091 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Implementation of Human Rights Treaties

Purpose

To respond to a letter from Senator Helms and 28 other Senators
about Executive
Order 13107 relating to the implementation of human rights treaties.

Background

On Human Rights Day, you signed an Executive Order that reaffirms
the U.S.
commitment to the implementation of our human rights treaty
obligations and
enhances our ability to ensure that such obligations are carried out.
Senator
Helms and 28 other Senators wrote to inform you that they have
received a
"deluge" of phone calls from citizens expressing concern that it is the
intent of
this Order is to circumvent the Senate's role in the treaty ratification
process.
(We have received a significant amount of positive response to the

Order as
well.) The Senators ask you to confirm several points relating to the
Order and
to provide a list of the human rights treaties covered by the Order.

Your response confirms each of the points raised by the letter. It
reassures the
Senators that the Order does not authorize the circumvention of the
Senate's role
in the ratification process.

RECOMMENDATION

That you sign the attached letter.

Attachments
Tab A Proposed Response
Tab B Incoming Correspondence

2

1091

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 1091 Helms letter.doc

Dear Senator Helms:

Thank you for your letter regarding Executive Order 13107 relating to
the
implementation of human rights treaties. I issued this Order on the
50th
anniversary of the adoption of the Universal Declaration of Human
Rights to
reaffirm our commitment to the fundamental values enshrined in that
document.

In response to your first point, I can confirm that the Order relates only to the implementation of those human rights treaty obligations the United States has assumed, subject to any reservations, declarations or understandings, as a result of having ratified the respective treaties in accordance with our constitutional procedures. (Per your request, a list of those treaties is attached.) The Order is not intended to implement any treaty the United States has not ratified or to circumvent the Senate's role of providing advice and consent in the ratification process.

Second, the Order does not cause any non-self-executing treaty provision to take on the force of U.S. law. Rather, the Order reaffirms to Executive Branch agencies their role in fulfilling U.S. obligations under those human rights treaties to which the United States is a party and establishes an interagency process that will enhance our ability to carry out such duties.

Third, the Order is not intended to authorize the unilateral modification by the Executive Branch of current reservations, understandings, or declarations contained in the Senate's resolutions of ratification giving advice and consent to these treaties. My Administration would not [seek to] make such modifications to the resolutions of ratification for these treaties without [seeking] the Senate's advice and consent.

I hope this information allays any concerns that you or your constituents may have about this Order. Please let me know if you need further clarification on these or other points.

Thank you for sharing your thoughts with me on this issue.

Sincerely,

The Honorable Jesse Helms
United States Senate
Washington, D.C. 20510

Human Rights Treaties to Which the United States is a Party

The Agreement for the Suppression of the White Slave Traffic of May 18, 1904, as amended by a Protocol of May 4, 1949;

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The Inter-American Convention on the Granting of Political Rights to Women of March 17, 1949;

The Convention on the Political Rights of Women of March 31, 1953;

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956;

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