

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Gregory Schulte to June Bartlett, Donna Dejbán, Thomas Hasman et al. Subject: FW: Chief of Staff Update to POTUS. (3 pages)	03/01/1999	P1/b(1)
002. email	Stuart Kaufman to Anne Witkowsky, Jonathan Elkind, Regina Faranda et al. Subject: RE: Moldovans Seriouser on Russian Arms and TLE. (5 pages)	03/05/1999	P1/b(1)
003. email	Michael Hurley to James Baker and Miriam Shapiro. Subject: RE: Helms Request for the "Christmas Warning." (3 pages)	03/22/1999	P1/b(1)
004. email	Jeffery McCausland to Steven Andreasen. Subject: Berger Readahead. (4 pages)	03/30/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Senator Helms])
OA/Box Number: 620000

FOLDER TITLE:

[02/23/1999-04/09/1999]

2006-1363-F

vz5664

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]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Exchange Mail

DATE-TIME 2/23/99 7:36:18 AM
FROM Tavlarides, Mark J.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Package 0957 - Letter to Senator Helms re CFE / ABM [UNCLASSIFIED]
TO Kaplan, Dean M.
Hasman, Thomas M.
Rice, Edward A.

CARBON_COPY Bartlett, L. June
Cosgriff, Kevin J.
Davies, Glyn T.
Dejban, Donna D.
Elkon, Nicole L.
Hasman, Thomas M.
Hilliard, Brenda I.
Jacobson, Tracey A.
Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Rice, Edward A.
Darnes, Victoria J.
Ficklin, John W.
Kaplan, Dean M.
Marsh, Thomas S
Porter, Pete
Sanborn, Daniel R. K.
Starks, Tali T.
Burrell, Christina L.
Lackey, Miles M.
Tavlarides, Mark J.
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.
Bellamy, Ralph C.
George, Christopher L.

TEXT_BODY

Both. Could we have a copy as well. Thanks.

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

From: Kaplan,
Dean M.

Sent: Tuesday, February 23, 1999 7:27 AM

To: Hasman, Thomas

M.; Rice, Edward A.

Cc: @EXECSEC - Executive Secretary; @WWD - West
Wing Desk; @LEGISLAT - Legislative Affairs; @DEFENSE - Defense Policy;
Bellamy, Ralph C.; George, Christopher L.

Subject: RE: Package 0957

- Letter to Senator Helms re CFE / ABM [UNCLASSIFIED]

We (RMO)

will hand-carry to Helms this morning, per Col. Rice.

-----Original

Message-----

From: Hasman, Thomas M.

Sent: Monday, February 22,
1999 11:16 PM

To: Rice, Edward A.

Cc: @EXECSEC - Executive Secretary;

@WWD - West Wing Desk; @LEGISLAT - Legislative Affairs; @DEFENSE
- Defense Policy; Bellamy, Ralph C.; George, Christopher L.

Subject: Package

0957 - Letter to Senator Helms re CFE / ABM [UNCLASSIFIED]

Importance: High

This

package is at WWD awaiting dispatch instructions. Anne Witkowsky
would like the letter to reach Sen. Helms before Albright gives testimony
before SFRC. Would faxing the letter be appropriate, or should we
arrange courier delivery w/ Records Management?

Exchange Mail

DATE-TIME 2/25/99 10:25:32 AM
FROM Wippman, David
CLASSIFICATION UNCLASSIFIED
SUBJECT Eizenstat response to Helms Foreign Affs Article [UNCLASSIFIED]
TO 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
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.
Duncan, John D.
Hammonds, D. Holly
Hendricks, Lori A.
Holtzapple, Richard A.
Lee, Malcolm R.
McNamer, Bruce
Mitsler, Elaine M.
Schaefer, Matthew P.

CARBON_COPY

TEXT_BODY FYI, U/S Eizenstat has drafted a reply to Senator Helms' Foreign Affairs piece on sanctions. He is sending it here for comments/clearance. I will circulate when I receive it.

Withdrawal/Redaction Marker

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Exchange Mail

DATE-TIME 3/2/99 1:42:02 PM
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: SRB Hill Meetings - Request for Points [UNCLASSIFIED]
TO Andreasen, Steven P.

CARBON_COPY

TEXT_BODY

ok by me

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

From: Andreasen, Steven P.

Sent: Tuesday, March 02, 1999 12:52 PM

To: Bell, Robert G.

Subject: RE:

SRB Hill Meetings - Request for Points [UNCLASSIFIED]

Importance: High

Bob

-- Here's a draft input for Biden meeting on CTBT ... Steve. Once you approve, I'll forward to Miles. Steve.

Background

Senator

Biden has stated that CTBT is his top foreign policy goal for this session. Unfortunately, Senator Helms has already dug himself in against any action on CTBT prior to Senate consideration of the ABM accords and Kyoto protocol -- neither of which we are likely to submit to the Senate this year (unless the Duma unexpectedly acts on START II). A key objective for your meeting is to get Biden's sense as to how best to proceed in light of Helms' refusal to schedule CTBT hearings.

CTBT

* The President has approved an all-out effort to get CTBT ratified this year. Glad to hear that you mentioned CTBT as your top priority. We will want to work closely with you and your staff to get this done.

* Disappointing -- but not

unexpected -- that Senator Helms has already taken a hard line, demanding the ABM agreements and Kyoto prior to any consideration of CTBT.

* Given we do not want a debate on the ABM accords to precede START II ratification in Russia, and that START II's fate is highly uncertain, I suspect we will need to work with Senate Democrats to identify possible "trades" and/or "hostages" that involve CTBT and a Republican legislative priority.

* Do you share our view there is little chance of changing Jesse's mind on scheduling CTBT hearings in the absence of our submitting the ABM accords?

* What is your advice as to how to proceed, given the current impasse? Do you believe Secretary Albright should engage Senator Helms now? What are the legislative priorities you believe the Republicans might be prepared to "deal" on in exchange for a vote on CTBT before September?

-----Original

Message-----

From: Bell, Robert G.

Sent: Tuesday, March 02, 1999

8:27 AM

To: Sutphen, Mona K.; @BOSNIA - Bosnian Affairs; @NESASIA - NE/South Asia; @DEFENSE - Defense Policy; @RUSSIA - Russia/Ukraine; @NONPRO - Export Controls; @ASIA - Asian Affairs; @NATO; @INTERAM - Inter-American; @TRANSNATIONAL - Transnational Threats

Cc: @LEGISLAT

- Legislative Affairs; @NSA - Natl Security Advisor

Subject: RE:

SRB Hill Meetings - Request for Points [UNCLASSIFIED]

I had understood the Biden meeting would include "arms control" (read, "CTB ratification"). Think SB should put on agenda, even if Biden hasn't.

-----Original

Message-----

From: Sutphen, Mona K.

Sent: Monday, March 01, 1999

9:37 PM

To: @BOSNIA - Bosnian Affairs; @NESASIA - NE/South Asia; @DEFENSE - Defense Policy; @RUSSIA - Russia/Ukraine; @NONPRO - Export Controls; @ASIA - Asian Affairs; @NATO; @INTERAM - Inter-American; @TRANSNATIONAL - Transnational Threats

Cc: @LEGISLAT - Legislative

Affairs; @NSA - Natl Security Advisor

Subject: SRB Hill Meetings
- Request for Points [UNCLASSIFIED]

To All -

Sandy will have
a series of Hill meetings later this week: Senator Conrad (3/3),
Senators McCain/Dodd (3/3), Senator Biden (3/4) and Speakers Lott/Hastert
(3/4). In preparation for this session, SRB will need background
and TPs on the issues noted below. Please note different deadlines
noted, and make sure you clear your submissions w/Miles. Call w/questions.
Thanks.

Senator Conrad - Subjects: B52s, Minot AFB, and decreasing
Russian tactical nuclear weapons; updated paper (if required) due
by 4:00 p.m. on Tuesday 3/2 (Action: Defense)

Senators McCain/Dodd
- Subject: Mexico Certification; paper due by 4:00 p.m. on Tuesday
3/2 (Action: Interam; Transnational)

Senator Biden - Subjects:
Iraq/Kosovo, paper due by noon on Wednesday 3/3 (Action NESA/Bosnia)

Speakers
Lott/Hastert - Subjects: Kosovo, NMD, Russia/Non-pro, China (Cox/Dicks)
Iraq, NATO Summit, North Korea, and Jordan Supplemental; paper due
by noon on Wednesday 3/3 (Action: Bosnia, Defense, Russia, Non-pro,
Asia, NATO, NESA)

Exchange Mail

DATE-TIME 3/4/99 8:46:49 AM
FROM Lackey, Miles M.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: CTBT Input for Biden-Berger Meeting [UNCLASSIFIED]
TO Andreasen, Steven P.
Burrell, Christina L.
Lackey, Miles M.
Tavlarides, Mark J.

CARBON_COPY Andreasen, Steven P.
Bell, Robert G.
Bouchard, Joseph F.
Kelly, Sandra L.
Mulligan, George D.
Peterman, David (Brian)
Pimentel, Betsy J.
vonLipsey, Roderick K.
Wasserman, Elaine P.
Witkowsky, Anne A.

TEXT_BODY looks good -- could you send to mona?
Miles

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

From: Andreasen,
Steven P.
Sent: Tuesday, March 02, 1999 3:26 PM
To: @LEGISLAT
- Legislative Affairs
Cc: @DEFENSE - Defense Policy
Subject: CTBT
Input for Biden-Berger Meeting [UNCLASSIFIED]
Importance: High

Miles

-- a few tweaks from the version we had done a few weeks ago. For your clearance. Let me know if we should send this over separately to Mona, or, if you intend to incorporate it into a comprehensive submission. Steve.

Background

Senator Biden has stated that CTBT is his top foreign policy goal for this session. Unfortunately, Senator Helms has already dug himself in against any action on CTBT prior to Senate consideration of the ABM accords and Kyoto protocol -- neither of which we are likely to submit to the Senate this year (unless the Duma unexpectedly acts on START II). A key objective for your meeting is to get Biden's sense as to how best to proceed in light of Helms' refusal to schedule CTBT hearings.

CTBT

* The

President has approved an all-out effort to get CTBT ratified this year. Glad to hear that you mentioned CTBT as your top priority. We will want to work closely with you and your staff to get this done.

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not want a debate on the ABM accords to precede START II ratification in Russia, and that START II's fate is highly uncertain, I suspect we will need to work with Senate Democrats to identify possible "trades" and/or "hostages" that involve CTBT and a Republican legislative priority.

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* What is your advice as to

how to procede, given the current impasse? Do you believe Secretary Albright should engage Senator Helms now? What are the legislative priorities you believe the Republicans might be prepared to "deal" on in exchange for a vote on CTBT before September?

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Exchange Mail

DATE-TIME 3/11/99 8:19:46 PM
FROM Duncan, John D.
CLASSIFICATION UNCLASSIFIED
SUBJECT Correspondence [UNCLASSIFIED]
TO Mitsler, Elaine M.

CARBON_COPY Hammonds, D. Holly

TEXT_BODY Elaine,
If you could do the same final prep, clearance process
for this package, I would gladly pay you on Tuesday!!!!!! John

TRANSLATED_ATTACHMENT POTUS Memorandum in Reply to Jesse Helms.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Response to Senator Jesse Helms Who is Complaining of
Japan's Resistance
to the APEC Sectoral Initiative on Forest Products

Purpose

To provide a response to a letter from Senator Jesse Helms requesting
that you
give your personal attention to the lack of progress in the APEC
sectoral
initiative on forest products, and that you press Japan on its

unwillingness to
commit to reducing tariffs as a way of resolving the current impasse.

Background

Senator Jesse Helms wrote to express his support for the APEC
sectoral
initiative, primarily with respect to forest products, and requested that
you
make the issue a priority in U.S. dealings with Japan. He asks that you
give the
matter your personal attention, and believes that if you press Japan on
its
unwillingness to commit to reducing tariffs it may help to resolve the
current
impasse. Your response points out that we will be pressing Japan to
live up to
the obligations it undertook in Malaysia in November to work
constructively to
conclude an agreement encompassing all eight sectors in 1999.

RECOMMENDATION

That you sign the letter at Tab A

Attachment

Tab A Response to Senator Jesse Helms

Tab B Incoming Correspondence from Senator Helms

2

6955

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT SRB Action Memo re Senator Helms.doc

March 11, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: D. HOLLY HAMMONDS

FROM: JOHN D. DUNCAN, JR.

SUBJECT: Presidential Response to Complaint by Senator Jesse Helms of Japanese Resistance to the APEC Sectoral Initiative on Forest Products

Senator Jesse Helms wrote the President to express his support for the APEC sectoral initiative, primarily with respect to forest products, and requested that he make resolution of the issue a priority in U.S. dealings with Japan. Senator Helms asked that the President give the matter his personal attention, and stressed that if the President were to press Japan on its unwillingness to commit to reducing tariffs it may help to resolve the current impasse.

The proposed response does not commit the President to personally intervene, but points out that we will be pressing Japan to live up to the obligations it undertook in Malaysia in November to work constructively to conclude an agreement encompassing all eight sectors in 1999.

Concurrence by: Alex Arvizu, Miles Lackey

RECOMMENDATION

That you sign the memo to the President and approve the proposed response to Senator Helms.

Attachment

Tab I Memorandum to the President

Tab A Letter to Senator Jesse Helms

Tab B Incoming Correspondence from Senator Helms

6955

TRANSLATED_ATTACHMENT POTUS Letter to Sen. Helms re Forest Prod.doc

Dear Mr. Chairman:

Thank you for your letter supporting the APEC sectoral initiative on forest products, and expressing concern about Japan's position throughout the APEC negotiations on this issue.

As you may be aware, the meeting in Malaysia last November resulted in agreement to send a proposal for tariff cuts in all of the eight sectors under consideration, including forest products, to the World Trade Organization (WTO) with the aim of concluding an agreement in 1999. This initiative will allow us to broaden participation beyond the APEC economies and to bind and enforce tariffs in the WTO. While there are many obstacles to achieving this objective, we will be pushing hard to achieve it. We will also continue to work hard to pare down excessive requests for product reservations in forest products, as well as other sectors, in the new context of the WTO negotiations.

While the position taken by Japan throughout the sectoral liberalization exercise was very disappointing, we will press them hard this year to live up to the obligation they, along with other participating APEC economies, undertook in November to work constructively to conclude an agreement encompassing all eight sectors in 1999.

We fully share the American forest and paper industry's objective of improved access to Asian markets and appreciate very much your interest in, and support for, our efforts to advance that objective through sectoral liberalization. We look forward to a continued close working relationship with you and the forest products industry as this initiative moves forward.

Sincerely,

The Honorable Jesse Helms
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510-6225

Exchange Mail

DATE-TIME 3/15/99 7:53:07 PM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: CATO Remarks [UNCLASSIFIED]
TO Andreasen, Steven P.

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

TEXT_BODY

Above are Legal's comments.

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

From: Andreasen,
Steven P.
Sent: Sunday, March 14, 1999 7:06 PM
To: Bell, Robert
G.; Krass, Caroline D.; Lackey, Miles M.
Cc: @DEFENSE - Defense
Policy
Subject: CATO Remarks [UNCLASSIFIED]
Importance: High

Colleagues

--

Comments on the attached 10-minute presentation and Q/A's on NMD/ABM would be welcome. Note in particular that the Q/A's address a number of topical policy, legal, and legislative issues.

Thanks.
Steve.

<< File: Remarks for CATO Policy Forum NMD and ABM.doc
>>

TRANSLATED_ATTACHMENT Remarks for CATO Policy Forum NMD and ABM.doc
Remarks for CATO Policy Forum

National Missile Defense: Which Path is Best?

(Draft: 3/14/99/5:30 p.m.)

Introduction

* Thank CATO and Ivan Eland for hosting this event, and bringing all of us together today to discuss the NMD issue.

* Begin by describing the core elements of the Administration's strategic policy.
I will then turn to a brief discussion of our policy on National Missile Defense and the ABM Treaty, and then conclude with a review of the legislation now pending before Congress.

Strategic policy

* The Administration's strategic policy has, since 1993, included three core elements:

* First, the Administration has sought the advancement of nuclear reductions through the START process. The President has consistently reaffirmed that implementation of stabilizing and verifiable reductions in nuclear forces through the START process remains a priority objective of U.S. foreign, security and non-proliferation policy.

* Second, the Administration has committed to maintaining the ABM Treaty regime.

Recognizing that Russia considers U.S. adherence to the ABM Treaty to be

integrally linked to the START process, the President has affirmed the importance

of the ABM Treaty in maintaining strategic stability.

* Third, the Administration has committed to the development of a limited NMD

system that would be designed primarily to counter emerging rogue state missile

threats. This program includes a public commitment to work to amend the ABM

Treaty if required to accommodate deployment of a limited NMD.

* These policies are not static, and indeed, have been reviewed at various points

over the past six years, most recently last December. That said, we believe

these core strategic objectives relating to START, the ABM Treaty and NMD remain

sound:

* With respect to START, even though we expect Russian nuclear forces will

decline over the next decade with or without START II/ START III, we continue to

have a national security interest in ensuring these reductions are governed by

Treaty regimes; that is, that the reductions are legally-binding, predictable,

transparent, verifiable and harder to reverse.

* Moreover, we still have a clear national security interest in realizing the

specific benefits to strategic stability afforded by the START Treaties - in

particular, the elimination of MIRVed and Heavy ICBMs under START II and the

hoped for gains in the areas of warheads, fissile material and non-strategic

forces in START III.

* In the ABM area, it is clear that Russia continues to afford great value to the

predictability provided by the ABM Treaty regime, given the uncertainties

regarding its own strategic nuclear forces.

* Finally, with respect to NMD, the Administration shares Congress's

commitment
to ensuring the American people are protected from rogue states with
long-range
missiles, should that threat be realized as we now expect it will. That
protection begins with the maintenance of a strong deterrent, both
conventional
and nuclear.

* One point I want to make clear: the Administration has consistently
rejected
the view that reductions through START; preservation of the ABM
Treaty; and the
development, and possible deployment, of an effective, limited NMD
are
incompatible. They are not.

* Moreover, to dramatically "tilt" in the direction of any one of these
three
objectives - START, the ABM Treaty, or NMD - at the expense of the
other two is,
at this point in time, both unnecessary and unwise.

* That is not to say we do not perceive an urgent need to address the
threat
poised by rogue states; but in doing so, we must not abandon
programs and
policies that are eliminating thousands of nuclear weapons in the
states of the
former Soviet Union, including Russia.

Administration policy on NMD and ABM

* With that as a backdrop, I want to briefly discuss three important
decisions
taken this past December related to our NMD program and the ABM
Treaty.

* First, informed by the report of the Rumsfeld Commission, as well
as the
Intelligence Community's analysis of the August 1998 DPRK flight-
test of the TD I
missile, the Administration has stated that the threat posed by the
development
of an ICBM capable of striking the United States is, in Secretary
Cohen's words,
"growing - and that we expect it will soon pose a danger not only to
our troops
overseas, but also to Americans here at home."

* Second, to "keep faith" with Congress regarding our commitment to ensuring the American people are protected from rogue states with long-range missiles, the Administration has now budgeted \$10.5 billion between fiscal years 1999-2005 for the NMD program, including the funds that would be necessary during this period to deploy a limited NMD system.

* And as Secretary Cohen and General Lyles have recently made clear, we are moving forward with our NMD development program as fast as we can.

* Third, we have engaged Russia at senior levels to discuss further the evolution of our NMD program. We have told Russia that deployment of a limited NMD may, or may not, require modifications to the ABM Treaty, and that if changes were required, we would seek agreement on any needed amendments.

Congress

* That is the "state of play" with respect to our NMD program and the ABM Treaty. Before I conclude, I want to briefly discuss the legislation now pending before Congress, and how it relates to the Administration's position on the question of "deployment."

* The Administration has made clear that it plans to address the deployment decision in the year 2000. That is not a popular stance with many, who believe that a commitment to deploy a national missile defense is required now.

* Senator Cochran's legislation on the floor today states it is the policy of the United States to deploy a National Missile Defense "as soon as technologically possible."

*

* That said, we genuinely believe the Cochran bill is too simplistic a formula for resolving the deployment issue; rather, we believe there are four

factors
that bear on the deployment decision:

- * Threat. We will review the latest information and trends regarding the threat - in terms of countries and specific capabilities. We will ask ourselves whether the threat has developed as quickly as we now expect, and review the latest information on individual countries and capabilities.

- * Technology. This is more than just whether the technology for an intercept is "possible," but whether it has been demonstrated in a rigorous series of flight tests that are planned over the next 12-15 months. This information will be crucial in assessing the operational effectiveness of any NMD.

- * Cost. We think we have this "scoped in" with the President's most recent budget submission, but we will look at it again next year, taking into account the threat and technology.

- * Arms Control. Finally, the Administration believes that a decision regarding NMD deployment must also be addressed within the context of the ABM Treaty and our objectives for achieving future reductions in strategic offensive arms through START.

- * We have already made clear to Russia that deployment of a limited NMD that required amendments to the ABM Treaty would not be incompatible with the underlying purpose of the ABM Treaty, that is, to maintain strategic stability and enable further reductions in strategic nuclear arms.

- * The ABM Treaty has been amended before, and we see no reason why it could not be amended again, if necessary, to permit deployment of an NMD effective against rogue nation missile threats.

- * We are prepared to negotiate any necessary amendments in good faith.

* In the House, Representatives Weldon and Spratt have introduced legislation that would declare it to be the policy of the United States to deploy a national missile defense, which will come to the floor on Thursday.

* Unlike the Cochran bill, "Weldon-Spratt" does not specify any criteria for deployment; for this reason, the concerns I have noted with respect to Senator Cochran's bill on NMD are relevant to the legislation now pending in the House.
Conclusion

* That said, the Administration has not given up on working with members on reaching a consensus with Congress on the question of "deployment." A number of formulas have recently been put in play, and it may be that a compromise can be struck that both sides would consider a step forward.

* Indeed, if one were an "optimist," one might even argue that a consensus may be slowly emerging on a number of points related to missile defense and the ABM Treaty:

* First, that the threat is real and growing.

* Second, that we should move as quickly as we can to develop a limited NMD system, if possible.

* And third, that we should engage Russia on any necessary amendments to the ABM Treaty, while at the same time working to bring START II into force and conclude a START III.

* Agreement on these points won't "end" the NMD debate; but it would provide a framework to move us forward in the next two years.

What is your response to those who assert that the ABM Treaty expired with the demise of the Soviet Union? Why can't the Administration produce a "legal rebuttal" to these arguments?

* The President has written four letters to members of Congress on ABM Succession over the past 16 months, and in each instance, he has made clear that the ABM Treaty has continued in force following the dissolution of the Soviet Union.

* [I presume that we do not want to encourage such hearings.]

* That said, our argument regarding ABM succession is not novel, and rests on the general principle (adhered to by both the Bush and Clinton Administrations) that agreements between the United States and the USSR that were in force at the time of the dissolution of the Soviet Union are presumed to continue in force as to the former Soviet Republics. This general principle is based not only on U.S. past diplomatic practice, but also on principles of international law.

* Now, were we to have taken the contrary view - that is, that the ABM Treaty was no longer in force, or that those states with ABM assets on their territory who asserted a right to assume an obligation as a "successor state" under the ABM Treaty were not entitled to such a status - it would have jeopardized what has been a successful effort to remove nuclear weapons from Ukraine, Belarus and Kazakhstan under the START I Treaty and the NPT.

* The Memorandum of Understanding on Succession will remove any ambiguity about the extent to which states other than Russia are Parties to the ABM Treaty.

Isn't it true that any NMD would by definition violate the ABM Treaty?

*

* There may be issues with respect to Article I of the Treaty, which

prohibits a
"territorial" defense.

* We have not concluded our own analysis on this point, nor have we discussed the issue with Russia in any detail.

What is your reaction to the report issued last week by the Heritage Foundation recommending that the U.S. proceed with the deployment of a sea-based NMD?

* We think the fastest, most affordable, most technologically viable approach to NMD is a ground-based architecture.

* The Administration will soon make public an unclassified report on the question of Navy Theater Wide as an NMD system.

* It will take issue with the claim that a sea-based ABM could be available in 3-4 years at a cost of \$3-4 billion.

* Specifically, it will note that significant upgrades to the missile, kill vehicle, and/or sensors would be required from our "baseline" NTW program to give it a useful capability against various ICBM threats.

* That capability is not now budgeted: estimated costs range from [insert] billion, depending on assumptions regarding the "threat."

* Moreover, it is not clear that the NMD mission would be consistent with other demands on the Navy, including anti-air and cruise missile strikes.

* Finally, we do not think such a capability could be available until late in the next decade, at the earliest.

Why did the White House distance itself from Secretary Cohen's statement that the U.S. would withdraw from the ABM Treaty if Russia did not agree to the necessary modifications?

* First, that is not what Secretary Cohen said. The Secretary made clear, as has the President, Secretary Albright and National Security Advisor

Berger, that it is in America's interest to maintain the ABM Treaty.

* As we have said many times before, deployment of a limited national missile defense may or may not require modifications to the Treaty. If deployment required modifications to the Treaty, we would seek agreement with ABM Treaty parties on the needed amendments, and we are prepared to negotiate any necessary amendments in good faith.

* The ABM Treaty has been amended before, and we see no reason why we should not be able to modify it again, if necessary, to permit deployment of an NMD effective against rogue nation missile threats. Didn't the President rule out the option of withdrawal from the Treaty at his March 5 news conference, giving Russia a "veto" over our NMD deployment?

* No. The President has made clear he believes any necessary amendments to the ABM Treaty should be discussed and agreed to with Russia. The same view has been articulated by Secretaries Cohen and Albright, along with National Security Advisor Berger.

* We have said that we could not and would not give Russia or any other nation a veto over our NMD requirements. It is important to recognize that our sovereign rights are fully protected by the supreme national interests clause that is an integral part of this Treaty. But neither should we issue ultimatums.

Why doesn't the Administration submit the succession and demarcation agreements on the ABM Treaty to the Senate for advice and consent? Will the Administration comply with the demand by Senator Helms to submit these agreements prior to June 1?

* The Administration has made clear that it intends to provide the MOU on Succession, along with the agreements on ABM/TMD Demarcation and the START II

protocol, to the Senate for advice and consent following Russian ratification of START II. We certainly hope that can happen before June 1.

* The Senate will have an opportunity to debate, and vote, on these agreements, and we hope that will happen this year.

* [Will the administration cooperate with Senator Helms on hearings this spring?]

* To my knowledge, State has not received a request from Senator Helms to cooperate on any such hearings; if we receive such a request, we will consider it then.

Isn't it true that the President has given Russia a "veto" over U.S. NMD deployments?

* No. The President has made clear there is no reason why we should not be able to work cooperatively to amend the Treaty, if amendments are required to support deployment of a limited NMD, and we are prepared to negotiate any amendments in good faith.

Will this administration withdraw from the Treaty if Russia refuses to cooperate?

* You are way ahead of where we are at this point in time. At present, we have not identified what, if any, amendments might be required to support deployment of a limited NMD. We are not going to speculate on "hypotheticals."

* That said, we believe our sovereign rights are fully protected by the supreme national interests clause that is an integral part of the ABM Treaty.

If the Cochran bill passes and is sent to the White House, will the President veto the bill?

* The President's senior advisors have said they would recommend a veto; I'm sure the President would give their advice great weight in making this decision.

What is the Administration's position with respect to the Weldon-Spratt bill?

* We are opposed to Weldon-Spratt, for many of the same reasons that we are opposed to the Cochran bill, in that it does not accurately reflect our position on the question of deployment.

Would the President veto Weldon-Spratt?

* Expect we will issue a statement on administration policy that addresses that issue later this week.

You said earlier that even if Cochran were to become law, it won't change our NMD program by a single day or a single dollar. Then why does the Administration care? What would change?

* Even if the Cochran legislation would have no impact on our NMD program, policy statements by Congress matter, both domestically and overseas. That is why we are opposed to the Cochran bill: it doesn't accurately state our policy on the question of deployment.

* Obviously, it would be better if the Administration and Congress could work out a joint position on this question.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Michael Hurley to James Baker and Miriam Shapiro. Subject: RE: Helms Request for the "Christmas Warning." (3 pages)	03/22/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Senator Helms])
OA/Box Number: 620000

FOLDER TITLE:

[02/23/1999-04/09/1999]

2006-1363-F
vz5664

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]

Exchange Mail

DATE-TIME 3/24/99 9:33:52 AM
FROM Leary, William H.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: More Pinochet [UNCLASSIFIED]
TO Gallucci, Gerard M.
Sherman, David J.
DeRosa, Mary B.
Wippman, David

CARBON_COPY**TEXT_BODY**

I agree and will suggest it.

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

From: Gallucci,
Gerard M.
Sent: Wednesday, March 24, 1999 9:15 AM
To: Leary, William
H.; Sherman, David J.; DeRosa, Mary B.; Wippman, David
Subject: RE:
More Pinochet [UNCLASSIFIED]

I continue to be uneasy with the way we handle point two. I know it reflects a decision already made. But repeating in public that while initial retrieval and review will be 1968-78, actual review only will be 1973-78 -- because it is period "of most flagrant human rights abuses" -- will get us into trouble with those not on NGO/left end of political spectrum (here and abroad). Why don't we just drop last two sentences from that tic?

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

From: Leary, William H.
Sent: Wednesday,
March 24, 1999 8:56 AM
To: Gallucci, Gerard M.; Sherman, David J.;
DeRosa, Mary B.; Wippman, David
Subject: More Pinochet [UNCLASSIFIED]
Importance: High

State
just faxed to me their draft response to a question from Senator Helms about the document review project.

It looks fine to me,
but I would appreciate any comments you may have. They need comments
by 12:00.

I will deliver the draft to you.

Thanks.

Exchange Mail

DATE-TIME 3/24/99 9:49:38 AM
FROM Wippman, David
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: More Pinochet [UNCLASSIFIED]
TO Sherman, David J.
Gallucci, Gerard M.
Leary, William H.
DeRosa, Mary B.

CARBON_COPY**TEXT_BODY**

agree; if we drop those sentences, we will not be answering two of the SFRC's four questions.

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

From: Sherman,
David J.
Sent: Wednesday, March 24, 1999 9:44 AM
To: Gallucci,
Gerard M.; Leary, William H.; DeRosa, Mary B.; Wippman, David
Subject: RE:
More Pinochet [UNCLASSIFIED]

I don't really have a dog in this fight, so will defer to others.

As I understand it, however, the NSC tasker is now a public document. It instructs agencies to begin with 1973-78 documents. The Senate has asked what the rationale for this is. It is a reasonable question. We should answer it. If State's description is an accurate portrayal of why this is being done, then that's the response.

One could only tone it down by changing "of most flagrant human rights abuses" to "of greatest concern regarding allegations of widespread human rights abuse" or something like that.

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Sent: Wednesday, March 24, 1999 9:15 AM
To: Leary, William

H.; Sherman, David J.; DeRosa, Mary B.; Wippman, David
Subject: RE:
More Pinochet [UNCLASSIFIED]

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March 24, 1999 8:56 AM
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DeRosa, Mary B.; Wippman, David
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Thanks.

Exchange Mail

DATE-TIME 3/24/99 11:39:49 AM

FROM Keith, James R.

CLASSIFICATION UNCLASSIFIED

SUBJECT Helms and TRA [UNCLASSIFIED]

TO Lieberthal, Kenneth G.
Lackey, Miles M.
Burrell, Christina L.
Lackey, Miles M.
Tavlarides, Mark J.

CARBON_COPY Arvizu, Alexander A.
Heitkotter, Karen R.
Keith, James R.
Lieberthal, Kenneth G.
Pritchard, Charles (Jack) L.

TEXT_BODY According to State, Sen. Helms has "dropped" a bill that would re-write the TRA. No further information available yet. Jim

Exchange Mail

DATE-TIME 3/24/99 12:49:01 PM
FROM Leary, William H.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: More Pinochet [UNCLASSIFIED]
TO Gallucci, Gerard M.
Wippman, David
Sherman, David J.
DeRosa, Mary B.

CARBON_COPY**TEXT_BODY**

Of course not. We send all the right wing mail to Sherman; he knows how to handle those people.

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

From: Gallucci,
Gerard M.
Sent: Wednesday, March 24, 1999 10:40 AM
To: Leary,
William H.; Wippman, David; Sherman, David J.; DeRosa, Mary B.
Subject: RE:
More Pinochet [UNCLASSIFIED]

I understand, just don't send any
of the rightwing mail to me for answering.

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

From: Leary,
William H.
Sent: Wednesday, March 24, 1999 10:35 AM
To: Wippman,
David; Sherman, David J.; Gallucci, Gerard M.; DeRosa, Mary B.
Subject: RE:
More Pinochet [UNCLASSIFIED]

I passed on Jerry's suggestion, which
was rejected for the reasons noted by the two Daves. However, they
will revise the wording of the last sentence of the 2nd bullet as
suggested by Dave S.

Thanks to all.

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

From: Wippman,
David
Sent: Wednesday, March 24, 1999 9:50 AM
To: Sherman, David
J.; Gallucci, Gerard M.; Leary, William H.; DeRosa, Mary B.
Subject: RE:
More Pinochet [UNCLASSIFIED]

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-----Original

Message-----

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Sent: Wednesday, March 24,
1999 9:44 AM
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Mary B.; Wippman, David
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I will deliver the draft to you.

Thanks.

Exchange Mail

DATE-TIME 3/25/99 8:05:47 AM
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Update, March 25, 1999 [UNCLASSIFIED]
TO Lackey, Miles M.

CARBON_COPY**TEXT_BODY**

Miles:

I need to debrief you on a CoS meetin w/ Lew, Rubin, Stein, et al that I attended late Tues on the Sup at the last minute in Sandy's absence. Lots of Dem-Rep tactical maneuvering factors at play, plus serious 150 equities. Pls. call.

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

From: Lackey,
Miles M.

Sent: Thursday, March 25, 1999 8:00 AM

To: Sutphen, Mona

K.; Hachigian, Nina L.; @NSA - Natl Security Advisor; @VP - VP Natl Security Affairs; @PRESS - Public Affairs; @LEGAL - Legal Advisor; @EXECSEC - Executive Secretary; @ASIA - Asian Affairs; @KOSOVO; @MULTILAT

- Multilateral and Humanitarian Affairs; @RUSSIA - Russia/Ukraine;

@NATO; @INTEL - Intelligence Programs; @DEFENSE - Defense Policy

Cc: @LEGISLAT

- Legislative Affairs

Subject: FW: Legislative Update, March 25, 1999 [UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM AND DON

Legislative
Update
March 25, 1999

SRB Action

* SRB meeting with Baucus/Hagel
POSTPONED;

* SRB meeting with Matsui/Dreier group on China POSTPONED;

Kosovo

On

Wednesday night, the House approved a non-binding resolution expressing support for the troops. The text of the resolved clause reads:

Resolved

that the House of Representatives supports the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizes their professionalism, dedication, patriotism, and courage.

The vote was 424-1. The

Senate passed an identical resolution last night as well. With the exception of briefings today and/or tomorrow, no more legislative activity on Kosovo expected before the Congressional recess.

Central

America Supplemental

The Supplemental was approved by the House

last night by a very close vote (220-211) over an administration veto threat over the offsets -- Republican leaders had to switch several votes in the final seconds to get the bill passed. Democrats offered an amendment to strike the offsets and were rebuffed on a party-line vote.

Budget Resolution

Both the House and Senate

debate their Budget Resolutions today. Both resolutions have unacceptable cuts in the 150 account -- but given the debate on other high-profile issues of disagreement (medicare, social security, etc.), this issue will not be at the top of the agenda for most members.

HIRC Briefing

on Russia-Iran Relationship

On Tuesday, Jack Caravelli from NSC

and Jim Timbie from State briefed seven staffers from the HIRC and House Science Committee on Russian missile and nuclear assistance to Iran. HIRC staffers are drafting a Russia-Iran Bill which should be ready for mark-up by mid-April and invited Administration representatives to consult with them on the draft. Caravelli and Timbie indicated there are signs the Russians are getting the non-pro message, i.e. a questionable contract was cancelled and Russians are disclosing more information about projects, but we still aren't willing to lift sanctions. The staff and briefers discussed the pros and cons of a recent Russian (Minatom) proposal regarding the nuclear entity

Nikiet (the details of which were in an earlier note. The meeting was cordial and a good exchange of information.

SFRC hearing on Taiwan

Stanley Roth from State and Frank Kramer from DOD will testify on US-Taiwan relations before SFRC at 10:00 on March 25 (20th anniversary of Taiwan Relations Act).

Taiwan legislation

Senator

Helms (and Torricelli) introduced a bill to assist in the enhancement of security for Taiwan. The bill includes a series of policy statements, requires that funds be used for the assignment or detail of additional staff to American Institute in Taiwan and requires an annual report detailing each of Taiwan's defense purchase requests and any decision to reject, postpone or modify any such request. The bill also seeks to strengthen the defense of Taiwan by: requiring the US to develop a plan to enhance operational training and exchanges between armed forces of the US and Taiwan; requiring the establishment of direct secure communications between USPACCOM and the Taiwan military command; and authorizes the sale to Taiwan of TMD equipment, satellite early warning data, air defense equipment and certain naval defense systems.

NATO Summit meeting

Tom Gorman and reps from Secret Service, DOD and State protocol met with Hill planners to discuss timing and logistics of Hill event. Hill staff need to get back with group with adjusted time for event to ensure it does not conflict with other official activities.

Encryption Legislation

On Wednesday, the House Judiciary Committee approved the Safe Act, HR 850, which decontrols the export of all mass-market encryption worldwide. The bill is strongly supported by the information technology industry and was reintroduced by Rep. Goodlatte, a long-time proponent of removing encryption controls. Despite a letter from Defense's John Hamre, the Committee, as expected, voted to report the bill in toto. The bill will now likely be referred to the House Intell, Armed Services, Commerce and International Relations Committees.

Exchange Mail

DATE-TIME 3/26/99 7:55:59 AM
FROM Smith, Gayle E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Update, March 26, 1991 [UNCLASSIFIED]
TO Lackey, Miles M.

CARBON_COPY**TEXT_BODY**

For what it's worth, I'm impressed that you are not, in fact, a "dead man walking." Only wish we had more Africa controversies on the Hill so we could offer you more support! G

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

From: Lackey,
Miles M.

Sent: Friday, March 26, 1999 7:40 AM

To: Sutphen, Mona

K.; Hachigian, Nina L.; @NSA - Natl Security Advisor; @EXECSEC - Executive Secretary; @VP - VP Natl Security Affairs; @PRESS - Public Affairs; @LEGAL - Legal Advisor; @NESASIA - NE/South Asia; @RUSSIA - Russia/Ukraine; @AFRICA - African Affairs; @KOSOVO; @ASIA - Asian Affairs; @NONPRO - Export Controls; @INTEL - Intelligence Programs; @TRANSNATIONAL - Transnational Threats; @INTERAM - Inter-American; @DEFENSE - Defense Policy; @MULTILAT - Multilateral and Humanitarian Affairs

Cc: @LEGISLAT - Legislative Affairs

Subject: Legislative

Update, March 26, 1991 [UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM
AND DON

Legislative Update
March 26, 1999

BOTH THE HOUSE AND
SENATE ADJOURNED LAST NIGHT UNTIL APRIL 12!!!!

SRB Action

* No

SRB meeting Schumer on the Jerusalem Embassy (it will be switched to meeting with Schumer and Ross);

* No need for SRB call to Joe Biden -- he has decided not to go to Russia this weekend;

* SRB
call to Maxine Waters on Eritrea (points forwarded);

VERY Rough
Briefings on the Hill on Kosovo yesterday

Senate:

Pickering,
Slocombe and the J-2 and J-3 briefed 61 Senators on military operations in Kosovo. J-2 opened with intel update followed by a J-3 current ops update, a J-2 BDA assessment and brief remarks by Slocombe and Pickering. The military aspects of the brief were well-received but there was considerable tension over what are the stated objectives of the mission and how long the NATO would conduct airstrikes.

* Slocombe
said that military operations would stop if Milosevic stopped attacks and accepted Rambouillet agreement. Lott, Nickles, and Wellstone thought that the objective of bombing was to get the Serbs to stop the killing and said that bombing until Serbs also signed peace agreement was at variance with what they understood the President to say. They pressed for clarification and were dissatisfied with response. (At the end of the brief, Levin said that the briefers used "several different formulations and that you need to focus on military objectives".

* Nickles
and Inhofe asked how many Kosovar civilians were killed in recent months. Briefers estimated several thousand going back to last year. Nickles said it was two thousand. Pickering indicated that there were thousands of refugees who would otherwise be killed. Nickles and Inhofe demanded precise figures on how many Kosovar civilians killed since Jan 1.

* Mack pressed for how long air campaign would last. Briefers responded several weeks possibly two months. The answer was not well received. Briefers stated air campaign should not be based on timeline but on destroying targets.

* Cleland
said he was troubled that objectives were not precise, months of bombing was not acceptable and bombing to force Milosevic to sign agreement was not achievable.

* Senators asked whether there was concrete evidence that Russians were assisting Serbs. The answer was no. Pickering said crates containing Mig 21s discovered in Azerbaijan. J-2 said there was no evidence that it was destined for Serbia and that its possibly could have been destined for Eritrea.

* Lieberman

commended the military for the way it was conducting operation and said that Rambouillet was centerpiece of what we are trying to achieve.

House:

Approximately

220 members attended Kosovo brief. Briefing went far better than in Senate. Military ops brief was well received. Many questions focused effectiveness of weapons systems.

* Bateman asked whether

Russian cargo plane containing MIG 21s was destined for Serbia. Briefers said there was no evidence.

* Pat Kennedy expressed concerns

about what next steps will be if bombing fails to achieve objectives.

* Members

asked whether ground troops were being contemplated. Briefers said there were no plans to use ground forces.

* Rep. Cunningham complained

that CIA's assets were limited in region.

Kosovo legislation

Senators

Lieberman and McConnell will soon introduce the Kosovo Self Defense Act. The bill would authorize \$25 million in assistance to the "interim government of Kosovo" to be used for training and support for the established self defense forces to defend and protect the civilian population of Kosovo against armed aggression. Lieberman also has joined Senator Helms as a sponsor of the Serbia Democratization Act, a bill designed to bring an end to Milosevic's rule.

SFRC

Hearing on Taiwan

Assistant Secretaries Frank Kramer of DOD and Stanley Roth of State testified at a SFRC hearing on Taiwan policy. Senators Helms, Kerry, Torricelli, and Hagel were present. All agreed the Taiwan Relations Act (TRA) has been a huge success over the past 20 years, helping to build democracy and free market economy in Taiwan and should serve as a model for regional relations. Roth stated the decision to provide TMD to Taiwan depends largely on the PRC's continued deployment of threatening missile systems. Kramer testified that shrinking Taiwan military budgets demand cost-effective defense solutions. Helms asked if the POTUS statement that "The U.S. doesn't support independence for Taiwan" is a shift in policy. Roth stated it was not. Helms asked if the PRC Premier visit to

U.S. on the 20th anniversary of the TRA was meant to be a signal. Roth answered that it was only a scheduling fit and by no means a signal. Torricelli asked if any of the weapons systems listed in the Helms-Torricelli Taiwan Security Enhancement bill would be considered offensive. Roth answered that some could be both offensive and defensive. The atmosphere was cordial and direct.

Exchange Mail

DATE-TIME 3/26/99 7:58:38 AM
FROM Lackey, Miles M.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Update, March 26, 1991 [UNCLASSIFIED]
TO Pascual, Carlos E.

CARBON_COPY**TEXT_BODY**

same team

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

From: Pascual, Carlos E.

Sent: Friday, March 26, 1999 7:50 AM

To: Lackey, Miles M.

Subject: RE:

Legislative Update, March 26, 1991 [UNCLASSIFIED]

who did the

Kosovo House brief?

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

From: Lackey,

Miles M.

Sent: Friday, March 26, 1999 7:40 AM

To: Sutphen, Mona

K.; Hachigian, Nina L.; @NSA - Natl Security Advisor; @EXECSEC - Executive Secretary; @VP - VP Natl Security Affairs; @PRESS - Public Affairs; @LEGAL - Legal Advisor; @NESASIA - NE/South Asia; @RUSSIA - Russia/Ukraine; @AFRICA - African Affairs; @KOSOVO; @ASIA - Asian Affairs; @NONPRO - Export Controls; @INTEL - Intelligence Programs; @TRANSNATIONAL - Transnational Threats; @INTERAM - Inter-American; @DEFENSE - Defense Policy; @MULTILAT - Multilateral and Humanitarian Affairs

Cc: @LEGISLAT - Legislative Affairs

Subject: Legislative

Update, March 26, 1991 [UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM
AND DON

Legislative Update
March 26, 1999

BOTH THE HOUSE AND
SENATE ADJOURNED LAST NIGHT UNTIL APRIL 12!!!!

SRB Action

* No

SRB meeting Schumer on the Jerusalem Embassy (it will be switched to meeting with Schumer and Ross);

* No need for SRB call to Joe

Biden -- he has decided not to go to Russia this weekend;

* SRB

call to Maxine Waters on Eritrea (points forwarded);

VERY Rough

Briefings on the Hill on Kosovo yesterday

Senate:

Pickering,

Slocombe and the J-2 and J-3 briefed 61 Senators on military operations in Kosovo. J-2 opened with intel update followed by a J-3 current ops update, a J-2 BDA assessment and brief remarks by Slocombe and Pickering. The military aspects of the brief were well-received but there was considerable tension over what are the stated objectives of the mission and how long the NATO would conduct airstrikes.

* Slocombe

said that military operations would stop if Milosevic stopped attacks and accepted Rambouillet agreement. Lott, Nickles, and Wellstone thought that the objective of bombing was to get the Serbs to stop the killing and said that bombing until Serbs also signed peace agreement was at variance with what they understood the President to say. They pressed for clarification and were dissatisfied with response. (At the end of the brief, Levin said that the briefers used "several different formulations and that you need to focus on military objectives".

* Nickles

and Inhofe asked how many Kosovar civilians were killed in recent months. Briefers estimated several thousand going back to last year. Nickles said it was two thousand. Pickering indicated that there were thousands of refugees who would otherwise be killed. Nickles and Inhofe demanded precise figures on how many Kosovar civilians killed since Jan 1.

* Mack pressed for how long air campaign would

last. Briefers responded several weeks possibly two months. The answer was not well received. Briefers stated air campaign should not be based on timeline but on destroying targets.

* Cleland

said he was troubled that objectives were not precise, months of bombing was not acceptable and bombing to force Milosevic to sign agreement was not achievable.

* Senators asked whether there was

concrete evidence that Russians were assisting Serbs. The answer was no. Pickering said crates containing Mig 21s discovered in Azerbaijan. J-2 said there was no evidence that it was destined for Serbia and that its possibly could have been destined for Eritrea.

* Lieberman

commended the military for the way it was conducting operation and said that Rambouillet was centerpiece of what we are trying to achieve.

House:

Approximately

220 members attended Kosovo brief. Briefing went far better than in Senate. Military ops brief was well received. Many questions focused effectiveness of weapons systems.

* Bateman asked whether

Russian cargo plane containing MIG 21s was destined for Serbia.

Briefers said there was no evidence.

* Pat Kennedy expressed concerns

about what next steps will be if bombing fails to achieve objectives.

* Members

asked whether ground troops were being contemplated. Briefers said there were no plans to use ground forces.

* Rep. Cunningham complained

that CIA's assets were limited in region.

Kosovo legislation

Senators

Lieberman and McConnell will soon introduce the Kosovo Self Defense Act. The bill would authorize \$25 million in assistance to the "interim government of Kosovo" to be used for training and support for the established self defense forces to defend and protect the civilian population of Kosovo against armed aggression. Lieberman also has joined Senator Helms as a sponsor of the Serbia Democratization Act, a bill designed to bring an end to Milosevic's rule.

SFRC

Hearing on Taiwan

Assistant Secretaries Frank Kramer of DOD and

Stanley Roth of State testified at a SFRC hearing on Taiwan policy.

Senators Helms, Kerry, Torricelli, and Hagel were present. All

agreed the Taiwan Relations Act (TRA) has been a huge success over the past 20 years, helping to build democracy and free market economy in Taiwan and should serve as a model for regional relations. Roth stated the decision to provide TMD to Taiwan depends largely on the PRC's continued deployment of threatening missile systems. Kramer testified that shrinking Taiwan military budgets demand cost-effective defense solutions. Helms asked if the POTUS statement that "The U.S. doesn't support independence for Taiwan" is a shift in policy. Roth stated it was not. Helms asked if the PRC Premier visit to U.S. on the 20th anniversary of the TRA was meant to be a signal. Roth answered that it was only a scheduling fit and by no means a signal. Torricelli asked if any of the weapons systems listed in the Helms-Torricelli Taiwan Security Enhancement bill would be considered offensive. Roth answered that some could be both offensive and defensive. The atmosphere was cordial and direct.

Exchange Mail

DATE-TIME 3/26/99 12:15:00 PM
FROM Stromseth, Jane E.
CLASSIFICATION UNCLASSIFIED
SUBJECT DRAFT memo to SRB on arrears [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY

TEXT_BODY Eric, Sandy asked for an update on arrears. Here is a draft for your review. I think we must provide him with enough info so that he knows State is really moving forward on this and understands the need for his involvement. How should we deal with Legis on this? Ideally we would want their concurrence on this. Yet everytime I send anything to them on arrears, I get no response. It is a great black hole.

TRANSLATED_ATTACHMENT

Biden proposal.doc

DRAFT Memo for Sandy

UN Arrears: Where Do We Stand, and Where Do We Go From Here?

You asked for a status report on UN arrears. During the past few weeks, State has been finalizing its position on the changes required in Helms-Biden to make it workable. State has communicated its views informally to the Hill. (MKA met with Helms; Welch and Larkin met with staffers in both Houses). Last Friday, Senator Biden presented MKA with a proposal on arrears, which he represented would be acceptable to Senator Helms.

The Biden proposal (which State has not discussed with Helms or his staff) would:

- * Authorize no more than \$926 million of the \$1.021 billion requested by the Administration for arrears.

- * Permit waiver of the 20 percent assessment rate benchmark for the regular UN

budget, on national security grounds.

- * Eliminate the authority to waive any other benchmarks, including those on the establishment of a contested arrears account at the UN and on the U.S. securing a seat on the Advisory Committee on Administrative and Budgetary Questions (ACABQ).

- * Permit six "technical fixes" (including Zero Nominal Growth budgets for WHO, ILO, FAO; and moving the 22% assessment requirement to year three for those agencies).

State's Assessment: State discussed the Biden proposal at a March 22 meeting between Secretary Albright, Pickering, Welch, Larkin, and Burleigh. Welch and Burleigh emphasized that the Biden proposal, in its present form, is not workable. In particular, they stressed that we must, at a minimum:

- * Insist on full funding of the Administration's arrears request of \$1.021. (The one billion figure is critical in NY).

- * Delete (rather than waive) the 20% assessment rate, which is not achievable at the UN. (We are committed to seeking a 22% assessment rate for the regular budget and 25% for peacekeeping).

- * Maintain authority to waive the requirement to establish a contested arrears account, which we believe is simply not attainable (it would require UNGA approval), and maintain one other waiver (because it is not certain that all conditions could be met, such as securing a seat on the ACABQ).

- * Delink the required certifications by agency (UN, WHO, ILO, FAO) so that funds could be made available to the UN or each agency when all conditions applicable to it have been met.

State thought Biden's proposed "technical fixes" looked promising, but this is contingent on achieving satisfactory changes in statutory language to

permit the
Secretary to make the required certifications (e.g. regarding sunset
provisions,
inspector general functions, etc.).

MKA indicated that she wants to make as few changes in the Helms-
Biden bill as
possible; Pickering, Welch and Burleigh emphasized the critical
importance of
changes to ensure a good bill that will fly in New York.

State's Next Steps: State is planning the following next steps: (1)
MKA will
call Biden to indicate that his proposal is not workable in its present
form; (2)
Pickering, Welch and Larkin will go to the Hill to meet with Biden
and others
(possibly early next week) to discuss the changes and clarifications
needed to
make Helms-Biden workable.

Your Role: We recommend that you raise the arrears issue with MKA
at the next
appropriate opportunity to underscore the importance of a bill with
realistic
benchmarks. The worst outcome would be a bill with unrealizable
benchmarks that
would result in defeat in New York and would never permit payment
of arrears.

We will make additional recommendations after State's upcoming Hill
meetings. We
continue to believe that a meeting soon between you and MKA,
together with Welch,
Larkin, Schwartz, Lackey, and Burleigh on the way ahead is
important.

The President's Role: We continue to believe that a Presidential
meeting with
Secretary General Annan at the right moment is vital to the
Administration's goal
of achieving an arrears deal that will be sustainable both on the Hill
and in New
York. We will resubmit our scheduling proposal once we have clearer
signals from
State following its upcoming Hill meetings.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Jeffery McCausland to Steven Andreasen. Subject: Berger Readahead. (4 pages)	03/30/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Senator Helms])
OA/Box Number: 620000

FOLDER TITLE:

[02/23/1999-04/09/1999]

2006-1363-F

vz5664

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]

Exchange Mail

DATE-TIME 4/2/99 10:02:52 AM
FROM Andreasen, Steven P.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Helms Letter on ABM [UNCLASSIFIED]
TO Krass, Caroline D.

CARBON_COPY

TEXT_BODY Anytime ... indeed, I'll be down with more stuff in the near future
...

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

From: Krass, Caroline D.
Sent: Friday,
April 02, 1999 10:01 AM
To: Andreasen, Steven P.
Subject: RE: Helms
Letter on ABM [UNCLASSIFIED]

Thanks for the package.

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

From: Andreasen, Steven P.
Sent: Friday, April 02,
1999 9:38 AM
To: Krass, Caroline D.
Subject: RE: Helms Letter on
ABM [UNCLASSIFIED]
Importance: High

Just lawyerly speculation
... your e-mails had a certain "direct" quality to them this morning
... anyways, I've just completed xeroxing the Miron-Feith legal memorandum
from its "bound" copy ... will be down shortly ...

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

From: Krass, Caroline D.
Sent: Friday, April 02,
1999 9:16 AM
To: Andreasen, Steven P.
Subject: RE: Helms Letter

on ABM [UNCLASSIFIED]

Just busy -- why?

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

From: Andreassen,

Steven P.

Sent: Friday, April 02, 1999 9:03 AM

To: Krass, Caroline

D.

Subject: RE: Helms Letter on ABM [UNCLASSIFIED]

Importance: High

Will

do ... are you feeling a bit "stressed" this morning?

-----Original

Message-----

From: Krass, Caroline D.

Sent: Friday, April 02,

1999 8:56 AM

To: Andreassen, Steven P.

Subject: RE: Helms Letter

on ABM [UNCLASSIFIED]

Jo is fine -- I'm in room 351, but will
probably be across the hall.

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

From: Andreassen,

Steven P.

Sent: Friday, April 02, 1999 8:53 AM

To: Krass, Caroline

D.

Subject: RE: Helms Letter on ABM [UNCLASSIFIED]

Importance: High

Location?

or should I just drop with Jo ...

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

From: Krass,

Caroline D.

Sent: Friday, April 02, 1999 8:50 AM

To: Andreassen,

Steven P.

Subject: RE: Helms Letter on ABM [UNCLASSIFIED]

Thanks.

-----Original

Message-----

From: Andreasen, Steven P.

Sent: Friday, April 02,
1999 8:47 AM

To: Krass, Caroline D.

Subject: RE: Helms Letter on
ABM [UNCLASSIFIED]

Importance: High

Guten Tag, Ms. Krass (just
burnishing my bilingual credentials) ... I can indeed fax you down
a copy of the two-page letter, OR, as a special, one-time, bonus
offer, I can bring you down the letter AND the lengthy legal memorandum
that came in with it ... it will, however, take me a few minutes
to reproduce ...

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

From: Krass, Caroline

D.

Sent: Friday, April 02, 1999 8:37 AM

To: Andreasen, Steven

P.

Cc: @LEGAL - Legal Advisor

Subject: RE: Helms Letter on ABM
[UNCLASSIFIED]

Steve: Would you mind asking someone to fax us
the incoming letter? x69110. Thanks.

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

From: Andreasen,

Steven P.

Sent: Thursday, April 01, 1999 10:50 PM

To: Lackey,

Miles M.; Tavlarides, Mark J.; Pascual, Carlos E.; Weiss, Andrew
S.; Baker, James E.; Krass, Caroline D.

Cc: Rice, Edward A.; @DEFENSE

- Defense Policy

Subject: Helms Letter on ABM [UNCLASSIFIED]

Importance: High

Colleagues

--

Attached for your review and comment is a response to Senator
Helms' latest letter on the issue of the legal status of the ABM
Treaty. The response draws heavily from our latest letters to Helms
on the subject (December 17, 1998 and February 22, 1999) -- although
I did add a new sentence to the end of the first paragraph, in effect,

telling Helms that the advice and consent process begins only after we have formally transmitted the MOU to the Senate following Russian ratification of START II. Also: I gave some thought to including in the President's response a specific request to begin hearings on the CTBT, but decided that it might not be in our best interest to put both the ABM and CTBT issues in the same POTUS letter -- at least not at this stage of the game. Other views on this point are welcome. Would appreciate any comments by COB Friday, if at all possible. Thanks to all.

Steve

<< File: 1606mtb.doc >> <<

File: 1606 mtp.doc >> << File: 1606ltr.doc >>

Exchange Mail

DATE-TIME 4/2/99 5:05:40 PM
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Scowcroft and Bumpers on CTBT [UNCLASSIFIED]
TO Andreasen, Steven P.

CARBON_COPY

TEXT_BODY In said to everyone who asked that (1) I agree Helms will not be moved, at least by persuasion or logic, so it will take hardball with Lott and that means hostage taking, and (2) that when we identify a hostage we will pounce and there is no question we would reinforce with a "NAFTA-like", POTUS-led campaign. Meanwhile we need to keep steady grassroots, Hill and NGO attention/pressure with accompanying administration activities.

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

From: Andreasen,
Steven P.

Sent: Friday, April 02, 1999 4:39 PM

To: Bell, Robert
G.

Subject: Scowcroft and Bumpers on CTBT [UNCLASSIFIED]

Importance: High

Bob

--

At yesterday's ACDA symposium, our friend Daryl Kimball asked General Scowcroft and Senator Bumpers "what can be done" to move CTBT this year. Scowcroft's answer was "if the President really made it clear that CTBT ratification was a priority for him this year, things would happen." Bumpers said, "Even if the President made that clear, unless Senator Helms has a change of heart, it is not going to happen this year, or next year." Suspect the truth, as always, is somewhere inbetween. But in any event, it touched both of the NGO hot-buttons of despair: first, that the President is not sufficiently engaged; and second, that Helms will not be moved.

Steve

Exchange Mail

DATE-TIME 4/2/99 12:18:48 PM
FROM Andreasen, Steven P.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Helms Letter on ABM [UNCLASSIFIED]
TO Krass, Caroline D.

CARBON_COPY Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY

Good questions ... first, plan in this letter is to mirror the letters from December and February, which do not include the "strong case" language -- not because it still does not apply, but because we made a conscious decision to "stop" doing "point by point" rebuttals in Presidential correspondence to letters on ABM (as we did in November 1997 and May 1998) ... second, we indeed took the "what he says goes" line regarding ABM succession for a number of years ... however, in the CFE resolution of ratification, the Senate extracted from us a commitment to provide the MOU for advice and consent (see the language in the President's February 22 letter) ... so, the MOU, at least, can not enter into force without the advice and consent of the Senate ... if they disapprove, we have said that ambiguity would remain as to which states, other than Russia, would be parties ... how we would deal with that ambiguity has yet to be addressed.

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

From: Krass, Caroline D.
Sent: Friday,
April 02, 1999 12:02 PM
To: Andreasen, Steven P.
Cc: @LEGAL - Legal
Advisor
Subject: RE: Helms Letter on ABM [UNCLASSIFIED]

Steve:

Will the letters you are sending over include the statement about a "strong case" for the three states being parties without the MOU? I would have thought that there is more than a strong case. In OLC's view, the President (without interference from the Senate)

must determine which states have succeeded to a bilateral treaty when the original treaty party has dissolved. In short, what he says, goes. What is the history on the "strong argument" language? Has the President not yet made a decision?

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

From: Andreasen,
Steven P.

Sent: Friday, April 02, 1999 10:54 AM

To: Pascual, Carlos
E.

Cc: @DEFENSE - Defense Policy; @LEGAL - Legal Advisor; @LEGISLAT
- Legislative Affairs; Black, Steven K.

Subject: RE: Helms Letter
on ABM [UNCLASSIFIED]

Importance: High

Carlos -- thanks for the quick turnaround. On your suggested edits, I have no problem with your edits to paragraph 3 ... and in paragraph 2, if Caroline has "one sentence" of rationale that is "overarching," that could be helpful -- that said, only one sentence will appear a feable rebutall to the 77-page legal memorandum attached to the Helms letter, so it still might be best to stay high, high up on the high road until State/L snaps on its chin strap and provides a detailed rebuttal ... finally, I would advise against the edits you have suggested in the last two sentences of paragraph 2 -- in my view, if the Senate rejects the ABM MOU, we might just decide to "live" with the ambiguities, as oppose to "address" them in some way ... remember, in previous letters, we have also said that "a strong case can be made that, even without the MOU, these three states are Parties to the Treaty." Steve.

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

From: Pascual, Carlos E.

Sent: Friday, April 02, 1999 10:42 AM

To: Andreasen, Steven P.

Cc: @DEFENSE

- Defense Policy; @LEGAL - Legal Advisor; @LEGISLAT - Legislative
Affairs; Black, Steven K.

Subject: FW: Helms Letter on ABM [UNCLASSIFIED]

Importance: High

Agree

that we should not put ABM and CTBT in this letter.

Agree that

the letter should take the high ground and not get into a legal debate,
but it is crying out for a sentence or two of rationale; see note

in text and a couple of other suggestions.

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

From: Andreassen,

Steven P.

Sent: Thursday, April 01, 1999 10:50 PM

To: Lackey,

Miles M.; Tavlarides, Mark J.; Pascual, Carlos E.; Weiss, Andrew

S.; Baker, James E.; Krass, Caroline D.

Cc: Rice, Edward A.; @DEFENSE

- Defense Policy

Subject: Helms Letter on ABM [UNCLASSIFIED]

Importance: High

Colleagues

--

Attached for your review and comment is a response to Senator Helms' latest letter on the issue of the legal status of the ABM Treaty. The response draws heavily from our latest letters to Helms on the subject (December 17, 1998 and February 22, 1999) -- although I did add a new sentence to the end of the first paragraph, in effect, telling Helms that the advice and consent process begins only after we have formally transmitted the MOU to the Senate following Russian ratification of START II. Also: I gave some thought to including in the President's response a specific request to begin hearings on the CTBT, but decided that it might not be in our best interest to put both the ABM and CTBT issues in the same POTUS letter -- at least not at this stage of the game. Other views on this point are welcome. Would appreciate any comments by COB Friday, if at all possible. Thanks to all.

Steve

<< File: 1606mtb.doc >> <<

File: 1606 mtp.doc >> << File: 1606ltr.doc >>

Exchange Mail

DATE-TIME 4/8/99 5:31:53 PM
FROM Vaccaro, Jonathan M. (Matt)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Serbian Democracy Act [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY

TEXT_BODY

Eric, do you want to look at this before I send it around for chops?

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

From: Wippman, David
Sent: Thursday, April 08, 1999
5:26 PM
To: Vaccaro, Jonathan M. (Matt)
Subject: FW: Serbian Democracy
Act [UNCLASSIFIED]

OK, here's something objectionable.

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

From: Vaccaro, Jonathan M. (Matt)
Sent: Thursday,
April 08, 1999 4:19 PM
To: Wippman, David
Subject: FW: Serbian
Democracy Act [UNCLASSIFIED]

did half, you want to put in the
objectional part?

-----Original Message-----
From: Wippman, David

Sent: Thursday, April 08, 1999 3:47 PM
To: Vaccaro, Jonathan M.
(Matt)
Subject: FW: Serbian Democracy Act [UNCLASSIFIED]

Matt:
I think we should probably add a paragraph with a little more detail

on what the bill does, and what the problems with it are.

-----Original

Message-----

From: Vaccaro, Jonathan M. (Matt)

Sent: Thursday,
April 08, 1999 3:27 PM

To: Wippman, David

Subject: Serbian Democracy
Act [UNCLASSIFIED]

Scott: giving you the first look at this pck
which is rough at this point.

TRANSLATED_ATTACHMENT 2517 POTUS.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Senator Helms' Serbian Democracy Act

After reading a Senator Helms Op Ed that describes his Serbian Democracy Act, you asked if we should endorse the legislation and ask for its swift passage. The bill is designed to help bring about the replacement of Mr. Milosevic by a democratic government. It would authorize \$100 million to support democracy programs and the development of civil society in Yugoslavia, impose or strengthen a number of economic, financial, or trade sanctions, and prohibit military-to-military cooperation between the U.S. and the FRY, among other initiatives.

While appealing on its face, the legislation has numerous problematic aspects.

Most important, the legislation codifies various economic sanctions. For example, it would require us to oppose FRY participation in a number

of
international organizations, to block official FRY assets in the United States,
and to refuse visas to members of the FRY leadership or their immediate families.
While most of these sanctions are already in place, the legislation does not
provide waiver authority to permit us to license specific transactions if they
are in the national interest. In addition, some European allies may be uncomfortable with a legislated policy to seek the replacement of Milosevic.

However, given Mr. Milosevic's recent behavior, it would be difficult to oppose
this bill. Our strategy, therefore, is to work with Senator Helms to modify the
bill into something we can support. Madeleine has already spoken with the
Senator in this regard. When Congress returns next week, State will begin a
dialogue with Senator Helms on the provisions of the legislation we wish to see
modified.

2

2517

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 2715 SRB.doc

April 8, 1999

ACTION

MEMORANDUM FOR SAMUEL BURGER

THROUGH: GREG SCHULTE
ERIC SCHWARTZ

FROM: MATTHEW VACCARO

SUBJECT: POTUS Question on Senator Helms' Serbian Democracy
Act

The attached memo to the President responds to a question he penned
on a Senator
Helms' Op Ed.

Concurrence by: Miles Lackey, Jamie Baker, P.J. Crowley

RECOMMENDATION

That you sign the memo attached at Tab I.

Attachment
Tab I Memo to the President
1

2517

Exchange Mail

DATE-TIME 4/8/99 6:29:25 PM
FROM Vaccaro, Jonathan M. (Matt)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Helms Serbian Demo Act [UNCLASSIFIED]
TO Pascual, Carlos E.

CARBON_COPY Barnett, Cheryl E.
Elkind, Jonathan H.
Faranda, Regina D.
Kaufman, Stuart J.
Pascual, Carlos E.
Segal, Jack D.
Silva, Mary Ann T.
Tedstrom, John E.
Weiss, Andrew S.
Vaccaro, Jonathan M. (Matt)

TEXT_BODY Carlos, Miles thought you might want to look at this as well. For your clearance if you care to.

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

From: Vaccaro,
Jonathan M. (Matt)
Sent: Thursday, April 08, 1999 6:02 PM
To: @LEGISLAT
- Legislative Affairs; Schulte, Gregory L.; Crowley, Philip J.
Cc: @LEGAL
- Legal Advisor; @PRESS - Public Affairs
Subject: FW: Helms Serbian
Demo Act [UNCLASSIFIED]

For clearance. I have copies of State's analysis of the bill which they are still working to clear.

Miles/Mark--did
I characterize MKA's conversation in accordance with the TPs you have on this?

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

From: Vaccaro, Jonathan
M. (Matt)
Sent: Thursday, April 08, 1999 5:37 PM

To: Schulte,
Gregory L.
Cc: Hurley, C. Michael; Quinn, Mary E.; Vaccaro, Jonathan
M. (Matt)
Subject: Helms Serbian Demo Act [UNCLASSIFIED]

Greg,
do you want to look at these before I send them around for
coordination?
Matt

TRANSLATED_ATTACHMENT 2517 POTUS.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Senator Helms' Serbian Democracy Act

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While appealing on its face, the legislation has numerous problematic aspects. Most important, the legislation codifies various economic sanctions. For example, it would require us to oppose FRY participation in a number of international organizations, to block official FRY assets in the United States,

and to refuse visas to members of the FRY leadership or their immediate families.

While most of these sanctions are already in place, the legislation does not provide waiver authority to permit us to license specific transactions if they are in the national interest. In addition, some European allies may be uncomfortable with a legislated policy to seek the replacement of Milosevic.

However, given Mr. Milosevic's recent behavior, it would be difficult to oppose this bill. Our strategy, therefore, is to work with Senator Helms to modify the bill into something we can support. Madeleine has already spoken with the Senator in this regard. When Congress returns next week, State will begin a dialogue with Senator Helms on the provisions of the legislation we wish to see modified.

2

2517

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 2715 SRB.doc

April 8, 1999

ACTION

MEMORANDUM FOR SAMUEL BURGER

THROUGH: GREG SCHULTE
ERIC SCHWARTZ

FROM: MATTHEW VACCARO

SUBJECT: POTUS Question on Senator Helms' Serbian Democracy Act

The attached memo to the President responds to a question he penned on a Senator Helms' Op Ed.

Concurrence by: Miles Lackey, Jamie Baker, P.J. Crowley

RECOMMENDATION

That you sign the memo attached at Tab I.

Attachment
Tab I Memo to the President
1

2517

Exchange Mail

DATE-TIME 4/8/99 9:06:37 PM
FROM Pascual, Carlos E.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Helms Serbian Demo Act [UNCLASSIFIED]
TO Vaccaro, Jonathan M. (Matt)

CARBON_COPY Schulte, Gregory L.
Burrell, Christina L.
Dempsey, John M. (Jack)
Lackey, Miles M.
Tavlarides, Mark J.
Schwartz, Eric P.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY Thanks -- a couple of edits from Stuart and me.

-----Original
Message-----
From: Kaufman, Stuart J.
Sent: Thursday, April 08,
1999 8:06 PM
To: Pascual, Carlos E.
Cc: Kaufman, Stuart J.; Weiss,
Andrew S.
Subject: FW: Helms Serbian Demo Act [UNCLASSIFIED]

Carlos:
they want this to go up tonight if possible. Here's my suggested
changes.

-----Original Message-----
From: Vaccaro, Jonathan M.
(Matt)
Sent: Thursday, April 08, 1999 6:29 PM
To: Pascual, Carlos
E.
Cc: @RUSSIA - Russia/Ukraine; Vaccaro, Jonathan M. (Matt)
Subject: FW:

Helms Serbian Demo Act [UNCLASSIFIED]

Carlos, Miles thought you might want to look at this as well. For your clearance if you care to.

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

From: Vaccaro, Jonathan M. (Matt)

Sent: Thursday, April 08, 1999 6:02 PM

To: @LEGISLAT - Legislative

Affairs; Schulte, Gregory L.; Crowley, Philip J.

Cc: @LEGAL - Legal

Advisor; @PRESS - Public Affairs

Subject: FW: Helms Serbian Demo

Act [UNCLASSIFIED]

For clearance. I have copies of State's analysis of the bill which they are still working to clear.

Miles/Mark--did

I characterize MKA's conversation in accordance with the TPs you have on this?

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

From: Vaccaro, Jonathan

M. (Matt)

Sent: Thursday, April 08, 1999 5:37 PM

To: Schulte,

Gregory L.

Cc: Hurley, C. Michael; Quinn, Mary E.; Vaccaro, Jonathan

M. (Matt)

Subject: Helms Serbian Demo Act [UNCLASSIFIED]

Greg,

do you want to look at these before I send them around for coordination?

Matt

TRANSLATED_ATTACHMENT 2517 POTUS.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Senator Helms' Serbian Democracy Act

After reading a Senator Helms Op Ed that describes his Serbian Democracy Act, you asked if we should endorse the legislation and ask for its swift passage. The bill is designed to help bring about the replacement of Mr. Milosevic by a democratic government. It would authorize \$100 million to support democracy programs and the development of civil society in Yugoslavia, impose or strengthen a number of economic, financial, or trade sanctions, and prohibit military-to-military cooperation between the U.S. and the FRY, among other initiatives.

While appealing on its face, the legislation has numerous problematic aspects.

Most important, the legislation codifies various economic sanctions.

For

example, it would require us to oppose FRY participation in a number of

international organizations, to block official FRY assets in the United States,

and to refuse visas to members of the FRY leadership or their immediate families.

While most of these sanctions are already in place, the legislation does not

provide waiver authority to permit us to license specific transactions if they

are in the national interest. In addition, some European allies may be uncomfortable with a legislated policy to seek the replacement of Milosevic,

thusweakening NATO cohesion on Kosovo policy. It also sets a bad precedent for

the Russian Duma, which might vote to find some of Russia's NIS neighbors

"undemocratic" as a pretext to oust leaders like Shevardnadze.

However, given Mr. Milosevic's recent behavior, it would be difficult to oppose

this bill. Our strategy, therefore, is to work with Senator Helms to modify the

bill into something we can support. Madeleine has already spoken with the

Senator in this regard. When Congress returns next week, State will begin a

dialogue with Senator Helms on the provisions of the legislation we wish to see modified.

2

2517

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 2715 SRB.doc

April 8, 1999

ACTION

MEMORANDUM FOR SAMUEL BURGER

THROUGH: GREG SCHULTE
ERIC SCHWARTZ

FROM: MATTHEW VACCARO

SUBJECT: POTUS Question on Senator Helms' Serbian Democracy Act

The attached memo to the President responds to a question he penned on a Senator Helms' Op Ed.

Concurrence by: Miles Lackey, Jamie Baker, P.J. Crowley

RECOMMENDATION

That you sign the memo attached at Tab I.

Attachment
Tab I Memo to the President
1

2517

Exchange Mail

DATE-TIME 4/9/99 6:51:36 PM
FROM Allen, Charles A.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Helms Serbian Demo Act [UNCLASSIFIED]
TO Baker, James E.

CARBON_COPY Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY Jamie, I have inserted comments that I worked out with Dan Koffsky. Please see what you think. They want to move this memo forward tonight.

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

From: Vaccaro, Jonathan M.
(Matt)
Sent: Friday, April 09, 1999 6:04 PM
To: Allen, Charles
A.
Cc: Vaccaro, Jonathan M. (Matt); @LEGAL - Legal Advisor
Subject: FW:
Helms Serbian Demo Act [UNCLASSIFIED]

Chuck, the attached version reflects @russia marks and a slight adjustment to the preamble based on advice from Greg. Still looking to forward this tonight.

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

From: Vaccaro, Jonathan M. (Matt)
Sent: Friday, April
09, 1999 5:54 PM
To: Vaccaro, Jonathan M. (Matt)
Subject: FW: Helms
Serbian Demo Act [UNCLASSIFIED]

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

From: Pascual,
Carlos E.
Sent: Thursday, April 08, 1999 9:07 PM
To: Vaccaro,
Jonathan M. (Matt)
Cc: Schulte, Gregory L.; @LEGISLAT - Legislative
Affairs; Schwartz, Eric P.; @LEGAL - Legal Advisor
Subject: FW:
Helms Serbian Demo Act [UNCLASSIFIED]

Thanks -- a couple of edits
from Stuart and me.

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

From: Kaufman,
Stuart J.
Sent: Thursday, April 08, 1999 8:06 PM
To: Pascual,
Carlos E.
Cc: Kaufman, Stuart J.; Weiss, Andrew S.
Subject: FW:
Helms Serbian Demo Act [UNCLASSIFIED]

Carlos: they want this to
go up tonight if possible. Here's my suggested changes.

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

From: Vaccaro, Jonathan M. (Matt)
Sent: Thursday,
April 08, 1999 6:29 PM
To: Pascual, Carlos E.
Cc: @RUSSIA - Russia/Ukraine;
Vaccaro, Jonathan M. (Matt)
Subject: FW: Helms Serbian Demo Act
[UNCLASSIFIED]

Carlos, Miles thought you might want to look at
this as well. For your clearance if you care to.

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

From: Vaccaro, Jonathan M. (Matt)
Sent: Thursday,
April 08, 1999 6:02 PM
To: @LEGISLAT - Legislative Affairs; Schulte,
Gregory L.; Crowley, Philip J.
Cc: @LEGAL - Legal Advisor; @PRESS
- Public Affairs
Subject: FW: Helms Serbian Demo Act [UNCLASSIFIED]

For
clearance. I have copies of State's analysis of the bill which they
are still working to clear.

Miles/Mark--did I characterize MKA's
conversation in accordance with the TPs you have on this?

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

From: Vaccaro, Jonathan M. (Matt)
Sent: Thursday,
April 08, 1999 5:37 PM
To: Schulte, Gregory L.
Cc: Hurley, C. Michael;
Quinn, Mary E.; Vaccaro, Jonathan M. (Matt)
Subject: Helms Serbian
Demo Act [UNCLASSIFIED]

Greg, do you want to look at these
before I send them around for coordination? Matt

TRANSLATED_ATTACHMENT 2517 POTUS.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Senator Helms' Serbian Democracy Act

Madeline and I agree that we ought to work with Senator Helms to
modify his
Serbian Democracy Act so that we can endorse the legislation and ask
for its
swift passage. The bill is designed to help bring about the replacement
of Mr.
Milosevic by a democratic government. It would authorize \$100
million to support
democracy programs and the development of civil society in
Yugoslavia, impose or
strengthen a number of economic, financial, or trade sanctions, and
prohibit
military-to-military cooperation between the U.S. and the FRY,

among other initiatives.

While appealing on its face, the legislation has numerous problematic aspects.

Most important, the legislation codifies various economic sanctions and directs certain diplomatic and foreign policy measures. For example, it would require us

to oppose FRY participation in a number of international organizations, to block

official FRY assets in the United States, and to refuse visas to members of the

FRY leadership or their immediate families. While many of the provisions reflect

current U.S. policy, the legislation does not provide waiver authority to permit

us to license specific transactions and to take certain diplomatic positions if

they are in the national interest. Constitutional questions are raised by bill

provisions that prohibit issuance of visas to certain governmental leaders, that

require you to undertake specific diplomatic positions, and that prohibit direct

or indirect military cooperation. In addition, some European allies may be

uncomfortable with a legislated policy to seek the replacement of Milosevic, and

this could thus weaken NATO cohesion on Kosovo policy. It also sets a bad

precedent for the Russian Duma, which might vote to find some of Russia's NIS

neighbors "undemocratic" as a pretext to oust leaders like Shevardnadze.

However, given Mr. Milosevic's recent behavior, it would be difficult to oppose

this bill outright. Our strategy, therefore, is to work with Senator Helms to

modify the bill into something we can support. Madeleine has already spoken with

the Senator in this regard. When Congress returns next week, State will begin a

dialogue with Senator Helms on the provisions of the legislation that would

require modification.

2

2517

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 2715 SRB.doc

April 8, 1999

ACTION

MEMORANDUM FOR SAMUEL BURGER

THROUGH: GREG SCHULTE
ERIC SCHWARTZ

FROM: MATTHEW VACCARO

SUBJECT: POTUS Question on Senator Helms' Serbian Democracy
Act

The attached memo to the President responds to a question he penned
on a Senator
Helms' Op Ed.

Concurrence by: Miles Lackey, Jamie Baker, P.J. Crowley

RECOMMENDATION

That you sign the memo attached at Tab I.

Attachment
Tab I Memo to the President
1

2517