

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Richard Brody to Steven Black. Subject: Looks Very Good -- My Edits Attached. (4 pages)	05/06/1999	P1/b(1)
002. email	Steven Black to Richard Saunders. Subject: Version 4. (4 pages)	05/06/1999	P1/b(1)
003. email	Steven Black to Michael Roberts, Richard Saunders, Richard Brody. Subject: Final Version of LF Memo to VP. (5 pages)	05/06/1999	P1/b(1)
004. email	Steven Black to Christopher Bolan. Subject: Final Version of LF Memo to VP on Launch Quota. (5 pages)	05/06/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[04/19/1999-05/17/1999]

2006-1363-F

vz5667

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 4/19/99 8:07:50 PM
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Rqst concur #1605 - Reply to Helms/Biden re Reorg [UNCLASSIFIED]
TO Andreasen, Steven P.

CARBON_COPY**TEXT_BODY**

I had heard thru RUMINT that Helms was softening or would fold on this issue, and though I was skeptical I did not push back. But I cannot confirm it.

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

From: Andreasen,
Steven P.
Sent: Monday, April 19, 1999 7:12 PM
To: Kale, Dora
A.; Hill, Roseanne M.; Naplan, Steven J.
Cc: Bell, Robert G.; Bouchard,
Joseph F.; McCausland, Jeffrey D.
Subject: FW: Rqst concur #1605
- Reply to Helms/Biden re Reorg [UNCLASSIFIED]
Importance: High

Steve

-- Regarding the attached package, I did not realize that, subsequent to sending his letter, Senator Helms "agreed to the creation of a Special Advisor for Verification and Compliance for Arms Control, as proposed by the Secretary of State." Let me just check with (a) my office (Bob? Joe? Jeff?) to see if anyone can verify, and if not, (b) State, before we pull the trigger on this. Of course, if you know this to be affirmatively true, please advise. Thanks.
Steve.

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

From: Kale, Dora A.
Sent: Monday,
April 19, 1999 6:58 PM
To: Andreasen, Steven P.
Cc: Kale, Dora
A.; Hill, Roseanne M.; Naplan, Steven J.
Subject: FW: Rqst concur
#1605 - Reply to Helms/Biden re Reorg [UNCLASSIFIED]

Importance: High

package
for clearance. thx.

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

From: Kale, Dora

A.

Sent: Thursday, April 08, 1999 12:39 PM

To: @RUSSIA - Russia/Ukraine;

@DEFENSE - Defense Policy; @LEGISLAT - Legislative Affairs

Cc: Kale,

Dora A.; Hill, Roseanne M.; Naplan, Steven J.

Subject: Rqst concur

#1605 - Reply to Helms/Biden re Reorg [UNCLASSIFIED]

Importance: High

Thanks
for your attention.

<< File: 1605 AM POTUS.doc >> << File: 1605
AM SRB.doc >> << File: 1605 letter.doc >>

Exchange Mail

DATE-TIME 4/20/99 2:30:33 PM
FROM Andreasen, Steven P.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Rqst concur #1605 - Reply to Helms/Biden re Reorg [UNCLASSIFIED]
TO Naplan, Steven J.
Kale, Dora A.
Hill, Roseanne M.

CARBON_COPY Bell, Robert G.
Bouchard, Joseph F.
McCausland, Jeffrey D.

TEXT_BODY

I put the question to Jim Timbie in State/T, pointing out that the draft Senate State authorization bill (dated April 14) includes language mandating a new Assistant Secretary for Verification and Compliance. He said he would get back to me.

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

From: Naplan,
Steven J.
Sent: Monday, April 19, 1999 7:54 PM
To: Andreasen,
Steven P.; Kale, Dora A.; Hill, Roseanne M.
Cc: Bell, Robert G.;
Bouchard, Joseph F.; McCausland, Jeffrey D.; Naplan, Steven J.
Subject: RE:
Rqst concur #1605 - Reply to Helms/Biden re Reorg [UNCLASSIFIED]

that
was the language guidance I got from Amb. Courtney. I'd be glad
for you to get independent confirmation.

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

From: Andreasen,
Steven P.
Sent: Monday, April 19, 1999 7:12 PM
To: Kale, Dora
A.; Hill, Roseanne M.; Naplan, Steven J.
Cc: Bell, Robert G.; Bouchard,
Joseph F.; McCausland, Jeffrey D.
Subject: FW: Rqst concur #1605
- Reply to Helms/Biden re Reorg [UNCLASSIFIED]

Importance: High

Steve

-- Regarding the attached package, I did not realize that, subsequent to sending his letter, Senator Helms "agreed to the creation of a Special Advisor for Verification and Compliance for Arms Control, as proposed by the Secretary of State." Let me just check with (a) my office (Bob? Joe? Jeff?) to see if anyone can verify, and if not, (b) State, before we pull the trigger on this. Of course, if you know this to be affirmatively true, please advise. Thanks.
Steve.

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From: Kale, Dora A.

Sent: Monday,

April 19, 1999 6:58 PM

To: Andreassen, Steven P.

Cc: Kale, Dora

A.; Hill, Roseanne M.; Naplan, Steven J.

Subject: FW: Rqst concur

#1605 - Reply to Helms/Biden re Reorg [UNCLASSIFIED]

Importance: High

package

for clearance. thx.

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

From: Kale, Dora

A.

Sent: Thursday, April 08, 1999 12:39 PM

To: @RUSSIA - Russia/Ukraine;

@DEFENSE - Defense Policy; @LEGISLAT - Legislative Affairs

Cc: Kale,

Dora A.; Hill, Roseanne M.; Naplan, Steven J.

Subject: Rqst concur

#1605 - Reply to Helms/Biden re Reorg [UNCLASSIFIED]

Importance: High

Thanks

for your attention.

<< File: 1605 AM POTUS.doc >> << File: 1605
AM SRB.doc >> << File: 1605 letter.doc >>

Exchange Mail

DATE-TIME 4/26/99 5:01:17 PM
FROM Bernard, Kenneth W.
CLASSIFICATION UNCLASSIFIED
SUBJECT package 2093/Helms letter [UNCLASSIFIED]
TO Tavlarides, Mark J.
Harris, Elisa D.
Epstein, Gerald L.
Gordon-Hagerty, Lisa E.

CARBON_COPY Bernard, Kenneth W.
Hill, Roseanne M.
Keenan, Josefine (Chris)

TEXT_BODY The old version of this package is no longer relevant since we now have a decision. Pls. clear/suggest changes asap.

TRANSLATED_ATTACHMENT

2093 SRB Memo.doc

April 20, 1999

ACTION**MEMORANDUM FOR SAMUEL R. BERGER****FROM: KENNETH W. BERNARD****SUBJECT: Presidential Response to Senate Letter on Smallpox Destruction**

Attached at Tab I is a memorandum to the President and proposed response to a letter from Senators Helms, Lott, Lugar, Kyl, Murkowski, Thomas, and Coverdell. The Senators express their objection to destroying the U.S. stocks of smallpox virus.

Concurrence by: Lisa Gordon-Hagerty, Mark Tavlarides,

Elisa Harris, Gerry Epstein

RECOMMENDATION

That you sign the memorandum to the President at Tab I

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

2093

TRANSLATED_ATTACHMENT 2093 SRB to POTUS.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Response to Senate Letter Concerning Smallpox
Destruction

Purpose

To respond to a letter from seven Senators concerning smallpox
destruction.

Background

Senators Helms, Lott, Lugar, Kyl, Murkowski, Thomas, and
Coverdell have written
urging you to oppose the destruction of the smallpox virus stocks in
the U.S. In
the time since receipt of the letter, Neal Lane and I sent you a
memorandum
recommending that we seek a delay in the scheduled destruction of the
smallpox
stocks, and you approved the recommendation for delay.

A proposed response is at Tab A.

RECOMMENDATION

That you sign the proposed response at Tab A.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

1

1

2093

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 2093reply.doc

Dear Senator Helms:

Thank you for your recent letter expressing your view that we should retain the stocks of smallpox virus for national security, public health and scientific reasons.

You will be pleased to know that I have now decided to seek a further delay in the scheduled destruction of the smallpox stocks.

My decision was influenced in part by two independent Institute of Medicine reports that concluded smallpox virus would be essential if we are to develop new antiviral drugs against smallpox, and novel vaccines that could be used in those

with AIDS or those whose immune systems are not working well.

As you note, even if we were to destroy the two declared stocks in the U.S. and Russia, we would have no assurance that we would eliminate all the smallpox virus in existence. While we hope smallpox would never be used as a weapon, we have a responsibility to develop the drug and vaccine tools to deal with any future outbreak - a process that would necessarily require research with the virus.

The World Health Assembly in 1996 recommended that the remaining declared stocks of live smallpox virus be destroyed on June 30, 1999. This year's Assembly, starting on May 17, will either reconfirm that recommendation or ask for a delay in destruction. We are now building an international consensus for delay - a position, I believe, that would potentially benefit people from every country.

Thank you again for your interest in this most important issue.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

1

2

Exchange Mail

DATE-TIME 4/26/99 6:03:56 PM
FROM Epstein, Gerald L.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: package 2093/Helms letter [UNCLASSIFIED]
TO Bernard, Kenneth W.
Tavlarides, Mark J.
Harris, Elisa D.
Gordon-Hagerty, Lisa E.

CARBON_COPY Bernard, Kenneth W.
Hill, Roseanne M.
Keenan, Josefine (Chris)

TEXT_BODY Minor (nonsubstantive) changes in the reply:

Suggest saying "delay" instead of "further delay" from paragraph 2; "further" it is confusing in context, since the initial delay from 1996 to 1999 is never mentioned.

In the next paragraph, suggest saying "based, in part," rather than "influenced, in part ..." I would then start the next paragraph with "Moreover..." to make clear that the next point is one of the additional factors that went into the decision besides the IOM reports. The remaining changes in the fourth paragraph are strictly to save space if you need it.

On the memo to SRB, my name should be Gerald Epstein or Jerry Epstein but not Gerry Epstein.

-----Original

Message-----

From: Bernard, Kenneth W.

Sent: Monday, April 26,
1999 5:01 PM

To: Tavlarides, Mark J.; Harris, Elisa D.; Epstein,
Gerald L.; Gordon-Hagerty, Lisa E.

Cc: @HEALTH - International Health
Affairs

Subject: package 2093/Helms letter [UNCLASSIFIED]

The
old version of this package is no longer relevant since we now have
a decision. Pls. clear/suggest changes asap.

<< File: 2093
SRB Memo.doc >> << File: 2093 SRB to POTUS.doc >> << File:
2093reply.doc
>>

TRANSLATED_ATTACHMENT 2093reply-GE.doc

Dear Senator Helms:

Thank you for your recent letter expressing your view that we should
retain the
stocks of smallpox virus for national security, public health and
scientific
reasons.

You will be pleased to know that I have now decided to seek a delay
in the
scheduled destruction of the smallpox stocks.

My decision was based, in part, on the conclusions of two
independent Institute
of Medicine reports, which found that smallpox virus would be
essential if we are
to develop new antiviral drugs against smallpox, and novel vaccines
that could be
used in those with AIDS or those whose immune systems are not
working well.

Moreover, as you note, destruction of the two declared stocks in the
U.S. and
Russia cannot guarantee the elimination of all the smallpox virus in
existence.
While we hope smallpox would never be used as a weapon, we have a
responsibility
to develop the drug and vaccine tools to deal with any future outbreak
- a

process that would necessarily require research with the virus.

The World Health Assembly in 1996 recommended that the remaining declared stocks of live smallpox virus be destroyed on June 30, 1999. This year's Assembly, starting on May 17, will either reconfirm that recommendation or ask for a delay in destruction. We are now building an international consensus for delay - a position, I believe, that would potentially benefit people from every country.

Thank you again for your interest in this most important issue.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

1

2

Exchange Mail

DATE-TIME 4/27/99 12:02:51 PM

FROM Harris, Elisa D.

CLASSIFICATION UNCLASSIFIED

SUBJECT smallpox [UNCLASSIFIED]

TO Bernard, Kenneth W.

CARBON_COPY Epstein, Gerald L.
Gordon-Hagerty, Lisa E.
Samore, Gary S.

TEXT_BODY i clear subject to the attached changes, which track teh decision
memo to potus. tx!!

TRANSLATED_ATTACHMENT 2093reply-GE_.doc

Dear Senator Helms:

Thank you for your recent letter expressing your view that we should retain the stocks of smallpox virus for national security, public health and scientific reasons.

You will be pleased to know that I have now decided to seek a delay in the scheduled destruction of the smallpox stocks.

My decision was based, in part, on the conclusions of two independent Institute of Medicine reports, which found that smallpox virus would be essential if we are to develop new antiviral drugs against smallpox, and novel vaccines that could be

used in those with AIDS or those whose immune systems are not working well.

Moreover, as you note, destruction of the two declared stocks in the U.S. and

Russia cannot guarantee the elimination of all the smallpox virus in existence.

While we hope smallpox would never be used as a weapon, we have a responsibility

to develop the drug and vaccine tools to deal with any future outbreak - a

process that would necessarily require research with the virus. I am committed

to ensuring that we have the resources and facilities necessary to participate in

an open, international research program seeking such drugs and vaccines.

The World Health Assembly in 1996 recommended that the remaining declared stocks

of live smallpox virus be destroyed on June 30, 1999. This year's Assembly,

starting on May 17, will either reconfirm that recommendation or ask for a delay

in destruction. We are now working to build an international consensus for

delay - a position, I believe, that would potentially benefit people from every country.

Thank you again for your interest in this most important issue.

Sincerely,

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[Title/Senate/House in Initial Caps]

[Organization/Position - Initial Caps]

[Address - Initial Caps]

1

2

Exchange Mail

DATE-TIME 4/27/99 1:25:51 PM
FROM Bernard, Kenneth W.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: package 2093/Helms letter [UNCLASSIFIED]
TO Gordon-Hagerty, Lisa E.

CARBON_COPY**TEXT_BODY**

Elisa made a single change, the addition of a sentence in the letter to Helms in the 4th para. Sentence starts with "I am committed"
" Ok with leg. What do you think? need answer asap. thanks.

-----Original

Message-----

From: Bernard, Kenneth W.

Sent: Tuesday, April 27,
1999 10:52 AM

To: Samore, Gary S.; Harris, Elisa D.

Cc: @HEALTH

- International Health Affairs

Subject: FW: package 2093/Helms letter
[UNCLASSIFIED]

I need comments, and clearance today. It is WAY late. I'll be sending to the WW at 3:00 pm to avoid the wrath of execsec. Cleared by leg, transnat and ostp.

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

From: Bernard,
Kenneth W.

Sent: Monday, April 26, 1999 5:01 PM

To: Tavlarides,

Mark J.; Harris, Elisa D.; Epstein, Gerald L.; Gordon-Hagerty, Lisa E.

Cc: @HEALTH - International Health Affairs

Subject: package
2093/Helms letter [UNCLASSIFIED]

The old version of this package is no longer relevant since we now have a decision. Pls. clear/suggest changes asap.

TRANSLATED_ATTACHMENT 2093 SRB Memo.doc

April 27, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: KENNETH W. BERNARD

SUBJECT: Presidential Response to Senate Letter on Smallpox
Destruction

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Concurrence by: Lisa Gordon-Hagerty, Mark Tavlarides,
Elisa Harris, Gerald Epstein

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Tab I Memorandum to the President
Tab A Proposed Response
Tab B Incoming Correspondence
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2093

TRANSLATED_ATTACHMENT 2093 SRB to POTUS.doc

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urging you to oppose the destruction of the smallpox virus stocks in
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the time since receipt of the letter, Neal Lane and I sent you a
memorandum
recommending that we seek a delay in the scheduled destruction of the
smallpox
stocks, and you approved the recommendation for delay.

A proposed response is at Tab A.

RECOMMENDATION

That you sign the proposed response at Tab A.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

1

1

2093

cc: Vice President
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Moreover, as you note, destruction of the two declared stocks in the U.S. and Russia cannot guarantee the elimination of all the smallpox virus in existence. While we hope smallpox would never be used as a weapon, we have a responsibility to develop the drug and vaccine tools to deal with any future outbreak - a process that would necessarily require research with the virus. I am committed to ensuring that we have the resources and facilities necessary to participate in an open, international research program seeking such drugs and vaccines.

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consensus for delay
- a position, I believe, that would potentially benefit people from
every
country.

Thank you again for your interest in this most important issue.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

1

2

Exchange Mail

DATE-TIME 4/27/99 7:31:25 PM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Draft CTBT Memo for Berger [UNCLASSIFIED]
TO Andreasen, Steven P.

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

TEXT_BODY

Just a couple changes.

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

From: Andreasen,
Steven P.
Sent: Tuesday, April 27, 1999 10:55 AM
To: Lackey, Miles
M.; Leavy, David C.; Riedel, Bruce O.; Samore, Gary S.; Krass,
Caroline
D.; Greer, Jason H.; Tucker, Maureen E.; Halperin, David E.; Gobush,

Matthew N.; Tavlarides, Mark J.; Baker, James E.
Cc: @DEFENSE -
Defense Policy
Subject: Draft CTBT Memo for Berger [UNCLASSIFIED]
Importance: High

Colleagues

--

Would appreciate any comments on the attached "status report" on CTBT by COB Thursday, if at all possible. Will then shoot to send this forward to Sandy on Friday.

Thanks. Steve.

TRANSLATED_ATTACHMENT

CTBT Quarterly.doc
April 27, 1999/10:45 a.m.

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ROBERT G. BELL

FROM: STEVEN P. ANDREASEN

SUBJECT: CTBT Ratification: Rounding the First Turn

Leaving the gate. On January 11, the President approved a recommendation from you and Larry Stein for an all-out campaign to achieve Senate approval of the Comprehensive Test Ban Treaty (CTBT) in 1999. On that same day, you and Bill Richardson announced at Carnegie that CTBT would be a top priority for this year. Later that month, the President said in the State of the Union that he would ask the Senate to approve the Treaty "now."

A muddy track. Since the State of the Union, a number of developments - domestic and foreign - have intervened to slow our ratification effort. Most recently, Kosovo has necessarily crowded out prospects for raising the profile of CTBT, either with the public or individual Senators. In addition to these developments, a number of issues that were CTBT "variables" at the beginning of the year have come into sharper focus - in most cases, in ways that will not aid our ratification campaign. Specifically:

* START II ratification in Russia. With prospects for START II ratification

dimming for (at least the first half of) 1999, we do not have the option of striking a deal with Senator Helms to submit the September 1997 ABM Succession and Demarcation agreements to the Senate for advice and consent in exchange for Senate action on CTBT.

* National Missile Defense (NMD) legislation. Our inability to hold 41 Democratic Senators on the Cochran NMD bill precluded our holding this legislation "hostage" for a later CTBT trade.

* CTBT ratification in South Asia. The fall of the Vajpayee government and the upcoming Indian elections will delay any hope of Indian (and probably Pakistani) signature well into the fall (i.e., beyond the point where it might have provided an early boost to our ratification campaign).

* New wrinkle. Finally, the controversy surrounding security at our national labs might detract from the ability of the lab directors to convince the Senate that they are up to the challenge of maintaining our nuclear deterrent under CTBT.

Breaks in our favor. There have been some positive developments this year.

* CTBT Committee Formed. On January 19, the "Committee to Support the CTBT" was formed, with Paul Nitze (Chairman); former Senators Exxon, Hatfield and Kassebaum; and former Congressman Lee Hamilton. On February 4, Nitze wrote Helms urging him to ratify the CTBT as soon as possible.

* NGO push. The NGO community continues to press for ratification, including a targeted, multi-state petition campaign, letters to the editor, and polling.

* Stockpile certification. Just this week, the President signed letters to Congress transmitting the yearly stockpile certification signed by Cohen and Richardson. As a visible demonstration of our commitment to stewardship, the DOE

conducted its sixth subcritical experiment in February.

* Other ratifications. New ratifications by Italy, South Africa, Greece and others continue (bringing the total up to 34, including 17 of the 44 required for entry into force); planning for a conference of those states that have ratified the Treaty (most likely in Vienna) continues on track for October.

Are we too far behind? We still have time for hearings and a vote on CTBT before the October 1999 Conference of Ratifying States (recall our CWC ratification campaign consumed approximately four months). The Treaty and supporting documentation have been on the Hill for over a year and a half, which presumably would facilitate the Senate's deliberations, once underway.

Reasons to press on. Recognizing the difficulties - which have, on balance, grown over the past four months - we believe the bottom line remains that CTBT ratification remains a "win/win" issue for us: it is the right thing to do, and all evidence suggests the public will strongly support a push for ratification and that we can win on the Senate floor.

Moreover, mounting and winning a campaign for Senate approval is more important than ever in securing Indian and Pakistani (as well as Chinese and Russian) ratification; indeed, even before the fall of the Vajpayee government, there was evidence suggesting India (and Pakistan) might hold back on signature, expecting that Senate inaction would take India off the hook.

Beyond that, securing entry into force of this Treaty would stand as an enduring achievement of this Administration, marking both a significant step back from the Cold War and a significant step forward in constraining nuclear proliferation.

What will it take to win? As we said in January, success will require a determined campaign, with the President, and agency Principals,

leading the charge. But we must get started in May. If we delay ratcheting up our ratification effort past Memorial Day, we risk simply not having enough time to complete the ratification process in 1999. In addition to a strong public campaign, the key to our effort remains identifying a legislative "trade" involving CTBT and a Republican legislative priority. In the absence of such a deal, moving CTBT will be a very difficult task.

Getting back on track. In terms of specific steps, we would recommend the following in May:

- * Call to Glenn regarding National Chairman. We need to determine whether John Glenn is part of our ratification strategy; you have a memorandum with points for a call to Glenn. If Glenn says "yes," we would work with Chuck Ruff to expedite his appointment.

- * Meeting with key Democrats. After prior consultations with staff, we would arrange a meeting between you and Daschle, Biden, Levin and Kerrey (Minority Leader plus ranking Democrats on SFRC, SASC, and SSCI), to discuss legislative strategy, underscoring the need to identify possible "trades" and/or legislative hostages involving CTBT.

- * Rose Garden event. If Glenn agrees to be our CTBT "National Chairman," we will propose a "Rose Garden event" during the later half of May/early June. In the event Glenn declines, our fallback would be an event with Nobel Laureates who have signed a letter to the President (yet to be delivered) endorsing ratification.

Concurrences by: Lackey Leavy Riedel Samore Krass

0000

Exchange Mail

DATE-TIME 5/4/99 11:41:40 AM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Warming Up in the Bullpen ... [UNCLASSIFIED]
TO Andreassen, Steven P.

CARBON_COPY Tavlarides, Mark J.
Bell, Robert G.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY Steve: Just a few thoughts about the way some of the remarks could be interpreted.

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

From: Andreassen, Steven
P.

Sent: Monday, May 03, 1999 9:05 PM

To: Bell, Robert G.; Krass,
Caroline D.; Lackey, Miles M.; Tavlarides, Mark J.

Cc: @DEFENSE

- Defense Policy

Subject: Warming Up in the Bullpen ... [UNCLASSIFIED]

Importance: High

Colleagues

--

Sometime in March, Mr. Bell accepted an invitation to take part in an NMD symposium sponsored by the Institute for Foreign Policy Analysis, entitled "Assessing National Missile Defense: A Roundtable

Review," scheduled for this Wednesday, May 5. Mr. Bell now has a conflict -- that is, he is accompanying the POTUS to Europe -- and will not be available to pitch nine, no-hit innings on NMD. As a result, I have been asked to come in from the bullpen, and pitch long-relief. The good news is, the presentation they are looking for is very similar in concept to what I did at CATO in March. So, I've made the appropriate updates (in both the presentation and q/a's),

and I am now recirculating for your review and comments, if possible,
by 3:00 p.m. tomorrow.

Thanks. Steve.

TRANSLATED_ATTACHMENT

Remarks for Institute for Foreign Policy Analysis.doc
Remarks for Institute for Foreign Policy Analysis

Assessing National Missile Defense: A Roundtable Review

Understanding the Relationship Between the ABM Treaty and the
Broader U.S.
National Security Interests

(Draft: 5/03/99/8:45 p.m.)

Introduction

* Thank Institute for hosting today's event, and bringing all of us
together
today to discuss the NMD issue.

* Bob Bell was looking forward to participating in today's roundtable
discussion,
but subsequently, was asked to travel with the President to Europe this
week, so
I will do my best to fill Bob's shoes today.

* 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 discussion of the
legislation that
has now passed the Senate and House.

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. [The way this is phrased
suggests that we do not ourselves see any merit in the ABM Treaty; may seem to
contradict the President's statement that the treaty is a "cornerstone" of
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 [see comment above]
continues to
afford great value to the predictability provided by the ABM Treaty
regime, given
the uncertainties regarding its own strategic nuclear forces.

* This is not a new development: Russia made clear when it signed
the START I
Treaty in 1991 that U.S. compliance with, and adherence to, the ABM
Treaty was
essential in order for START I to remain "effective and viable" - a
position they
continue to underscore.

* 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.] [The

bracketed text suggests that we are prejudging our evaluation
(forthcoming in the
year 2000) of the threat in the context of whether to deploy a NMD.]
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 in the past few months 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.

* It is our expectation that these discussions with Russia will intensify once the Administration makes basic decisions regarding an NMD

architecture and
related implications for the ABM Treaty.

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 that has now passed the Senate and House, 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.

* Earlier this year, Senator Cochran proposed legislation stating that it is the policy of the United States to deploy a National Missile Defense "as soon as technologically possible."

* The Administration took the view that the Cochran bill, as drafted, was too simplistic a formula for resolving the deployment issue; instead, we identified four factors that would 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.

* And we have made clear to Russia that we are prepared to negotiate any necessary amendments in good faith.

* As a result of these exchanges, the Senate, on a bipartisan basis, included in the Cochran bill two amendments that, if preserved, will allow the Legislative and Executive branches to move forward on this issue:

* First, by specifying that any NMD deployment must be subject to the authorization and appropriations process, the legislation now makes clear that no decision on deployment has been made.

* Second, by putting the Senate on record as continuing to support negotiated reductions in strategic nuclear arms, the bill reaffirms that our missile defense policy must take into account our arms control objectives.

* Shortly after the Cochran bill was passed in the Senate, the House passed

legislation simply declaring it to be the policy of the United States to deploy a national missile defense.

* This legislation does not specify any criteria for deployment, and for this reason, the concerns the Administration noted with respect to Senator Cochran's original bill on NMD are relevant to the legislation that was passed in the House.

Conclusion

* Let me just briefly conclude by striking an "optimistic" note, that is, that a compromise may be slowly emerging on a number of points related to missile defense, the ABM Treaty and strategic reductions:

* First, that the threat posed by rogue state ballistic missile programs is real and growing.

* Second, that we should move as quickly as we can to develop a limited NMD system, if possible, and, if necessary, deploy such a defense, if operationally effective and affordable, taking into account our obligations and objectives in the field of arms control.

* 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.

If Asked Questions and Answers

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 a number of 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.

* 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 in March 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 are in the billions of dollars, 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 Weldon-Spratt bill emerges from a Senate-House Conference and is sent to
the White House, will the President veto the bill?

* The President's senior advisors have said they have serious concerns regarding
this bill, for many of the same reasons that we were opposed to the original
Cochran bill; I'm sure the President would give their advice great weight in

making this decision.

Why does the Administration care if the Weldon-Spratt legislation were to become law? What would change?

* We are opposed to the Weldon-Spratt bill because it doesn't accurately state our policy on the question of deployment; that is important, both domestically and overseas.

* Obviously, it would be better if the Administration and Congress could work out a joint position on this question. The Cochran NMD bill, as amended and passed by the Senate, represents such a position.

Can a C-1 NMD architecture provide an effective defense of all 50 states? Where would such a defense be based?

* We are looking at this closely, but have not yet reached a final determination.

Wouldn't it be prudent to look beyond whatever ABM Treaty relief might be required for deployment of a C-1 architecture to that required for deployment of a C-2, C-3, or even "space-based" NMD architecture?

* We have not yet come to any conclusions regarding what amendments, if any, we will seek to accommodate deployment of a limited NMD, let alone our "negotiating tactics."

* At this stage, I would not rule out a negotiating process that evolved over a period of years, similar to the START-process, rather than an "all or nothing" negotiation that needed to be wrapped up in a few months.

When does the Administration expect to be in a position to make basic decisions regarding NMD architecture and negotiating strategy?

* Always hard to predict a specific date on something this complex,

but we are
working hard on these questions, and hope to have some preliminary
answers
sometime this summer.

What are the specific ABM issues the Administration is examining?

* [Note - this is the subject of the second presentation, "What ABM
Treaty
Provisions Need To Be Modified for an Effective NMD," by Dr. Kent
Stansbury, Head
of DoD's ABM Treaty Compliance Review Group.]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Richard Brody to Steven Black. Subject: Looks Very Good -- My Edits Attached. (4 pages)	05/06/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[04/19/1999-05/17/1999]

2006-1363-F

vz5667

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Steven Black to Richard Saunders. Subject: Version 4. (4 pages)	05/06/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[04/19/1999-05/17/1999]

2006-1363-F

vz5667

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Steven Black to Michael Roberts, Richard Saunders, Richard Brody. Subject: Final Version of LF Memo to VP. (5 pages)	05/06/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[04/19/1999-05/17/1999]

2006-1363-F

vz5667

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Steven Black to Christopher Bolan. Subject: Final Version of LF Memo to VP on Launch Quota. (5 pages)	05/06/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[04/19/1999-05/17/1999]

2006-1363-F

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Exchange Mail

DATE-TIME 5/10/99 7:45:13 PM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Revised CTBT Memo for Berger [UNCLASSIFIED]
TO Andreasen, Steven P.

CARBON_COPY Lackey, Miles M.
Leavy, David C.
Riedel, Bruce O.
Samore, Gary S.
Tucker, Maureen E.
Camp, Donald A.
Halperin, David E.
Gobush, Matthew N.
Tavlarides, Mark J.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY Changes look fine.

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

From: Halperin,
David E.

Sent: Monday, May 10, 1999 2:23 PM

To: Andreasen, Steven
P.

Cc: Lackey, Miles M.; Leavy, David C.; Riedel, Bruce O.; Samore,
Gary S.; Krass, Caroline D.; Greer, Jason H.; Tucker, Maureen E.;
Halperin, David E.; Gobush, Matthew N.; Tavlarides, Mark J.; Baker,
James E.; Camp, Donald A.

Subject: FW: Revised CTBT Memo for Berger
[UNCLASSIFIED]

Importance: High

Looks good -- a couple of suggestions
in text. You might want to invoke Sandy's frequent remark that we
"must not let the urgent crowd out the importance," Losing CTBT
would affect generations to come, etc.

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

From: Andreassen,
Steven P.
Sent: Monday, May 10, 1999 1:52 PM
To: Lackey, Miles
M.; Leavy, David C.; Riedel, Bruce O.; Samore, Gary S.; Krass,
Caroline
D.; Greer, Jason H.; Tucker, Maureen E.; Halperin, David E.; Gobush,
Matthew N.; Tavlarides, Mark J.; Baker, James E.; Camp, Donald A.
Cc: @DEFENSE
- Defense Policy
Subject: Revised CTBT Memo for Berger [UNCLASSIFIED]
Importance: High

Colleagues

--

Prior to leaving for Geneva two weeks ago, I sent around a memorandum to Sandy on CTBT for your review/comment. All but one office has cleared, and I appreciate the (almost universal) quick turnaround. Since the original draft, however, we have sharpened the text a bit, in part to reflect new developments. I have "bolded" what is "new text" from the original draft, to facilitate your review. If offices could give me their final chop no later than noon tomorrow (Tuesday), we will shoot to send this over to Sandy by COB May 11.

Thanks. Steve.

TRANSLATED_ATTACHMENT CTBT Quarterly.doc
May 10, 1999/1:35 p.m.

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ROBERT G. BELL

FROM: STEVEN P. ANDREASEN

SUBJECT: CTBT Ratification

No progress has been made this year in achieving Senate approval of

the
Comprehensive Test Ban Treaty (CTBT). Moreover, the fall of the
Vajpayee
government has cast considerable doubt on the fate of CTBT in India
and Pakistan.
In the absence of U.S. movement towards ratification, both India and
Pakistan
will find it increasingly tempting to shelve their commitments to sign
CTBT. The
loss of momentum - both domestically and overseas - in bringing the
CTBT into
force could doom any prospects for Senate approval during the
President's second
term, and could well lead in time to the unraveling of the Treaty
altogether.

Leaving the gate. On January 11, the President approved a
recommendation from
you and Larry Stein for an all-out campaign to achieve Senate
approval of the
CTBT in 1999. On that same day, you and Bill Richardson announced
at Carnegie
that CTBT would be a top priority for this year. Later that month, the
President
said in the State of the Union that he would ask the Senate to approve
the Treaty
"now."

A muddy track. Since the State of the Union, a number of
developments - domestic
and foreign - have intervened to slow our ratification effort. Most
recently,
Kosovo has necessarily crowded out prospects for raising the profile
of CTBT,
either with the public or individual Senators. In addition to these
developments, a number of issues that were CTBT "variables" at the
beginning of
the year have come into sharper focus - in most cases, in ways that
will not aid
our ratification campaign:

* START II ratification in Russia. With prospects for START II
ratification
dimming for (at least the first half of) 1999, we do not have the option
of
striking a deal with Senator Helms to submit the September 1997
ABM Succession
and Demarcation agreements to the Senate for advice and consent in
exchange for
Senate action on CTBT.

* National Missile Defense (NMD) legislation. Our inability to hold
41
Democratic Senators on the Cochran NMD bill precluded our holding
this
legislation "hostage" for a later CTBT trade.

* CTBT ratification in South Asia. The fall of the Vajpayee
government and the
upcoming Indian elections will delay any hope of Indian (and possibly
Pakistani)
signature well into the fall (i.e., beyond the point where it might have
provided
an early boost to our ratification campaign).

* New wrinkle. Finally, the controversy surrounding security at our
national
labs might detract from the ability of the lab directors to convince the
Senate
that they are up to the challenge of maintaining our nuclear deterrent
under
CTBT. Some on the Hill may also try to redirect funding plus-ups
required for
stockpile stewardship to counter-intelligence and lab security.

Breaks in our favor. There have been some positive developments this
year.

* CTBT Committee Formed. On January 19, the "Committee to
Support the CTBT" was
formed, with Paul Nitze (Chairman); former Senators Exxon, Hatfield
and Kassebaum;
and former Congressman Lee Hamilton. On February 4, Nitze wrote
Helms urging him
to ratify the CTBT as soon as possible.

* NGO push. The NGO community continues to press for ratification,
including a
targeted, multi-state petition campaign, letters to the editor, and
polling.

* Stockpile certification. In late April, the President signed letters to
Congress transmitting the yearly stockpile certification signed by
Cohen and
Richardson. As a visible demonstration of our commitment to
stewardship, the DOE
conducted its sixth subcritical experiment in February.

* Other ratifications. New ratifications by Italy, South Africa, Greece
and
others continue (bringing the total up to 34, including 17 of the 44

required for
entry into force); mention UK, France, Japan, Germany if those are all
correct
planning for a conference of those states that have ratified the Treaty
(most
likely in Vienna) continues on track for October.

Are we too far behind? We still have time for hearings and a vote on
CTBT before
or around the October 1999 Conference of Ratifying States (recall our
CWC
ratification campaign consumed approximately four months). The
Treaty and
supporting documentation have been on the Hill for over a year and a
half, which
presumably would facilitate the Senate's deliberations, once
underway.

Reasons to press on. Recognizing the difficulties - which have, on
balance,
grown over the past four months - we believe the bottom line remains
that CTBT
ratification remains a "win/win" issue for us: it is the right thing to do,
and
evidence suggests the public will strongly support a push for
ratification.
Given time to prepare the groundwork, we can win on the Senate
floor.

Moreover, mounting and winning a campaign for Senate approval is
more important
than ever in securing Indian and Pakistani (as well as Chinese and
Russian)
ratification; indeed, even before the fall of the Vajpayee government,
there was
evidence suggesting India (and Pakistan) might hold back on
signature, expecting
that Senate inaction would take India off the hook.

Beyond that, securing entry into force of this Treaty would stand as an
enduring
achievement of this Administration, marking both a significant step
back from the
Cold War and a significant step forward in constraining nuclear
proliferation.

That said, our ratification strategy must take into account that recent
developments may have raised new doubts over the merits of CTBT
in the minds of
some Senators, and we will need time - and effort - to muster a

winning coalition
on the Senate floor.

What will it take to win? As we said in January, success will require a determined campaign, with the President, and agency Principals, leading the charge. Even though we are recommending a strategy leading to a vote this Fall, we must get started soon. If we delay ratcheting up our ratification effort past Memorial Day, we risk simply not having enough time to complete the ratification process in 1999. In addition to a strong public campaign, the key to our effort remains identifying a legislative "trade" involving CTBT and a Republican legislative priority. In the absence of such a deal, moving CTBT will be a very difficult task.

Getting back on track. In terms of specific steps, we would recommend the following in May:

- * Call to Glenn regarding National Chairman. We need to determine whether John Glenn is part of our ratification strategy; you have a memorandum with points for a call to Glenn. If Glenn says "yes," we would work with Chuck Ruff to expedite his appointment.

- * Meeting with key Democrats. After prior consultations with staff, we would arrange a meeting between you and Daschle, Biden, Levin and Kerrey (Minority Leader plus ranking Democrats on SFRC, SASC, and SSCI), to discuss legislative strategy, underscoring the need to identify possible "trades" and/or legislative hostages involving CTBT. Once identified, we would attempt to leverage an Administration concession for a commitment from the Majority Leader that CTBT would be discharged from SFRC this Fall in time for a vote this year.

- * Rose Garden event. If Glenn agrees to be our CTBT "National Chairman," we will propose a "Rose Garden event" during the later half of May/first half of June.

In the event Glenn declines, our fallback would be an event with Nobel Laureates who have signed a letter to the President (yet to be delivered) endorsing ratification.

Concurrences by: Lackey Leavy Riedel Samore Krass

4

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Exchange Mail

DATE-TIME 5/11/99 7:38:14 PM

FROM Sutphen, Mona K.

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Adm. Nance Death [UNCLASSIFIED]

TO Lackey, Miles M.
 Hachigian, Nina L.
 Davies, Glyn T.
 Dejban, Donna D.
 Hachigian, Nina L.
 Kerrick, Donald L.
 Millison, Cathy L.
 Moretz, Sheila K.
 O'Brien, Penelope R.
 Rice, Edward A.
 Scott-Perez, Marilyn L.
 Storey, Sharon V.
 Sutphen, Mona K.

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

TEXT_BODY Miles -

Sandy writes: I called. Good advice. Told POTUS to call.

-----Original Message-----
 From: Lackey, Miles M.
 Sent: Tuesday,
 May 11, 1999 5:50 PM
 To: Sutphen, Mona K.; Hachigian, Nina L.; @NSA
 - Natl Security Advisor
 Cc: @LEGISLAT - Legislative Affairs
 Subject: Adm.
 Nance Death [UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM AND DON

Sen.
 Biden's staff called to let us know that Admiral Bud Nance died today.

He was Sen. Helms' Chief of Staff at SFRC -- and one of Helms' oldest friends.

Exchange Mail

DATE-TIME 5/12/99 5:57:53 PM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Third Time's the Charm [UNCLASSIFIED]
TO Andreasen, Steven P.

CARBON_COPY Bell, Robert G.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.
Tavlarides, Mark J.
Lackey, Miles M.

TEXT_BODY Please see changes and comments in the attached (position cursor over yellow highlighted text to see reasons for changes).

-----Original

Message-----

From: Andreasen, Steven P.

Sent: Wednesday, May 12,
1999 4:41 PM

To: Bell, Robert G.; Lackey, Miles M.; Tavlarides,
Mark J.; Krass, Caroline D.; Tucker, Maureen E.; Leavy, David C.

Cc: @DEFENSE

- Defense Policy

Subject: Third Time's the Charm [UNCLASSIFIED]

Importance: High

Colleagues

--

This Friday (May 14), I'll be pinch-hitting again for Mr. Bell at the Congressional Breakfast Seminar sponsored by the National Defense University (I'm sure there will come a day when someone's paying me \$10,000 per speech, but for now, I want to assure the lawyers that I'm doing this out of the goodness of my heart). Subject of the seminar series (which runs over a three-month period) is "Missile Defense, Proliferation, Arms Control and Defense Policy." My remarks will focus on "Balancing Missile Defense, Arms Control and

Deterrence."

Using my previous remarks at CATO/IFPA as a baseline, I've added some additional thoughts and musings (which are "bolded" in the attached remarks). Only one change in the q/a's. Would appreciate any comments no later than 3:00 p.m. on Thursday.

Thanks. Steve.

TRANSLATED_ATTACHMENT

Remarks for 1999 Congressional Breakfast Seminar Series.doc
Remarks for 1999 Congressional Breakfast Seminar Series

Missile Defense, Proliferation, Arms Control and Defense Policy

"Balancing Missile Defense, Arms Control and Deterrence"

(Draft: 5/12/99/4:35 p.m.)

Introduction

* Thank NDU for hosting today's breakfast, and bringing all of us together to discuss the topic of missile defense, arms control and deterrence.

* Bob Bell regrets that he was not able to join you this morning, as he has in previous years. I will do my best today to fill Bob's shoes.

* 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 discussion of the missile defense legislation that has now passed the Senate and the House.

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 - including START I, START II and START III -
- remains a
priority objective of U.S. foreign, security and non-proliferation
policy.

* At the same time, the President has made clear that the United States
must, for
the foreseeable future, maintain nuclear forces sufficient to deter any
hostile
foreign leadership with access to nuclear forces and to convince it that
seeking
a nuclear advantage would be futile.

* 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 and realizing the
benefits
of reductions in strategic nuclear forces through START.

* 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 I and START II and the hoped for gains in the areas of warheads, fissile material and non-strategic forces in START III.

* In addition, the START I Treaty played a vital role in securing the removal of approximately 3,000 nuclear weapons from Ukraine, Belarus and Kazakhstan during the President's first term. START I is the only Treaty in force today mandating verifiable reductions in strategic nuclear forces, and is overwhelmingly in our national security interest to maintain.

* With regard to our own nuclear forces, they continue to play an important role in deterring aggression and coercion against the United States, its forces and allies.

* For this reason, the United States continues to maintain a triad of strategic forces, as well as non-strategic forces, and to provide for the maintenance of a safe and reliable nuclear stockpile through the Department of Energy's stockpile stewardship program, in close coordination with the Department of Defense.

* 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.

* This is not a new development: Russia made clear when it signed the START I Treaty in 1991 that U.S. compliance with, and adherence to, the ABM Treaty was essential in order for START I to remain "effective and viable" - a position they continue to underscore today.

* While we have taken issue with this "linkage" by Russia, and more

recently, the
view that any changes to the ABM Treaty would undermine the
START process, we
agree that the ABM Treaty continues to play an important role in
maintaining
strategic stability between the world's two largest nuclear powers.

* That said, we have made clear to Russia that the ABM Treaty
should, if
necessary, be adjusted to reflect changes in our national security
environment.
Such a process was not only envisioned but incorporated into the
Treaty when it
was concluded in 1972.

* In this context, our initial focus in 1993 was to ensure the ABM
Treaty did not
stand in the way of the development and deployment of increasingly
capable
theater missile defense systems to address the "here and now" threat
posed by the
proliferation of short- and medium-range ballistic missiles.

* That was the rationale behind the negotiations on "demarcation"
between
strategic and theater missile defense systems, which concluded in
1997 with the
signing of two agreed statements in New York.

* These agreements - along with a Memorandum of Understanding on
ABM Succession
and a Protocol relating to the START II Treaty - will be provided to
the Senate
for approval following Russian ratification of START II.

* 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.

* We do not accept the premise that nuclear deterrence or the START process - despite the difficulties in bringing START II into force - should be abandoned as "dead" or no longer relevant to our security calculus.

* Nor do we accept the premise that the ABM Treaty has outlived its time, or that it cannot be adjusted to accommodate deployment of a limited NMD system.

* [CDK1]

* What we do believe is that 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.

* We have time to square this circle, and we intend to do so.

* 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 in the past few months 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.

* It is our expectation that these discussions with Russia will intensify once the Administration has a clearer understanding of the desired NMD architecture and related implications for the ABM Treaty.

* I do not want to give you the impression that a future U.S. proposal to clarify, or amend, the Treaty to accommodate the deployment of a limited NMD will lead to an "easy" negotiation.

* Russian rhetoric on this point has been quite negative since the Administration announced in January that it was adding funds to our five-year Defense plan that would cover deployment of a limited NMD.

* But the Russians also understand that if they reject out of hand any U.S. proposals to clarify or amend the ABM Treaty, pressure would continue to build for the U.S. to consider the option of simply withdrawing from the Treaty altogether.

* For this reason, we believe Russia will have an incentive to respond.

constructively to any U.S. proposals, and that an agreement could be reached.

- * 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.

- * And we have made clear to Russia that we are prepared to negotiate any necessary amendments in good faith.

Congress

- * That is the "state of play" with respect to our NMD program and the ABM Treaty.
Before I conclude my remarks and take your questions, I want to briefly discuss the missile defense legislation that has now passed the Senate and House, and how it relates to the Administration's policy on the question of "deployment."

- * The Administration has made clear that it plans to address the deployment decision in the year 2000. Earlier this year, Senator Cochran proposed legislation stating that it is the policy of the United States to deploy a National Missile Defense "as soon as technologically possible."

- * The Administration took the view that the Cochran bill, as drafted, was not the right formula for resolving the deployment issue; instead, we identified four factors that would 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.

* The Senate heard the Administration out on these four points, and on a bipartisan basis, included in the Cochran bill two amendments that, if preserved, will allow the Legislative and Executive branches to move forward on this issue:

* First, the bill now specifies that any NMD deployment must be subject to the authorization and appropriations process, where, beginning in the year 2000, we will address the question of if, when, and what to deploy.

* Second, the bill puts the Senate on record as continuing to support negotiated reductions in strategic nuclear arms, reaffirming that our missile defense policy cannot be divorced from our arms control objectives.

* The last time I spoke on this issue, I was asked whether these amendments were really that significant, or, were simply "face-saving" measures designed to avoid an administration veto.

* It is certainly true that, with these changes, the President will not veto the Cochran NMD legislation.

* But I think it would be a mistake to simply dismiss these changes as "face-saving."

* [CDK2]

* The first amendment underscores this point: without a subsequent authorization [CDK3] or appropriation, we cannot answer the question of "if, when, and what" to deploy. Simply put, a deployment decision will involve future decisions and legislation. [CDK4]

* Moreover, it is clear from the second amendment that many Senators believe that NMD deployment must take into account "arms control" considerations. That is certainly the Administration's view.

* That said, whatever one may conclude about the changes to the Cochran NMD bill, it is clear that the Cochran bill, as amended, is the one clear path to NMD legislation this year.

* In this regard, I would simply note that the legislation passed in the House does not specify any criteria for deployment, and for this reason, the concerns the Administration noted with respect to Senator Cochran's original bill on NMD are relevant to the legislation that was passed in the House.

* How these two bills will be reconciled and presented to the White House remains to be seen.

Conclusion

* That said, I want to conclude by striking a slightly "optimistic" note, that is, that a consensus may be slowly emerging on a number of points related to missile defense, the ABM Treaty and strategic reductions:

* First, that the threat posed by rogue state ballistic missile programs 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.

* Now, even if a workable consensus between the Administration and Congress can be achieved on these three points, it would not "end" the NMD debate.

* In particular, the details over what kind of NMD to deploy, and what Treaty clarifications or amendments to seek, will provide fertile ground for an ongoing dialogue between the Executive and Legislative branches of government. [CDK5]

* But a consensus relating to the threat, the urgency of developing a workable NMD, and the need for discussions with Russia would provide a framework to move us forward in the next two years.

If Asked Questions and Answers

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 a number of 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.

* 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 in March 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 are in the billions of dollars, 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 hoped that could 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 Weldon-Spratt bill emerges from a Senate-House Conference and is sent to the White House, will the President veto the bill?

* The President's senior advisors have said they have serious concerns regarding this bill, for many of the same reasons that we were opposed to the original Cochran bill; I'm sure the President would give their advice great weight in making this decision.

Why does the Administration care if the Weldon-Spratt legislation were to become law? What would change?

* We are opposed to the Weldon-Spratt bill because it doesn't accurately state our policy on the question of deployment; that is important, both domestically and overseas.

* Obviously, it would be better if the Administration and Congress

could work out
a joint position on this question. The Cochran NMD bill, as amended
and passed
by the Senate, represents such a position.

Can a C-1 NMD architecture provide an effective defense of all 50
states? Where
would such a defense be based?

* We are looking at this closely, but have not yet reached a final
determination.

Wouldn't it be prudent to look beyond whatever ABM Treaty relief
might be
required for deployment of a C-1 architecture to that required for
deployment of
a C-2, C-3, or even "space-based" NMD architecture?

* We have not yet come to any conclusions regarding what
amendments, if any, we
will seek to accommodate deployment of a limited NMD, let alone
our "negotiating
tactics."

* At this stage, I would not rule out a negotiating process that evolved
over a
period of years, similar to the START-process, rather than an "all or
nothing"
negotiation that needed to be wrapped up in a few months.

When does the Administration expect to be in a position to make basic
decisions
regarding NMD architecture and negotiating strategy?

* Always hard to predict a specific date on something this complex,
but we are
working hard on these questions, and hope to have some preliminary
answers
sometime this summer.

What are the specific ABM Treaty issues the Administration is
examining?

* For example, we are looking at issues associated with the number of
possible
deployment sites and interceptors (Article III), ABM early warning
radars
(Article III and the 1978 Agreed Statement), what defines a defense of

the
territory or a base for such a defense (Article I), and systems based on
"other
physical principles" (Agreed Statement D).

How will the evolving China espionage story affect the
Administration's NMD
policy and program?

* Our program is designed primarily to counter emerging, rogue state
threats.
While it will have some capability against accidental or unauthorized
launches
from Russia or China, our NMD program is not designed to address a
deliberate,
large-scale attack by these two states.

* For the foreseeable future, we will continue to rely on our nuclear
deterrent
to provide protection against such attacks.

But wouldn't a C-3 NMD architecture provide the capability to largely
negate
China's nuclear deterrent, providing an incentive for China to expand
its nuclear
capabilities, with the aid of U.S. technology?

* It is not our judgment that China would necessarily expand its
nuclear forces
to counter a limited U.S. NMD system that is clearly designed to
address rogue
state missile threats.

But doesn't it now make sense to deploy a defense against China?

* Continue to believe that our NMD program should be designed to
deal with the
threat posed by rogue states.

* We will continue to maintain overwhelming nuclear deterrent forces
to deal with
"traditional" threats.

Isn't it time to conclude that the START process has stopped, and thus
the
relevance of the ABM Treaty to strategic reductions is now in
question?

* No. First, it is clear the ABM Treaty continues to be relevant to the
successful implementation of the START I Treaty.

* Second, although we have had a number of disappointments related to START II ratification in Russia, we believe ratification is still possible, and in our national interest to pursue.

[CDK1]This comes too close to sounding like we have made a decision regarding the

Article I(2) issue that the lawyers are still considering.

[CDK2]The Cochran bill is a policy statement. We do not want to seem to concede

that it has any legal weight in terms of constraining the President's constitutional powers as Commander-in-Chief.

[CDK3]

[CDK4]Not clear what you are getting at here. If the President made a decision

that he wanted to deploy a limited NMD, and appropriated funds were available for

that purpose, we do not want to make it sound like he would have to seek

additional congressional authorization rather than relying on his Commander-in-Chief powers.

[CDK5]We see absolutely no benefit in encouraging Congress to engage in such a

debate. Given the President's diplomatic relations and treaty negotiation

powers, we do not want to make it sound like we would be obligated to consult

with Congress before agreeing with our treaty partners to changes to the ABM

Treaty.

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Exchange Mail

DATE-TIME 5/17/99 11:46:36 AM
FROM Andreasen, Steven P.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: SRB comment on 3584 [UNCLASSIFIED]
TO Rudman, Mara E.

CARBON_COPY

TEXT_BODY Welcome to my world ... I'll send you some thoughts on this later today ... in the interim, attached is the memo we sent forward to Sandy last week ... I'd drop you a hard copy, but I wouldn't know where to find you ...

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

From: Sutphen,
Mona K.
Sent: Monday, May 17, 1999 11:21 AM
To: Andreasen, Steven
P.; Bell, Robert G.; Lackey, Miles M.; Rudman, Mara E.
Cc: Hachigian,
Nina L.
Subject: SRB comment on 3584 [UNCLASSIFIED]

Steve -

On
your memo re:CTBT, Sandy wrote: "Before I call Glenn now, I think we need to meet w/Democratic senators. Please consult w/Miles and Mara II to develop outline of strategy we would present to Senators, if only to raise profile and make CTBT an issue."

Original on
its way back to you.

Mona

TRANSLATED_ATTACHMENT

CTBT Quarterly.doc
May 11, 1999

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ROBERT G. BELL

FROM: STEVEN P. ANDREASEN

SUBJECT: CTBT Ratification

No progress has been made this year in achieving Senate approval of the Comprehensive Test Ban Treaty (CTBT). Moreover, the fall of the Vajpayee government has cast considerable doubt on the fate of CTBT in India and Pakistan. In the absence of U.S. movement towards ratification, both India and Pakistan will find it increasingly tempting to shelve their commitments to sign CTBT. The loss of momentum - both domestically and overseas - in bringing the CTBT into force could doom any prospects for Senate approval during the President's second term, and could well lead in time to the unraveling of the Treaty altogether.

Leaving the gate. On January 11, the President approved a recommendation from you and Larry Stein for an all-out campaign to achieve Senate approval of the CTBT in 1999. On that same day, you and Bill Richardson announced at Carnegie that CTBT would be a top priority for this year. Later that month, the President said in the State of the Union that he would ask the Senate to approve the Treaty "now."

A muddy track. Since the State of the Union, a number of developments - domestic and foreign - have intervened to slow our ratification effort. Most recently, Kosovo has necessarily crowded out prospects for raising the profile of CTBT, either with the public or individual Senators. In addition to these developments, a number of issues that were CTBT "variables" at the beginning of the year have come into sharper focus - in most cases, in ways that will not aid

our ratification campaign:

- * START II ratification in Russia. With prospects for START II ratification dimming for (at least the first half of) 1999, we do not have the option of

striking a deal with Senator Helms to submit the September 1997 ABM Succession

and Demarcation agreements to the Senate for advice and consent in exchange for Senate action on CTBT.

- * National Missile Defense (NMD) legislation. Our inability to hold 41

Democratic Senators on the Cochran NMD bill precluded our holding this

legislation "hostage" for a later CTBT trade.

- * CTBT ratification in South Asia. The fall of the Vajpayee government and the

upcoming Indian elections - now scheduled for late September and early October -

will delay any hope of Indian (and probably Pakistani) signature well into the

fall (i.e., beyond the point where it might have provided an early boost to our

ratification campaign).

- * New wrinkle. Finally, the controversy surrounding security at our national

labs might detract from the ability of the lab directors to convince the Senate

that they are up to the challenge of maintaining our nuclear deterrent under

CTBT. Some on the Hill may also try to redirect funding plus-ups required for

stockpile stewardship to counter-intelligence and lab security.

Breaks in our favor. There have been some positive developments this year.

- * CTBT Committee Formed. On January 19, the "Committee to Support the CTBT" was

formed, with Paul Nitze (Chairman); former Senators Exon, Hatfield and Kassebaum;

and former Congressman Lee Hamilton. On February 4, Nitze wrote Helms urging him

to ratify the CTBT as soon as possible.

- * NGO push. The NGO community continues to press for ratification, including a

targeted, multi-state petition campaign, letters to the editor, and polling.

* Stockpile certification. In late April, the President signed letters to Congress transmitting the yearly stockpile certification signed by Cohen and Richardson. As a visible demonstration of our commitment to stewardship, the DOE conducted its sixth subcritical experiment in February.

* Other ratifications. New ratifications by Italy, South Africa, Greece and others continue (bringing the total up to 34, including 17 of the 44 required for entry into force, including the UK, France, Japan and Germany); planning for a conference of those states that have ratified the Treaty (most likely in Vienna) continues on track for October.

Are we too far behind? We still have time for hearings and a vote on CTBT before or around the October 1999 Conference of Ratifying States (recall our CWC ratification campaign consumed approximately four months). The Treaty and supporting documentation have been on the Hill for over a year and a half, which presumably would facilitate the Senate's deliberations, once underway.

Reasons to press on. Recognizing the difficulties - which have, on balance, grown over the past four months - we believe the bottom line remains that CTBT ratification remains a "win/win" issue for us: it is the right thing to do, and evidence suggests the public will strongly support a push for ratification. Given time to prepare the groundwork, we can win on the Senate floor.

Moreover, mounting and winning a campaign for Senate approval is more important than ever in securing Indian and Pakistani (as well as Chinese and Russian) ratification; indeed, even before the fall of the Vajpayee government, there was evidence suggesting India (and Pakistan) might hold back on signature, expecting

that Senate inaction would take India off the hook.

Beyond that, securing entry into force of this Treaty would stand as an enduring achievement of this Administration, marking both a significant step back from the Cold War and a significant step forward in constraining nuclear proliferation.

That said, our ratification strategy must take into account that recent developments may have raised new doubts over the merits of CTBT in the minds of some Senators, and we will need time - and effort - to muster a winning coalition on the Senate floor.

What will it take to win? As we said in January, success will require a determined campaign, with the President, and agency Principals, leading the charge. Even though we are recommending a strategy leading to a vote this Fall, we must get started soon. If we delay ratcheting up our ratification effort past Memorial Day, we risk simply not having enough time to complete the ratification process in 1999. In addition to a strong public campaign, the key to our effort remains identifying a legislative "trade" involving CTBT and a Republican legislative priority. In the absence of such a deal, moving CTBT will be a very difficult task.

Getting back on track. In terms of specific steps, we would recommend the following in May:

- * Call to Glenn regarding National Chairman. We need to determine whether John Glenn is part of our ratification strategy; you have a memorandum with points for a call to Glenn. If Glenn says "yes," we would work with Chuck Ruff to expedite his appointment.

- * Meeting with key Democrats. After prior consultations with staff, we would arrange a meeting between you and Daschle, Biden, Levin and Kerrey (Minority Leader plus ranking Democrats on SFRC, SASC, and SSCI), to discuss legislative

strategy, underscoring the need to identify possible "trades" and/or legislative hostages involving CTBT. Once identified, we would attempt to leverage an Administration concession for a commitment from the Majority Leader that CTBT would be discharged from SFRC this Fall in time for a vote this year.

* Rose Garden event. If Glenn agrees to be our CTBT "National Chairman," we will propose a "Rose Garden event" during the later half of May/first half of June. In the event Glenn declines, our fallback would be an event with Nobel Laureates who have signed a letter to the President (yet to be delivered) endorsing ratification.

* Meeting with NGOs. We would schedule a meeting - including a brief "drop by" by you - with a small number of NGO representatives to underscore our commitment to ratification.

Concurrences by: Tavlarides Halperin Riedel Samore Krass

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