

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Anne Witkowsky to Jeffrey McCausland. Subject: Temporary Deployments. (6 pages)	03/20/1999	P1/b(1)
002. email	Steven Andreasen to Robert Bell. Subject: Memo Berger Arms Control. (4 pages)	03/26/1999	P1/b(1)
003. email	Gary Samore to Steven Andreasen. Subject: FW: Urgent Clearance Berger-Holum Memo. (4 pages)	03/30/1999	P1/b(1)
004. email	Carlos Pascual to Steven Andreasen Subject: FW: Urgent Clearance Berger-Holum Memo. (4 pages)	03/30/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Non-Record (Mar 97-Jan 01) ([Senator Helms])
 OA/Box Number: 630000

FOLDER TITLE:

[02/09/1999-03/30/1999]

2006-1363-F
 vz5707

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 2/9/99 5:43:02 PM
FROM Andreassen, Steven P.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Legislative Priorities Input [UNCLASSIFIED]
TO Rice, Edward A.

CARBON_COPY

TEXT_BODY Ed the "number" is 21.4 ... also, please change 2000-2006 to 2000-2005
(typo ... sorry about that). Steve.

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

From: Andreassen,
Steven P.
Sent: Tuesday, February 09, 1999 3:58 PM
To: Rice, Edward
A.
Subject: FW: Legislative Priorities Input [UNCLASSIFIED]
Importance: High

Ed

-- you will note there is a "placeholder" for how many billions are in the budget for TMD and NMD in FY 00-06 ... Expect to send you a number from OMB shortly ... Steve.

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

From: Kelly,
Sandra L.
Sent: Tuesday, February 09, 1999 3:55 PM
To: Rice, Edward
A.
Cc: @EXECSEC - Executive Secretary; @DEFENSE - Defense Policy
Subject: Legislative
Priorities Input [UNCLASSIFIED]

NOTE FROM BOB BELL

Per your request, attached is an explanation of the Defense/Arms Control Directorate's list of legislative priorities.

TRANSLATED_ATTACHMENT LOS Priority1.doc

Priority - Law of the Sea

Obtain Senate advice and consent to accession to the UN Convention on the Law of the Sea and ratification of the agreement on Part XI by November 1999, recognizing this is a lower priority item than ratification of CTBT.

Importance

PDD-36 set ratification as the Administration's top ocean policy priority. In his National Oceans Conference speech on June 12, 1998, POTUS stated, "This year, during this legislative session, the United States Senate should, and must, confirm its leadership role by making America a part of the community of nations already party to the Convention on the Law of the Sea." Senator Helms refused to hold SFRC hearings on the Convention and it remains unratified.

Legislative Issues

Despite aggressive encouragement from the Administration (including a personal plea to Helms from Cohen) and bipartisan support in the Senate (including Thurmond and Stevens), Helms remains intransigent. We will continue our carefully coordinated campaign with the Senate, but should not expect a breakthrough absent an unexpected reversal by Helms or hostage-taking on our part (though that approach could complicate our higher CTB ratification priority).

1

Priority

Conclude Conventional Forces in Europe (CFE) Treaty adaptation by the November, 1999 OSCE summit.

Importance

Signature of a successfully adapted CFE treaty would be a centerpiece of the 1999 OSCE summit and fulfill goal POTUS established last fall.

Legislative Issues

Need to develop Senate support for the adapted treaty as it nears completion in 1999, so that we have a foundation for successful ratification in the year 2000. This should be manageable by Albright and her team at State, with support from NSC and DOD.

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Misdefleg.doc
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Importance

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Legislative Issues

Congressional Republicans in both the Senate and House may attempt to accelerate funding to allow NMD deployment sooner than we think prudent (i.e., 2003 v. 2005) or may try to enact legislation that would effectively make the

deployment
decision now v. 2000 as we plan. Congress may also attempt to
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funding within both theater and national missile defense programs in
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Priority

Advice and Consent for CTB

Importance

On January 11, the President approved a Berger-Stein
recommendation to make "an
all-out effort to achieve advice and consent to CTBT in 1999," and in
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Legislative Issues

Helms has indicated he will not hold hearings on CTBT until the
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submits and the Senate has acted on the 1997 ABM agreements
(which we will not do
unless the Duma ratifies START II), while Biden has said CTBT is
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legislative priority. Intensive Administration effort required to move
Treaty
before September, including the need to identify possible "trades" or
"hostages"
involving CTBT with a Republican legislative priority.

Priority

Defense Spending Increase

Importance

The President's FY2000 budget submitted to Congress on 1 February provides an increase of over \$12 billion for defense readiness and modernization through a combination of new spending and budgetary savings. It is the start of a six-year effort that will represent the first long-term sustained increase in defense spending in a decade, and amounts to approximately \$112 Billion across the FYDP.

The President remains committed to military readiness, and in his first Radio

Address of 1999 he stated that, "We want our Armed Forces to remain ready to

deploy rapidly in any crisis, and that is what this effort will assure, by funding joint exercises, flight training, badly needed spare parts, and recruiting for critical positions. We want our forces to remain the best equipped in the world into the next century, and that is what this effort will

assure, by paying for the next generation of ships, planes, and weapons systems.

It will also enable our military to play its part in meeting emerging threats to

our security such as terrorism and proliferation."

The President's budget submission represents a prudent approach to military

spending increases that balances overall budgetary priorities with national

defense and military readiness.

Legislative Issues

We should encourage the Congress to support the President's defense spending

plan, limit unnecessary procurement add-ons, and approve an additional two rounds

of Base Closure.

Priority

Improve Military Pay and Benefits

Importance

The President's FY2000 Budget Proposal includes a military pay raise of 4.4 percent, the largest since 1982; a major proposal for restructuring the pay system to reward performance; and the reinstatement of military retirement benefits that were taken away over a decade ago. This package equates to an additional \$20 Billion in personnel compensation initiatives compared to the original FY2000 budget planning guidance.

During the State of the Union Address, the POTUS said that, "America's defenders today still stand ready at a moment's notice to go where comforts are few and dangers are many, to do what needs to be done as no one else can. They always come through for America. We must come through for them." He has done so by proposing FY2000 personnel program initiatives that not only do this, but ensure the long-term solvency of Social Security and Medicare trust funds, protecting the retirement incomes of all Americans, including those in the Armed Forces.

Legislative Issues

The Senate has proposed a competing plan in S. 4, "The Soldiers, Sailors and Airman Bill of Rights Act of 1999." However, S. 4 would spend \$10.8 billion over the next 6 years in excess of the Balanced Budget Agreement caps and the President's Budget proposal. This constitutes a potential drain on other defense

programs, by undermining the Administration budget proposal's balance of critical readiness needs, weapons modernization and a military compensation plan that is generous, appropriate and provides the right balance of improvements and enhancements.

Priority

Two Additional Rounds of Base Realignment and Closure (BRAC)

Importance

The April 1998 "Report of the Department of Defense on Base Realignment and Closure" states that BRAC savings are critical to meeting the DOD's Quadrennial Defense Review strategy. The first four BRAC rounds will save the Defense Department approximately \$25 Billion dollars by the year 2003, with an annual recurring savings of over \$5 Billion every year thereafter. Two additional rounds of BRAC could save the Defense Department more than \$20 Billion between the years 2008 and 2015 and \$3 Billion per year thereafter. Each year delay, then, costs the U.S. taxpayer billions of dollars in support of unnecessary and expensive base infrastructure.

The BRAC process is a proven, effective and fair tool for reducing excess capacity and making the difficult decisions that impact the Congress and local communities. In fact, both the Defense Department and the General Accounting Office have shown that the impact of base closure on local communities is far less disruptive - and the economic recovery much better - than even

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commission's projections during base closure testimony.

Legislative Issues

We should seek to develop Senate support for two additional rounds
of BRAC.

Exchange Mail

DATE-TIME 2/9/99 6:00:41 PM
FROM Wasserman, Elaine P.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Legislative Priorities Input [UNCLASSIFIED]
TO Rice, Edward A.

CARBON_COPY Bartlett, L. June
Cosgriff, Kevin J.
Davies, Glyn T.
Dejban, Donna D.
Elkon, Nicole L.
Hasman, Thomas M.
Hilliard, Brenda I.
Jacobson, Tracey A.
Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Rice, Edward A.
Andreasen, Steven P.
Bell, Robert G.
Bouchard, Joseph F.
Kelly, Sandra L.
Langley, Janice M.
Mulligan, George D.
Peterman, David (Brian)
Pimentel, Betsy J.
vonLipsey, Roderick K.
Wasserman, Elaine P.
Witkowski, Anne A.

TEXT_BODY Attached is the correct file for the Readiness Priorities. This replaces the fourth document below. Sorry for the confusion.
-----Original
Message-----
From: Kelly, Sandra L.
Sent: Tuesday, February 09, 1999 3:55 PM
To: Rice, Edward A.
Cc: @EXECSEC - Executive Secretary;
@DEFENSE - Defense Policy
Subject: Legislative Priorities Input [UNCLASSIFIED]

NOTE FROM BOB BELL

Per your request, attached is an explanation of the Defense/Arms Control Directorate's list of legislative priorities.

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Legislative Issues

It is clear that Republican defense hawks" on the Hill will seek to "up the ante" by proposing even higher defense spending levels (e.g., \$20 billion in topline relief for FY2000 vice our proposal for \$4 billion in new money). However, it is not at all clear whether these members have the votes - many "deficit hawks" (such as Kasich) will prefer tax cuts. Our challenge is to "force accountability" in this debate by insisting that those promoting higher defense spending show where the money will come from and what the opportunity costs really are. We must also continue to press the Congress to limit unnecessary procurement add-ons and approve additional rounds of Base Closure for 2001 and 2005.

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Legislative Issues

We must press hard to win Hill support for two additional rounds of BRAC in the face of determined opposition from the "depot caucus." To deflect arguments that President Clinton "politicized" BRAC with his 1995 decisions on Kelly and McClellan, we will need to (a) continue to set the record straight on those decisions (which the BRAC itself confirmed were consistent with its report and (b) emphasize that the two additional rounds will not occur until after

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Clinton's term of office expires. Secretary Cohen must necessarily play the key role in this campaign.

2

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Exchange Mail

DATE-TIME 2/9/99 6:08:20 PM
FROM Rice, Edward A.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Legislative Priorities Input [UNCLASSIFIED]
TO Joshi, M. Kay

CARBON_COPY
TEXT_BODY

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

From: Wasserman, Elaine P.
Sent: Tuesday,
February 09, 1999 6:01 PM
To: Rice, Edward A.
Cc: @EXECSEC - Executive
Secretary; @DEFENSE - Defense Policy
Subject: FW: Legislative Priorities
Input [UNCLASSIFIED]
Importance: High

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file for the Readiness Priorities. This replaces the fourth document
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Importance

The President's FY2000 Budget Proposal includes a military pay raise of 4.4 percent, the largest since 1982; a major proposal for restructuring the pay system to reward performance; and the reinstatement of military retirement benefits that were taken away over a decade ago. This package equates to an additional \$20 Billion in personnel compensation initiatives compared to the original FY2000 budget planning guidance.

During the State of the Union Address, the POTUS said that, "America's defenders today still stand ready at a moment's notice to go where comforts are few and dangers are many, to do what needs to be done as no one else can. They always come through for America. We must come through for them." He has done so by proposing FY2000 personnel program initiatives that not only do this, but ensure the long-term solvency of Social Security and Medicare trust funds, protecting the retirement incomes of all Americans, including those in the Armed Forces.

Legislative Issues

The Senate has proposed a competing plan in S. 4, "The Soldiers, Sailors and Airman Bill of Rights Act of 1999." However, S. 4 would spend \$10.8 billion over the next 6 years in excess of the Balanced Budget Agreement caps and the President's Budget proposal. This constitutes a potential drain on other defense programs, by undermining the Administration budget proposal's balance of critical

readiness needs, weapons modernization and a military compensation plan that is generous, appropriate and provides the right balance of improvements and enhancements.

Priority

Two Additional Rounds of Base Realignment and Closure (BRAC)

Importance

The April 1998 "Report of the Department of Defense on Base Realignment and Closure" states that BRAC savings are critical to meeting the DOD's Quadrennial Defense Review strategy. The first four BRAC rounds will save the Defense Department approximately \$25 Billion dollars by the year 2003, with an annual recurring savings of over \$5 Billion every year thereafter. Two additional rounds of BRAC could save the Defense Department more than \$20 Billion between the years 2008 and 2015 and \$3 Billion per year thereafter. Each year delay, then, costs the U.S. taxpayer billions of dollars in support of unnecessary and expensive base infrastructure.

The BRAC process is a proven, effective and fair tool for reducing excess capacity and making the difficult decisions that impact the Congress and local communities. In fact, both the Defense Department and the General Accounting Office have shown that the impact of base closure on local communities is far less disruptive - and the economic recovery much better - than even the BRAC commission's projections during base closure testimony.

Legislative Issues

We should seek to develop Senate support for two additional rounds of BRAC.

Exchange Mail

DATE-TIME 2/10/99 9:00:52 PM
FROM Witkowsky, Anne A.
CLASSIFICATION UNCLASSIFIED
SUBJECT ABM Questions -- [UNCLASSIFIED]
TO Bell, Robert G.
Andreasen, Steven P.

CARBON_COPY**TEXT_BODY****ACTION**

Bob/Steve:

I have drafted some points for myself to use tomorrow with Biegun and Billingslea ONLY if needed on the ABM question. I fear the attached will reveal my ignorance of the nuances (or more), even after Bob took me through the script, and am providing to you so you can fix, tighten, add, whatever and keep me on the straight and narrow. If one of the staff tries to take me into a detailed conversation, of course I will plead non-expert and reassure them that Senator Helms will be receiving a reply from POTUS soon.

Briefing
is at 10:30 am.

Thanks for your help.

TRANSLATED_ATTACHMENT

ABM MOU Points for SFRC staff.doc

ABM MOU Points for SFRC staff (If raised)

* The President has committed to submit the ABM Treaty MOU on Succession to the Senate for advice and consent and we stand by that commitment.

* The Constitution does not specify a specific timeframe within which a President

must submit a treaty to the Senate.

* We have told you we will send the ABM MOU forward with the START Protocols and the Demarcation agreements once the Duma approves START II.

* Though there has been an unfortunate delay in the Duma's START II consideration, we do not believe we are "dead in the water." We remain hopeful the treaty will be taken up this spring and stand by our plan.

If there are delays beyond 2000, does that mean the MOU will not be submitted before the end of POTUS second term?

* Do not want to speculate on the hypothetical. We stand by our plan to submit the MOU after Duma START II ratification.

Your assertion that Russia is now a Party to the ABM Treaty is incompatible with Condition (9) of the Flank Resolution of Ratification and it will force us judge the Resolution defective.

* [Steve or Bob...anything to add in response?]

Exchange Mail

DATE-TIME 2/19/99 7:20:12 AM
FROM Peterman, David (Brian)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Glenn and CTBT [UNCLASSIFIED]
TO Andreasen, Steven P.

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

TEXT_BODY Steve- How about the "CTBT Mahout". Mahout is a Hindi honorific with the literal meaning of 'elephant driver'. It has great symbolism for the Administration's goal of CTBT ratification in the Senate.

If
that doesn't bring Ed McMahon to my door, maybe these will. Pick a name that Senator Helms will appreciate...something like "Ban the Bomb Bubba" or "Test Ban Hound (We've got a dog in this fight!)"

Can't
wait to help you with your campaign slogan!

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

From: Andreasen,
Steven P.
Sent: Thursday, February 18, 1999 5:40 PM
To: @DEFENSE
- Defense Policy; @LEGAL - Legal Advisor; Tucker, Maureen E.
Subject: FW:
Glenn and CTBT [UNCLASSIFIED]
Importance: High

Alright, maybe

"Citizen Champion" isn't the right "title" to attach to Senator Glenn. So, in order to identify an acceptable alternative, and with a grant from the Committee to Support the CTBT, let the contest begin:

Prize: Winning entry will receive the enduring gratitude of his or her colleagues, along with a free coffee (small regular) from Swings. Of course, should Glenn decline the honor, you will be the scapegoat. Also, if the "title" is changed by an overzealous speechwriter (or, the President) in the final minutes before the announcement, "you go hungry."

Eligibility: All staff affiliated with NSC Defense Policy or Legal, plus Maureen (she's very clever).

Rules:

All entries must meet the minimum standard of "good taste." As always, the decision of Counselor Bell is "final."

Duration:

Contest open until talking points are submitted to Sandy Berger for phone call to Glenn.

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

From: Andreassen,
Steven P.

Sent: Wednesday, February 17, 1999 8:49 PM

To: Krass,
Caroline D.

Cc: Bell, Robert G.; Baker, James E.; @LEGAL - Legal
Advisor; @DEFENSE - Defense Policy

Subject: Glenn and CTBT [UNCLASSIFIED]

Importance: High

Caroline

--

I have now read through your e-mail and attached material. First, it is clear we do not want to do anything that would push Glenn into the "Special Government Employee" category. I can't imagine such a "status" would be acceptable to Glenn, for starters, and by the time we finished the paperwork, President Gore may be in his second term. With this in mind, here is a more refined "conception" of the role we would envision for Glenn. Hopefully, none of this would "push" Glenn into the SGE category; if something does, perhaps there is an "alternative" formulation that would avoid the problem. Here goes:

1. The President would announce that Senator Glenn has volunteered to present to members of the Senate the reasons why

the CTBT Treaty is in our national interest, and should be approved by the Senate.

2. The President would refer to Glenn as America's "Citizen Champion" for CTBT ratification. [Note, here, that I was looking to avoid a title like "National Coordinator" or "National Chairman" for CTBT ratification, assuming that such a "title" might be misconstrued as a "formality of appointment." If, however, we can go with the other formulations, they might sound better.]

3. Senator Glenn would not exercise "federal authority," or negotiate on behalf of the USG. In this context, for example, we would not empower Glenn to "negotiate" with the Senate on a resolution of ratification, or suggest through Glenn that if a Senator votes "yes," the USG will respond by "doing Y."

4. NSC staff (more generically, "federal employees") would brief Glenn on the status of our ratification effort (including our assessment of what Senators are "undecided" on the Treaty) and provide Glenn with fact sheets and other material relating to the Treaty. Glenn would periodically brief NSC staff on his efforts to "make the case" for the Treaty on the Hill.

5. We (NSC staff) will not "supervise" or "direct" Glenn; Glenn will not "supervise" or "direct" federal employees.

6. Glenn will not be paid.

7. Glenn will not have the "formalities" of appointment (i.e., government office, government phone, government car, government credit card, government supplies, etc.).

I would note for the record that Glenn resides at a "614" area code, which is in Ohio. Thus, were he to make "phone calls" to Senators from his residence, or, travel to Washington to meet with Senators or their staff, I assume we would not be in a position to reimburse him for his travel and other related expenses without triggering the "SGE" clause. If this is not accurate, please advise.

If this passess muster, I'll prepare points encorporating these basic points for a Berger call to Glenn. They would go something like this:

Points for Berger call to Glenn

* Understand John

Holum spoke with you briefly last week regarding our CTBT ratification effort.

* CTBT is our top legislative foreign policy priority with the Senate this year, but it is going to be tough, and we are going to need help.

* We hope to have an event involving the President in the next few weeks that "launches" our ratification campaign.

* As a centerpiece of this event, I was hoping we could enlist your participation, and also, ask you to make the case for ratification to your former Senate colleagues.

* What I have in mind is that the President would announce that you have volunteered to present to members of the Senate the reasons why the CTBT is in our national interest, and should be approved by the Senate.

* The President would welcome your contribution, and refer to you as America's "Citizen Champion" for ratification.

* This "formula" would allow us not to have to designate you as a "special government employee." To be clear, you would not be paid, exercise "federal authority," "negotiate on behalf of the USG," have the "formalities" of a government appointment or "supervise" federal employees. Nor would we supervise you.

* We would, however, keep you abreast of our efforts, including our assessment of what Senators are "undecided" on the Treaty and might benefit from hearing from you. We would also provide you with background materials on the Treaty.

* If you'll agree, John, I think your appearance with the President will provide our ratification campaign with "instant credibility," and help get the attention of the Senate, and the public.

End points.

Steve.

Exchange Mail

DATE-TIME 2/19/99 10:55:24 AM
FROM Witkowski, Anne A.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Response to Senator Helms -- [UNCLASSIFIED]
TO McEldowney, Nancy E.

CARBON_COPY

TEXT_BODY thks for lightening speed turn-around!

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

From: McEldowney,
 Nancy E.
 Sent: Friday, February 19, 1999 10:55 AM
 To: Witkowski,
 Anne A.
 Cc: @NATO
 Subject: FW: Response to Senator Helms -- [UNCLASSIFIED]

Anne:
 looks good. Thanks
 Don: fyi -- see reference to summit, impact
 on new allies.

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

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

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

<< File: 0957ltr2.doc
 >>

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

From: Witkowski, Anne A.

Sent: Friday,

February 19, 1999 10:10 AM

To: Weiss, Andrew S.; McEldowney, Nancy

E.; Flanagan, Stephen J.; Baker, James E.; Lackey, Miles M.

Cc: @CEE

- Central/Eastern Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative

Affairs; @RUSSIA - Russia/Ukraine

Subject: Response to Senator Helms

-- [UNCLASSIFIED]

Importance: High

FOR ACTION

Andrew, Nancy,
Steve, Jamie, Miles:

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

<< File: 0957ltr.doc >>

Exchange Mail

DATE-TIME 2/19/99 11:30:33 AM
FROM Tavlarides, Mark J.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Response to Senator Helms -- [UNCLASSIFIED]

TO Witkowsky, Anne A.
Weiss, Andrew S.
McEldowney, Nancy E.
Flanagan, Stephen J.
Baker, James E.
Lackey, Miles M.

CARBON_COPY Bandler, Donald K.
Braden, Susan R.
Brown, Keim C.
Flanagan, Stephen J.
Maxfield, Nancy H.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.
Abercrombie-Winstanley, Gina K.
Burrell, Christina L.
Farrar, Jay C.
Lackey, Miles M.
Rudman, Mara E.
Tavlarides, Mark J.
Barnett, Cheryl E.
Elkind, Jonathan H.
Kaufman, Stuart J.
Pascual, Carlos E.
Segal, Jack D.
Silva, Mary Ann T.
Weiss, Andrew S.

TEXT_BODY Looks fine to leg.

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

From: Witkowsky,
Anne A.

Sent: Friday, February 19, 1999 10:46 AM

To: Witkowsky,

Anne A.; Weiss, Andrew S.; McEldowney, Nancy E.; Flanagan, Stephen J.; Baker, James E.; Lackey, Miles M.

Cc: @CEE - Central/Eastern Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @RUSSIA - Russia/Ukraine

Subject: RE: Response to Senator Helms

-- [UNCLASSIFIED]

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<< File: 0957ltr2.doc

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Sent: Friday,

February 19, 1999 10:10 AM

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

Cc: @CEE

- Central/Eastern Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative

Affairs; @RUSSIA - Russia/Ukraine

Subject: Response to Senator Helms

-- [UNCLASSIFIED]

Importance: High

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<< File: 0957ltr.doc >>

Exchange Mail

DATE-TIME 2/19/99 1:06:24 PM
FROM Braden, Susan R.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Response to Senator Helms -- [UNCLASSIFIED]
TO Witkowsky, Anne A.

CARBON_COPY

TEXT_BODY

Ok, we clear.

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

From: Witkowsky, Anne
A.

Sent: Friday, February 19, 1999 1:05 PM

To: Witkowsky, Anne

A.; Weiss, Andrew S.; McEldowney, Nancy E.; Flanagan, Stephen J.;
Baker, James E.; Lackey, Miles M.; Andreasen, Steven P.

Cc: @CEE

- Central/Eastern Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative

Affairs; @RUSSIA - Russia/Ukraine

Subject: RE: Response to Senator
Helms -- [UNCLASSIFIED]

Importance: High

Thanks for quick turn
around on letter. Here are cover memos for clearance asap.

<<

File: 0957prs.doc >> << File: 0957srb.doc >>

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

From: Witkowsky,
Anne A.

Sent: Friday, February 19, 1999 10:46 AM

To: Witkowsky,

Anne A.; Weiss, Andrew S.; McEldowney, Nancy E.; Flanagan, Stephen
J.; Baker, James E.; Lackey, Miles M.

Cc: @CEE - Central/Eastern

Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;
@RUSSIA - Russia/Ukraine

Subject: RE: Response to Senator Helms
-- [UNCLASSIFIED]

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Attached (version #2) is for your clearance.

<< File: 0957ltr2.doc
>>

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From: Witkowsky, Anne A.

Sent: Friday,

February 19, 1999 10:10 AM

To: Weiss, Andrew S.; McEldowney, Nancy

E.; Flanagan, Stephen J.; Baker, James E.; Lackey, Miles M.

Cc: @CEE

- Central/Eastern Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative

Affairs; @RUSSIA - Russia/Ukraine

Subject: Response to Senator Helms

-- [UNCLASSIFIED]

Importance: High

FOR ACTION

Andrew, Nancy,
Steve, Jamie, Miles:

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Cover memos to follow.

<< File: 0957ltr.doc >>

Exchange Mail

DATE-TIME 2/19/99 5:59:55 PM
FROM Witkowsky, Anne A.
CLASSIFICATION UNCLASSIFIED
SUBJECT Letter to Senator Helms on CFE -- [UNCLASSIFIED]

TO 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 Bartlett, L. June
Cosgriff, Kevin J.
Davies, Glyn T.
Dejban, Donna D.
Elkon, Nicole L.
Hasman, Thomas M.
Hilliard, Brenda I.
Jacobson, Tracey A.
Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Rice, Edward A.

TEXT_BODY

Mona:

I am forwarding now to WW a proposed reply from POTUS to a letter from Senator Helms on the subject of CFE and ABM (#0957). If at all possible, we would like to have the reply signed and on the hill prior to MKA's testimony before the SFRC on Tuesday, February 23rd.

Many apologies for the short timelines. Anything you can do to assist would be greatly appreciated.

Anne

Exchange Mail

DATE-TIME 2/22/99 8:56:50 AM

FROM Hurwitz, Marc I.

CLASSIFICATION UNCLASSIFIED

SUBJECT NATIONAL SECURITY NEWS SUMMARY - EARLY
[UNCLASSIFIED]

TO 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.
Bobbitt, Philip C.
Crowley, Philip J.
Gobush, Matthew N.
Hammer, Michael A.
Hurwitz, Marc I.
Leavy, David C.
Wozniak, Natalie S.

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT

News.doc
NATIONAL SECURITY NEWS SUMMARY
FRIDAY, FEBRUARY 22, 1998
* EARLY *
MIDDLE EAST/SOUTH ASIA
IRAQ: Popular anger against the Iraqi government continues to fester as questions about the assassination of a Shiite cleric remain unanswered. Also, US and British jets attacked a missile base and two communications sites in the southern no-fly zone yesterday. (NYT8; WP10)
JORDAN: King Abdullah removed 4 powerful generals from their positions in his first major use of power. The motivations behind the decision are not

yet known.

(WP10)

INDIA/PAKISTAN: The Prime Ministers of India, meeting face to face, promised

yesterday to work to seek an immediate peace between their two countries. Issue

areas to be ironed out include nuclear warfare and the volatile Kashmir

situation. (NYT1, 4; WP9)

EUROPE/NIS/CANADA

KOSOVO: In Ramboulet, SecState made clear that NATO would not bomb Serb sites if

both sides failed to reach a peace agreement. The remarks came after the ethnic

Albanian delegation spurned terms of peace put forth by negotiators. The ethnic

Albanians seek a pledge from Serbia to hold a referendum on independence for the

province. The extended deadline for an agreement expires tomorrow morning. (NYT1,

6; WP1, 11)

BRITAIN: Violence broke out over potentially racist police activities in

Birmingham. (NYT3)

TURKEY: Turkish PM Ecevit signaled that his government might be willing to adopt

a new approach to the Kurdish problem if rebel Kurds agree to bring an end to

recent violence. (NYT11)

RUSSIA: Congressional auditors will issue a report critical of Clinton Administration efforts to stop the spread of nuclear and bio-chem weapons by

employing scientists from the former USSR. The report asserts that this program

may not be as secure as previously believed and that American funds might have

been used to build Russian arsenal. Senator Helms (R-NC) is a lead critic. Also,

US officials urged representatives of the Russian military to set up a joint

missile warning center before the year 2000. Concerns about the Y2K problem's

effects on nuclear security prompted the meeting. (NYT1, 8)

AFRICA

SOUTH AFRICA: NYT reports on growing apathy among impoverished South African

voters. (NYT1, 10)

NIGERIA: NYT reports that main party appears to have held its power in

preliminary legislative elections. Presidential elections will be held

next week.

(NYT10; WP9)

LATIN AMERICA/CARIBBEAN

COLOMBIA: WP reports on new US efforts to stem drug flow from Colombia. (WP9)

OPINION

NYT: Editorial says Albanians should back down immediately from demand for

referendum in three years, says Contact Group should not make any concessions to

Milosevic. Editorial looks at Belarussian dictator Lukashenko, who controls and

directly profits from state-run economy. Safire essay uses interview with

Singapore dictator Yew to show siege mentality of China's government; calls for

link between US trade and political repression in China. (20,21)

WP: Editorial says drug certification legislation unfair because of high US

demand for drugs - says Mexico's new policy of choking off routes in south will

only be responded by adaptation to new channels. FRY Charge d'Affaires attacks

Sen. McConnell's 1/21 op-ed, saying massacre in Racak was fake, and defends FRY

and Serb actions as defense. Kissinger op-ed questions Kosovo policy - says

there are not clear-cut national interests in putting US troops there, calls on

Europe to control situation. Sinn Fein chief negotiator McGuinness says Trimble

not being fair in peace implementation by holding process hostage to disarmament

issue. (14,15)

WT: Lionel Rosenblat, Refugees International president, lauds Holbrooke,

comments on his high ethical standards. (20)

USA: Opposing editorials square off over export of gene-altered products. In,

interview with Chinese dissident Wei Jing-sheng, he says US engagement with China

only encourages further internal repression, calls for economic sanctions.

(16,17)

WSJ: Nothing of note.

Exchange Mail

DATE-TIME 3/4/99 8:57:17 AM
FROM Andreasen, Steven P.
CLASSIFICATION UNCLASSIFIED
SUBJECT CTBT Points for Berger-Biden [UNCLASSIFIED]
TO Sutphen, Mona K.

CARBON_COPY Burrell, Christina L.
Lackey, Miles M.
Tavlarides, Mark J.
Andreasen, Steven P.
Bell, Robert G.
Bouchard, Joseph F.
Kelly, Sandra L.
Mulligan, George D.
Peterman, David (Brian)
Pimentel, Betsy J.
vonLipsey, Roderick K.
Wasserman, Elaine P.
Witkowsky, Anne A.
Hachigian, Nina L.
Storey, Sharon V.

TEXT_BODY Mona -- CTBT Points, cleared with Miles. Thanks. Steve.

Background

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

CTBT

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

* Disappointing -- but not unexpected -- that Senator Helms has already taken a hard line, demanding the ABM agreements and Kyoto prior to any consideration of CTBT.

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

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

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

Exchange Mail

DATE-TIME 3/15/99 1:55:20 PM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: CATO Remarks [UNCLASSIFIED]
TO Baker, James E.

CARBON_COPY

TEXT_BODY I have read through this and would like to discuss when you have a chance. I think there are some legal issues.

-----Original

Message-----

From: Andreassen, Steven P.

Sent: Sunday, March 14,
1999 7:06 PM

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

Cc: @DEFENSE - Defense Policy

Subject: CATO Remarks [UNCLASSIFIED]

Importance: High

Colleagues

--

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

Thanks.

Steve.

TRANSLATED_ATTACHMENT

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

National Missile Defense: Which Path is Best?

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

Introduction

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

* Begin by describing the core elements of the Administration's strategic policy.

I will then turn to a brief discussion of our policy on National Missile Defense and the ABM Treaty, and then conclude with a review of the legislation now pending before Congress.

Strategic policy

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

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

* Second, the Administration has committed to maintaining the ABM Treaty regime. Recognizing that Russia considers U.S. adherence to the ABM Treaty to be integrally linked to the START process, the President has affirmed the importance of the ABM Treaty in maintaining strategic stability.

* Third, the Administration has committed to the development of a limited NMD system that would be designed primarily to counter emerging rogue state missile threats. This program includes a public commitment to work to amend the ABM Treaty if required to accommodate deployment of a limited NMD.

* These policies are not static, and indeed, have been reviewed at various points over the past six years, most recently last December. That said, we

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

* With respect to START, even though we expect Russian nuclear
forces will
decline over the next decade with or without START II/ START III,
we continue to
have a national security interest in ensuring these reductions are
governed by
Treaty regimes; that is, that the reductions are legally-binding,
predictable,
transparent, verifiable and harder to reverse.

* Moreover, we still have a clear national security interest in realizing
the
specific benefits to strategic stability afforded by the START Treaties
- in
particular, the elimination of MIRVed and Heavy ICBMs under
START II and the
hoped for gains in the areas of warheads, fissile material and non-
strategic
forces in START III.

* In the ABM area, it is clear that Russia continues to afford great
value to the
predictability provided by the ABM Treaty regime, given the
uncertainties
regarding its own strategic nuclear forces.

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

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

* Moreover, to dramatically "tilt" in the direction of any one of these
three

objectives - START, the ABM Treaty, or NMD - at the expense of the other two is, at this point in time, both unnecessary and unwise.

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

Administration policy on NMD and ABM

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

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

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

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

* Third, we have engaged Russia at senior levels to discuss further the evolution of our NMD program. We have told Russia that deployment of a

limited NMD may, or
may not, require modifications to the ABM Treaty, and that if changes
were
required, we would seek agreement on any needed amendments.

Congress

* That is the "state of play" with respect to our NMD program and the
ABM Treaty.

Before I conclude, I want to briefly discuss the legislation now
pending before

Congress, and how it relates to the Administration's position on the
question of
"deployment."

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

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

* This is not an authorization, or, an appropriation, but rather a
statement of
policy. In that sense, even if Cochran were to become law, it won't
change our
NMD program by a single day or a single dollar.

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

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

* Technology. This is more than just whether the technology for an
intercept is

"possible," but whether it has been demonstrated in a rigorous series of flight tests that are planned over the next 12-15 months. This information will be crucial in assessing the operational effectiveness of any NMD.

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

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

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

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

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

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

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

Conclusion

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

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

* First, that the threat is real and growing.

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

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

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

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 four letters to members of Congress on ABM Succession over the past 16 months, and in each instance, he has made clear that the ABM

Treaty has continued in force following the dissolution of the Soviet Union.

- * Expect that the technical legal aspects of ABM succession will be discussed in hearings before Congress.

- * That said, our argument regarding ABM Succession is not novel, and rests on the general principle that agreements between the United States and the USSR that were in force at the time of the dissolution of the Soviet Union would be presumed to continue in force as to the former Soviet Republics.

- * 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?

- * No. Russia today deploys an ABM system at a single site with 100 fixed, ground-based interceptors. The United States has a right to deploy such an NMD.

- * There may be issues with respect to Article I of the Treaty, which prohibits a "territorial" defense.

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

What is your reaction to the report issued last week by the Heritage Foundation

recommending that the U.S. proceed with the deployment of a sea-based NMD?

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

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

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

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

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

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

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

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

- * First, that is not what Secretary Cohen said. The Secretary made clear, as has the President, Secretary Albright and National Security Advisor Berger, that it is in America's interest to maintain the ABM Treaty.

- * As we have said many times before, deployment of a limited national missile defense may or may not require modifications to the Treaty. If deployment required modifications to the Treaty, we would seek agreement with ABM Treaty

parties on the needed amendments, and we are prepared to negotiate any necessary amendments in good faith.

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

Didn't the President rule out the option of withdrawal from the Treaty at his

March 5 news conference, giving Russia a "veto" over our NMD deployment?

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

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

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

* The Administration has made clear that it intends to provide the MOU on Succession, along with the agreements on ABM/TMD Demarcation and the START II protocol, to the Senate for advice and consent following Russian ratification of START II. We certainly hope that can happen before June 1.

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

* [Will the administration cooperate with Senator Helms on hearings

this spring?]

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

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

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

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

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

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

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

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

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

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

Would the President veto Weldon-Spratt?

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

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

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

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

Exchange Mail

DATE-TIME 3/15/99 9:02:08 PM
FROM Lackey, Miles M.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Revised CATO [UNCLASSIFIED]
TO Tavlarides, Mark J.

CARBON_COPY**TEXT_BODY**

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

From: Andreasen, Steven P.
Sent: Monday,
March 15, 1999 8:48 PM
To: Bell, Robert G.; Baker, James E.; Krass,
Caroline D.; Lackey, Miles M.
Cc: @DEFENSE - Defense Policy
Subject: Revised
CATO [UNCLASSIFIED]
Importance: High

This version incorporates
the friendly advice of NSC/Legal ... Policy Forum takes place
tomorrow
at 11:00 a.m. ...

TRANSLATED_ATTACHMENT

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

National Missile Defense: Which Path is Best?

(Draft: 3/15/99/8:41 p.m.)

Introduction

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

* Begin by describing the core elements of the Administration's
strategic policy.

I will then turn to a brief discussion of our policy on National Missile Defense and the ABM Treaty, and then conclude with a review of the legislation now pending before Congress.

Strategic policy

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

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

* Second, the Administration has committed to maintaining the ABM Treaty regime. Recognizing that Russia considers U.S. adherence to the ABM Treaty to be integrally linked to the START process, the President has affirmed the importance of the ABM Treaty in maintaining strategic stability.

* Third, the Administration has committed to the development of a limited NMD system that would be designed primarily to counter emerging rogue state missile threats. This program includes a public commitment to work to amend the ABM Treaty if required to accommodate deployment of a limited NMD.

* These policies are not static, and indeed, have been reviewed at various points over the past six years, most recently last December. That said, we believe these core strategic objectives relating to START, the ABM Treaty and NMD remain sound:

* With respect to START, even though we expect Russian nuclear forces will decline over the next decade with or without START II/ START III, we continue to

have a national security interest in ensuring these reductions are governed by Treaty regimes; that is, that the reductions are legally-binding, predictable, transparent, verifiable and harder to reverse.

* Moreover, we still have a clear national security interest in realizing the specific benefits to strategic stability afforded by the START Treaties - in particular, the elimination of MIRVed and Heavy ICBMs under START II and the hoped for gains in the areas of warheads, fissile material and non-strategic forces in START III.

* In the ABM area, it is clear that Russia continues to afford great value to the predictability provided by the ABM Treaty regime, given the uncertainties regarding its own strategic nuclear forces.

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

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

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

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

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former Soviet Union, including Russia.

Administration policy on NMD and ABM

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

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

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

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

Congress

* That is the "state of play" with respect to our NMD program and the ABM Treaty.

Before I conclude, I want to briefly discuss the legislation now pending before Congress, and how it relates to the Administration's position on the question of "deployment."

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

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

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

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

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

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

* Arms Control. Finally, the Administration believes that a decision regarding NMD deployment must also be addressed within the context of the

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our objectives for achieving future reductions in strategic offensive
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* We have already made clear to Russia that deployment of a limited
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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
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Treaty:

- * First, that the threat is real and growing.
- * Second, that we should move as quickly as we can to develop a limited NMD system, if possible.
- * And third, that we should engage Russia on any necessary amendments to the ABM Treaty, while at the same time working to bring START II into force and conclude a START III.
- * Agreement on these points won't "end" the NMD debate; but it would provide a framework to move us forward in the next two years.

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

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

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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.

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* 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."

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* 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.

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What would change?

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

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a joint position on this question.

10

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Anne Witkowski to Jeffrey McCausland. Subject: Temporary Deployments. (6 pages)	03/20/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Mar 97-Jan 01) ([Senator Helms])
OA/Box Number: 630000

FOLDER TITLE:

[02/09/1999-03/30/1999]

2006-1363-F

vz5707

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Exchange Mail

DATE-TIME 3/24/99 6:05:08 PM
FROM Tavlarides, Mark J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Leg update [UNCLASSIFIED]
TO Lackey, Miles M.

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

TEXT_BODY

HIRC Briefing on Russia-Iran Relationship
On Tuesday, Jack Caravelli from NSC and Jim Timbie from State briefed seven staffers from the HIRC and House Science Committee on Russian missile and nuclear assistance to Iran. HIRC staffers are drafting a Russia-Iran Bill which should be ready for mark-up by mid-April and invited Administration representatives to consult with them on the draft. Jack would appreciate guidance indicating whether this offer should be pursued. Caravelli and Timbie indicated there are signs the Russians are getting the non-pro message, i.e. a questionable contract was cancelled and Russians are disclosing more information about projects, but we still aren't willing to lift sanctions. The staff and briefers discussed the pros and cons of a recent Russian (Minatom) proposal regarding the nuclear entity Nikiet (the details of which were in an earlier note. The meeting was cordial and a good exchange of information. At the end of the meeting Walker Roberts told Jack off line that the Administration's decision to withhold raising the space launch quota was widely respected, particularly given the intense pressure from U.S. industry to decide otherwise.

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

Taiwan legislation
Senator Helms (and Torricelli) introduced a bill to assist in the enhancement of security for Taiwan. The bill includes a series of policy statements, requires that funds be used for the assignment or detail of additional staff to American Institute in Taiwan and requires an annual report detailing each

of Taiwan's defense purchase requests and any decision to reject, postpone or modify any such request. The bill also seeks to strengthen the defense of Taiwan by: requiring the US to develop a plan to enhance operational training and exchanges between armed forces of the US and Taiwan; requiring the establishment of direct secure communications between USPACCOM and the Taiwan military command; and authorizes the sale to Taiwan of TMD equipment, satellite early warning data, air defense equipment and certain naval defense systems.

NATO

Summit meeting

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

Exchange Mail

DATE-TIME 3/25/99 7:22:30 PM
FROM Tavlarides, Mark J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Leg. Update [UNCLASSIFIED]
TO Lackey, Miles M.

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

TEXT_BODY

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

Senate
briefing on Kosovo
Pickering, Slocombe and the J-2 and J-3 briefed
61 Senators on military operations in Kosovo. J-2 opened with intel
update followed by a J-3 current ops update, a J-2 BDA assessment
and brief remarks by Slocombe and Pickering. The military aspects
of the brief were well-received but there was considerable tension
over what are the stated objectives of the mission and how long the
NATO would conduct airstrikes.
* Slocombe said that military operations
would stop if Milosevic stopped attacks and accepted Rambouillet
agreement. Lott, Nickles, and Wellstone thought that the objective

of bombing was to get the Serbs to stop the killing and said that bombing until Serbs also signed peace agreement was at variance with what they understood the President to say. They pressed for clarification and were dissatisfied with response. (At the end of the brief, Levin said that the briefers used "several different formulations and that you need to focus on military objectives".

* Nickles and Inhofe

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

* Mack

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

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

* Senators

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

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

Kosovo legislation

Senators

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

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Steven Andreasen to Robert Bell. Subject: Memo Berger Arms Control. (4 pages)	03/26/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Mar 97-Jan 01) ([Senator Helms])
OA/Box Number: 630000

FOLDER TITLE:

[02/09/1999-03/30/1999]

2006-1363-F

vz5707

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]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Gary Samore to Steven Andresasen. Subject: FW: Urgent Clearance Berger-Holum Memo. (4 pages)	03/30/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Mar 97-Jan 01) ([Senator Helms])
OA/Box Number: 630000

FOLDER TITLE:

[02/09/1999-03/30/1999]

2006-1363-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Carlos Pascual to Steven Andreasen Subject: FW: Urgent Clearance Berger-Holum Memo. (4 pages)	03/30/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Mar 97-Jan 01) ([Senator Helms])
OA/Box Number: 630000

FOLDER TITLE:

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