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*File  
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116*

THE WHITE HOUSE

WASHINGTON

April 15, 1976

MEMORANDUM FOR: KEN LAZARUS

FROM: PHIL BUCHEN *P.*

Attached is an NSC request for comments on U. S. participation in the multilateral Convention Abolishing the Requirement of Legalization for Foreign Public Documents.

Kindly review and provide me with a response to send.

Attachment

April 15, 1976

No objection.

K. Lazarus



NATIONAL SECURITY COUNCIL

4/13/76

TO: Phil Buchen

FROM: Hal Horan, ~~###~~ OEOB 301, x5022

SUBJECT: Multilateral Convention  
Abolishing the Requirement for  
Legalisation for Foreign Public  
Documents

State has recommended that the President forward the subject Convention to the Senate for advice and consent to ratification. I would like your clearance before forwarding the Convention to the President



NATIONAL SECURITY COUNCIL

MEMO FOR: JACK MARSH  
MAX FRIEDERSDORF  
PHIL BUCHEN  
FROM: LES JANKA  
SUBJECT: NSC Congressional Clearance  
Request # 112

Your concurrence is requested in the attached draft action package for the President along with any appropriate comments you may have. Please indicate your clearance by initialling in the space below.

If we have not heard from your office by COB Thursday, April 15, we will assume you have no objections and will accordingly show your concurrence in the final package for the President.

Cleared: \_\_\_\_\_

Date: \_\_\_\_\_



DEPARTMENT OF STATE  
WASHINGTON

April 8, 1976

The President:

I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for its advice and consent to ratification, the multilateral Convention Abolishing the Requirement of Legalisation for Foreign Public Documents adopted at the Ninth Session of the Hague Conference on Private International Law on October 26, 1960.

The Hague Conference on Private International Law, established upon the initiative of the Netherlands Government, has been active in the field of the unification of private international law since 1893. The United States of America participated through observers at the 1956 and 1960 sessions of the Conference and as a member beginning at the 1964 session, pursuant to the authorization for participation in the Conference set forth in Public Law 88-244 (77 Stat. 775) of December 30, 1963.

The Convention is one of the most widely-adopted of the Hague Conventions prepared by the Conference. As of January 1, 1976, the Convention was in force among the following twenty countries: Austria, Belgium, Botswana,

The President,

The White House.



Cyprus, Fiji, Germany, Hungary, Japan, Lesotho, Liechtenstein, Malawi, Malta, Mauritius, Netherlands, Portugal, Switzerland, Tonga, the United Kingdom, and Yugoslavia. In addition, it has been signed (but not yet ratified) by the following five countries: Finland, Greece, Italy, Luxembourg, and Turkey.

The purpose of the Convention is to abolish the requirement of diplomatic and consular legalisation for foreign public documents. Such legalisation or authentication of documents is frequently the last step in a time-consuming and burdensome process known as the chain-certificate method of document certification. Under this method when a document is to be used in a foreign legal proceeding a chain of certifications is ordinarily required beginning with the issuer of the document and leading ultimately to a consul of the recipient country sitting in the country of origin. The first certification is of the authenticity of the signature or seal of the issuer and each certifier thereafter merely certifies the signature, seal or stamp of the certification immediately preceding his. As an example, the signature chain for a power of attorney executed in Iowa for use in the Netherlands might run as follows: (1) grantor; (2) public notary; (3) county clerk; (4) Secretary of State of the State of Iowa; (5) Secretary of State of the United States; (6) Consul of the Netherlands sitting in Chicago. Sometimes a recipient country additionally requires that the signature of its consul be certified in the recipient country by its own department of foreign relations. The purpose of the chain of certificates is



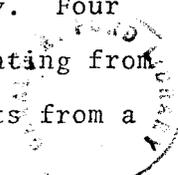
to provide a foreign recipient of a document evidence of authenticity upon which he may rely without undertaking the difficult task of personally verifying the document directly with the original issuer.

The Convention establishes a simplified system for attaining the same objective. The key elements are (a) substitution of a standard certificate bearing one signature for the chain-certificate and (b) abolition of diplomatic or consular authentication of that certificate. The result is elimination of the costs, delays, and frustrations of the present system and reduction of the administrative burden on judges, clerks of courts, diplomatic and consular officers, and other officials of certifying each other's signatures.

Among the twenty countries listed as parties above are many with which we have substantial private law relations. At a time when the volume and importance of litigation with international aspects is growing, it seems desirable to secure for American documents and American litigants the benefits of the streamlined procedures of the Convention. Adoption of the Convention would at the same time ease the burdens and expense on lawyers both here and abroad of the present system and free consuls to provide more urgently needed services.

The Convention consists of nine substantive articles, six formal articles, and one annex, the model of the certificate established by the Convention.

Article 1 defines the scope of the Convention by specifying the documents to which it shall apply. Four categories are included: first, documents emanating from a judicial or other tribunal, including documents from a



public prosecutor, clerk of court, or process server; second, administrative documents; third, notarial acts; and fourth, private documents that bear official certifications, such as a certificate of registration or an official authentication of a signature.

Article 1 specifically excludes two categories of documents: (a) documents executed by diplomatic or consular officers, and (b) administrative documents dealing directly with commercial or customs operations. Documents in the former group are generally not considered foreign documents when prepared for use in the country which the diplomatic or consular officer serves. The second group of documents includes consular certificates of origin and export licenses. Such documents are frequently issued in the country in which they are used and, in any event, are traditionally handled through commercial channels where less rigorous formalities are required for their authentication than are required for documents falling under the Convention.

Article 2 provides that each contracting State will exempt from "legalisation" the documents to which, under Article 1, the Convention applies and which are to be produced in its territory. Article 2 defines "legalisation" for the purposes of the Convention as "the formality by which the diplomatic or consular agents of the country in which the document has to be produced certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears."



Article 3 specifies that where a foreign document is to be produced in a contracting State the only formality that may be required in order to certify the authenticity of the signature of the person who has signed the document or the genuineness of the seal or stamp which it bears is the attachment of the special certificate (or "apostille") described in Article 4, the form of which is annexed to the Convention.

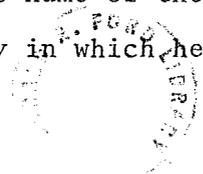
Article 4 describes the simple certificate established by the Convention. It has a uniform format containing four items describing the document and six items indicating where, when, and by whom the certificate is issued.

Article 5 provides that the

"certificate shall be issued at the request of the person who has signed the document or any bearer. When properly filled in, it will certify the authenticity of the signature, the capacity in which the person signing the document has acted, and, where appropriate, the identity of the seal or stamp which the document bears."

Article 6 provides that each contracting State shall designate the authorities who are competent to issue the certificate.

Article 7 contains the controls necessary to protect against misuse of the certificate established by the Convention and to assure the genuineness of any such certificate. This is done by requiring each issuing authority to "keep a register or card index in which it shall record" the date and number of each certificate issued and "the name of the person signing" the document and "the capacity in which he



acted, or in the case of unsigned documents, the name of the authority which has affixed the seal or stamp." At the request of any interested person, the issuing authority will "verify whether the particulars in the certificate correspond with those in the register."

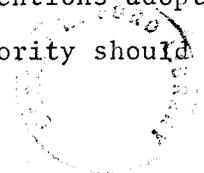
Article 8 is a saving clause which preserves treaty arrangements between any of the parties containing less rigorous formalities for authentication than those provided by the present Convention.

Under Article 9 a contracting State undertakes to take whatever action is required to prevent legalisations by its diplomatic or consular officers in cases where the Convention provides for exemption from this requirement.

The remaining articles (Articles 10-15) are formal in nature. They deal with ratification and accession to the Convention, notification of authorities who may issue the certificate established by the Convention, and technical matters concerning entry into force and duration of the Convention.

If the Senate gives its advice and consent to accession to the Convention by the United States, clerks of Federal District Courts will be authorized to issue the certificates established by the Convention. In addition, it is believed that at least one official in each of the several States and in the Territories should be authorized to issue the certificate. Consultations will be held with appropriate officials of the States and Territories concerning additional designations.

The Advisory Committee on Private International Law, which advises the Department of State on conventions adopted by the Hague Conference, recommended that priority should



be given to ratification of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters opened for signature at The Hague on November 15, 1965, and the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters opened for signature at The Hague on March 18, 1970. The Senate unanimously gave its advice and consent to ratification of those conventions, which are presently in force for the United States. After the entry into force of the Evidence Convention, the Advisory Committee again examined the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents. It decided that this Convention should be called to the attention of interested organizations of the bench and bar in the United States with a view to receiving their views on accession to the Convention.

The American Bar Association passed a resolution at its mid-winter meeting in 1975 urging that the United States ratify the Convention. A similar resolution was adopted by the New York State Bar Association. The Judicial Conference of the United States also supports ratification of the Convention.

The unprecedented success of the present Convention demonstrates that the streamlining of procedures for authentication of foreign public documents which it embodies fills a practical need for those involved in private litigation with international aspects. It represents a distinct improvement over the existing system, an improvement which should be available for American courts and litigants.



In view of the advantages of this Convention to our citizens, and of our leadership in improving other aspects of international civil procedure, I hope that the United States will promptly ratify this Convention.

Respectfully submitted,



Joseph John Sisco  
Acting Secretary of State

Enclosure:

Copy of the Convention  
Abolishing the Requirement  
of Legalisation for  
Foreign Public Documents



TO THE SENATE OF THE UNITED STATES

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents adopted at the Ninth Session of the Hague Conference on Private International Law on October 26, 1960. The Convention, which was opened for signature on October 5, 1961, is presently in force in twenty countries.

This is the third convention in the field of international civil procedure produced by the Hague Conference on Private International Law to be sent to the Senate. It complements the Conventions on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters and on the Taking of Evidence Abroad in Civil and Commercial Matters which are already in force for the United

States to assist litigants and their lawyers in civil proceedings abroad.

The provisions of the Convention are explained in the Report of the Secretary of State which accompanies this letter. The short and simple rules will reduce costs and delays for litigants in international cases by eliminating unnecessary authentication of documents without in any way affecting the integrity of such documents and free judges and other officials who presently certify signatures from a time-consuming and unproductive process.

The Convention has been thoroughly studied by the bench and bar of the United States. Its ratification is supported by the Judicial Conference of the United States, by the American Bar Association, and by other bar associations at the state and local level.

I recommend that the Senate of the United States promptly give its advice and consent to the ratification of this Convention.



Enclosures:

1. Report of the Secretary of State.
2. Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.
3. Rapporteur's Report.

THE WHITE HOUSE,

**XII. CONVENTION ABOLISHING  
THE REQUIREMENT OF LEGALISATION  
FOR FOREIGN PUBLIC DOCUMENTS**

*(Concluded October 5, 1961)*

The States signatory to the present Convention,  
Desiring to abolish the requirement of diplomatic or consular  
legalisation for foreign public documents,

Have resolved to conclude a Convention to this effect and have  
agreed upon the following provisions:

**Article 1**

The present Convention shall apply to public documents which  
have been executed in the territory of one contracting State and which  
have to be produced in the territory of another contracting State.

For the purposes of the present Convention, the following are  
deemed to be public documents:

- a) documents emanating from an authority or an official connected  
with the courts or tribunals of the State, including those ema-  
nating from a public prosecutor, a clerk of a court or a process-  
server ("huissier de justice");
- b) administrative documents;
- c) notarial acts;
- d) official certificates which are placed on documents signed by  
persons in their private capacity, such as official certificates record-  
ing the registration of a document or the fact that it was in  
existence on a certain date and official and notarial authentications  
of signatures.

However, the present Convention shall not apply:

- a) to documents executed by diplomatic or consular agents;
- b) to administrative documents dealing directly with commercial or  
customs operations.

**Article 2**

Each contracting State shall exempt from legalisation documents to  
which the present Convention applies and which have to be produced  
in its territory. For the purposes of the present Convention, legalisa-  
tion means only the formality by which the diplomatic or consular  
agents of the country in which the document has to be produced  
certify the authenticity of the signature, the capacity in which the  
person signing the document has acted and, where appropriate, the  
identity of the seal or stamp which it bears.

**Article 3**

The only formality that may be required in order to certify the  
authenticity of the signature, the capacity in which the person signing  
the document has acted and, where appropriate, the identity of the  
seal or stamp which it bears, is the addition of the certificate described  
in Article 4, issued by the competent authority of the State from which  
the document emanates.

However, the formality mentioned in the preceding paragraph  
cannot be required when either the laws, regulations, or practice in  
force in the State where the document is produced or an agreement  
between two or more contracting States have abolished or simplified  
it, or exempt the document itself from legalisation.



#### Article 4

The certificate referred to in the first paragraph of Article 3 shall be placed on the document itself or on an "allonge", it shall be in the form of the model annexed to the present Convention.

It may, however, be drawn up in the official language of the authority which issues it. The standard terms appearing therein may be in a second language also. The title "Apostille (Convention de La Haye du 5 octobre 1961)" shall be in the French language.

#### Article 5

The certificate shall be issued at the request of the person who has signed the document or of any bearer.

When properly filled in, it will certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which the document bears.

The signature, seal and stamp on the certificate are exempt from all certification.

#### Article 6

Each contracting State shall designate by reference to their official function, the authorities who are competent to issue the certificate referred to in the first paragraph of Article 3.

It shall give notice of such designation to the Ministry of Foreign Affairs of the Netherlands at the time it deposits its instrument of ratification or of accession or its declaration of extension. It shall also give notice of any change in the designated authorities.

#### Article 7

Each of the authorities designated in accordance with Article 6 shall keep a register or card index in which it shall record the certificates issued, specifying:

- a) the number and date of the certificate,
- b) the name of the person signing the public document and the capacity in which he has acted, or in the case of unsigned documents, the name of the authority which has affixed the seal or stamp.

At the request of any interested person, the authority which has issued the certificate shall verify whether the particulars in the certificate correspond with those in the register or card index.

#### Article 8

When a treaty, convention or agreement between two or more contracting States contains provisions which subject the certification of a signature, seal or stamp to certain formalities, the present Convention will only override such provisions if those formalities are more rigorous than the formality referred to in Articles 3 and 4.

#### Article 9

Each contracting State shall take the necessary steps to prevent the performance of legalisations by its diplomatic or consular agents in cases where the present Convention provides for exemption.

## Article 10

The present Convention shall be open for signature by the States represented at the Ninth session of the Hague Conference on Private International Law and Iceland, Ireland, Liechtenstein and Turkey.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

## Article 11

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 10.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

## Article 12

Any State not referred to in Article 10 may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 11. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Such accession shall have effect only as regards the relations between the acceding State and those contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph *d)* of Article 15. Any such objection shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force as between the acceding State and the States which have raised no objection to its accession on the sixtieth day after the expiry of the period of six months mentioned in the preceding paragraph.

## Article 13

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

When the declaration of extension is made by a State which has signed and ratified, the Convention shall enter into force for the territories concerned in accordance with Article 11. When the declaration of extension is made by a State which has acceded, the Convention shall enter into force for the territories concerned in accordance with Article 12.

## Article 14

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 11, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, the Convention shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.



The denunciation will only have effect as regards the State which has notified it. The Convention shall remain in force for the other contracting States.

#### Article 15

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 10, and to the States which have acceded in accordance with Article 12, of the following:

- a) the notifications referred to in the second paragraph of Article 6;
- b) the signatures and ratifications referred to in Article 10;
- c) the date on which the present Convention enters into force in accordance with the first paragraph of Article 11;
- d) the accessions and objections referred to in Article 12 and the date on which such accessions take effect;
- e) the extensions referred to in Article 13 and the date on which they take effect;
- f) the denunciations referred to in the third paragraph of Article 14.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague the 5th October 1961, in French and in English, the French text prevailing in case of divergence between the two texts, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth session of the Hague Conference on Private International Law and also to Iceland, Ireland, Liechtenstein and Turkey.

#### Annex to the Convention

##### *Model of certificate*

The certificate will be in the form of a square with sides at least 9 centimetres long

#### APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: .....
- This public document
2. has been signed by .....
3. acting in the capacity of .....
4. bears the seal/stamp of .....
- .....

#### Certified

5. at .....
6. the .....
7. by .....
8. N°.....
9. Seal/stamp: .....
10. Signature: .....



*NSC*

Date: June 30, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen ✓  
Jim Cannon

FROM THE STAFF SECRETARY

DUE: Date: July 1

Time: 10 AM

SUBJECT:

Brent Scowcroft's Memorandum  
Presidential Determination to  
Permit Security Assistance to Spain

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

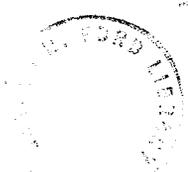
No objection.

*P.W.B.*  
\_\_\_\_\_  
Philip W. Buchen  
Counsel to the President

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
For the President



MEMORANDUM

## THE WHITE HOUSE

WASHINGTON

ACTION

June 29, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: BRENT SCOWCROFT 

SUBJECT: Presidential Determination to Permit  
Security Assistance to Spain

Deputy Secretary of State Robinson recommends that you make a Determination under the Foreign Assistance Act to permit security assistance to Spain (Tab B). Your Determination that assistance to Spain is "important to the security of the United States" will allow you to waive a provision of the Act which prohibits providing assistance to "economically developed" countries such as Spain.

The assistance involved consists of \$725,000 for military training and \$200,000 to defray the cost of processing and shipping previously funded grant materiel. The OMB concurrence in this recommendation indicates that these proposed amounts coincide with the Administration's proposed 1976 budget (Tab C).

Determinations of this nature were made in each of the preceding five years to enable us to meet our then-obtaining commitments under the Agreement of Friendship and Cooperation of August 6, 1970. Since the expiration of that Agreement on September 25, 1975, our access to and utilization of strategically important air and naval facilities in Spain have continued uninterrupted. The assistance involved in this Determination is a manifestation of our continued desire for close military cooperation with Spain pending ratification and implementation of the Treaty of Friendship and Cooperation of January 24, 1976. Military assistance as part of that Treaty will begin in 1977 and is not covered by this Determination.

In announcing last year's Determination 75-18, you made the decision not to mention Section 502(B) of the Act, a sense of the Congress resolution enacted in 1975 to force a reduction or termination of security assistance to



countries which violate human rights. Section 502(B) states that "whenever proposing or furnishing" security assistance to any government which "engages in a consistent pattern of gross violations of internationally recognized human rights," the President "shall advise the Congress of the extraordinary circumstances necessitating this assistance." In view of last year's decision and the very encouraging statements on human rights made by King Juan Carlos in his address to Congress on June 2, 1976, I recommend you not mention Section 502(B) in this year's Determination.

Max Friedersdorf concurs in this recommendation as does Jack Marsh.

At Tab A is a Determination waiving the barrier to providing assistance to "economically developed" countries and a statement of justification for the Determination. Also included in Tab A are letters to forward your Determination and justification to Congress. The Determination directs its publication in the Federal Register.

RECOMMENDATION

That you sign the Determination and Letters at Tab A and approve the attached justification for transmittal to Congress.



THE WHITE HOUSE

WASHINGTON

Presidential Determination  
No. \_\_\_\_\_

MEMORANDUM FOR THE SECRETARY OF STATE

Subject: Presidential Determination Under Section 614(a)  
of the Foreign Assistance Act of 1961, as  
Amended -- Spain.

Pursuant to the authority vested in me by Section  
614(a) of the Foreign Assistance Act of 1961, as amended,  
I hereby:

(a) Determine that the use of not to exceed \$725,000  
in FY 1976 in military assistance funds for military  
training and the use of up to \$200,000 in FY 1976 in  
military assistance funds to defray the cost of packing,  
crating, handling and transportation of previously  
funded grant materiel for Spain, without regard to  
Section 620(m) of the Act, are important to the security  
of the United States; and

(b) Authorize such use of up to \$925,000 of military  
assistance funds without regard to Section 620(m) of  
the Act.

This determination shall be published in the Federal  
Register.



JUSTIFICATION FOR PRESIDENTIAL DETERMINATION  
TO PERMIT SECURITY ASSISTANCE TO SPAIN

Problem

Section 620(m) of the Foreign Assistance Act of 1961, as amended, (the Act), prohibits assistance to "any economically developed nation" except under certain circumstances not relevant here. Spain has been treated as an "economically developed nation" for purposes of section 620(m).

Section 614(a) of the Act permits the President to authorize assistance notwithstanding the requirements of the Act (including section 620(m)), if he determines that such assistance is "important to the security of the United States." Such determinations were made in each of the preceding five fiscal years to permit continuation of our security assistance program with Spain. For the reasons set forth below, the continuation of this assistance during the current fiscal year is important to the security of the United States.

Justification

United States access to and utilization of strategically important air and naval facilities in Spain have continued uninterrupted since expiration last year of the five-year Agreement of Friendship and Cooperation of August 6, 1970, pending entry into force of the Treaty of Friendship and Cooperation of January 24, 1976. The United States security assistance program represents a concrete manifestation of our continued desire for close military cooperation with Spain and of our recognition that an adequate Spanish defensive capability benefits European security as well. The fiscal year 1976 assistance authorized to be furnished by the present determination is composed of a relatively modest training program of not to exceed \$725,000, and funding of not to exceed \$200,000 for the cost of packing, crating, handling and transportation of military assistance materiel for which funds were obligated in prior fiscal years.

This modest fiscal year 1976 military assistance program will serve to foster the spirit of U.S.-Spanish military cooperation on which continued United States access to the strategically important air and naval facilities in Spain is based. Therefore, I have concluded that the provision of this assistance to Spain, notwithstanding the provisions of section 620(m) of the Act, is important to the security of the United States.



THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

In accordance with the notification requirement established by Section 652 of the Foreign Assistance Act of 1961, as amended, please be advised that I intend to exercise my authority under Section 614(a) of the Act to waive the restriction of Section 620(m) as it applies to our security assistance program for Fiscal Year 1976 for Spain. Justification for this action is contained in the enclosed memorandum.

I have determined that such a waiver is important to the security of the United States.

Sincerely,

The Honorable  
The Speaker  
U.S. House of Representatives  
Washington, D.C. 20515



THE WHITE HOUSE

WASHINGTON

Dear Mr. Chairman:

In accordance with the notification requirement established by Section 652 of the Foreign Assistance Act of 1961, as amended, please be advised that I intend to exercise my authority under Section 614(a) of the Act to waive the restriction of Section 620(m) as it applies to our security assistance program for Fiscal Year 1976 for Spain. Justification for this action is contained in the enclosed memorandum.

I have determined that such a waiver is important to the security of the United States.

Sincerely,

The Honorable John J. Sparkman  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510





THE DEPUTY SECRETARY OF STATE  
WASHINGTON

June 2, 1976

MEMORANDUM FOR: THE PRESIDENT  
FROM: Charles W. Robinson *cr*  
SUBJECT: Determination to Permit Security  
Assistance to Spain

PROBLEM:

You are asked to exercise your authority under Section 614(a) of the Foreign Assistance Act of 1961, as amended (the Act), and determine that "it is important to the security of the United States" to continue security assistance to Spain. Such a determination is required in order to permit such assistance notwithstanding the provisions of Section 620(m) of the Act prohibiting assistance to "economically developed" countries.

The assistance which you are requested to authorize for Spain for Fiscal Year 1976 consists of \$725,000 for military training, and \$200,000 to defray the cost of packing, crating, handling and transportation of previously funded grant materiel.

Our access to and utilization of strategically important air and naval facilities in Spain have continued uninterrupted since the expiration on September 25, 1975 of the five-year Agreement of Friendship and Cooperation of August 6, 1970. The assistance involved represents a concrete manifestation of our continued desire for close military cooperation with Spain pending ratification and implementation of the January 24, 1976 treaty under which we expect assistance to be provided beginning in FY 1977.

LEGAL CONSIDERATIONS:

Section 620(m) of the Act provides that "no assistance shall be furnished on a grant basis under this Act to any economically developed nation" with certain exceptions not relevant here. Spain is an "economically developed nation" for the purposes of that section. However, under Section 614(a) of the Act you are empowered to authorize assistance without regard to the prohibitions of Section

620(m) provided that you determine that the furnishing of such assistance is "important to the security of the United States." Such Presidential Determinations were made in each of the five preceding fiscal years for Spain.

With regard to the considerations underlying Section 502B of the Act, on the basis of information available to us regarding the status of human rights in Spain there appears to be no reason not to proceed with this determination.

Section 652 of the Act requires that, prior to the date you intend to exercise your authority under Section 614(a), the Speaker of the House of Representatives and the Senate Committee on Foreign Relations be notified in writing of the intended exercise, the justification therefor, and the extent thereof. Appropriate letters of such notification are attached for your signature as well as a statement of justification. Although not required by law, we shall also inform the Congress once the determination has been signed.

Finally, Section 654(c) of the Act requires that your determination be published in the Federal Register unless you conclude that its publication would be harmful to the national security. We do not believe publication in this case would be harmful to the national security and accordingly recommend its publication in the Federal Register.

CONGRESSIONAL CONSIDERATION:

Given the fact that Presidential Determinations of this nature were made in each of the preceding five years enabling us to meet our then-obtaining commitments under the Agreement of Friendship and Cooperation of August 6, 1970, and in view of our ongoing extensive security interests in Spain, we do not anticipate any Congressional criticism.

RECOMMENDATIONS:

I recommend that you approve and sign the attached determination, thereby also approving the attached justification therefor, as well as the attached advance notification letters to the Speaker of the House of

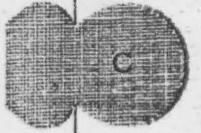


Representatives and to the Chairman of the Senate Foreign Relations Committee transmitting the justification for your determination. We shall promptly inform the Congress of your determination, once signed. The determination alone will be published in the Federal Register.

ATTACHMENTS:

1. Proposed Determination.
2. Proposed Justification.
3. Letters to the Speaker of the House of Representatives and Chairman of the Senate Foreign Relations Committee.





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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

3217

JUN 11 1976

SIGNATURE

MEMORANDUM FOR: THE PRESIDENT  
FROM: Paul H. O'Neill *O'Neill*  
SUBJECT: Determination to Permit Security Assistance for Spain

I concur in Under Secretary of State Robinson's recommendation that you sign the attached determination indicating that the provision of security assistance to Spain is important to the security of the United States.

Your determination would waive the prohibition contained in the Foreign Assistance Act against providing grant funds to any economically developed nation. Similar determinations were made in previous years because assistance to Spain was part of the agreed quid pro quo for United States use of bases in Spain.

The proposed amounts of military assistance coincide with the Administration's proposed 1976 budget. Military assistance as part of the recently negotiated base treaty will begin in 1977 and is not covered by this determination.

Attachment



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 9, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen

FROM THE STAFF SECRETARY

DUE: Date: Soon as Possible Please Time:

SUBJECT:

Scowcroft memo 7/9/76 re: Ratification of the Treaty on Mutual Assistance in Criminal Matters with Switzerland

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

July 9, 1976

No objection.

*P.W.B.*

Philip W. Buchen

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
For the President



Date: July 12, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen  
Jim Cannon

FROM THE STAFF SECRETARY

DUE: Date:

Wednesday, July 14

Time:

10 A.M.

SUBJECT:

Brent Scowcroft memo 7/12/76 re  
Letter to Argentine President Videla

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

July 13, 1976

No objection.

T.W.B.

Philip W. Buchen

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
For the President



Date: July 16, 1976

Time:

FOR ACTION: Phil Buchen  
 Jim Cannon  
 Bill Seidman  
 Jack Marsh  
 Max Friedersdorf  
 FROM THE STAFF SECRETARY

cc (for information):

DUE: Date: Monday, July 19, 1976

Time: 2:00 P.M.

SUBJECT:

Scowcroft memo (7/15) re: Presidential  
 Determination for an Increase in PL-480  
 to Portugal

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

No objection.

*incoming ret'd**P.W.B.*

Philip W. Buchen  
 Counsel to the President

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate  
 delay in submitting the required material, please  
 telephone the Staff Secretary immediately.

Jim Connor  
 For the President



## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 16, 1976

Time:

## FOR ACTION:

cc (for information):

Phil Buchen  
 Jim Connor  
 Jack Marsh

Jim Lynn  
 Dave Gergen

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, July 20

Time: 10 A. M.

## SUBJECT:

Joint Memorandum from Brent Scowcroft and  
 Bill Seidman re: Approval of an International Jet  
 Engine Cooperative Arrangement

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

We have not attached all of the attachments to this package as they are rather voluminous. They are available on request.

I concur in Option 2.

*P.W.B.*

Philip W. Buchen  
 Counsel to the President

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
 For the President



NSC

Date: October 11, 1976

Time:

FOR ACTION:  
Phil Buchen

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: Wednesday, October 13, 1976 Time: 3:00 P.M.

SUBJECT: Suggested Reply to a Letter to the President  
from Representative H. John Heinz, III

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

October 14, 1976

No objection.

P.

Philip Buchen



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
For the President

THE WHITE HOUSE  
WASHINGTON

ACTION  
October 11, 1976

MEMORANDUM FOR: THE PRESIDENT  
FROM: BRENT SCOWCROFT *BS*  
SUBJECT: Suggested Reply to a Letter to You  
from Representative H. John Heinz, III

Representative H. John Heinz, III has written to you (Tab B) recommending that you appoint a special envoy to negotiate with the governments in Indochina to obtain an accounting for our servicemen still missing or otherwise unaccounted for in Southeast Asia. We believe Heinz's letter is in response to pressure from the Pennsylvania Chapter of the National League of Families which has long advocated the appointment of such a Presidential representative. We have previously informed the people making this suggestion that we do not believe such an appointment would be helpful at this time. The fact that we have an established dialogue with the SRV using channels acceptable to both sides, combined with the potential for political exploitation by the SRV of such a highly visible act, dictates prudence in changing our course at present.

At Tab A is a suggested reply from you to Representative Heinz, thanking him for his letter, informing him of your reluctance to alter our strategy at this time, expressing your continued deep concern on this issue, and assuring him that although you do not intend to name such a special representative at this time, you will give his recommendation special consideration.

Jack Marsh, Max Friedersdorf, Milt Mitler, and Doug Smith have cleared the text of the proposed reply.

RECOMMENDATION:

That you sign the letter to Representative Heinz at Tab A.



THE WHITE HOUSE

WASHINGTON

Dear John:

Thank you very much for your August 30 letter expressing concern for our servicemen who are still missing or otherwise unaccounted for in Southeast Asia. As you are aware, I fully share your interest in ending the anguish and uncertainty which so many Americans have suffered not knowing the fate of their loved ones. I have used all possible occasions to seek as full an accounting as is possible for those men who did not return.

I appreciate having your recommendation that I appoint a special envoy to negotiate with governments officials in Southeast Asia on this subject. Serious consideration has been given to this proposal. I have not implemented it at this time because I believe it most productive at the moment to continue the course we have been pursuing. We have entered into an exchange of correspondence with the Vietnamese government and have used existing diplomatic channels to convey the overriding importance we attach to resolving this issue. That correspondence, as you probably know, was released by the Vietnamese at the time I instructed Ambassador Scranton to veto Vietnam's entry into the United Nations. From it, you can clearly see the priority we have given the MIA issue in our diplomatic exchanges with Vietnam.

Please be assured your recommendation will receive careful consideration as we review what actions we should take in the future. I ask also that you remind your constituents of the pledge I made July 24, 1976 at the Seventh Annual Convention of the National League of Families: that I will never abandon our men who have not returned from Southeast Asia and that I will not rest until we have obtained the fullest possible accounting for them.

Sincerely,

The Honorable H. John Heinz III  
House of Representatives  
Washington, D. C. 20515



14  
H. JOHN HEINZ, III  
PENNSYLVANIA

WASHINGTON OFFICE:  
ROOM 324  
CANNON HOUSE OFFICE BUILDING  
CODE 202-225-2135

WARREN EISENBERG  
ADMINISTRATIVE ASSISTANT

DISTRICT OFFICE:  
2031 FEDERAL BUILDING  
PITTSBURGH, PENNSYLVANIA 15222  
TELEPHONE: 412-562-0333

KEITH SWENSON  
DISTRICT ADMINISTRATIVE ASSISTANT

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

9-1  
COMMITTEES:  
INTERSTATE AND FOREIGN  
COMMERCE

SUBCOMMITTEES:  
PUBLIC HEALTH AND ENVIRONMENT  
ENERGY AND POWER

SELECT COMMITTEE ON AGING

SUBCOMMITTEE:  
HEALTH AND LONG-TERM CARE  
RANKING MINORITY MEMBER

REPUBLICAN TASK FORCE ON  
ANTITRUST AND REGULATORY REFORM  
CHAIRMAN

August 30, 1976

The President  
The White House  
Washington, D.C.

Dear Mr. President:

MF  
On September 11, 1975, the House of Representatives established a Select Committee on Missing Persons in Southeast Asia, demonstrating this country's deep concern for our servicemen who are still missing-in-action in Southeast Asia.

My colleagues who serve on this committee have worked long and hard in their effort to account for every person missing-in-action. Unfortunately, the Select Committee's authority to continue its search will terminate at the end of this Congress.

The families of our MIA's deserve to know the fate of their loved ones, and as their representatives we have a pressing responsibility to explore every avenue, to determine all the facts. We must not close the book on this tragic chapter until we have done so.

In light of this serious responsibility, I urge you to appoint a special Presidential envoy for the purpose of establishing formal negotiations with government officials in Southeast Asia, and to make clear that our primary concern in any discussion is to account for every serviceman missing-in-action and to negotiate the return of the remains of our people killed in the war in Indochina. Our country owes certainly at least this much to those among us who have agonized so long over this matter.

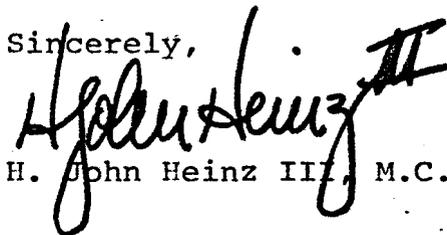
The appointment of a Presidential representative would be a strong indication that the American people are still as united and determined as ever in their efforts to account fully for the hundreds of servicemen, missionaries, and journalists still listed as missing. Your prompt support and action would go a long way toward restoring faith in our government's compassion and concern for our own citizens

President Gerald Ford  
Page Two  
August 30, 1976

who have sacrificed so much.

I appreciate this opportunity to bring this vital matter to your attention, and I shall look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "H. John Heinz II". The signature is written in a cursive style with a large, stylized "H" and "Z".

H. John Heinz II, M.C.

HJH/atg



Date: October 13, 1976

Time:

FOR ACTION:

cc (for information):

Bill Seidman

Phil Buchen (Ed Schmults)

Jim Lynn

Alan Greenspan

Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Thursday, October 14

Time: 5 P.M.

SUBJECT:

Brent Scowcroft memo 10/11/76

re: Proposed Reply to Letter from Karl Bakke

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

This memorandum was initially staffed to Domestic Council for comments --- they have now proposed an alternate letter, should it be decided to send a letter to Chairman Bakke. For your information the Domestic Council version of the letter is also attached for review and comment.

October 14, 1976

I prefer the NSC draft and concur.

  
 Phil Buchen
PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

  
 Jim Connor  
 For the President

THE WHITE HOUSE  
WASHINGTON

October 11, 1976

MEMORANDUM FOR: THE PRESIDENT  
FROM: BRENT SCOWCROFT *BS*  
SUBJECT: Proposed Reply to Letter from Karl Bakke

At Tab A for your signature is a proposed reply to Federal Maritime Commission (FMC) Chairman Karl Bakke. Bakke has written you two letters concerning a "Memorandum Agreement" between the FMC and the Soviet Ministry of Merchant Marine signed last July in Leningrad (Tab B). Under this "Agreement" Soviet ocean carriers will:

-- Raise ocean cargo rates to a level not lower than the lowest rate charged by non-Soviet carriers for the particular commodity in question.

-- Actively pursue membership in liner conferences (agreements on common rates among carriers) covering North Atlantic and Pacific Ocean cargo trade.

Chairman Bakke's letter of September 17 points out that in accordance with the terms of this understanding Soviet ocean carriers are now taking action to bring their shipping rates closer into line with those assessed by non-Soviet carriers, a development which he finds encouraging.

Your proposed reply thanks Bakke for informing you of the agreement and subsequent Soviet actions, expresses satisfaction that Soviet carriers are apparently adjusting their shipping rates upward, and asks him to keep you apprised of any further developments.

CIEP concurs in the proposed reply, as does Doug Smith.

RECOMMENDATION

That you sign the letter to Chairman Bakke at Tab A.



THE WHITE HOUSE  
WASHINGTON

Dear Mr. Chairman:

Thank you for your informative letters of July 19 and September 17 concerning the Memorandum Agreement between the Federal Maritime Commission and the Soviet Ministry of Merchant Marine, which you signed last July. I was pleased to learn that since the conclusion of the Agreement Soviet ocean carriers are apparently taking steps to bring their shipping rates closer into line with those assessed by non-Soviet carriers. These are indeed encouraging developments which should help to stabilize ocean liner trade and create a rate structure under which U.S. carriers and shippers can fairly compete.

Please continue to keep me informed of any further significant developments.

Sincerely,

The Honorable  
Karl E. Bakke  
Chairman  
Federal Maritime Commission  
1100 L Street, N. W.  
Washington, D. C. 20573



THE WHITE HOUSE  
WASHINGTON

Dear Mr. Chairman:

Thank you for your informative letters of July 19 and September 17 concerning the Memorandum Agreement between the Federal Maritime Commission and the Soviet Ministry of Merchant Marine, which you signed last July. I am hopeful that your Agreement will lead to a more stable ocean liner trade and will result in healthier liner competition along with better service and lower prices for our exporters, importers and consumers.

Please continue to keep me informed of any further significant developments.

Sincerely,

The Honorable  
Karl E. Bakke  
Chairman  
Federal Maritime Commission  
1100 L Street, N.W.  
Washington, D.C. 20573





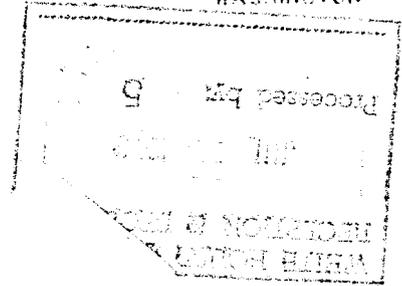
Office of the Chairman

Federal Maritime Commission  
Washington, D.C. 20573

July 19, 1976

1976 JUL 19 PM 5

RECEIVED SECURITY UNIT  
HOUSE  
WASHINGTON



The President  
The White House  
Washington, D.C.

Dear Mr. President:

As you know, H.R. 14564, the most recent version of the "Third Flag Bill," is now pending before the Merchant Marine Subcommittee, House Merchant Marine and Fisheries Committee. This proposed legislation would permit retaliatory action when ocean cargo rates in the U.S. trades of a carrier owned or controlled by certain countries cannot be justified on economic grounds.

The authority proposed for FMC in the pending legislation has been opposed by the Office of Management and Budget on behalf of the Administration, notwithstanding which it appears to be on the verge of a favorable Subcommittee report to the full Committee.

In sum, the problem to which the "third flag" legislation is addressed has two aspects: First, rates quoted by Soviet carriers in "cross-trades" appear, in an alarming number of instances, to have been uneconomic by the standards governing ratemaking by free world carriers in those trades; and second, Soviet carriers have expressed only occasional interest in joining liner conferences in the world's ocean trades. These two considerations have led to widespread apprehension concerning the motives and intentions of the Soviet ocean carriers, particularly in cross-trades.



I have just concluded a week of negotiations with officials of the Ministry of Merchant Marine and of the Soviet ocean carriers engaged in the U.S. ocean trades, and believe an accord has been reached that will go far towards dispelling this uncertainty and the instability in ocean trades that has resulted.

The outcome of those negotiations is described in the attached press release, which contains the text of the agreement reached. I am pleased to report this commercial solution to what is, essentially, a commercial problem, as a result of which a legislated solution now appears to be unnecessary so long as the carriers involved move forward in good faith to implement the objectives of the agreement. We will, of course, monitor developments closely.

Respectfully,

*Karl E. Bakke*

Karl E. Bakke  
Chairman

Attachment



# FEDERAL MARITIME COMMISSION

Washington, D.C. 20573

## NEWS RELEASE

COMMISSION CHAIRMAN BAKKE  
ANNOUNCES U.S.-SOVIET  
MEMORANDUM AGREEMENT

Cardin - 523-5764

N-23

FOR RELEASE 9:30 A.M., MONDAY, JULY 19, 1976

Federal Maritime Commission Chairman Karl E. Bakke today announced signing of a memorandum agreement with the Soviet Ministry of Merchant Marine, concerning principles to govern participation of Soviet common carriers in the U.S. ocean cargo trades.

Chairman Bakke said: "This agreement marks what can be a significant turning point in competitive relationships in the common carrier ocean cargo trades of the United States, particularly where the activity involves service between the United States and countries other than the carriers' own. We are now on the threshold of stability in those liner trades, with cooperation rather than confrontation, reasonable certainty rather than potential chaos, and a structure of ocean cargo rates that will better reflect the legitimate economic interests of carriers, shippers and consumers."

The agreement commits the good offices of the Commission and the Ministry to accomplish two results. First, Soviet carriers will raise, where necessary, and maintain ocean cargo rates at a level not lower than the lowest rate actually used for the same commodity by any non-Soviet carriers in the particular trade involved. Second, Soviet carriers will actively pursue membership, on equitable terms and conditions for all member carriers, in liner conferences covering the U.S. North Atlantic and Pacific ocean cargo trades.

Chairman Bakke said: "Implementation of these commercial solutions to a commercial problem will clearly be of benefit to all concerned. I am confident that necessary actions can be taken by all carriers in mutual good faith."

(more)

The agreement was reached and signed in Leningrad, climaxing a week of intensive discussions with representatives of the Ministry of Merchant Marine and of major Soviet ocean carriers. Chairman Bakke reported that in the course of those meetings, "Certain definite principles emerged as the catalyst for agreement:

"The importance of a viable liner conference system in maintaining stability in the liner trades of the United States in which Soviet carriers participate;

"The legitimate economic interests of carriers, shippers, and consumers that are served by liner conferences in the United States ocean trades;

"The long-term benefits to commercial relationships between the Soviet Union and the United States that can be realized from stability of ocean cargo rates in those trades."

He also commented that: "The Soviet commitment to pursue liner conference membership in the U.S. Pacific trades was clearly influenced by the recent commitment of conference carriers engaged in those trades to end malpractices and henceforth to maintain an effective system of self-policing. Positive action in that direction has been initiated by the carriers involved, and it is significant that the Soviet carriers have not approached these important developments with a "let's see what happens" attitude. Rather, they also have committed to specific principles to govern their course of action in the U.S. liner trades on the basis that expectations of a commitment made in good faith will be observed in good faith. Soviet carriers should now be able to expect the same from other carriers operating in the U.S. liner trades."

Chairman Bakke concluded his remarks by saying: "When I assumed office as FMC Chairman in November 1975, there were two monumental problems facing the Commission: Malpractices in the U.S.-Pacific liner trades, and the rate policies of Soviet carriers in the U.S. liner trades. Action towards resolution of the first was set in motion at an owners' conference in Kyoto last April, and it appears that a basis for resolution of the second has now been established in the accord reached in Leningrad. I trust that both initiatives will proceed with gathering momentum."

The text of the Memorandum Agreement follows:

(more)

MEMORANDUM AGREEMENT

Having discussed fully and freely matters of mutual interest concerning the liner trades of the Soviet Union and the United States, and

Having agreed upon the importance of a viable liner conference system in maintaining stability in those trades, and

With due regard to the legitimate economic interests of carriers, shippers and consumers that are served by liner conferences in the United States ocean trades, and

With due regard to the long-term benefits to commercial relationships between the Soviet Union and the United States that can be realized from stability of ocean cargo rates in those trades,

The parties hereto have mutually agreed to utilize the good offices of their respective agencies to achieve the following:

1. All ocean cargo rates contained in tariffs of Soviet carriers now engaged as independents in the liner trades of the United States shall, as promptly as it is feasible, be adjusted to a level no less than that of the lowest rate in use for the same commodity of any other independent carriers in those trades,
2. Thereafter, prompt action shall be taken, as necessary, to maintain the foregoing relationship between ocean cargo rates of Soviet carriers engaged as independents in the liner trades of the United States and the ocean cargo rates for the same commodity contained in the tariffs of other independent carriers in those trades,
3. Discussions shall promptly be resumed concerning equitable terms and conditions for conference membership of Soviet carriers in the North Atlantic liner trades of the United States, with particular attention to the principle of temporary rate differentials for Soviet carriers in those trades based upon differences in the services offered by Soviet carriers and by other carriers in those trades, such rate differentials to be (a) reasonably related to the degree of differences in such services, and (b) to be promptly eliminated as the services in question reach a reasonable degree of comparability, and
4. Discussions shall promptly be initiated concerning equitable terms and conditions for conference membership of Soviet carriers in the inbound and outbound conferences serving Pacific liner trades of the United States in which the Soviet carriers are not now conference members, with particular attention to the principle of temporary rate differentials for Soviet carriers as set forth in paragraph 3 above.

The parties hereto have also mutually agreed that henceforth there must be closer working relationships between their respective agencies concerning exchange of factual information and policy questions, and that the necessary steps shall be promptly undertaken.

END MEMORANDUM AGREEMENT/END RELEASE





Office of the Chairman

Federal Maritime Commission  
Washington, D. C. 20573

*Diff. copy of  
sent  
5274*

September 17, 1976

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

*RH  
encl*

Further in connection with my July 19 letter to you concerning the "Memorandum Agreement" between the Federal Maritime Commission and the Soviet Ministry of Merchant Marine signed in Leningrad last July 16, I am pleased to enclose copies of articles from today's Journal of Commerce and Baltimore Sun, reporting significant action by Soviet ocean carriers operating as independents in the U.S. liner trades pursuant to the terms of that agreement.

These developments are very encouraging, and represent a substantial step in the direction of allaying current concern about predatory rate policies and practices by Soviet carriers in our ocean trades.

I will, of course, keep you advised of further developments.

Respectfully,

*Karl E. Bakke*

Karl E. Bakke  
Chairman

Enclosures



---

## Baltatlantic Acts to Join Conferences

Soviet Line Reaches  
Agreement to Join  
'On Certain Terms'

By CHARLES F. DAVIS  
Journal of Commerce Staff

---

## *Soviet Ship Line Moves To Join Rate Conference*

(Continued from Page 1)  
moving between the U. S.  
and Soviet ports.

The discussions and  
agreements which took  
place at the Amsterdam

Bakke, and that MORAM  
would be promulgating a  
number of tariff revisions  
in the next several weeks.

While Mr. Novacek did

THE SUN, Friday, September 17, 1976

---

# Soviet to aid rate crisis in Pacific

By JOSEPH S. HELEWICZ

The Soviet Union, apparently satisfied



THE JOURNAL OF COMMERCE, Monday, September 20, 1976

Russian Pact Seen Major Step Forward

# FMC Acts to Stabilize, Reform Rate Practices in U.S. Trades

By CHARLES F. DAVIS  
Journal of Commerce Staff

NSC

Date: October 21, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 22, 1976

Time: 10:00 A.M. pls.

SUBJECT:

Brent Scowcroft memo, 10/21/76 re  
Reply to a Letter to the President  
from Pete McCloskey.

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

I approve the letter as written by NSC.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
For the President

THE WHITE HOUSE  
WASHINGTON

October 22, 1976

MEMO FOR: PHIL BUCHEN *Bobbie*  
FROM: BOBBIE KILBERG  
SUBJECT: Scowcroft memo, 10/21/76 re:  
Reply to a letter to the President  
from Pete McCloskey

Suggested response:

Approve letter as written by NSC.



ACTION

October 21, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT *BS*

SUBJECT: Reply to a Letter to You from Pete McCloskey

Pete McCloskey wrote to you September 9 (Tab B) urging you either to approve Vietnam's admission to the UN or to inform the Vietnamese we would do so upon their accounting for "several hundred additional Americans" whom we can identify as being shot down over North Vietnam.

Your suggested response at Tab A states you believe that our actions to date have been fully consistent with the steps Hanoi has taken. It adds that until Hanoi provides us with as full an accounting as is possible for all our men there can be no significant progress toward normalizing relations between us.

Doug Smith of Robert Hartmann's office has cleared the text of the proposed letter.

Jack Marsh, Max Friedersdorf, and Milt Mitler concur.

RECOMMENDATION:

That you sign the letter to Pete McCloskey at Tab A.



THE WHITE HOUSE

WASHINGTON

Dear Pete:

Thank you very much for your thoughtful letter containing recommendations on our policy towards the admission of Vietnam into the United Nations. I appreciate having your analysis of this difficult and complex problem, in which you conclude that we have not "met our part of the bargain" in reciprocating Hanoi's "gestures."

I believe that our actions to date have been fully consistent with the steps that Vietnam has taken. There is no justification for Hanoi to hold American citizens in Vietnam against their will. There is no justification for their failure to provide as full an accounting as is possible for our men who have not returned from Vietnam. It is unconscionable to attempt to use the plight of their families for bargaining purposes. Thus far Hanoi has provided us information on only a small percentage of those listed as missing or killed. The recent release of the names of 12 MIA's further demonstrates that Vietnam is capable of giving us a much more complete accounting. In view of this, I consider our actions to date to be most appropriate.

On the other hand, I am willing to look to the future in our relationship. If, as I indicated on October 6, Hanoi does provide us an accounting for our men, I will then reconsider our opposition to its entry into the UN. Without such an accounting, there can be no significant progress toward normalizing relations between us.

I know that we both have the same objectives in dealing with this problem: ending the anguish of those thousands of Americans



whose loved ones have still not returned from Vietnam. While we may not always agree on the steps most likely to achieve these results, you know that I very much appreciate having your counsel and your recommendations. Working together in this manner cannot but enhance our effectiveness in resolving this issue.

Sincerely,

The Honorable Paul N. McCloskey, Jr.  
House of Representatives  
Washington, D. C. 20515



September 10, 1976

Dear Pete:

This is a brief note to acknowledge receipt of your September 9 letter to the President offering your recommendations with respect to the missing in action and North Vietnam.

Please be assured I shall call your letter to the President's attention without delay.

With kindest regards,

Sincerely,

Max L. Friedersdorf  
Assistant to the President

The Honorable Paul N. McCloskey, Jr.  
House of Representatives  
Washington, D.C. 20515

~~cc:~~ w/incoming to General Scowcroft for further handling

MLF:JEB:VO:vo



PAUL N. McCLOSKEY, JR.  
12TH DISTRICT, CALIFORNIA

COMMITTEE ON  
GOVERNMENT OPERATIONS  
AND  
COMMITTEE ON  
MERCHANT MARINE  
AND FISHERIES

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

9-10  
205 CANNON BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-5411

DISTRICT OFFICE:  
305 GRANT AVENUE  
PALO ALTO, CALIFORNIA 94306  
(415) 326-7383

September 9, 1976

1976 SEP 9 PM 6 33

RECEP. AND SECURITY UNIT  
THE WHITE HOUSE  
WASHINGTON

The Honorable Gerald R. Ford  
President of the United States  
of America  
The White House  
Washington, D.C. 20500

Dear Mr. President:

As Ranking Minority Member on the House Select Committee on MIAs, I would like to respectfully offer my personal recommendation that the United States either vote for the admission of Viet Nam to the United Nations, or, in the alternative, that you communicate directly and immediately with the Vietnamese to the effect that we are prepared to vote for their admission to the United Nations promptly upon their accounting for the several hundred additional Americans whom we now know they can identify as being shot down over North Vietnam during the period from 1965 to 1973.

I make this recommendation in the belief that such action on our part will enhance, rather than delay, the full accounting for the MIAs which the United States properly requires as a condition for normalization of relations between the United States and Viet Nam.

My belief is predicated on the experience the House Select Committee has had with the Vietnamese since we established contact with Premier Pham Van Dong in Hanoi last December. At that December meeting we conveyed to the Vietnamese precisely what Secretary Kissinger had said to the Committee in November...that gestures of good will on the part of the Vietnamese would be met with corresponding gestures of good will on our part. I specifically raised the question of the return of the remains of the two Marines killed in Saigon on April 30th, a matter in which you were personally interested since those Marines were serving under your command at the time they died. Secretary Kissinger had advised me that I could be assured of a "really significant gesture" on our part if the Marine's remains were returned.



President Gerald R. Ford  
September 9, 1976  
Page Two

In the discussions between Premier Pham Van Dong and four Members of Congress in Hanoi last December, it was agreed by all present that each gesture on the part of the Vietnamese government should receive a speedy and positive response by the United States government. Frankly, I think we have not met our part of the bargain in limiting our responses to a succession of authorizations to private charitable organizations to send medical and humanitarian supplies to Viet Nam.

When the Select Committee was created on September 11, 1975, it was because the House of Representatives felt, almost unanimously, that the Secretary of State was not giving the MIA issue the significance it deserved.

At that time, it was believed that the Vietnamese could take a number of steps, to wit: (1) Release of the nine Americans captured at Ban Me Thuot; (2) Release of the thirty-odd Americans who had remained in South Vietnam at the time of the fall of the Thieu regime on April 30, 1975; (3) Return of the remains of the two Marines killed on April 30, 1975; (4) Identify the fact of death of perhaps 250 to 400 American pilots shot down over Vietnam during the period from 1965 to 1973; (5) Identify and return the remains of a significant number of the individuals shot down near populated areas.

On the part of the United States, we acknowledged the capacity to: (1) End the trade embargo against Viet Nam; (2) Permit the admission of Viet Nam to the United Nations; (3) Provide technical assistance and equipment in the defusing of unexploded ordnance; (4) Accord full diplomatic recognition, including an exchange of ambassadors; (5) Permit non-foreign aid relationships, such as extending bank credits, etc., and (6) Permit private parties to send medical and humanitarian supplies to Viet Nam.

The Vietnamese have taken three of the possible five actions we sought and started on the fourth; we have responded with only one of our six possible responses. To date, we can identify the following actions by both nations:

October 30, 1975	Viet Nam	Released from Hanoi the nine Americans captured at Ban-Me Thuot.
November, 1975	U.S.	Authorized a private organization to ship medical and humanitarian supplies to Viet Nam.



President Gerald R. Ford  
September 9, 1976  
Page Three

December 21, 1975	Viet Nam	Returned the remains of three American pilots to the Select Committee in Hanoi.
December, 1975	U.S.	Authorized a private organization to ship medical and humanitarian supplies to Viet Nam.
January, 1976	Viet Nam	Commenced release of American citizens remaining in Saigon at the time of the fall of the Thieu regime.
February, 1976	Viet Nam	Returned the remains of the two Marines killed in Saigon on April 30, 1975.
March, 1976	U.S.	Authorized a private organization to ship medical and humanitarian supplies to Viet Nam.
August 1, 1976	Viet Nam	Released fifty (50) American citizens and dependents from Saigon.
Mid-August, 1976	U.S.	Authorized a private organization to ship medical and humanitarian supplies to Viet Nam.
September 6, 1976	Viet Nam	Identified 12 American pilots who were killed during operations between 1965 and 1968.

This latest Vietnamese action is a significant step inasmuch as the Vietnamese are conceding that they have, or can provide with reasonable effort, the same kind of identifying information with respect to perhaps 200 to 250 of the 1400 individuals who at one time were, or are still, listed as MIAs.

The question of whether to continue our hard-line position of antagonism pending a full and final accounting is of course a matter of judgment based on all the facts, and I appreciate that others may differ on how best we can achieve the result we all seek.

It is my personal view that if you were to communicate personally with Premier Van Dong, and offer to withdraw our opposition to Viet Nam's application for UN membership in return for his assurance of a full accounting forthwith, that the Premier would respond affirmatively.



President Gerald R. Ford  
September 9, 1976  
Page Four

Whichever choice you make, you have my continued respect.

Sincerely,



Paul N. McCloskey, Jr.  
Ranking Minority Member  
Select Committee on Missing Persons  
in Southeast Asia

cc: Secretary of State Henry A. Kissinger  
Assistant Secretary of State Philip C. Habib  
Members, Select Committee on Missing Persons  
in Southeast Asia



Date: November 6, 1976

Time:

FOR ACTION: Jack Marsh  
Bob Hartmann  
Phil Buchen

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: *Monday* Tuesday, November 9

Time:

SUBJECT:

Scowcroft memo (11/6) re: Presidential Determination  
to Assist Soviet Refugees Going to Countries Other  
than Israel

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

November 8, 1976

I concur in Scowcroft's recommendation.

*T.W.B.*  
Philip BuchenPLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.If you have any questions or if you anticipate  
delay in submitting the required material, please  
telephone the Staff Secretary immediately.Jim Connor  
For the President

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~CONFIDENTIAL~~

ACTION

November 6, 1976

MEMORANDUM FOR: THE PRESIDENT  
FROM: BRENT SCOWCROFT *B*  
SUBJECT: Presidential Determination to Assist  
Soviet Refugees Going to Countries  
Other than Israel

Attached at Tab A is a proposed determination that, pursuant to the Migration and Refugee Assistance Act of 1962, you find it important to the national interest that up to \$2 million of funds appropriated under the United States Emergency Refugee and Migration Assistance Fund be made available to meet unexpected and urgent refugee needs arising in connection with the migration of Soviet refugees to countries other than Israel. These funds would be used to provide assistance to approximately 2,300 Soviet refugees during the first quarter of calendar year 1977. There are no other funds available to the Department of State for this purpose.

You submitted to the 94th Congress a supplementary budget request for \$10.3 million to fund this program through CY 1977. Your request was not acted upon prior to adjournment, and action on it by the 95th Congress probably will not take place in time to fund the Soviet refugee program for the period January 1-March 31, 1977. This creates a funding emergency for this program for the first several months of next year.

The funds in question enable voluntary agencies to continue care, maintenance and resettlement assistance to refugees from the Soviet Union who choose destinations other than Israel. Without this assistance, it is unlikely that West European countries would be willing to admit large numbers of refugees to transit their countries or to reside temporarily during processing. Such conditions would offer the Soviet Union an excuse to curtail emigration. A gap in funding this program would be misunderstood at home and abroad and would be reviewed as hesitation on our part on continuing a long established humanitarian program.

~~CONFIDENTIAL~~

DECLASSIFIED

E.O. 12958, Sec. 3.5

NSC Memo, 11/24/98, State Dept. Guidelines

By W/M, NARA, Date 5/17/00

CONFIDENTIAL

2

Accordingly, the Presidential Determination at Tab A would authorize the use of \$2 million appropriated under the U.S. Emergency Refugee and Migration Assistance Fund to assist Soviet refugees going to countries other than Israel in early 1977.

OMB concurs in recommending your approval and signature of the Determination.

RECOMMENDATION:

That you sign the Determination at Tab A.

CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

Presidential Determination

No. \_\_\_\_\_

MEMORANDUM FOR THE SECRETARY OF STATE

**SUBJECT:** Determination pursuant to Section 2(c) (1) of the Migration and Refugee Assistance Act of 1962, as amended, (The Act) authorizing the obligation of up to \$2,000,000 of funds made available under the United States Emergency Refugee and Migration Assistance Fund

In order to meet unexpected and urgent refugee needs arising in connection with the migration of Soviet refugees to countries other than Israel, I hereby determine, pursuant to Section 2(c) (1) of the Act, that it is important to the national interest that up to \$2,000,000 of funds appropriated under the United States Emergency Refugee and Migration Assistance Fund be made available for this purpose.

The Secretary of State is requested to inform the appropriate committees of Congress of this Determination and the obligation of funds made under this authority.

THE SECRETARY OF STATE  
WASHINGTON

November 1, 1976

~~CONFIDENTIAL~~

MEMORANDUM FOR: THE PRESIDENT

From: Henry A. Kissinger *HK*

Subject: Presidential Determination to Assist  
Soviet Refugees going to Countries  
other than Israel

A Presidential Determination of \$2 million from the US Emergency Refugee and Migration Assistance Fund would be required to cover the costs from January 1 through March 31, 1977 of resettlement assistance for Soviet refugees emigrating to countries other than Israel. These funds would be used to provide assistance to approximately 2300 ex-USSR refugees during the first quarter of calendar year 1977. There are no other funds available to the Department for this purpose.

You submitted a supplementary budget request in the amount of \$10.3 million to fund the program to the 94th Congress which because of time was not acted on prior to adjournment. It is our judgement that action on this request by the 95th Congress will not take place in time to fund this requirement during the first quarter of 1977. There would thus be a gap in the funding during the first months of next year.

The funds are required to enable the voluntary agencies to continue care and maintenance and resettlement assistance to refugees from the Soviet Union who choose to go to destinations other than Israel. Without this assistance it is unlikely that Western European countries would be willing to admit large numbers of refugees to transit their countries or to reside temporarily during processing. Such conditions would offer the Soviet Union an easy excuse to curtail emigration. The fact that the 94th Congress did not act on the supplementary request for 1977 in its final days consequently

~~CONFIDENTIAL~~

DECLASSIFIED  
E.O. 12958, Sec. 3.5  
NSC Memo, 11/24/98, State Dept. Guidelines  
By *W/H/M* NARA, Date *5/8/00*

creates a funding emergency for the early part of 1977. A gap in funding this program would be misunderstood at home and abroad and would be viewed as hesitation on our part on continuing a long established humanitarian program.

Recommendation:

That you sign the attached Determination.

Date: November 20, 1976

Time:

FOR ACTION: Phil Buchen  
Jim Cannon  
Bill Seidman  
Guy Stever

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: Monday, November 22

Time: 3:00 P.M.

SUBJECT:

Scowcroft memò (11/19) re: Renewal of US-USSR  
Bilateral Technical Agreements on Health,  
Artificial Heart and the Environment

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

No objection.

*P.W.B.*

---

Philip W. Buchen  
Counsel to the PresidentPLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.If you have any questions or if you anticipate a  
delay in submitting the required material, please  
telephone the Staff Secretary immediately.Jim Connor  
For the President

THE WHITE HOUSE

WASHINGTON

ACTION

November 19, 1976

~~CONFIDENTIAL~~

MEMORANDUM FOR: THE PRESIDENT

FROM: BRENT SCOWCROFT *BS*

SUBJECT: Renewal of US-USSR Bilateral  
Technical Agreements on Health,  
Artificial Heart and the Environment

The Health and Environment Agreements signed at the US-USSR Summit in Moscow in 1972 and the Artificial Heart Agreement signed at the 1974 Summit expire on May 23 and June 28, 1977 respectively. The terms of these three agreements provide for automatic renewal for five years if neither side announces intention to terminate six months in advance -- November 23 in the case of the Health and Environment Agreements and December 28 in the case of the Heart Agreement.

The US Co-Chairman for each of the three agreements recommends renewal (Tab A). I agree that these three agreements should be renewed. The basic policies which underlay the inception of the agreements remain valid: they contribute to the increasing network of contacts between Soviet and American specialists and to the momentum of the US-USSR relationship; they enhance our access to hitherto closed elements of the Soviet bureaucracy and to previously restricted areas of the USSR; and they contribute to concrete progress in each of these specialized areas.

While we have not yet received any formal communication from the Soviets with respect to renewal, Soviet officials involved in the programs indicate that their government will make no move to cancel any of the Agreements. Nevertheless, an explicit understanding with the Soviets would give a firm foundation for future joint planning conversely, termination of the agreements, in the absence of serious problems, could signal a major US policy change. Accordingly, with your approval, I will authorize the Department of State to convey our desire to continue the Agreements, and not to invoke the termination provisions.

DECLASSIFIED

E.O. 12958, Sec. 3.5

NSC Memo, 11/24/98, State Dept. Guidelines

By *Witm*, NARA, Date *5/8/00*~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

- 2 -

RECOMMENDATION

That you approve the Department of State informing the Soviet Government of our intent to extend the agreements.

APPROVE \_\_\_\_\_ DISAPPROVE \_\_\_\_\_

~~CONFIDENTIAL~~



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF THE  
ADMINISTRATOR

Dear Art:

Thank you for your letter of October 19 concerning the automatic renewal date of November 23 for the US-USSR Environmental Agreement. There is no question in my mind but that the United States should proceed with a second five years of cooperation under this Agreement. We believe that many important gains have been made and contacts established which justify continuation of the Agreement on scientific grounds. In this we are supported by the findings of the NSC Under Secretaries Committee's Critical Assessment and by the Technical Assessment which is being completed at the National Science Foundation under the auspices of the President's Science Advisor. At the same time, we are very aware of the fact that this success has not been unqualified, and I have publicly stated before Joint Committee meetings of the Agreement and in appearances before Congressional committees that we must reduce or eliminate those activities which do not provide mutuality of benefit.

Since the Fifth Annual Meeting of the US-USSR Joint Committee takes place in Moscow November 15-19, 1976, it becomes imperative that the schedule of consideration and recommendation indicated in your letter be accelerated so that continuation of the Agreement, its modification, or any other position which the US Government would wish to take in connection with renewal of the Agreement could be presented and discussed at that time. With the concurrence of the Department my Executive Secretary, Dr. William A. Brown, has just completed discussions in Moscow and preliminary negotiations of a Draft Memorandum of Implementation which would cover joint work during the period November 1976 through November 1977. In that Draft Memorandum, which will be signed on November 19, is the sentence, "Taking all those factors into account, both sides recommend that their respective governments extend the term of the Agreement for the next five years and take appropriate measures."

We can include similar language in the Joint Announcement to be adopted and given to the press on November 19. A Joint Announcement of agreement by both Governments to extend the Agreement could then be made in Washington and Moscow on November 23.

Sincerely,



Russell E. Train  
Administrator

Honorable Arthur A. Hartman  
Assistant Secretary for European Affairs  
Department of State  
Washington, D.C. 20520



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH  
WASHINGTON, D.C. 20201

**LIMITED OFFICIAL USE**

OCT 22 1973

Mr. Arthur A. Hartman  
Assistant Secretary  
for European Affairs  
Department of State  
Washington, D.C. 20520

Dear Mr. Hartman:

Thank you for your letter of October 19 requesting our recommendations regarding the renewal of the two U.S.-U.S.S.R. Agreements - the Agreement for Cooperation in Medical Science and Public Health; and the Agreement for Cooperation in Artificial Heart Research and Development - for which this Department has responsibility.

As you know, the Fifth Session of the U.S.-U.S.S.R. Joint Committee for Health Cooperation is scheduled for Moscow, October 24-29. In planning for this Meeting and in anticipation of internal discussions about this issue, I questioned the HEW coordinators about their interests in having these Agreements renewed. I am pleased to report that, due to the scientific merit of U.S.-U.S.S.R. activities under the Agreements, there was unanimous support among our coordinators for their renewal. Evaluation of the U.S.-U.S.S.R. Program for Health Cooperation by my immediate staff confirms the value of these Agreements to the U.S. Public Health Service. Accordingly, I recommend that the Agreements be renewed.

Our Program for Health Cooperation with the Soviet Union has evolved significantly over the past four and a half years. At our next Joint Committee Meeting, and if the Agreements are renewed, in future years, we would anticipate further positive changes in the structure and content of our joint activities. We feel, however, that the current terms of both Agreements provide us with the flexibility we need at this time to pursue our interests in the cooperative effort.

With regard to your additional request for my views on how any publicity or ceremony for announcement might be handled, this obviously depends on the final decision. In general however, we feel that ours is a scientific cooperation and no particular fanfare is required.

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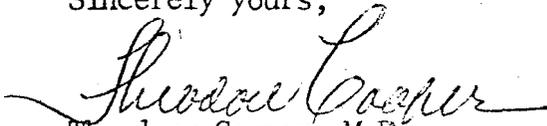
LIMITED OFFICIAL USE

Mr. Arthur A. Hartman

-2-

If additional questions arise, please do not hesitate to correspond with me further. I look forward to hearing the results of your deliberations.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Theodore Cooper".

Theodore Cooper, M.D.  
Assistant Secretary for Health

LIMITED OFFICIAL USE

THE WHITE HOUSE

WASHINGTON

January 3, 1977

MEMORANDUM FOR: JIM CONNOR  
THROUGH: PHIL BUCHEN *P?*  
FROM: BOBBIE GREENE KILBERG *BK*  
SUBJECT: Scowcroft memo re Parole Authority  
for Soviet Jewish Refugees

In accordance with established procedures, the Counsel's Office sent the attached memorandum dated December 30 to the Attorney General indicating that the establishment of a parole program for the Soviet refugees, who are in Italy to seek admission to the United States, would be compatible with the President's program. The memorandum also indicated that, provided there is State Department approval, the establishment of a parole program for the former Soviet refugees in Italy who had resettled in Israel would be compatible with the President's program.

In short, the Counsel's Office concurs with Secretary Kissinger's recommendation.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: January 3, 1977

Time:

FOR ACTION:

cc (for information):

Phil Buchen

FROM THE STAFF SECRETARY

DUE: Date:

Tuesday, January 4, 1977

Time:

10:00 A.M.

SUBJECT:

Brent Scowcroft memo, 1/3/77 re  
Parole Authority for Soviet Jewish Refugees.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

ADMINISTRATIVELY CONFIDENTIAL

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
For the President

ADMINISTRATIVELY  
CONFIDENTIALINFORMATION  
January 3, 1977

## MEMORANDUM FOR THE PRESIDENT

FROM: Brent Scowcroft 

SUBJECT: Parole Authority for Soviet Jewish Refugees

On December 7, Max Fisher gave you the memorandum at Tab A calling to your attention the case of some 3000 Soviet Jews awaiting conditional entry permits to the United States. In his memorandum he states that both the State Department and the Immigration and Naturalization Service (INS) have exhausted their yearly number of permits and that it will be necessary for the Attorney General to exercise his parole authority if these people are to enter the United States. He adds that such parole authority has been exercised in the past, but the Attorney General has awaited an initial request from the Department of State prior to taking action. Mr. Fisher calls this issue to your attention, stating his strong belief that it would be appropriate for the Administration to act to admit the Soviet Jews in Rome currently awaiting entry permits.

Subsequent to Max Fisher's memorandum, both Congressman Eilberg and Senator Kennedy have written the Attorney General requesting him to exercise his parole authority. On December 17, Secretary of State Kissinger wrote the Attorney General recommending that he exercise his parole authority. I concur with Secretary Kissinger's recommendation. The matter is now with the Attorney General for decision.

ADMINISTRATIVELY  
CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

December 30, 1976

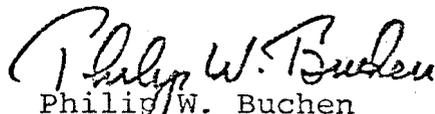
MEMORANDUM FOR

THE ATTORNEY GENERAL

In your letter to me of December 28, you requested our advice on whether to exercise the Attorney General's parole authority to permit the entry into the United States of the following categories of refugees:

- (1) approximately 4,000 Soviet refugees, the vast majority of which are Jewish, who will have left the Soviet Union before January 1, 1977, and are in Italy to seek admission to the United States; and
- (2) approximately 350 former Soviet refugees in Italy who had resettled in Israel and are now ineligible for admission as refugees because they are deemed to be emigrating from Israel.

The establishment of a parole program for the Soviet refugees who are in Italy to seek admission to the United States would be compatible with the President's program. Provided there is State Department approval, the establishment of a parole program for the former Soviet refugees in Italy who had resettled in Israel would be compatible with the President's program.



Philip W. Buchen  
Counsel to the President

THE WHITE HOUSE  
WASHINGTON

December 9, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: BRENT SCOWCROFT  
FROM: JIM CONNOR JEB  
SUBJECT: Use of the Parole Authority for  
Soviet Jewish Refugees

The attached memorandum was returned in the President's outbox with the following notation:

"Max Fisher talked with me and gave me the attached.

What is status and your recommendations?"

Please follow up with appropriate action.

cc: Dick Cheney

Attachment:

Memo from Max Fisher to President on above subject  
dated 12/7/76

THE WHITE HOUSE

WASHINGTON

THE PRESIDENT

December 7, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: MAX FISHER

SUBJECT: USE OF THE PAROLE AUTHORITY FOR SOVIET JEWISH REFUGEES

Some of the Jews leaving the Soviet Union choose to settle in the United States. A limited number each month qualify under U.S. immigration laws for "third country processing" visas issued to them by the U.S. Embassy in Moscow. Others receive Israeli visas and then "drop out" along the way. For both groups Rome is the intermediate stop before entry into the United States.

In Rome the refugees are supported by voluntary agencies which, in turn, are funded by the U.S. government. Refugees have traditionally been processed into the United States in the following manner. The heads of households receive conditional entry permits which are allocated by the Department of State. The remaining members of a family enter under non-preference visas which are allocated by the Immigration and Naturalization Service.

Both State and INS have exhausted their yearly maximum number of permits under these two categories. (They are used worldwide and not just for Soviet Jews.) As a result, close to 3,000 Soviet Jews are now stuck in Rome until new numbers become available next year. The total may grow to 3,500 by the end of this month. Those who wish to come to the United States (about 75-80%) will all eventually get processed in, but it will take many months. In the meantime they are a financial burden on the U.S. and their growing numbers are of concern to the Italians. They also have increased difficulty in readjusting because they can neither work nor get permanently settled during the months they are in Rome.

Once before a similar situation developed and Attorney General Mitchell exercised his parole authority to bring in to the U.S. a group of Soviet Jews. I believe the parole authority should again be exercised.

In January the law provides for some increase in the number of slots which will be available each year to INS and State and if the current backlog is cleared a similar one would not again develop for several months. If, as we hope, the rate of emigration increases, we would in any event have to cope with that new situation.

I have talked with Brent Scowcroft and Larry Eagleburger about this situation. The Attorney General could simply invoke the parole authority on his own, but the pattern in the past has apparently been to have an initial request from the State Department. I believe the State Department will make such a request in this instance. There should also be Congressional consultation. On the House side, Cong. Eilberg is the key figure and he would be entirely for the use of the parole authority. On the Senate side, Senator Eastland has typically been somewhat reluctant to see the parole authority used, but I understand he may have ceded some of his committee jurisdiction over this matter to Senator Kennedy who would probably be supportive.

I wanted you to be aware of this problem. I feel quite strongly that it is appropriate for your Administration to act now. It is the right thing to do on both humanitarian and financial grounds.

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: January 18, 1977

Time:

FOR ACTION:

cc (for information):

Philip Buchen

FROM THE STAFF SECRETARY

DUE: Date:

Tuesday, January 18, 1977

Time:

5:00 P.M.

SUBJECT:

Brent Scowcroft memo, 1/17/77 re  
 Presidential Determination to Provide  
 Funds to the UNHCR for Care, Maintenance,  
 and Resettlement of Indochinese Refugees  
 in Thailand and Elsewhere in Asia.

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

January 18, 1977

Counsel's office concurs in NSC recommendation.



Philip W. Buchen



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor  
 For the President

THE WHITE HOUSE  
WASHINGTON

6697

ACTION  
January 17, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: BRENT SCOWCROFT 

SUBJECT: Presidential Determination to Provide Funds to the UNHCR for Care, Maintenance, and Resettlement of Indochinese Refugees in Thailand and Elsewhere in Asia

Secretary Kissinger recommends that you determine that it is in the national interest to provide up to \$2,100,000 from the U.S. Emergency Refugee and Migration Assistance Fund to the United Nations High Commissioner for Refugees (UNHCR), in order to meet unexpected and urgent needs arising in connection with relief and resettlement of 80,000 Indochinese refugees in Thailand and elsewhere in Southeast Asia (Tab B). A proposed Determination is at Tab A.

This emergency situation is a consequence of the collapse of the governments in Indochina in 1975. Although large numbers of refugees already have been resettled, approximately 78,000 refugees in Thailand and 2,000 elsewhere in Asia currently are being assisted by the UNHCR. It is in the national interest to provide financial assistance for this program in order to fulfill the moral and humanitarian obligation to the Vietnamese people who fought with us. The resources of the Royal Thai Government have been strained severely, and without assistance, the already minimal standard of care for the refugees would decline.

Jack Marsh and Max Friedersdorf concur in this recommendation, as does OMB (Tab C).

RECOMMENDATION

That you sign the Determination at Tab A.



THE WHITE HOUSE

WASHINGTON

Presidential Determination

No. \_\_\_\_\_

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, (the "Act") authorizing the use of \$2,100,000 of funds made available under the United States Emergency Refugee and Migration Assistance Fund.

In order to meet unexpected and urgent needs arising in connection with the relief and resettlement of 80,000 Indochinese refugees in Thailand and elsewhere in Southeast Asia, I hereby determine, pursuant to Section 2(c)(1) of the Act, that it is important to the national interest that up to \$2,100,000 of funds appropriated under the United States Emergency Refugee and Migration Assistance Fund be made available for this purpose to the United Nations High Commissioner for Refugees, under whose mandate these refugees have been placed.

The Secretary of State is requested to inform the appropriate committees of the Congress of this Determination and the obligation of funds made under this authority.



THE SECRETARY OF STATE  
WASHINGTON

6697  
7625915

December 26, 1976

MEMORANDUM FOR: THE PRESIDENT  
From: Henry A. Kissinger *HK*  
Subject: Presidential Determination to  
Provide Funds to the UNHCR for  
Care, Maintenance, and Resettle-  
ment of Indochinese Refugees in  
Thailand and Elsewhere in Asia

A Presidential Determination under Section 2(c) of the Migration and Refugee Assistance Act, as amended by Section 501(a) of PL 94-141, is required to make available \$2,100,000 of the U.S. Emergency Refugee and Migration Assistance Fund to cover the costs of care, maintenance, and third country resettlement of refugees from Vietnam, Cambodia, and Laos who are under the mandate of the United Nations High Commissioner for Refugees (UNHCR). The refugees are in Thailand and other Asian countries which have provided temporary asylum while permanent resettlement opportunities are being sought.

This emergency situation is the consequence of the collapse of the governments in Indochina in 1975. Although the U.S. has accepted approximately 145,000 Indochinese refugees under the parole authority of the Attorney General, and nearly 35,000 have been resettled in other countries (principally France), the flight from those countries has continued. Approximately 78,000 refugees in Thailand and another 2,000 elsewhere in Asia are now being assisted by the UNHCR and the number is growing. Support in cash and kind provided in the past 18 months by the U.S. and others for assistance to these refugees amounted to over \$24,000,000. So that the UNHCR's established operations do not suffer any degradation by a lapse in funding, additional support is needed urgently for the first quarter of 1977. The proposed amount of



\$2,100,000 will enable the UNHCR to meet the minimum expenses for its programs until additional sums are realized from an international appeal for support scheduled for March 1977.

It is in the national interest to transfer funds to the UNHCR for this purpose. The resources of the Royal Thai Government are already strained severely in coping with the influx of refugees, and were the UNHCR program not sustained, the already minimal standard of care and maintenance for the refugees would decline, and hostility towards continued receptivity to refugees would increase. Our long involvement in Indochina places on us a moral and political obligation to contribute to an effort that provides refuge to those who escape the communist successes in Indochina. Our ability to offer permanent resettlement in the U.S. for Indochinese refugees is substantially over. The proposed contribution to the UNHCR will provide evidence that the U.S. has not turned its back on a continuing problem of great humanitarian concern.

Section 2(c) of the Migration and Assistance Act as amended in 1975 establishes an emergency fund for unexpected urgent refugee and migration needs to be utilized upon your determination that it is important to the national interest. Public Law 94-303, approved June 1, 1976, appropriated \$10,000,000 for this fund and Public Law 94-330, approved June 30, 1976, appropriated an additional \$5,000,000.

Recommendation:

That you sign the attached Determination to make available up to \$2,100,000 to the UNHCR for assistance to Indochinese Refugees.

Attachment:

Presidential Determination.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

6647

JAN 1 1977

MEMORANDUM FOR: JOHN H. MURPHY  
Director, Information Management Staff  
National Security Council

FROM: *Sanders*  
Edward G. Sanders  
Deputy Associate Director  
for International Affairs

SUBJECT: Proposed Presidential Determination to Provide Funds to  
the UNHCR for Indochinese Refugees in Thailand and Other  
Asian Countries

State requests a Presidential Determination authorizing a \$2.1 million grant to the UN High Commissioner for Refugees (UNHCR) from the Emergency Refugee and Migration Assistance Fund to provide for the costs of care, maintenance, and resettlement of refugees from Vietnam, Cambodia, and Laos now in Thailand and other Asian countries. These funds will provide an initial U.S. contribution to the UNHCR's special program for Indochinese refugees to finance first quarter requirements for the CY 1977 estimated UNHCR budget as follows:

<u>Program</u>	<u>1976</u> <u>(7/75 to 12/76)</u>	<u>1977</u> <u>(1/76 to 12/76)</u>
Food	\$ 6,200,000	\$ 4,500,000
Water supply	200,000	200,000
Shelter	1,400,000	400,000
Crops, tools	---	1,500,000
Medical care	1,800,000	300,000
Blankets, clothing, utencils, and other domestic items	1,100,000	300,000
Education and training	200,000	100,000
Inland and international transportation	2,300,000	2,800,000
Program support and contingencies	<u>1,000,000</u>	<u>1,000,000</u>
Subtotal (Assistance to refugees in Thailand)	14,200,000	11,100,000
Assistance to refugees in other SEA countries	---	1,500,000
Total UNHCR program	<u>14,200,000</u>	<u>12,600,000</u>



	1976 <u>(7/75 to 12/76)</u>	1977 <u>(1/76 to 12/76)</u>
<u>Financing</u>		
United States	9,100,000	2,100,000
Other	<u>5,100,000</u>	<u>unknown</u>
Total	14,200,000	unknown

OMB has no objection to this proposed use of the President's Emergency Fund. An initial, interim U.S. grant to the UNHCR is required to finance its program until additional funds become available from other countries in response to an UNHCR appeal scheduled for March, 1977. The UNHCR is unable to issue an appeal before then, as an agreement with the new Royal Thai government (RTG) regarding UNHCR refugee assistance activities in Thailand must yet be concluded. Last year, the RTG contributed the U.S. equivalent of an estimated \$10 million in-kind assistance, such as camplands, electricity, roads, food, medical help, and RTG-owned transportation. Similar RTG contributions are anticipated for CY 1977.

A deficit of \$10.5 million remains against the UNHCR 1977 program after the proposed \$2.1 million U.S. contribution. Unless sizable contributions are received from other donors, (unlikely if 1976 experience is indicative), the U.S. will be expected to finance most of the 1977 program, perhaps as much as \$7 million in addition to this \$2.1 million grant.

Department staff currently assume additional determinations will be sought from the Emergency Fund. However, after this \$2.1 million drawdown, only \$1.3 million will remain in the Fund until the proposed 1977 supplemental of \$6.3 million is enacted, probably not until June or July. A second drawdown could again largely empty the Fund. Furthermore, a second drawdown could not be defended in the Congress as meeting an unexpected refugee need -- one of the criteria in the authorizing law and legislative history.

We plan to explore with the Department the alternative of seeking a supplemental appropriation for its regular "Migration and Refugee Assistance" account at an early date. Unfortunately, the delay of the UNHCR appeal until March makes it difficult to determine soon how large a U.S. contribution might be needed.

We recommend approval of the \$2.1 million determination.