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REASON FOR WITHDRAWAL National security restriction
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Hamilton, Whalen, Sarbanes
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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

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MR 01-100, #8; DC. 10/10/01

MEMORANDUM OF CONVERSATION

By dal NARA, Date 10/23/01

PARTICIPANTS:

President Ford
Dr. Henry A. Kissinger, Secretary of State
and Assistant to the President for National
Security Affairs
Congressman Lee H. Hamilton (D-Indiana)
Congressman Charles W. Whalen, Jr. (R-Ohio)
Congressman Paul S. Sarbanes (D-Maryland)
Amb. Donald Rumsfeld, Assistant to the President
John O. Marsh, Jr., Counsellor to the President
Max Friedersdorf, Deputy Assistant to the President
for Legislative Affairs
Lt. General Brent Scowcroft, Deputy Assistant to
the President for National Security Affairs

DATE AND TIME:

Monday, June 23, 1975
9:28 - 10:43 a.m.

PLACE:

The Cabinet Room

SUBJECT:

Restoration of Aid to Turkey



President: I am sorry that Ben [Rosenthal] and Dante [Fascell] couldn't be here but I thought we had to keep the momentum. Since our last meeting, I have been looking over the alternatives. It is clear to us that the situation in Turkey has deteriorated. Ecevit was assaulted over the weekend. It is indicative of the growing political unrest in Turkey.

We discussed the last time using Section 614, granting a waiver before the end of the fiscal year and initiating again in the new fiscal year. That would be followed by expressions of support from you. There is \$16 million in funds available this fiscal year and of course \$50 million in new funds. The other alternative we discussed was complete removal as the Senate did, but it appears to me it would be very difficult in the House now, even if we agreed, and some of you indicated you couldn't support that. One other idea was the lifting of the embargo on cash and credit.

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CLASSIFIED BY HENRY A. KISSINGER
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY 5 (b) (3)
AUTOMATICALLY DECLASSIFIED ON Imp. to Det.

I want to be forthcoming. I could indicate my willingness by saying I would exercise my waiver, either in FY '75 and '76, or hold it as an incentive for the Turks when Clerides and Denktash get together on 24 July. That is a question of tactics. But to show my willingness to compromise -- but I think it is then fair to ask you -- not to go the Senate route, but to lift the embargo on sales and credits. It seems to me that this is give on the part of both and achieves what we want. I have to add that we can't guarantee there will be an immediate settlement. We would then be in a position to put the kind of pressure on the Turks to get action. If under those circumstances they don't perform, it is then their problem, not ours. Henry, do you want to add anything?

Kissinger: We could understand among ourselves the nature of this agreement, but publishing it would destroy it.

Brademas: We are talking just in this room. There are three factors: Arms to Turkey; a resolution of the situation in Cyprus; and preserving the fundamental principle that US arms not be used for aggressive purposes. Restoring arms to Turkey is not the only objective. Your proposal appears to respond to only one objective. When we mentioned your use of 614, there would have to be a prior assurance from Turkey. We could not accept a quid without a quo. You are now asking for Congress to remove the ban on credits or sales and you use the waiver, with nothing coming back from the Turks. There must be some response from Turkey on the ground in Cyprus or an assurance of that. What you have put forth is something for Turkey but with nothing on the other two points -- the other thing and the principle that arms not be used for aggressive purposes.

President: On Cyprus: We can't be the negotiator on Cyprus. We have to create the climate for progress. Without this climate, nothing will happen and in the meantime we will be losing. Two of the bases are vitally important.
.....
.....

It seems to me if there is a settlement, whatever U.S. arms are there will be principally withdrawn. That is a matter for negotiations between the two.

Brademas: I think we are back to square one. I am very disappointed.

President: I candidly feel the same about your position.



Sarbanes: I think there must be something that justifies a legislative change of position. Absent that, I am hard put to have some rationale for changing. The waiver was to get around the legislative situation. To give Turkey something publicly while they gave us private assurances and then publicly make waves.

Hamilton: Is there some hope that Turkey would respond to your waiver with some gesture?

Kissinger: No chance. The ban on grants bothers them least because they think we have a right to do it. Morally they object to the sales cutoff. They also refuse to link the embargo with Cyprus.

The President told Demirel that even though we would not insist on written assurances, if we moved we would expect a reciprocal gesture. I think in July they might give the things that were possible in January, but that is my own feeling, not their assurances.

Hamilton: So the waiver is not a real inducement.

Kissinger: No. We have been trying all along.

I hope we are showing by our efforts and our good faith.

Brademas: It looks to me like we are faced with a complete unilateral gesture. No assurance at all -- just a one-way street.

President: The other side of the street is that we stand to lose some vitally important installations. Further, we stand to lose any chance to get a Cyprus agreement.

Brademas: So we would be telling the world if we are pressured we will yield to blackmail.

President: No. What would you have us do, use force?

Brademas: No. This is water over the dam. We would have used pressure on Turkey earlier. I do not think we should yield to blackmail.

President: We must remember that the Turks didn't start this.



Brademas: For years I fought the Greek junta while the Administration supported it.

Sarbanes: I think we must distinguish between the moves of 20 July and the moves of 14 August. I concede you this right of the Turks in July, but not August. But I do not think we can concede on this matter of principle. To get out of this, we proposed this face-saving formula. To move without this, would be to sacrifice principle.

Hamilton: On the partial lifting, you wouldn't object if we inserted language that equipment would be used to further NATO objectives and not in Cyprus.

President: Can't you put it positively on the NATO thing?

Brademas: I would be in favor of action provided we know that some action would be forthcoming. That I don't understand.

Kissinger: I think the President was saying that if we don't move, we would lose bases and forego any chance to get a solution on Cyprus and the Aegean -- where Greece is in violation of treaties -- with U. S. arms.

Brademas: I would have no objection to invoking the law against Greece.

Kissinger: It is not aggression, just treaty violation. But our proposition is not just that we open the spigot and nothing happens. Demirel is under no misapprehension that the President expects movement if he acts.

Brademas: That was the situation for seven months until February.

President: I can cut these things off at any time. I would be obligated to insist that the parties get together and resolve the Cyprus dispute. I would feel personally obligated to the Congress. And I think both the Greeks and Turks are anxious to get the problem solved.

Sarbanes: Given the last observation, I am not sure why the scenario where you do the waiver, the Turks make some moves, and the Congress then takes action, won't work.

Brademas: At no point have we suggested the waiver be used to get the Turks to be forthcoming. It has always been conditioned on prior Turkish assurances. The point of the waiver was to help the Turks save face.



Sarbanes: It was to break the chicken and egg problem with respect to the Turks -- not to get around the Executive-Congressional problem.

Whalen: What did you have in mind on simultaneous timing?

President: My scenario is to get results and show we could work together. Congress would pass before the August recess the sales lifting and either in this fiscal year or later, whichever is preferable, I would exercise the waiver. This would show we can work together and open the door to movement.

Supposing there is no action and you think I am negligent about moving. There are legislative devices to cut it off.

Sarbanes: They are also subject to waiver.

Brademas: We are aware of our weakness in this regard. If we could work something out, it would be good for the country. I hope we don't move at total loggerheads.

I have another thought, which the Secretary may not like. At no point until recently did the Executive use the tools available -- an aid ban -- to make the Turks move. Even now the Turks are being told that Congress is being pressured to rescind. Why should the Turks move? I wouldn't. Why not tell them there is no chance for the Congress to move and they better move. Why not put the pressure on Turkey?

President: We have been firm but we don't hold all the cards. Our bases aren't bases for their security but for ours. We don't hold all the chips.

Whalen: Do we hold any?

President: I told Demirel that if we got a lifting, they had to understand we expected action. We believe they will act, but they won't move under pressure. They will act on the bases and I don't want that responsibility.

Hamilton: The question is how you get them to move. We have a carrot and a stick. I disagree with Brademas and Sarbanes. I think we are more likely to get movement by a carrot than by a stick.

Kissinger: We have been trying to pressure the Turks. We can argue forever whether the tactics are right.



Congressman Whalen: What does Turkey lose if we do nothing?

Secretary Kissinger: The Turks will lose spare parts and their Army will run down. They may try to move before that happens -- in the Aegean and maybe Cyprus. They may not move to the Soviet Union but they will move toward the radical Arabs to get the funds for arms. Turkey will lose their tie to the United States. They don't want to. Maybe if we hang tough, the Turkish army will veer off. But I know no one who believes that. We all think they will pay the price and everyone will lose.

Congressman Whalen: If you exercise the waiver while Congress is going through the legislative process, is there any chance of action on Cyprus?

Secretary Kissinger: My instinct is that action would bring some concessions -- token ones -- in July. Then we can make a massive effort. We can get, after Turkish Senate elections -- a settlement that is tolerant to Greece.

Congressman Brademas: You have been fair in describing in restrained terms what could be expected. We have not discussed the impact of this in Greece. In 1971, when I opposed sending arms to Greece because of the dictatorship, Sisco said Greece was vital to NATO. Can we now write off Greece?

The President: Not at all. We have completed two steps toward bases and aid. The new government is a big asset to us and NATO. We want to help. We haven't finalized it but we are making good progress.

Secretary Kissinger: We have to balance the dangers you describe -- which are real, stimulated by the Papandreou forces -- and the consequences of a prolonged stalemate with the prospect of confrontation and conflict in the Aegean. Karamanlis wants to get this behind him so he can focus on his other problems.

Congressman Sarbanes: The carrot and stick ignores the principle from which I don't think we can recede without violating. To recede without some basis that Turkey has receded is really bad.

Congressman Brademas: There is much cynicism in the United States over the last few months. If the Congress were to roll over, the people

would say laws and principles mean nothing. Our action would then appear just a "get Kissinger" action, which it wasn't. We took it based on principle and we would have to recede the same way.

The President: I will give you all the benefit of doubt on that principle you express. But we also have a broad responsibility that in the process we don't undercut something which involves our national security.

After the last meeting I tried to find a way to compromise. Despite my feelings on the waiver -- which you know -- I told Secretary Kissinger I would have to show my willingness to work with you. I had language prepared -- I have it right here. I respect your views, but it is an understatement to say I am disappointed.

Congressman Brademas: At no point did we suggest using the waiver without private assurances. A simple invocation of a waiver without assurances was never put forward. The waiver was prepared not by us but by Schlesinger.

The President: Maybe, but it was proposed by Congress, not Schlesinger.

Congressman Sarbanes: The waiver was not to make you cave but as a device to get the Turks to move.

Congressman Whalen: I would agree with John that the waiver was contingent on private assurances. But the assurances would in any case have to remain private, so the cynicism would still remain. The other problem is that the Turks have already rejected a waiver.

Secretary Kissinger: The things we give the Turks free they think we have a right to cut off -- while they don't like it. It is the sales embargo which gets them.

Congressman Brademas: I would hope you wouldn't press this to a vote. First, I think we can defeat you, and in any case, it would infuriate the Greeks and, if we win, it would infuriate the Turks.

Mr. Rumsfeld: The Turkish army has behaved very responsibly -- not like a banana republic. They are proud of their Army and won't like it running down. When they start closing bases, they are on their way to unravelling a basic relationship. The stakes are very high.



Congressman Sarbanes: True. But it is also basic to ask what are the purposes of our alliances. If members use forces to violate the very thing the alliance was designed to prevent, this too is basic. My scenario is to use the waiver, get Turkish concessions in July, and then we see what we can do.

The President: I think we unfortunately have reached an impasse. I think the consequences will be tragic.

Congressman Whalen: To summarize, I think some of us think some action must be taken. It would be facilitated if all the parties could agree. That can't happen, it appears. So Lee [Hamilton], Dante [Fascell] and I will have to go back to see what we can do.

The President: We want to work with all of you. We will keep our rhetoric down and hope for movement which can prevent disastrous results.

Congressman Brademas: On the last point, we have been quiet for months. I did say that Executive statements about pressuring Congress are not helpful. I agree about keeping the rhetoric down. We will do our part.

The President: We can't be oblivious of the deadlines facing us.



P. [unclear]

SECRET/SENSITIVE

MEETING WITH MEMBERS OF CONGRESS
ON RESTORATION OF AID TO TURKEY

Monday, June 23, 1975

9:30 a.m. (One Hour)

The Cabinet Room

From: Henry A. Kissinger

I. PURPOSE

You have called this second meeting with members of the House of Representatives to reiterate the urgency of restoring military aid to Turkey if we are to avoid steps by the Government of Turkey that are damaging to important U. S. interests and to explore with them alternatives for early legislative action.

II. BACKGROUND, PARTICIPANTS AND PRESS ARRANGEMENTS

A. Background: After your meeting with the six Congressmen last Thursday, Assistant Secretaries Hartman and McCloskey met on Friday with Hamilton, Fawcett and Whalen to discuss specific legislative options. It was clear from that meeting that the Congressmen remain unwilling to act without some prior concessions or assurances from Turkey and that they much preferred to see you exercise the waiver authority as a first step.

Given the virtual certainty that we cannot obtain prior assurances from the Turks, and that the waiver route alone will continue to be unacceptable to the Turks, we have little alternative but to press for some legislative action by the House.

One possibility that may hold some promise is the combined use of the waiver authority with legislation relieving the restrictions on commercial sales and FMS credit and cash transactions.

Section 614(a) of the Foreign Assistance Act authorizes the President to use not more than \$50 million per country in any fiscal year of Foreign Assistance funds "without regard to the

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NSC MEMO, 11/24/98, STATE DEPT. GUIDELINES, State Dep. ew 3/9/04

BY [unclear], NARA, DATE 6/1/04

SECRET/SENSITIVE

requirements" of the Act and certain other laws when he "determines that such authorization is important to the security of the United States." The Act requires that Congress be given prior notice of justification of each determination under this authority. (A draft determination and letter to Congress are at Tab A.) A Section 614(a) waiver for FY 1975 could release up to \$50 million of the more than \$100 million in undelivered military materiel now in Turkish pipeline from the restrictions of section 620(x). No significant additional amount of FY 75 MAP funds could be reprogrammed for new orders or for pipeline transportation costs since such reprogramming would require 10 days prior notice to Congress before obligating such additional funds and there are not 10 days left in this fiscal year. However, new funds required for transportation of pipeline materiel and for procurement of urgently needed items not in the pipeline could be covered by a second \$50 million waiver early in FY 76.

To date, the Turks have said the waiver route is unacceptable to them on the grounds that it does not address the central problem of getting the embargo removed. However, they may acquiesce if we carefully explain that this is the most expeditious way of getting items in the pipeline moving to Turkey, and that the waiver is being coupled with legislation lifting at least part of the embargo. A high level message of explanation to the Turks will be required if such an arrangement is reached with the Congress. We would also have to emphasize that we will press our efforts to get Congress to lift the embargo completely, but progress in Vienna would greatly assist this effort.

Congress Brademas and his colleagues are likely to balk initially at this proposal, since they would like to have prior Turkish assurances even before exercise of the waiver. But you can make clear to them that such prior assurances are impossible and that only some legislative action can divert the Turks from action against the U. S. facilities and encourage progress toward a Cyprus settlement. If there is resistance to lifting the restrictions on both commercial sales and FMS credits and sales, a possible fallback would be to seek only authority for commercial sales. (Draft legislation for these two options is at Tabs B and C, respectively.)

- B. Participants: Representatives Lee Hamilton, Charles Whalen, John Brademas, Paul Sarbanes. Henry A. Kissinger, John O. Marsh, Max Friedersdorf and Brent Scowcroft.
- C. Press Arrangements: The meeting to be announced; White House photographer only.

III. TALKING POINTS

1. I have asked you down here today to reemphasize the urgency I attach to a lifting of the arms embargo on Turkey.
2. As you know, Turkey has set a 30 day deadline (July 17) for restoration of aid or consultations on the reduction of U. S. facilities there. I believe the Turks still desire to resolve this problem in keeping with our mutual interests as friends and allies, but there can be no mistake about their intent and the action we will have to expect if aid is not restored.
3. There is no likelihood of any prior Turkish assurances to get the embargo lifted. I cannot promise any specific Turkish action when the embargo is lifted. However, I am confident that ending the embargo would make a major contribution toward ending the current impasse on Cyprus. The intercommunal talks reconvene in Vienna on July 24; they will make no progress unless the embargo is lifted.
4. I also recognize the impossibility of the House voting to totally lift the embargo without prior assurances. And I am certain that the Turks will not accept a simple exercise of the waiver authority; they want legislative action to redress the situation.
5. We cannot fail to act. Accordingly, I want to explore with you a possible compromise package which may be limited enough to gain House approval while giving the Turks enough to make some concessions in the Cyprus talks.
6. I am willing to exercise my waiver authority to free up previously ordered material in the Turkish pipeline if this can be coupled with legislation permitting a limited suspension of the embargo to allow cash and credit sales only.

7. I am not sure this will be satisfactory to the Turks, but we will do our best to sell it to them as a first step, with a full lifting of the embargo to follow only after sufficient movement toward a Cyprus settlement.

8. Let me close by reiterating the urgency of the situation and the need for action. I am requesting your careful consideration of the procedure I have just described.

Attachments

Presidential Determination
No.

MEMORANDUM FOR

THE SECRETARY OF STATE

SUBJECT: Authorization of Military Assistance
 for Turkey'

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

(a) determine that it is important to the security of the United States that not to exceed \$50 million in funds made available for the purposes of chapter 2 of part II of the Act be used to furnish defense articles and defense services to Turkey without regard to the requirements of section 620(x) of the Act; and

(b) authorize such use of not to exceed \$50 million of such funds for the fiscal year 1975.

This determination shall be published in the Federal Register.

DRAFT PRESIDENTIAL LETTER

Dear Mr. Speaker (Mr. Chairman)

In accordance with the provisions of section 652 of the Foreign Assistance Act of 1961, as amended, I wish to inform you that I intend to exercise my special authority under section 614(a) of the Act in order to provide military assistance to Turkey. Specifically, I intend to authorize the furnishing of up to \$50 million in defense articles and services to Turkey without regard to the requirements of section 620(x) of the Act.

This action will permit the delivery to Turkey of items previously ordered under the Military Assistance Program authorized by chapter 2 of part II of the Act and needed by the Turkish armed forces. The provision of law being waived has prevented the delivery of those items.

I have concluded that this action is important to the security of the United States because it will assist the Turkish armed forces to meet their defense responsibilities under the North Atlantic Treaty, will alleviate an impediment to a negotiated solution of the Cyprus conflict and will help preserve United States access to facilities in Turkey which are significant to our national defense. A more detailed justification will accompany my formal determination, which I will be sending to you in the next few days.

Sincerely,

Honorable Carl Albert
Speaker of the House of Representatives
Washington, D. C.

[Honorable John J. Sparkman
Chairman
Committee on Foreign Relations
United States Senate]

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