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Monday 11/4/74

11:30 Mr. Areeda has made a comment at the bottom of Jeanne Davis' memo re Congressional request for letter from Greek Prime Minister.

I would like to know whether you want (in the future) to see replies Mr. Areeda has made at your request no (before they are sent on) *not unless he directs copy to me.*

If you would feel we should retain a copy in our files (which I do) no

Copy of cover sheet retained (re suggestion of Mr. Areeda)

Package

11/4/74

Returned to Jean Davis

(see Mr. Areeda's
note at bottom)

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~CONFIDENTIAL~~ ATTACHMENT

November 1, 1974

MEMORANDUM FOR PHILIP BUCHEN

FROM: Jeanne W. Davis *JWD*

SUBJECT: Congressional Request for Letter
From Greek Prime Minister

I attach a copy of a self-explanatory package which would deny a request from Mr. George Murphy, Deputy Staff Director of the Joint Committee on Atomic Energy, for a copy of an August 28 letter from Greek Prime Minister Karamanlis to the President and other NATO Heads of Government.

We would appreciate your clearance and/or comment on this proposed course of action.

Approve _____

As amended _____

Disapprove _____



Attachment

The draft approach seems too mechanical. Making the Greek letter available in some fashion is not necessarily tantamount to public release. In any event, the Greeks might not mind, especially as it appears to this untutored eye to say nothing that has not been said publicly.

Whether the letter is relevant to Mr. Murphy's duties or whether such letters should ever be made available to congressional staff are different matters.



But this seems a ~~poor~~ case for ^{an} equivocal denial.

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OF CLASSIFIED ATTACHMENTS

P.A.
Phillip Areeda
Counsel to the President

~~CONFIDENTIAL~~ ATTACHMENT

NSC

THE WHITE HOUSE

WASHINGTON

February 4, 1975

MEMORANDUM FOR:

JEANNE W. DAVIS

FROM:

PHILIP W. BUCHEN

P.W.B.

At your request, I have reviewed the attached memoranda concerning protection of foreign officials and installations. Set forth below are my comments.

1. I agree with the several conclusions noted on page 3 of the Granger Memorandum in which the ad hoc working group expressed its agreement.

The transfer of EPS from Treasury to State would involve a significant change of purpose and policy as well as the creation of a new Federal police force, and I concur with Justice and Treasury in opposing this action.

I favor the use of a federal subsidy for New York City to be used exclusively for protection of United Nations activities. However, I am not certain that the best and most appropriate source of these funds is LEAA.

2. The positions which are discussed above are applicable to the first and second recommendations made by Deputy Secretary Ingersoll at page 4 of the Granger Memorandum. With regard to the third recommendation, I believe that an indefinite extension of EPS in New York until final resolution of this matter would unduly restrict the President's statutory discretion to direct (or withdraw) EPS protection for diplomatic missions in locations in the United States other than in Washington, D. C., 3 U.S.C.A. § 202. This recommendation should be deleted.

3. It would be preferable to me if you would delete the indication that the White House Counsel concurs in the recommendations of the Granger Memorandum (page 6) and the Kissinger Memorandum to the President (page 6).
4. Rather than comment on the options listed in the Granger Memorandum, I offer the following recommendations in summary of my position:
 - no presidential action at this time
 - initiation of a small OMB study of State's Diplomatic Security Force
 - informal exploration with New York City officials of the possibility of subsidizing that City's protection of U.N. activities. It would hinder such negotiations if the President had been asked for and given his approval for exploratory talks on this point.
 - a reasonable increase of EPS and State Security personnel to meet the greater demands which they are experiencing
 - no firm commitment to keep EPS in New York until final resolution of the subsidy issue since such a commitment is unnecessarily binding

In the event Secretary Kissinger decides to forward a Memorandum to the President, I would like the opportunity to expand further upon the Counsel's position.

MEMORANDUM

NATIONAL SECURITY COUNCIL

CONFIDENTIAL ATTACHMENTS

January 31, 1975

MEMORANDUM FOR: ROY L. ASH
✓ PHILIP W. BUCHEN
KENNETH R. COLE, JR.

FROM: JEANNE W. DAVIS *JWD*

SUBJECT: Protection of Foreign Officials and Installations

The NSC Staff has prepared a set of recommendations on the protection of foreign officials and installations for possible submission to the President. They have been informally coordinated with Mr. Bill Fee (OMB), Mr. Jay French (Office of the White House Counsel), and Mr. Lynn May (Domestic Council Staff).

We would now appreciate receiving formal agency concurrence and/or comments on these recommendations contained in the attached memoranda.

Because of current high-level interest in this subject, we would appreciate receiving your reply no later than COB, February 4, 1975.

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

CONFIDENTIAL ATTACHMENTS

MEMORANDUM

NATIONAL SECURITY COUNCIL

CONFIDENTIAL - GDSACTION

January 30, 1975

MEMORANDUM FOR: SECRETARY KISSINGER

FROM: CLINTON E. GRANGER

SUBJECT: Protection of Foreign Officials and Installations

The Deputy Secretary of State has forwarded to the President a report on the protection of foreign officials and installations prepared under the auspices of the Cabinet Committee to Combat Terrorism (Tab C). In his memorandum of transmittal, Mr. Ingersoll has made a series of recommendations for the President's consideration on this subject (Tab B).

BACKGROUND

In July, 1974, the President directed that a comprehensive study be prepared under the general guidance of the Cabinet Committee to Combat Terrorism (CCCT) to define the goals of a program to protect foreign officials and installations in the United States (Tab D). The study was to be conducted by an ad hoc group comprising representatives of the Departments of Treasury, Justice, and State and the NSC Staff, and chaired by the Chairman of the Working Group of the CCCT. Its report was to be submitted to the Chairman of the Cabinet Committee for the Committee's review and forwarding to the President.

The report and memorandum to the President from Mr. Ingersoll, signed as Acting Secretary, were received by the NSC Staff in mid-October. Subsequently, the Departments of State, Treasury, Justice, as well as OMB and the White House Office of Congressional Relations, were requested by the NSC Staff to provide additional comments and analysis on the ad hoc working group report and Deputy Secretary Ingersoll's recommendations prior to forwarding to the President (Tab E). The Department of the Treasury's response requested that action be suspended pending the conclusion of discussions between that department and the Departments of State and Justice aimed at arriving at a consensus on outstanding issues dividing them at the time of the preparation of the report of the ad hoc working group. These discussions, monitored by the NSC Staff, did enlarge the areas of consensus between these departments, but disagreement on certain issues remain upon which the parties are unable to agree.

CONFIDENTIAL - GDS

DRO, 7/6/88

THE PROBLEM

By tradition and international law, the host country is responsible for the protection of foreign officials and installations. In the United States, local and state law enforcement agencies exercise the bulk of this responsibility, particularly outside the Washington, D. C. area. The situation in New York City is illustrative. Both the consular and UN mission personnel and facilities in that city are primarily protected by its police department. The federal contribution is limited to FBI and Justice assistance in the areas of intelligence, investigation, and prosecution and a small contingent of the Executive Protective Service (EPS), currently numbering about 20 officers, which is temporarily assigned to that city to provide fixed post protection of certain (particularly Arab) diplomatic installations. Consequently, while foreign governments look to the U.S. Government for the protection of their personnel and facilities, the primary responsibility -- and financial burden -- actually falls on local and state authorities.

While local authorities have generally done an extremely good job, the federal government is dependent on their cooperation in insuring that this responsibility is satisfactorily met. This can result in genuine differences of view as to the deployment of assets and the character of the protection provided. In New York City, for example, the police department will not station officers inside buildings containing diplomatic installations, providing instead only street-level protection, despite requests by the federal government. Currently the federal government has only limited assets to deploy in the event local authorities are not responsive to federal requirements. Gaps in coverage may increase in the future as budgetary considerations lead to reductions of police and other services.

The division of responsibilities for the protection of foreign officials and installations within the Executive Branch also poses obvious difficulties. The bulk of federal assets are controlled by the Treasury Department. This includes the EPS, which protects foreign installations in Washington and in such other cities as the President directs, and the Secret Service, which provides protection to visiting chiefs of state, heads of government, and such other foreign visitors as the President directs. The State Department's Office of Security has a limited capability to protect visiting foreign officials. The Department of Justice and FBI contribute in the areas of intelligence, investigation and prosecution.

The two principal questions which must be addressed are:

- Should the federal contribution to the protection of foreign officials and installations be increased, and, if so, how and by what amount, and;

- What organization and management of federal assets should be directed; should the resources be centralized under the control of a single organization.

CONCLUSIONS OF THE AD HOC WORKING GROUP REPORT

The ad hoc working group agreed on the following points:

- The principal responsibility for the protection of foreign officials and installations should remain with state and local authorities;
- The contribution of the federal government to the protection of foreign officials and installations should be selectively increased in the following areas:

Protection of Installations: The EPS should be expanded so that it can provide increased protection to diplomatic installations in Washington and other cities, as required. Limitations on EPS manpower make it difficult to provide satisfactory protection to diplomatic installations in Washington and also deploy guards to other cities on a temporary basis. Legislation under consideration by the Congress would substantially increase EPS manpower.

Protection of Foreign Visitors: The State Department's Office of Security should be expanded so that it can assume primary responsibility for the protection of foreign visitors below chief of state and head of government. This would reduce the burden on the Secret Service which has frequently been called upon to protect such officials because of the limitations in State's assets.

Financial Assistance to New York: Ways should be explored to provide financial assistance to New York City because of the unique burden imposed by the large number of United Nations installations located in that city.

The working group disagreed on the following points:

- The State Department supports centralizing federal responsibility and assets for protection of foreign officials and installations in a single organization and is prepared to assume responsibility for its development and control. This new Diplomatic Security Force (DSF) would consist of the expanded EPS (not including that element committed to the protection of the White House compound) and its own expanded Office of Security. Treasury and Justice oppose this concept.

- The Department of Justice opposes the utilization of Law Enforcement Assistance Administration (LEAA) funds as a vehicle for assisting financially the City of New York. Treasury and State support its use for this purpose.

MR. INGERSOLL'S RECOMMENDATIONS

The Deputy Secretary has submitted three recommendations for the consideration of the President.

1. That the Department of State be given primary authority for controlling the federal contribution to the protection of foreign officials and installations in the US. This would be accomplished through formation of a Diplomatic Security Force incorporating appropriate EPS assets.

2. That Justice and LEAA be directed to use LEAA funds to provide financial assistance to New York City, particularly through the formation within the New York City police department of a Mission Guard Force (MGF), a special element committed to the protection of UN facilities.

3. That the current deployment of a small EPS contingent in New York City be continued until other arrangements are concluded.

Mr. Ingersoll has established a Standing Group, composed of representatives of State, Justice, and Treasury and other appropriate agencies, to assist in the implementation of any decisions made in this regard.

DISCUSSION

Expansion of Federal Assets: Assumption by the federal government of primary responsibility for the protection of foreign officials and installations is precluded at this time by constitutional, congressional, and budgetary considerations. A good case can be made, however, that the federal government should be in a better position to deploy federal assets in cases of extraordinary security threats -- such as the visit of Mr. Arafat to the UN -- or when important diplomatic considerations are involved -- as when the Ukrainian mission was fired upon. Failure to respond in the latter type of cases could seriously affect foreign relations or the reciprocal protection foreign governments give to U.S. citizens and property. Appropriate increases in the manpower of both EPS and State's Office of Security would provide this capability at relatively little cost. EPS would then be in a better position to temporarily deploy guards to cities outside Washington -- say to the Soviet consular building in San Francisco -- if security or diplomatic considerations warrant. In addition, State's Office of Security could provide protection to a larger number of visiting foreign officials who, particularly for diplomatic reasons, should be afforded some degree of protection.

Financial Aid to New York City: The New York City government and congressional delegation have long been requesting that the federal government provide some degree of financial relief. The President has responded to these requests, indicating his concern and interest in finding a satisfactory solution. In my judgment, there is good case for seriously considering some form of financial assistance to New York City.

The manner in which the federal government approaches this question is important because of the likelihood that other cities would demand financial assistance were it to be extended to New York City. Financial assistance tied to the unique UN protection responsibilities of New York City would be the best way not to set a precedent applicable to all other US cities with diplomatic facilities.

So far, New York City has not been approached as to what form and amount of financial assistance would be mutually acceptable. Consequently, if it is determined that this question should be seriously explored, representatives of the government should be instructed to explore with New York City officials various mutually acceptable alternatives -- including both short-term and long-term subsidy arrangements -- for submission to the President for decision. Prior to conducting these discussions, those representatives should submit proposed guidelines for these talks for prior approval.

Control of Federal Assets

The dispute between State and Treasury (supported by Justice) over the control of federal protective assets (particularly deployment of EPS guards) is rooted in an essential difference in perspective. State is particularly sensitive to the diplomatic and reciprocity considerations involved in the deployment of federal assets and is more inclined to provide a diplomatic facility a visible federal guard for these reasons even if a specific security threat has not been identified. Treasury, on the other hand, believes that maintaining the professionalism and morale of the EPS demands that the decision to deploy guards should be based primarily on security considerations.

There are two ways to reconcile these divergent points of view. One is to leave the final decision to an independent party. Currently, the President has assigned this role to the Office of the White House Counsel. That office reviews all requests for deployment of EPS outside Washington and for Secret Service protection of foreign officials. Another would be to assign full responsibility to one of the parties. This would imply a decision to consolidate assets into one organization (such as the Diplomatic Security Force).

Centralization of responsibility and assets in a Diplomatic Security Force is an attractive concept in many ways. It does pose, however, a variety of

difficulties. The formation of such a "federal police force" could encounter Congressional opposition. The management and budget considerations are not yet fully explored. Consequently, this option -- while worth consideration by the President -- should undergo more detailed examination prior to his final review. In the meantime State and Treasury should be encouraged to continue their search for temporary mechanisms for resolving most issues in this area with minimal recourse to the White House.

The Office of the White House Counsel, Domestic Counsel Staff, and Office of Management and Budget concur in the following recommendations.

RECOMMENDATIONS

Option I

That you sign the memorandum to the President at Tab A recommending:

-- That the Deputy Secretary of State should be instructed to have the Standing Group initiate discussions with New York City on mutually satisfactory options for providing federal assistance relating to the city's protection of UN facilities and personnel. Among the options explored should be both possible short-term and long-term subsidy arrangements. The Standing Group should submit a list of satisfactory options for review by the President no later than April 1, 1975. If this recommendation is approved, the Mayor of New York City and selected members of the New York congressional delegation will be informally notified of this initiative.

-- That the Office of Management and Budget be instructed to undertake a thorough analysis of the Diplomatic Security Force concept. It should report its finding by April 1, 1975. Pending a decision, State and Treasury should be encouraged to seek ways to resolve differences on the deployment of EPS and Secret Service with a minimum of recourse to the White House. The President should also direct the continued deployment of EPS in New York City pending a decision on the DSF concept, subject to the review of the Office of the White House Counsel.

-- That the Office of Management and Budget be instructed to support State and Treasury requests for appropriate additional manpower in order to increase federal capabilities to protect foreign installations and visitors.

Approve _____

Approve as amended _____

Option II

That you sign the memorandum to the Deputy Secretary of State at Tab AA without bringing this matter to the President's attention at this time. This

option would have the advantage of postponing direct Presidential involvement in the questions of the centralization of authority over federal protective assets, subsidy arrangements with New York City, and expansion of federal assets until more detailed proposals are ready for his consideration.

Approve _____

Approve as amended _____

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~CONFIDENTIAL~~ - GDSACTION

MEMORANDUM FOR: THE PRESIDENT

FROM: HENRY A. KISSINGER

SUBJECT: Protection of Foreign Officials and
Installations

The Deputy Secretary of State has forwarded for your review a report on the protection of foreign officials and installations prepared under the auspices of the Cabinet Committee to Combat Terrorism (CCCT) (Tab C). In his memorandum of transmittal, Mr. Ingersoll has made a series of recommendations for your consideration on this subject (Tab B).

THE PROBLEM

By tradition and international law, the host country is responsible for the protection of foreign officials and installations. In the United States, local and state law enforcement agencies exercise the bulk of this responsibility, particularly outside the Washington, D. C. area. While local authorities have on balance done an extremely good job, the federal government is dependent on their cooperation in insuring that this responsibility is satisfactorily performed. This can on occasion result in genuine differences of view as to the deployment of assets and the character of the protection provided. Currently the federal government has only limited assets to deploy in the event local authorities are not responsive to federal requirements. Gaps in local coverage may increase in the future as budgetary considerations lead to reductions of police and other services.

The division of responsibilities for the protection of foreign officials and installations within the Executive Branch also poses difficulties. The bulk of federal assets are controlled by the Treasury Department. This includes the Executive Protective Service (EPS), which protects foreign installations in Washington and in such other cities as the President directs, and the Secret Service, which provides protection to visiting chiefs of state, heads of government, and such other foreign visitors as the President directs. The State Department's

~~CONFIDENTIAL~~ - GDS

DAO, 9/6/58

Office of Security has a limited capability to protect visiting foreign officials. Genuine disagreements between these departments over the deployment of federal assets currently must be resolved in the White House.

The two principal questions which should be addressed are:

- Should the federal contribution to the protection of foreign officials and installations be increased, and, if so, how and by what amount, and;
- What organization and management of federal assets should be directed; should the resources be centralized under the control of a single organization.

CONCLUSIONS OF THE REPORT

The report, prepared by an ad hoc working group consisting of representatives of the Departments of State, Treasury, and Justice, makes the following points:

- The principal responsibility for the protection of foreign officials and installations should remain with state and local authorities;
- The contribution of the federal government to the protection of foreign officials and installations should be selectively increased in the following areas:

Protection of Installations: The EPS should be expanded so that it can provide increased protection to diplomatic installations in Washington and other cities, as required. Current limitations on EPS manpower make it difficult to provide satisfactory protection to diplomatic installations in Washington and also deploy guards to other cities on a temporary basis.

Protection of Foreign Visitors: The State Department's Office of Security should be expanded so that it can assume primary responsibility for the protection of foreign visitors below chief of state and head of government. This would reduce the burden on the Secret Service which has frequently been called upon to protect such officials because of the limitations in State's assets.

Financial Assistance to New York: Ways should be explored to provide financial assistance to New York City because of the unique burden imposed by the large number of United Nations installations located in that city.

- The State Department supports centralizing federal responsibility and assets for protection of foreign officials and installations in a single organization and is prepared to assume responsibility for its development and control. This new Diplomatic Security Force (DSF) would consist of the expanded EPS (not including that element committed to the protection of the White House compound) and its own expanded Office of Security. Treasury and Justice oppose this concept.
- The Department of Justice opposes the utilization of Law Enforcement Assistance Administration (LEAA) funds as a vehicle for assisting financially the City of New York. Treasury and State support its use for this purpose.

MR. INGERSOLL'S RECOMMENDATIONS

The Deputy Secretary has submitted three recommendations for your consideration

1. That the Department of State be delegated primary responsibility for controlling the federal contribution to the protection of foreign officials and installations in the U. S. This would be accomplished through formation within that department of the Diplomatic Security Force.
2. That Justice and LEAA be directed to use LEAA funds to provide financial assistance to New York City, particularly through the formation within the New York City police department of a Mission Guard Force (MGF), a special element committed to the protection of UN facilities.
3. That the current deployment of a small EPS contingent in New York City be continued until the MGF or other arrangement is concluded.

DISCUSSION

Expansion of Federal Assets: Assumption by the Federal government of primary responsibility for the protection of foreign officials and installations would appear to be precluded at this time by constitutional, congressional, and budgetary considerations. A good case can be made, however, that the federal government should be in a better

position to deploy federal assets in cases of extraordinary security threats or when important diplomatic considerations are involved. Failure to respond in the latter type cases could seriously affect foreign relations or the reciprocal protection foreign governments give to U. S. citizens and property. Appropriate increases in the manpower of both EPS and State's Office of Security would provide this capability at relatively little cost. EPS would then be in a better position to temporarily deploy guards to cities outside Washington if security or diplomatic considerations warrant. In addition, State's Office of Security could provide protection to a larger number of visiting foreign officials who, particularly for diplomatic reasons, should be afforded some degree of protection.

Financial Aid to New York City: The New York City government and congressional delegation have long been requesting that the federal government provide some degree of financial relief. You have previously responded to these requests, indicating your concern and interest in finding a satisfactory solution. In my judgment, there is a good case for seriously considering some form of financial assistance to New York City.

The manner in which the federal government approaches this question is important because of the likelihood that other cities would demand financial assistance were it to be extended to New York City. Financial assistance tied in some way to the unique UN protection responsibilities of New York City would be the best way not to set a precedent applicable to all other U. S. cities with diplomatic facilities.

So far, New York City has not been approached as to what form and amount of financial assistance would be mutually acceptable. Consequently, if you determine that this question should be seriously explored, representatives of the government should be instructed to explore with New York City officials various mutually acceptable alternatives for submission to you for decision. Prior to conducting these discussions, those representatives should submit proposed guidelines for these talks for prior approval by the White House.

Control of Federal Assets: The disagreement between State and Treasury (supported by Justice) over the control of federal protective assets (particularly deployment of EPS guards) is rooted in an essential difference in perspective. State is particularly sensitive to the diplomatic and reciprocity considerations involved in the deployment of federal assets and is more inclined to provide

a diplomatic facility a visible federal guard for these reasons even if a specific security threat has not been identified. Treasury, on the other hand, believes that maintaining the professionalism and morale of the EPS demands that the decision to deploy guards should be based primarily on security considerations.

There are two ways to reconcile these divergent points of view. One is to leave the final decision to an independent party. Currently, you have assigned this role to the Office of the White House Counsel. That office reviews all requests for deployment of EPS outside Washington and for Secret Service protection of foreign officials. Another would be to assign full responsibility to one of the parties. This would imply a decision to consolidate assets into one organization such as the Diplomatic Security Force.

Centralization of responsibility and assets in a Diplomatic Security Force is an attractive concept in many ways. It does pose, however, a variety of difficulties. The formation of such a federal police force would likely encounter congressional opposition. Nor are the management and budget considerations fully understood. Consequently, this option -- while worth consideration -- should undergo more detailed examination prior to your final review. In the meantime, State and Treasury should be encouraged to continue their search for temporary mechanisms for resolving most issues in this area with minimal recourse to the White House.

RECOMMENDATION

1. An interagency group, under the leadership of the Department of State, should be instructed to initiate discussions with New York City on mutually satisfactory options for providing federal assistance relating to that city's protection of UN facilities and personnel. Among the options explored should be both possible short-term and long-term subsidy arrangements. The interagency group should submit by February 15, 1975, a proposed set of instructions for White House review prior to undertaking these discussions. A list of satisfactory options for your review should be submitted no later than April 1, 1975. If this recommendation is approved, the Mayor of New York City and selected members of the New York congressional delegation will be informally notified of this initiative.

Approve _____ Disapprove _____

2. The Office of Management and Budget should undertake a thorough analysis of the Diplomatic Security Force concept. It should report its findings by April 1, 1975. Pending a decision, the

current EPS deployment to New York City should continue, subject to the review of the Office of the White House Counsel, and State and Treasury should be encouraged to seek ways to resolve differences on the deployment of EPS and Secret Service with a minimum of recourse to the White House.

Approve _____ Disapprove _____

3. The Office of Management and Budget should be instructed to support State and Treasury requests for appropriate additional manpower in order to increase federal capabilities to protect foreign installations and visitors.

Approve _____ Disapprove _____

4. That you authorize me to sign the memorandum at Tab I to the Deputy Secretary of State which contains the above points.

Approve _____ Disapprove _____

The Office of the White House Counsel, Domestic Council Staff, and the Office of Management and Budget concur in the above recommendations.

responsibility of the Secret Service. Specific recommendations related to the above should be transmitted to the Office of Management and Budget for consideration by the President for inclusion in the FY-76 budget.

The President agrees that the possibility of the extension of federal financial assistance to New York City, tied to its unique responsibility for the protection of UN installations, should be explored. The President directs that representatives of the Departments of State, Treasury and Justice, the Office of Management and Budget, and the Domestic Council Staff, under the leadership of the Department of State, initiate discussions with appropriate New York City authorities. Among the alternative explored with New York City should be both possible short-term and long-term subsidy arrangements. A set of options as to both the types and levels of possible financial aid should be presented for the President's consideration no later than April 1, 1975. Prior to initiating these discussions, a proposed set of instructions to guide the Executive Branch's representatives should be submitted for White House approval.

Henry A. Kissinger

cc: The Secretary of the Treasury
The Attorney General
The Director, Office of Management and Budget
The Executive Director, Domestic Council
The Office of the White House Counsel

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL - GDS

MEMORANDUM FOR:

THE DEPUTY SECRETARY OF STATE

SUBJECT: Protection of Foreign Officials and
Installations

The report on the protection of foreign officials and installations prepared under the auspices of the Cabinet Committee to Combat Terrorism and the recommendations contained in your memorandum of October 6, 1974, have been reviewed.

The centralization of Executive Branch responsibility and assets for the protection of foreign officials and installations could offer several advantages over current arrangements. Before placing this proposal before the President, however, a comprehensive and detailed study of the budgetary and management implications of this concept should be prepared by the Office of Management and Budget. The Department of State should submit a detailed proposal for implementation of this concept to OMB for analysis. The OMB report should be submitted for the President's consideration no later than April 1, 1975. Pending a decision on this concept, the current Executive Protective Service deployment in New York City should be retained, subject to review by the Office of the White House Counsel, and you should continue efforts to secure the fullest degree of cooperation between the principal departments concerned with this problem.

A limited expansion of the Executive Protective Service and the Office of Security of the State Department would provide the Executive Branch with a greater capability for supplementing on a temporary basis the protection of foreign installations in Washington, New York, and other cities (as required) and to increase the protection of foreign officials visiting this country below the level of chief of state or head of government, which will continue to be the responsibility of the Secret Service. Specific recommendations related to the above should be transmitted to the Office of Management and Budget for consideration by the President for inclusion in the FY 76 budget.

CONFIDENTIAL - GDS

DAD, 9/6/88

The possibility of the extension of federal financial assistance to New York City, tied to its unique responsibility for the protection of UN installations, should be explored. Representatives of the Departments of State, Treasury and Justice, the Office of Management and Budget, and the Domestic Council Staff, under the leadership of the Department of State, should initiate discussions with appropriate New York City authorities. Among the alternatives explored should be both possible short-term and long-term subsidy arrangements. A set of options as to both the types and levels of possible financial aid should be presented for the President's consideration no later than April 1, 1975. Prior to initiating these discussions, a proposed set of instructions to guide the Executive Branch's representatives should be submitted for White House approval.

Henry A. Kissinger

cc: The Secretary of the Treasury
The Attorney General
The Director, Office of Management and Budget
The Executive Director, Domestic Council
The Office of the White House Counsel

NSC

THE WHITE HOUSE

WASHINGTON

June 3, 1975

SECRET/XGDS

MEMORANDUM FOR: Richard Ober

FROM: Philip W. Buchen *P.W.B.*

SUBJECT: Your memorandum of May 30, 1975,
involving consideration of proposed
NSCID No. 9

My reaction to the proposed text of NSCID No. 9 is that it is premature to submit this matter to the NSC for the following reasons:

1. The proposed text should be checked against the effect of the Presidential memorandum of December 19 to the Attorney General on electronics surveillance after pending negotiations for changes in that memorandum have been concluded.
2. The views of the current Attorney General should be obtained as to any proposed text.
3. Whether or not the Rockefeller Commission comes up with specific recommendations in regard to the subjects of this proposed NSCID, consideration should be given to including special provisions to safeguard implementation of the authority granted from any possible abuse. Only in that way can the desires of the current administration to provide for such safeguards be adequately reflected.
4. Issuance of this NSCID now would require immediate disclosure of it to the Senate Select Committee and could provoke adverse reactions unless it were drawn to anticipate what the Committee is likely to find are inadequacies of control over the activities permitted.

SECRET/XGDS

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

On the subject of whether the CIA has statutory authority to recruit U. S. citizens for use as sources abroad, I would agree that it has the authority to do so. However, that is true in respect to all of the authority granted the CIA by this NSCID, and therefore it may make sense to specify that authority in the final draft of the NSCID as part of Section 1 c or as a separate subparagraph of paragraph 1.

THE WHITE HOUSE
WASHINGTON

September 23, 1975

MEMORANDUM FOR: JIM CONNOR
FROM: PHIL BUCHEN *P.W.B.*
SUBJECT: Henry Kissinger's Memo of 9/22/75
re correspondence with
Muhammad Ali

I have no objection to the particulars of correspondence with Muhammad Ali, but I do not think a letter like this should be sent unless we are prepared as a matter of general policy to determine under what circumstances similar letters should be sent. Obviously, there is a lot of private philanthropy by U. S. citizens, and I would like to know where we intend to draw the line. Unless the line is rationally and tightly drawn, we may expect many requests like this.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 23, 1975

Time:

FOR ACTION:

cc (for information):

PHIL BUCHEN

FROM THE STAFF SECRETARY

DUE: Date: September 24, 1975

Time: 10 A.M.

SUBJECT:

Henry Kissinger's Memo 9/22/75
re Correspondence with Muhammad Ali

ACTION REQUESTED:

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

REMARKS:

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
WASHINGTONACTION

September 22, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger *AK*

SUBJECT: Correspondence with Muhammad Ali

Muhammad Ali recently contributed \$100,000 of his personal funds to help in the recovery of drought-stricken Sahelian countries in West Africa. His Manager, Don King, also contributed \$10,000 for that purpose. The funds were provided to the United States Committee for the United Nations Children's Fund and Africare, a private U.S. charitable organization.

In view of U.S. Government recovery efforts in the Sahel and our frequent indications of the importance we attach to such public efforts being complemented by private assistance, I believe it would be appropriate for you to acknowledge the support that Muhammad Ali and his Manager are giving to the Sahel states in West Africa. Ted Marrs and Stan Scott concur. Paul Theis concurs in the draft letter that I have attached at Tab A for your consideration.

RECOMMENDATION:

That you sign the letter at Tab A.



THE WHITE HOUSE

WASHINGTON

Dear Muhammad:

I have learned of your generous contribution and that of your manager, Don King, to the recovery effort for the drought-stricken Sahelian states in West Africa.


This heartwarming generosity by private citizens is in the highest tradition of American humanitarianism. I am confident all Americans share my admiration for the spirit of concern for one's fellow man that has prompted your support of the work of the United Nations Children's Fund and Africare in the Sahel. Your example will do much to underscore the need for continued international effort to alleviate the suffering of the drought victims.

Please convey my thanks to Mr. King.

With warm personal regards,

Sincerely,

Mr. Muhammad Ali
c/o Mr. Don King
Don King Productions
30 Rockefeller Plaza, 67th fl.
New York, New York 10020



NSC
Friday 9/26/75

1:05 Bob Hormatz called from the NSC staff and they were anxious to have an answer to Les Janka's memo.

Mr. Hills was here so I asked if he could talk with him. After talking, he dictated the following for you:

"I am told that all prefer at Commerce and at State Dept. not to mention the Assistant Secretary for National Affairs. They intend to take the action. It is unclear why he called me. I made it clear that it was nothing we could comment on.

I do think you should notify Don of the action taken and make it clear that we neither approve or disapprove."



NATIONAL SECURITY COUNCIL

September 26, 1975

TO: PHIL BUCHEN

FROM: LES JANKA *les*

Attached is a draft revision of a Commerce Department regulation regarding petroleum import-export quotas which State Department is coordinating with NSC, OMB and other agencies.

We would like to propose the changes indicated on the attached draft but would like the comments of your office before we reply to State. Your comments by this afternoon would be very much appreciated.

Phil - The purpose of this change is to make it possible for the U.S. to export oil to Israel if necessary - as the new Agreement provides. FJ.

SECTION I

Establishment of exception to Petroleum Short Supply Recommendation for National Security and/or Foreign Policy Reasons

Without regard to established quotas or other provisions of these recommendations, validated licenses may be issued to export commodities subject to the petroleum short supply controls. When (A) the Assistant to the President for National Security Affairs and the Secretary of Defense or the Secretary of State as appropriate have recommended such exports for overriding national security and/or foreign policy reasons and (B) the Secretary of Commerce has determined that such exports are both in the national interest and consonant with the principles of the Export Administration Act. This special provision will not apply to crude oil subject to the export restrictions imposed by Section 28 of the Mineral Leasing Act as amended by the Alaskan Pipeline Act.

NSC Proposed Alternatives:

-- Alternatives (A) the Secretary of State in consultation with the Secretary of Defense, as appropriate, has recommended...

and omit "both in the national interest and" under (B)

-- or make President responsible for both (A) and (B).



THE WHITE HOUSE

WASHINGTON

October 7, 1975

nsc

MEMORANDUM FOR: JEANNE DAVIS
FROM: PHILIP W. BUCHEN *P.W.B.*
SUBJECT: Letter of Appreciation to the
President of Senegal

We have reviewed the text of the draft letter and have no objection.

703
THE WHITE HOUSE
WASHINGTON

October 6, 1975

To: Dudley

Frm: Eva

We would appreciate it if
you would prepare a memo
to Jeanne Davis for
Mr. Buchen's signature.

Thanks.

THE WHITE HOUSE

WASHINGTON

October 3, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: DUDLEY CHAPMAN *DC*

SUBJECT: Letter of Appreciation to the
President of Senegal

I cleared the text of the attached letter with the people in the Criminal Division at Justice who are familiar with this case. I read the full text over the phone and they had no problems with it.

For your information, the individual was not extradited because a Senegalese Court quashed the initial attempt at extradition. The Senegalese government then expelled Orsini, which made possible his arrest. This accounts for the language in the letter on page 2 that their actions insured that he would be brought to justice "in a manner consistent with the legal requirements of both of our countries."

Ironically, we could not do the same thing for Senegal because we do not have an extradition treaty with them. It is, however, State Department practice when making such requests of countries with whom we do not have a treaty to inform them that we could not comply with the same request in reverse.

Noted. I assume I
need do nothing
further but check
with Dudley.

P.

September 23, 1975

MEMORANDUM FOR: MR. BUCHEN

FROM: JEANNE W. DAVIS *JWD*

SUBJECT: Senegal: Presidential Letter
of Appreciation to President of
Senegal for Cooperation in the
Orsini Case

Attached is a copy of a memo we have received from the Department of State recommending that in view of Senegal's assistance in extraditing the fugitive drug trafficker, Dominique Orsini, the President write to the President of Senegal expressing U. S. appreciation.

In view of the legal aspects of extradition matters, and also the question of Presidential comment on pending criminal court cases, we would appreciate your comments and/or concurrence on the suggested Presidential letter.

Attachment

SUGGESTED LETTER

His Excellency
Leopold Sedar Senghor
President of the Republic of Senegal
Dakar.

Dear Mr. President:

I am most grateful for the cooperation which your Government provided to the United States in the apprehension of narcotics trafficking fugitive Dominique Orsini. This notorious fugitive has been the object of an intensive quest over the past several years by our law enforcement agencies to bring him to justice. Our investigation resulted in his indictment by a federal court on charges of conspiring to introduce into the United States large amounts of heroin and cocaine.

My Government has placed a high priority on cooperation in the development of a strong international narcotics control program. Such a program is, however, viable only if it has the support of all countries sharing a common interest in the prevention of illicit trafficking in dangerous drugs.

The fact that your Government responded so promptly and effectively to our request for assistance in apprehending this narcotics fugitive is a clear indication of its determination in connection with this human cause. The action of Senegalese and American officials demonstrated our shared commitment to move against those who would seek personal profit from the victimization of millions of people, especially young people, through exposing them to addiction to dangerous drugs. We are particularly grateful to the officials of your Ministries of Foreign Affairs, Interior and Justice for their tireless efforts and decisive actions to insure that this fugitive would be brought to justice in a manner consistent with the legal requirements of both of our countries. Their dedication and diligence have won the respect of all concerned.

It was a special privilege for me to make your acquaintance during your visit to the United States last May. Recalling with pleasure our productive discussions at that time, I am particularly pleased that our Govern-

ments have been able to cooperate so effectively on this important matter. I wanted to express to you my personal appreciation for your Government's support and assistance. Please accept my warmest regards.

Sincerely,

Gerald R. Ford

Date: October 20, 1975

Time:

Back-up back

FOR ACTION:

cc (for information):

*to Connor!*Phil Buchen

Jim Cannon

Bill Seidman

Alan Greenspan

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 24

Time: 10 A. M.

SUBJECT:

Henry Kissinger memo 10/16/75 re
Implications of Worldwide Population
Growth for US Security and Overseas
Interests: NSSM 200

ACTION REQUESTED:

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

REMARKS:

No comment. -- Ken Lazarus 10/22/75

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: October 28, 1975

Time:

FOR ACTION:

cc (for information):

Phil Buchen

Bob Hartmann

Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: October 28, 1975

Time:

SUBJECT:

Kissinger memo to the President 10/28/75
re: Message of Support for the National
Committee on U.S. -China Relations

ACTION REQUESTED:

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

REMARKS:

Your URGENT ATTENTION is requested on the attached
memorandum as it is to be delivered by the end of the day.

Thank you.

No objection. -- Ken Lazarus 10/28/75

P.W.B.



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

LOG NO: *VSC*

Date: November 5, 1975

Time:

FOR ACTION:

Phil Buchen
Max Friedersdorf
Jack Marsh

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: Thursday, November 6 Time: 2 P.M.

SUBJECT:

Henry A. Kissinger memo 11/5/75
re: Establishment of the United States
Sinai Support Mission

ACTION REQUESTED:

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

REMARKS:

November 6, 1975

I concur in the recommendation
of Dr. Kissinger.

P.W.B.
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

November 6, 1975

MEMO FOR: ED SCHMULTS

FROM: KEN LAZARUS

SUBJECT: Kissinger memo re:
Establishment of the U. S.
Sinai Support Mission

You might want to review this. My own opinion is that due to the sensitive nature of the project, the interagency approach has greater merit at the outset -- review might be more appropriate at the end of six months rather than one year.

Attachment

hook OK



11/20/75

Mr. Buchen

said

no objection.

Phoned

Fredy

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: November 18, 1975

Time:

FOR ACTION:

cc (for information):

Phil Buchen
Jack Marsh
Bill Seidman

FROM THE STAFF SECRETARY

DUE: Date: November 20, 1975

Time: 10 A. M.

SUBJECT:

Brent Scowcroft memo 11/18/75 re
Correspondence with Leopold Seda Senghor,
President of Senegal, Concerning the International
Labor Organization.

ACTION REQUESTED:

_____ For Necessary Action

X For Your Recommendations

_____ Prepare Agenda and Brief

_____ Draft Reply

X For Your Comments

_____ Draft Remarks

REMARKS:

No objection.

Phil Buchen *A.*
UC.

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.

James E. Connor _____
For the President

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 01348

Collection/Series/Folder ID : 001900292
Reason for Withdrawal : NS,National security restriction
Type of Material : MEM,Memo(s)
Creator's Name : Brent Scowcroft
Receiver's Name : President
Description : re correspondence with President
Senghor of Senegal concerning the International Labor Organization
Creation Date : 11/18/1975
Volume (pages) : 1
Date Withdrawn : 07/13/1988

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 01349

on
Collection/Series/Folder ID : 001900292
Reason for Withdrawal : NS,National security restriction
Type of Material : LET,Letter(s)
Creator's Name : President
Receiver's Name : Leopold Sedar Senghor
Receiver's Title : President of Senegal
Description : re International Labor Organizati
Creation Date : 11/1975?
Volume (pages) : 2
Date Withdrawn : 07/13/1988

ITEM WITHDRAWAL SHEET
WITHDRAWAL ID 01350

on

Collection/Series/Folder ID	:	001900292
Reason for Withdrawal	:	NS,National security restriction
Type of Material	:	LET,Letter(s)
Creator's Name	:	Leopold Sedar Senghor
Creator's Title	:	President of Senegal
Receiver's Name	:	President
Description	:	re International Labor Organizati
Creation Date	:	10/09/1975
Volume (pages)	:	3
Date Withdrawn	:	07/13/1988



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SSO-00 USIE-00 /103 R

DRAFTED BY IO/LABW:APALMER:OF
APPROVED BY THE SECRETARY
IO:ABBUFFUM
LABOR:EBPERSONS
LJSSCHWEREL
S/IL-DG000
S/S-O:H. TANNER

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FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO USMISSION USUN NEW YORK

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E.O. 11652:NA

TAGS: ILO, PORG

SUBJECT: NOTICE OF INTENT TO WITHDRAW FROM THE ILO

REF: GENEVA 8095

1. YOU ARE REQUESTED TO DELIVER THE FOLLOWING LETTER TO THE ILO ON NOVEMBER 3 AND THEN UNDERTAKE BILATERAL AND MULTI-LATERAL DISCUSSIONS (REFTEL). IN YOUR DISCUSSIONS YOU MAY NOTE THE LENGTHY CONSIDERATION WE HAVE GIVEN TO THIS ISSUE PRIOR TO TAKING THIS STEP, THE DIFFICULTIES WE HAVE ENCOUNTERED IN GETTING CONGRESS TO APPROVE FUNDS TO PAY OUR

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ASSESSMENTS, AND OUR HOPES THAT CONSTRUCTIVE CHANGES WILL TAKE PLACE IN THE ILO WHICH WILL HELP OVERCOME THE PRESENT DIFFICULTIES IN OUR RELATIONS.

2. YOU SHOULD INFORM ILO WE PLAN RELEASE TEXT OF LETTER AFTER DELIVERY. AFTER LETTER DELIVERED, NOTIFY ALL DIPLOMATIC AND CONSULAR POSTS BY IMMEDIATE CABLE.

3. SEPTTEL WILL PROVIDE ALL POSTS WITH BACKGROUND INFO, PRESS GUIDANCE AND TEXT OF LETTER FOR USE IN BILATERAL AND MULTILATERAL DISCUSSIONS.

4. TEXT OF LETTER FOLLOWS:
DEAR MR. DIRECTOR GENERAL:

THIS LETTER CONSTITUTES NOTICE OF THE INTENTION OF THE UNITED STATES TO WITHDRAW FROM THE INTERNATIONAL LABOR ORGANIZATION. IT IS TRANSMITTED PURSUANT TO ARTICLE I, PARAGRAPH 5, OF THE CONSTITUTION OF THE ORGANIZATION, WHICH PROVIDES THAT A MEMBER MAY WITHDRAW PROVIDED THAT A NOTICE OF INTENTION TO WITHDRAW HAS BEEN GIVEN TWO YEARS EARLIER TO THE DIRECTOR GENERAL AND SUBJECT TO THE MEMBER HAVING AT THAT TIME FULFILLED ALL FINANCIAL OBLIGATIONS ARISING OUT OF ITS MEMBERSHIP.

RATHER THAN EXPRESS REGRET AT THIS ACTION, I WOULD PREFER TO EXPRESS CONFIDENCE IN WHAT WILL BE ITS ULTIMATE OUTCOME. THE UNITED STATES DOES NOT DESIRE TO LEAVE THE ILO. THE UNITED STATES DOES NOT EXPECT TO DO SO. BUT WE DO INTEND TO MAKE EVERY POSSIBLE EFFORT TO PROMOTE THE CONDITIONS WHICH WILL FACILITATE OUR CONTINUED PARTICIPATION. IF THIS SHOULD PROVE IMPOSSIBLE, WE ARE IN FACT PREPARED TO DEPART.

AMERICAN RELATIONS WITH THE ILO ARE OLDER, AND PERHAPS DEEPER, THAN WITH ANY OTHER INTERNATIONAL ORGANIZATION. IT IS A VERY SPECIAL RELATIONSHIP, SUCH THAT ONLY EXTRAORDINARY DEVELOPMENTS COULD EVER HAVE BROUGHT US TO THIS POINT. THE AMERICAN LABOR MOVEMENT BACK INTO THE 19TH CENTURY WAS ASSOCIATED WITH THE INTERNATIONAL MOVEMENT TO ESTABLISH A WORLD ORGANIZATION WHICH WOULD ADVANCE THE

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INTERESTS OF WORKERS THROUGH COLLECTIVE BARGAINING AND SOCIAL LEGISLATION. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR, WAS CHAIRMAN OF THE COMMISSION WHICH DRAFTED THE ILO CONSTITUTION AT THE PARIS PEACE CONFERENCE. THE FIRST MEETING OF THE INTERNATIONAL LABOR CONFERENCE TOOK PLACE IN WASHINGTON, THAT SAME YEAR. IN 1934 THE UNITED STATES JOINED THE ILO, THE FIRST AND ONLY OF THE LEAGUE OF NATIONS ORGANIZATIONS WHICH IT DID JOIN. THE DECLARATION OF PHILADELPHIA IN 1944 REAFFIRMED THE ORGANIZATION'S FUNDAMENTAL PRINCIPLES AND REFORMULATED ITS AIMS AND OBJECTIVES IN ORDER TO GUIDE ITS ROLE IN THE POSTWAR PERIOD. TWO AMERICANS HAVE SERVED WITH DISTINCTION AS DIRECTORS-GENERAL: MANY AMERICANS HAVE CONTRIBUTED TO THE WORK OF THE ORGANIZATION. MOST PARTICULARLY, THE ILO HAS BEEN THE OBJECT OF SUSTAINED ATTENTION AND SUPPORT BY THREE GENERATIONS OF REPRESENTATIVES OF AMERICAN WORKERS AND AMERICAN EMPLOYERS.

IN RECENT YEARS, SUPPORT HAS GIVEN WAY TO INCREASING CONCERN. I WOULD EMPHASIZE THAT THIS CONCERN HAS BEEN MOST INTENSE ON THE PART OF PRECISELY THOSE GROUPS WHICH WOULD GENERALLY BE REGARDED IN THE UNITED STATES AS THE MOST PROGRESSIVE AND FORWARD-LOOKING IN MATTERS OF SOCIAL

POLICY. IT HAS BEEN PRECISELY THOSE GROUPS MOST DESIROUS THAT THE UNITED STATES AND OTHER NATIONS SHOULD MOVE FORWARD IN SOCIAL MATTERS, WHICH HAVE BEEN MOST CONCERNED THAT THE ILO -- INCREDIBLE AS IT MAY SEEM -- HAS BEEN FALLING BACK. WITH NO PRETENSE TO COMPREHENSIVENESS, I SHOULD LIKE TO PRESENT FOUR MATTERS OF FUNDAMENTAL CONCERN.

1. BEGIN UNDERLINE THE EROSION OF TRIPARTITE REPRESENTATION. END UNDERLINE

THE ILO EXISTS AS AN ORGANIZATION IN WHICH REPRESENTATIVES OF WORKERS, EMPLOYERS, AND GOVERNMENTS MAY COME TOGETHER TO FURTHER MUTUAL INTERESTS. THE CONSTITUTION OF THE ILO IS PREDICATED ON THE EXISTENCE WITHIN MEMBER STATES OF RELATIVELY INDEPENDENT AND REASONABLY SELF-DEFINED AND SELF-DIRECTED WORKER AND EMPLOYER GROUPS. THE UNITED STATES FULLY RECOGNIZES THAT THESE ASSUMPTIONS, WHICH MAY HAVE BEEN WARRANTED ON THE PART OF THE WESTERN DEMOCRACIES

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WHICH DRAFTED THE ILO CONSTITUTION IN 1919, HAVE NOT WORKED OUT EVERYWHERE IN THE WORLD; IN TRUTH ONLY A MINORITY OF THE NATIONS OF THE WORLD TODAY HAVE ANYTHING RESEMBLING INDUSTRIAL DEMOCRACY, JUST AS ONLY A MINORITY CAN LAY CLAIM TO POLITICAL DEMOCRACY. THE UNITED STATES RECOGNIZES THAT REVISING THE PRACTICES AND ARRANGEMENTS OF THE ILO IS NOT GOING TO RESTORE THE WORLD OF 1919 OR OF 1944. IT WOULD BE INTOLERABLE FOR US TO DEMAND THAT IT DO SO. ON THE OTHER HAND, IT IS EQUALLY INTOLERABLE FOR OTHER STATES TO INSIST THAT AS A CONDITION OF PARTICIPATING IN THE ILO WE SHOULD GIVE UP OUR LIBERTIES SIMPLY BECAUSE THEY HAVE ANOTHER POLITICAL SYSTEM. WE WILL NOT. SOME ACCOMMODATION WILL HAVE TO BE FOUND, AND SOME SURELY CAN BE FOUND. BUT IF NONE IS, THE UNITED STATES WILL NOT SUBMIT PASSIVELY TO WHAT SOME, MISTAKENLY, MAY SUPPOSE TO BE THE MARCH OF HISTORY. IN PARTICULAR, WE CANNOT ACCEPT THE WORKERS' AND EMPLOYERS' GROUPS IN THE ILO FALLING UNDER THE DOMINATION OF GOVERNMENTS.

2. BEGIN UNDERLINE SELECTIVE CONCERN FOR HUMAN RIGHTS
END UNDERLINE

THE ILO CONFERENCE FOR SOME YEARS NOW HAS SHOWN AN APPALLINGLY SELECTIVE CONCERN IN THE APPLICATION OF THE ILO'S BASIC CONVENTIONS ON FREEDOM OF ASSOCIATION AND FORCED LABOR. IT PURSUES THE VIOLATION OF HUMAN RIGHTS IN SOME MEMBER STATES. IT GRANTS IMMUNITY FROM SUCH CITATIONS TO OTHERS. THIS SERIOUSLY UNDERMINES THE CREDIBILITY OF THE ILO'S SUPPORT OF FREEDOM OF ASSOCIATION, WHICH IS CENTRAL TO ITS TRIPARTITE STRUCTURE, AND STRENGTHENS THE PROPOSITION THAT THESE HUMAN RIGHTS ARE NOT UNIVERSALLY APPLICABLE, BUT RATHER ARE SUBJECT TO DIFFERENT INTERPRETATIONS FOR STATES WITH DIFFERENT POLITICAL SYSTEMS.

3. BEGIN UNDERLINE DISREGARD OF DUE PROCESS END UNDERLINE

THE ILO ONCE HAD AN ENVIABLE RECORD OF OBJECTIVITY AND CONCERN FOR DUE PROCESS IN ITS EXAMINATION OF ALLEGED VIOLATIONS OF BASIC HUMAN RIGHTS BY ITS MEMBER

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STATES. THE CONSTITUTION OF THE ILO PROVIDES FOR PROCEDURES TO HANDLE REPRESENTATIONS AND COMPLAINTS THAT A MEMBER STATE IS NOT OBSERVING A CONVENTION WHICH IT HAS RATIFIED. FURTHER, IT WAS THE ILO WHICH FIRST ESTABLISHED FACT-FINDING AND CONCILIATION MACHINERY TO RESPOND TO ALLEGATIONS OF VIOLATIONS OF TRADE UNION RIGHTS. IN RECENT YEARS, HOWEVER, SESSIONS OF THE ILO CONFERENCE INCREASINGLY HAVE ADOPTED RESOLUTIONS CONDEMNING PARTICULAR MEMBER STATES WHICH HAPPEN TO BE THE POLITICAL TARGET OF THE MOMENT, IN UTTER DISREGARD OF THE ESTABLISHED PROCEDURES AND MACHINERY. THIS TREND IS ACCELERATING, AND IT IS GRAVELY DAMAGING THE ILO AND ITS CAPACITY TO PURSUE ITS OBJECTIVES IN THE HUMAN RIGHTS FIELD.

4. BEGIN UNDERLINE THE INCREASING POLITICIZATION OF THE ORGANIZATION END UNDERLINE

IN RECENT YEARS THE ILO HAS BECOME INCREASINGLY AND EXCESSIVELY INVOLVED IN POLITICAL ISSUES WHICH ARE QUITE BEYOND THE COMPETENCE AND MANDATE OF THE ORGANIZATION. THE ILO DOES HAVE A LEGITIMATE AND NECESSARY INTEREST IN CERTAIN ISSUES WITH POLITICAL RAMIFICATIONS. IT HAS MAJOR RESPONSIBILITY, FOR EXAMPLE, FOR INTERNATIONAL ACTION TO PROMOTE AND PROTECT FUNDAMENTAL HUMAN RIGHTS, PARTICULARLY IN RESPECT OF FREEDOM OF ASSOCIATION,

TRADE UNION RIGHTS AND THE ABOLITION OF FORCED LABOR, BUT INTERNATIONAL POLITICS IS NOT THE MAIN BUSINESS OF THE ILO. QUESTIONS INVOLVING RELATIONS BETWEEN STATES AND PROCLAMATIONS OF ECONOMIC PRINCIPLES SHOULD BE LEFT TO THE UNITED NATIONS AND OTHER INTERNATIONAL AGENCIES WHERE THEIR CONSIDERATION IS MORE RELEVANT TO THOSE ORGANIZATIONS' RESPONSIBILITIES. IRRELEVANT POLITICAL ISSUES DIVERT THE ATTENTION OF THE ILO FROM IMPROVING THE CONDITIONS OF WORKERS -- THAT IS, FROM QUESTIONS ON WHICH THE TRIPARTITE STRUCTURE OF THE ILO GIVES THE ORGANIZATION A UNIQUE ADVANTAGE OVER THE OTHER, PURELY GOVERNMENTAL, ORGANIZATIONS OF THE UN FAMILY.

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IN SUM, THE ILO WHICH THIS NATION HAS SO STRONGLY SUPPORTED APPEARS TO BE TURNING AWAY FROM ITS BASIC AIMS AND OBJECTIVES AND INCREASINGLY TO BE USED FOR PURPOSES WHICH SERVE THE INTERESTS OF NEITHER THE WORKERS FOR WHICH THE ORGANIZATION WAS ESTABLISHED NOR NATIONS WHICH ARE COMMITTED TO FREE TRADE UNIONS AND AN OPEN POLITICAL PROCESS.

THE INTERNATIONAL LABOR OFFICE AND THE MEMBER STATES OF THE ORGANIZATION HAVE FOR YEARS BEEN AWARE THAT THESE TRENDS HAVE REDUCED SUPPORT IN THE UNITED STATES FOR THE ILO. IT IS POSSIBLE, HOWEVER, THAT THE BASES AND DEPTH OF CONCERN IN THE UNITED STATES HAVE NOT BEEN ADEQUATELY UNDERSTOOD OR APPRECIATED.

I HOPE THAT THIS LETTER WILL CONTRIBUTE TO A FULLER APPRECIATION OF THE CURRENT ATTITUDE OF THE UNITED STATES TOWARD THE ILO. IN DUE COURSE THE UNITED STATES WILL BE OBLIGED TO CONSIDER WHETHER OR NOT IT WISHES TO CARRY OUT THE INTENTION STATED IN THIS LETTER AND TO WITHDRAW FROM THE ILO. DURING THE NEXT TWO YEARS THE US FOR ITS PART WILL WORK CONSTRUCTIVELY WITHIN THE ILO TO HELP THE ORGANIZATION RETURN TO ITS BASIC PRINCIPLES AND TO A FULLER ACHIEVEMENT OF ITS FUNDAMENTAL OBJECTIVES.

TO THIS END, THE PRESIDENT IS ESTABLISHING A CABINET LEVEL COMMITTEE TO CONSIDER HOW THIS GOAL MAY BE ACHIEVED. THE COMMITTEE WILL OF COURSE CONSULT WITH WORKER AND EMPLOYER REPRESENTATIVES, AS HAS BEEN OUR PRACTICE FOR SOME FOUR DECADES NOW IN THE FORMULATION OF OUR ILO POLICY. THE COMMITTEE WILL ALSO ENTER INTO THE CLOSEST CONSULTATIONS WITH THE CONGRESS, TO THE END THAT A UNIFIED AND PURPOSEFUL AMERICAN POSITION SHOULD EMERGE.

RESPECTFULLY, HENRY A. KISSINGER KISSINGER

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THE WHITE HOUSE

WASHINGTON

January 19, 1976

N5C

MEMORANDUM FOR: JIM CONNOR
THROUGH: PHIL BUCHEN
FROM: KEN LAZARUS
SUBJECT: Scowcroft Memo on 200 Mile Fisheries Bill

This office has reviewed the attached Memorandum for the President from Brent Scowcroft and offers the following:

- (1) We recommend that the letter be sent by Secretary Kissinger rather than the President, in order to isolate the President from any adverse political consequences which may result and to preserve alternative Presidential options for the future.
- (2) A minor editorial suggestion is noted in the first paragraph of the draft letter.



Date: January 19, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen

Rogers Morton

Jack Marsh

Bill Seidman

FROM THE STAFF SECRETARY

DUE: Date: Prompt Return

Time:

SUBJECT:

Brent Scowcroft memo 1/17/76 re 200 Mile
Fisheries Bill

ACTION REQUESTED:


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

REMARKS:

NSC is most anxious to have the attached letters
delivered today --- Your prompt review would
be very much appreciated.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

January 17, 1976

MEMORANDUM FOR: THE PRESIDENT
FROM: BRENT SCOWCROFT 
SUBJECT: 200 Mile Fisheries Bill

Through an apparent agreement among the Senate leadership, S. 961, legislation to unilaterally extend a 200-mile fisheries jurisdiction off the coast of the United States, will probably come to the Senate floor during the first week of the new session. The assessment of all involved agencies is that passage by a respectable margin is certain, and that efforts to delay a vote by threatening a veto or attempting filibuster would prove ineffective. Additional and decisive support for the bill has been attracted by a compromise provision to delay the effective date of the legislation until January 1977.

Even with the delayed implementation date envisioned in the Senate bill, enactment of this legislation would have serious consequences. By its very enactment, no matter what the date of implementation, this legislation would:

-- violate our commitments under various treaties and agreements.

-- be used by other nations to justify more extreme claims to ocean jurisdictions, including territorial sea claims, harmful to our global oceans interest.

-- undermine the U. S. negotiating position at the Law of the Sea negotiations shortly before an important session is scheduled to begin in March 1976.

-- injure the interests of our tuna and shrimp fishermen who fish within 200 miles of other nations.



Short of a veto, it appears that the only means to avoid these consequences, at least temporarily, is to urge the Senate to recommit the legislation to the Commerce Committee for at least 90 days. Current vote count estimates show perhaps 40 votes against the bill, and informal soundings indicate successful passage of a recommittal motion. This action can be justified by a number of critical factors.

First, recommittal for 90 days would postpone Senate passage until after the March session of the LOS negotiations takes place. This would protect the U.S. negotiating position at the session as well as serve notice to other participants that, if substantial progress is not made, the United States will act, unilaterally if necessary, to protect its fisheries interests. If significant progress is subsequently forthcoming, it would be viewed as an Administration victory, and support of unilateral action envisioned in S. 961 would diminish. On the other hand if the negotiations result in continued stalemate, the Senate would act quickly to pass the legislation, a development we have said we would not oppose.

Secondly, recommittal would permit the Commerce Committee to fully consider the results of recent fisheries negotiations concluded since their hearings were held. The most important of these were the ICNAF negotiations last September, where substantial progress was made. At that time, 17 nations that fish off our Eastern coasts agreed to a 34 percent reduction from 1975 quotas which in fact reflects a 55 percent reduction compared to the 1973 levels considered by the Commerce Committee in their hearings.

In addition, it would also permit the Committee to review the progress made recently in other bilateral and regional negotiations. Pursuant to an Administration initiative, our negotiators have sought to incorporate new principles in these agreements which are consistent with, and supportive of, the transition to a 200-mile fisheries zone. Concrete evidence of this is the recent bilateral agreement with Poland and current negotiations with Romania. These negotiations embody the principles necessary for the implementation of a 200-mile economic zone as well as provide for a substantial reduction in their fishing in the areas covered by the negotiations.

Further, more up-to-date fisheries data has been developed which projects the impact of recent agreements. This data, not yet considered by the Committee, shows substantial progress in reducing foreign fishing as a result of these negotiating achievements and underscores our arguments that unilateral action is unnecessary at this time.



Accordingly, recommittal would provide additional time for the Administration's fisheries initiatives and negotiating achievements to demonstrate their effectiveness and also provide us the opportunity to consider other options or compromises on this issue as they may arise.

At a minimum, from a tactical point of view, it would be best to keep any legislation from coming to you until the March-May session of the Conference has had a chance to do its work. If there has been real progress by then, you will have stronger grounds for claiming the bill is unnecessary. If there is no progress, we can acquiesce in passage of the bill.

The most effective means of seeking recommittal of S. 961 would be for you to send the attached letters outlining the arguments in favor of such action to Senators Mansfield and Scott, as well as Chairman Magnuson, Sparkman and Stennis. Alternatively, the letters could be signed by Secretary Kissinger.

Paul Theis' office has approved the text of the letters.

RECOMMENDATION:

That you approve the strategy seeking recommittal and send the letters to the five Senators, Max Friedersdorf concurs in this recommendation.

_____ APPROVE

_____ DISAPPROVE (have Secretary Kissinger send
the letters)

_____ DISAPPROVE (send no letters and take no
position at this time)



THE WHITE HOUSE

WASHINGTON

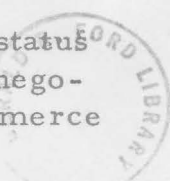
Dear Senator Mansfield:

S. 961, a bill to extend unilaterally a 200-mile fisheries jurisdiction off the coast of the United States, will soon be before the full Senate for consideration. A full review of all the issues surrounding such an important measure as this is essential; therefore, I respectfully suggest that this legislation be recommitted to the Senate Commerce Committee for ~~a~~^{further} thorough review.

There are several reasons why a reassessment of S. 961 is necessary and justified at this time. The first is to give Committee members the opportunity to review the results of fishery negotiations which have been concluded since the Commerce Committee hearings on S. 961 were held. There have been developments of importance to this Nation's fishery interests. At the September 1975 session of the International Commission for the Northwest Atlantic Fisheries (ICNAF), 17 nations that fish off our coasts from Maine to North Carolina agreed to a 34 percent reduction in foreign fishing from the 1975 quotas. This quota represents a 55 percent reduction in foreign fishing compared to the 1973 levels that were presented at the Senate Commerce Committee hearings. Under the current ICNAF agreement, the total ecological balance in the area is now expected to be restored.

In addition to significant progress in ICNAF, the Administration has taken fisheries initiatives designed to achieve an orderly transition to a 200-mile fisheries zone through international negotiation rather than unilateral action. The first of the agreements in implementation of this initiative has been negotiated. These agreements will embody appropriate new principles to implement a transition to a 200-mile fisheries zone for the United States, and should substantially reduce the level of foreign fishing by nations in the areas covered by the agreements.

Second, updated fisheries data has been developed regarding the status of our coastal fisheries stocks which reflect the results of these negotiating achievements. In evaluating the need for S. 961, the Commerce



Committee should carefully examine this new data to properly judge the adequacy of protection for existing stocks and the prospects for full protection in the new negotiating climate.

Third, the Law of the Sea Conference reconvenes in New York on March 15. U.S. willingness to accept a 200-mile economic zone is important to our efforts to achieve other oceans agreements equally vital to our security interests. I believe strongly that we should give these multilateral efforts an opportunity to proceed without the serious disruptions of unilateral action, particularly by a leading maritime nation such as the United States.

I fully share the concern of the Congress to protect our fishery interests, but a legislative measure with the major consequences attendant upon S. 961 deserves the most careful consideration in the context of a substantively changed situation and the most current information available. I urge that you support a motion to recommit S. 961 to the Senate Commerce Committee for a careful reevaluation.

Sincerely,

The Honorable Mike Mansfield
Majority Leader
United States Senate
Washington, D. C. 20510



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: January 20, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen
Bill Seidman
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: January 20, 1976

Time: cob

SUBJECT:

Brent Scowcroft memo 1/20/76 re
U.S. Ambassador to Yugoslavia, Laurence
H. Silberman, Undertakes Special Mission
to Explain U.S. Policy toward the International
Labor Organizations (IL O)

ACTION REQUESTED:

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

REMARKS:

We are informed by NSC that Ambassador Silberman
departs tomorrow morning. They, therefore, are
asking for a decision by this evening.

No objections.

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.

James E. Connor
For the Pres.

ACTION

January 20, 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: Brent Scowcroft *BS*

SUBJECT: U.S. Ambassador to Yugoslavia, Laurence H. Silberman, Undertakes Special Mission to Explain U.S. Policy toward the International Labor Organization (ILO)

You will recall that subsequent to U.S. notification to the ILO in November 1975 of our intent to withdraw from that Organization unless significant changes were made, you established a cabinet-level committee on ILO matters chaired by Secretary of Labor Dunlop. In recent committee meetings, attended also by George Meany, for Labor, and Charles Smith, the U.S. Employer Delegate to the ILO, it was agreed that a special emissary should visit selected European capitals on your behalf to explain U.S. policy toward the ILO and to enlist support for our efforts to make needed changes.

The Cabinet Committee with the concurrence of Secretary Kissinger, has asked U.S. Ambassador to Yugoslavia, Laurence H. Silberman, former Under Secretary of Labor, to undertake this task. Ambassador Silberman has returned to Washington for consultations with the Cabinet Committee prior to beginning his mission.

In order to facilitate Ambassador Silberman's task, I recommend that you sign the attached letter to him which would indicate the importance and urgency you attach to the key ILO issues that concern us: the erosion of the tri-partite principle on which the ILO was founded; the denial of due process to some member states; application in some instances of a double standard; and an increasing trend toward politicization of the ILO. Members of the Cabinet Committee believe that such a letter



is important to the success of Ambassador Silberman's mission, as do Messrs. Meany and Smith. Paul Theis' office has cleared the text of the proposed letter.

I further recommend that the letter be made public.

RECOMMENDATION (1):

That you sign the letter to Ambassador Silberman at Tab A.

RECOMMENDATION (2):

That you approve release of the text of the letter.

APPROVE _____

DISAPPROVE _____



THE WHITE HOUSE
WASHINGTON

Dear Mr. Ambassador:

I want to express my appreciation for your willingness to undertake a special mission to European capitals as my personal representative to review our relations with the International Labor Organization. Your background in labor affairs and your diplomatic experience will be particularly valuable in carrying out this important task.

When the United States notified the ILO on November 6, 1975, of its intent to withdraw unless significant change took place, there were several key issues which were, and still are, of grave concern to us: the erosion of the tripartite principle on which the ILO was founded; the denial of due process to some member states; the application in some instances of a "double standard" when the ILO considers alleged violations of human rights; and an increasing trend towards politicization of the ILO. We have long supported the ILO and its objectives, and our notice of intent to withdraw does not mean that the United States has decided irrevocably to take that step. It is our hope that the problems we see in the ILO can be resolved and that U.S. membership in the Organization will continue. Success in achieving our goal will depend in large measure on obtaining the cooperation of other members.

In the course of your special mission, you should convey to the governments with which you consult the importance and urgency that I attach to these issues. I hope that

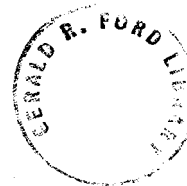


when the depth of our concern is understood, other ILO members will join with us in bringing the Organization back to its original goals and purposes.

I am confident that your efforts will have positive results, and I ask that you keep me informed on the progress of your mission.

Sincerely,

The Honorable
Laurence H. Silberman
United States Ambassador
to Yugoslavia
c/o Department of State
Washington, D. C. 20520



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: January 21, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen

Bob Hartmann

Jack Marsh

Bill Seidman

Ron Nessen

FROM THE STAFF SECRETARY

DUE: Date: Friday, January 23

Time: 3 P.M.

SUBJECT:

~~CONFIDENTIAL~~

Brent Scowcroft memo 1/19/76
re: USSR/Warsaw Pact Contacts
with White House Staff

ACTION REQUESTED:

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

REMARKS:


January 24, 1976

No objections -- although a possible alternative
would be for General Scowcroft to make this
request verbally at a Senior Staff meeting.

T.W.B.
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

CONFIDENTIALACTION

January 19, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Brent Scowcroft *BS*

SUBJECT: USSR/Warsaw Pact Contacts with
White House Staff

Recently, there has been an increase in the level of activity by officials of the USSR and other Eastern European embassies seeking meetings with various members of the White House staff.

In order to keep track of these contacts and to facilitate the consideration of matters of national security interest that may arise in the course of such meetings, I believe it would be useful to renew an earlier White House instruction advising each member of the staff accepting an invitation for a meeting with a representative of one of the communist countries to provide my office with notification and a brief report on the meeting.

With your approval, I will sign the memorandum at Tab A providing the necessary guidance.

APPROVE _____

DISAPPROVE _____

CONFIDENTIAL

DECLASSIFIED

E.O. 12958, Sec. 3.5

NSC Memo, 11/24/98, State Dept. Guidelines
By *W H W*, NARA, Date *5/5/00*

THE WHITE HOUSE

WASHINGTON

~~CONFIDENTIAL~~

MEMORANDUM FOR: The White House Staff

SUBJECT: Contacts with Diplomatic and Official
Representatives of Soviet, East European,
and PRC Governments in the United States

The President has instructed that the following procedures be observed by White House Staff officers in making contacts within the United States with diplomatic and other official representatives of the USSR, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, and the People's Republic of China.

-- In advance of each proposed contact, the submission of written notification to the Assistant to the President for National Security Affairs, indicating the national advantage or other purpose expected to be derived from the contact, and specifying the hour, date and place of the contemplated meeting.

-- After a contact has been made, the submission of a memorandum of conversation to the Assistant to the President for National Security Affairs, covering any policy-related matters of substance that may have been discussed.

Brent Scowcroft

Information Copies:

Office of Management and Budget
Council of Economic Advisers
Domestic Council
Office of the Special Representative
for Trade Negotiations
Council on International Economic Policy

~~CONFIDENTIAL~~

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

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: *N/SC*

Date: January 29, 1976

Time:

FOR ACTION:

cc (for information):

Phil Buchen

FROM THE STAFF SECRETARY

DUE: Date: Soon As Possible

Time:

SUBJECT:

Scowcroft memo 1/29/76 re Supplementary
Extradition Treaty Between the United States
and Spain

ACTION REQUESTED:

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

REMARKS:

We thought you would be interested in reviewing
before this went to the President.

January 30, 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 a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James E. Conner
For the President

THE WHITE HOUSE
WASHINGTON

477

ADMINISTRATIVELY
CONFIDENTIALACTION
January 29, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Brent Scowcroft *WJF*

SUBJECT: Supplementary Extradition Treaty Between
the United States and Spain

On January 25, 1975, the United States and Spain signed at Madrid the Supplementary Treaty on Extradition between the two countries. The Department of State has submitted the treaty for your review, recommending transmittal to the Senate for advice and consent to ratification (Tab A). The Department of Justice concurs. I also concur with this recommendation.

The supplementary treaty modifies our extradition treaty with Spain by increasing from 30 to 45 days the period of time during which a person may be provisionally arrested and detained pending presentation, through diplomatic channels, of documents in support of an extradition request. This change is in keeping with modern extradition treaties and precludes the release of an arrested person for lack of properly prepared extradition papers.

The message for your signature at Tab A would transmit the Supplementary Treaty on Extradition between the United States and Spain to the Senate for advice and consent to ratification, together with the report of the Department of State.

Max Friedersdorf foresees no problem in obtaining favorable Senate action. Bob Orben has cleared the text of your transmittal message to the Senate.

RECOMMENDATION

That you sign the transmittal message to the Senate at Tab A.

ADMINISTRATIVELY
CONFIDENTIAL

TO THE SENATE OF THE UNITED STATES:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a supplementary treaty on extradition between the United States and Spain, signed at Madrid on January 25, 1975.

The supplementary treaty modifies our treaty on extradition with Spain by increasing from 30 to 45 days the period of time during which a person may be provisionally arrested and detained pending presentation, through diplomatic channels, of documents in support of an extradition request. This change is in keeping with modern extradition treaties and is intended to prevent the release of an arrested person for lack of properly prepared extradition papers.

I transmit also for the information of the Senate the report of the Department of State with respect to this supplementary treaty.

I recommend that the Senate give early and favorable consideration to the supplementary treaty, and give its advice and consent to ratification.



DEPARTMENT OF STATE
WASHINGTON

January 23, 1976

The President:

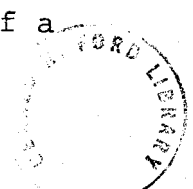
I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, a supplementary extradition treaty with Spain, signed at Madrid on January 25, 1975.

The Extradition Treaty between the United States and Spain, which was signed at Madrid on May 29, 1970, and which entered into force on June 16, 1971, provided, inter alia, that a person who is provisionally arrested pending the formal presentation through the diplomatic channel of documents in support of a request for extradition "shall be set at liberty upon the expiration of 30 days from the date of his arrest if a request for his extradition accompanied by the documents specified in Article X shall not have been received."

Experience under the 1970 Treaty has demonstrated that more than 30 days is often required to permit preparation of the requisite documents. The Supplementary Treaty, if ratified, would substitute 45 days for the 30 days now provided, and would thus minimize the possibility of a

The President,

The White House.



provisionally arrested person being set free because of a lack of properly prepared documents. Such an amendment would bring this aspect of the Spanish Extradition Treaty into conformity with our other modern extradition treaties.

The Supplementary Treaty will enter into force upon the exchange of instruments of ratification and will cease to be effective on the date of the termination of the 1970 Treaty.

The Department of Justice concurs in recommending approval of this treaty.

Respectfully submitted,

J. J. Suro

Enclosure:

Supplementary Treaty on Extradition.

