

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~SECRET~~

November 20, 1975

MEMORANDUM OF CONVERSATION

PARTICIPANTS: President Ford
 Senator Mike Gravel
 Senator Robert Griffin
 Rep. Pete McCloskey
 Rep. Ben Gilman
 Rep. Bob Wilson
 Rep. Clair Burgener
 Brent Scowcroft
 Vern Loen
 Max Friedersdorf
 Leslie A. Janka

DATE AND TIME: Wednesday, November 19, 1975
 11:45 - 12:15

PLACE: The Oval Office
 The White House

SUBJECT: 200 Mile Bill



The President: I am glad to see the opposition here.

Representative Wilson: Our opposition has already been here; we wanted today to give you the other side of the story. As you know, some of us are on the Law of the Sea delegation. The 200 mile bill is now before the Senate.

Senator Griffin: The Commerce Committee has reported out the Bill favorably. The Foreign Relations Committee reported it adversely, 7-6. The Armed Services Committee is holding a hearing on it right now and has until December 2 to report out.

Senator Gravel: They will probably vote it down also.

~~SECRET~~

CLASSIFIED BY: [redacted] A. KISSINGER

DECLASSIFIED
 E.O. 12958, SEC. 3.5
 NSC MEMO, 11/24/98, STATE DEPT. GUIDELINE: state ser. ext 3/11/04
 BY: [redacted], NARA, DATE 4/4/04

~~SECRET~~

Representative Wilson: Action to prevent it coming out of the Senate is very important, and it will be important for you to make a strong statement. The security interests involved in this bill have not been stressed enough. The Navy is very genuinely concerned that if we go to a 200 mile limit, other nations would go too, and our whole SOSUS system would be threatened. It will also absolutely destroy all our efforts that have gone into the Law of the Sea conference.

The President: As you know, many people in the Executive Branch strongly oppose this Bill. I'm here to listen today since the other side gave me a very emotional appeal the other day.

Senator Gravel: There is a lot of new information available on our fisheries catch. (Gave the President a chart which showed tonnages and dollar value of U. S. fishing catch in 1974.) Going to a 200 mile zone unilaterally would thus mean a net loss to our fishermen of \$143 million and a loss of 60,000 jobs to the nation. This will happen in the next fishing season after this bill is passed.

The bill making the lobster a creature of the Continental Shelf cost Florida 5000 jobs when the Bahamas threw us out of their waters. This will also pull the plug on the LOS negotiations -- which are close to a conclusion this summer. A successful conference would be a great foreign policy victory -- the biggest in several centuries.

The President: What about the suggestion made by the other side that they might be willing to amend the implementation date to January 1, 1977?

Representative McCloskey: I recently attended the IMCO conference in London. Everyone there was very concerned about a possible unilateral U. S. action -- when such an action might take effect makes no difference.

The President: I noticed Mexico has acted.

Representative Wilson: Yes sir, right after the action by the House. If we were to act unilaterally, we would find some of the smaller countries who don't want the conference to succeed using stalling tactics until after the implementation date of our 200 mile bill. This stalling would mean they could destroy the LOS conference slowly.

Senator Gravel: We have to think of what our unilateral action would trigger on the part of others -- it would launch a massive grab for control. Malaysia has told us they want to charge tolls on tankers going through the Malacca straits and Morocco and Spain have said they want to charge tolls on LNG tankers moving through Gibraltar to Algeria.

~~SECRET~~

The President: In other words, you are saying that while this is just a fishing bill, other countries would go beyond fish?

Senator Gravel: Yes, they would. They will move to take what is in their economic interest to take. Our economic interest is just fish now.

If we move unilaterally, others will definitely move. Canada is getting ready to move and Trudeau is having trouble holding the line. The Soviets would also react quickly.

Representative Gilman: Mr. President, I've been attending the LOS conference. It is frustratingly slow, but progress is being made. Hopefully, we'll have the negotiations completed in 1-2 years. Some of the nations who badly want a 200 mile sea zone don't care about navigation rights and deep sea mining issues and they would give it to us if we give on the 200 miles.

Also, we have been very successful in negotiating bilateral fishing agreements. We have tremendously cutback on the take of fish to the point where there is no emergency. Further agreements will help bring us further toward a balance in the catch.

Senator Gravel: Mr. President, here is a chart showing the numbers on the ICNAF catch. We have negotiated the catch down to this level. Most stocks will now come back to maximum yield in 6-7 years with or without a 200 mile bill. We have good reason to be proud of this accomplishment.

Representative Wilson: This is a result of your letter, Mr. President, to the Russians.

Senator Gravel: We have already saved our fisheries, but there is a great deal of confusion over how long the LOS negotiations will last. It is not realized that in the international area we must deal with sovereignty. Unlike a bill introduced at the beginning of the legislative process, the documents come at the end of the negotiating process. The achievement of the single negotiating text does not make a beginning -- it represents a 90 percent agreement. The big hang up is deep seabed mining. If we get agreement on mining, we can wrap up the whole thing in this next year.

The President: Is there any dispute on these numbers?

Senator Gravel: Only on the way I have organized them. The numbers are from the National Marine Fisheries Service. There is no dispute on the facts.

~~SECRET~~

Representative McCloskey: All of my friends are on the other side of this issue.

The President: So are many of mine. Ted Stevens can really get hot about this!

Representative McCloskey: You have to recognize that many fellows who voted for this in the House did so only to pressure the State Department to get going on the LOS and bilateral talks. I think we could sustain a veto in the House now.

Admiral Max Morris makes very persuasive arguments against the bill by presenting the national security issues affecting the Air Force and the Navy.

Representative Wilson: These are issues we didn't stress enough in the House debate. Unilateral moves could close 36 percent of the seas to the movement of the Navy; we need freedom of straits even if innocent passage is granted. We also need a narrow territorial sea to deploy and protect our SOSUS system. If we go unilateral, there'll be no LOS treaty. If we, the biggest nation in the LOS, move unilaterally, we abandon all this.

Representative Burgener: Let me say a word about the tuna problem. How many kids go to work or school with a crab or salmon sandwich? Most blue collar people eat tuna--it is a staple of the American diet. We belong to two international compacts to conserve the tuna, and the other nations in this effort don't want a 200 mile limit since the tuna is a highly migratory species. This bill could thus have a very serious economic impact on this country.

If you can keep the bill from coming out of the Senate, that would be the best of all possible worlds.

Representative Wilson: To stop it, we need a really strong statement from the White House.

Senator Gravel: Pearson is still open on this issue despite his vote in committee.

The President: I said in Oregon that I favored the objective of the 200 mile limit. Where does a change now leave me?

Representative Wilson: You are OK, because a successful LOS treaty would get us such an economic zone.

Representative McCloskey: Your statement is consistent if you tie it to progress in the UN and the LOS negotiations. I think you should direct Secretary Kissinger to take personal cognizance of the negotiations. He made a great statement in Montreal.

The President: I have two comments to make. I have had a long standing feeling that the State Department negotiators like to have the talks go on and on. Maybe that's an unfair accusation but there's evidence to bear it out. Somehow we have to shake State so they will move; we need pressure on them. The LOS talks just can't go on and on.

Let me ask you, how many votes do we have in the Senate?

Senator Gravel: We would lose right now, but the tide is turning around. We have the votes now to sustain a veto and we just need more time to work on it. I'm prepared to filibuster if necessary to get the time and of course, with Bob Griffin's help, I'll succeed.

The President: We've got to get State moving on the LOS talks.

Senator Gravel: Stevens is wrong when he says the talks started in 1967. They really started in 1974. It is now 90 percent complete, but it is one of the most complex negotiations in human history. What we need now is to throw in the first team. I've sent you a letter signed by seven senators calling on you to make Henry Kissinger the head of the delegation and to appoint John Norton Moore to be your special representative.

The President: I've got Carlyle Maw as the temporary rep now.

Senator Gravel: But apparently they are circulating the name of someone from IBM. We have to recognize that we must deal with the Third World to get what we want on the deep seabed mining issue. A man from IBM, which is a multinational leader in technology, would just be throwing gasoline on the fires of the negotiations. John Norton Moore is just fantastic on the LOS issue.

The President: He's from the University of Virginia?

Senator Gravel: Right. He's not from State. He wants to get the negotiations over with and go back to the campus.

Senator Griffin: I have no fishing problems in my state. In the Foreign Relations Committee we focused on the international aspects of this bill. It seems to me that Mike (Gravel) is right to emphasize the need for more clout at the top of the delegation. The problem of putting a delayed date

in the bill is that international treaties must be observed. We are always calling other countries to account for violating agreements. A delayed date would in effect mean we'd be saying that we will violate our agreements at a later date and this would undermine our credibility.

The President: But the argument for a January 1977 date is that it would put pressure on the LOS negotiations.

Senator Griffin: But we'd be throwing away an important principle.

Senator Gravel: Mexico is an example of how other states will react.

Representative Wilson: With regard to the emergency argument, we are 90 percent through with the treaty. The major powers are all for a treaty-- it's the little countries that are delaying it.

Representative Gilman: To underscore that point, we have been using the 200 mile economic zone as a bargaining chip to get what we want on navigation rights and deep seabed mining. To move unilaterally would throw away this chip.

The President: How soon will this come to the Senate floor?

Senator Gravel: The Armed Services Committee must report out by December 2. It could come to the floor the week of December 8. We could easily debate it for a week to carry it into the recess. We could get to Mike Mansfield and tell him we plan to filibuster it--If he gets the message, he may not want to schedule it.

The President: You adjourn on the 20th and come back on January 6. A little delay might be advantageous.

Representative Wilson: The very best thing would be for the Senate not to approve the bill.

Senator Griffin: The bill is not likely to fail.

Senator Gravel: I can pledge a delay.

Representative Wilson: It would also be important for you to address the LOS conference in New York City next March, if you can get a passport into New York!

The President: Thank you all very much. This has been very helpful. A delay is essential but we also have to put pressure on the LOS talks for

action. I feel the LOS conference is the best and most orderly way to proceed. But the other side is very emotional on this--they have a desperate story and say that it's life or death politically.

Representative McCloskey: But they can settle for pointing to their victory in the House.

The President: We'll do all we can to work for a delay. Let me keep these materials you brought.

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~SECRET~~

November 21, 1975

MEMORANDUM FOR: BRENT SCOWCROFT

FROM: LES JANKA *LS*

SUBJECT: President's Meeting on 200 Mile Bill
Wednesday, November 19, 1975

Attached for your review is a Memorandum of Conversation drawn from my notes of the President's meeting with certain Congressional Members on Wednesday, November 19, 1975.

RECOMMENDATION

That you review and approve the Memcon at Tab A.

 B APPROVE

 DISAPPROVE



~~SECRET~~ GDS

LS 6/14/04

Classified by Leslie A. Janka

16

NSC CORRESPONDENCE PROFILE

DOC		RECD			LOG NBR	INITIAL ACTION O
MO	DA	MO	DA	HR		
11	21	11	21	19	7507774	

SOURCE/CLASS/DESCRIPTION

TO: PRES _____ FROM: *Jarbo* KISSINGER, H _____ REFERENCE: _____ CIRCLE AS APPROPRIATE

KISSINGER _____ COLBY, W _____ S/S _____ UNCLAS LOG IN/OUT

SCOWCROFT *X* _____ SCHLESINGER, J _____ OTHER _____ LOU NO FORN NODIS

DAVIS _____ ST EX SEC _____ _____ C EYES ONLY EXDIS

_____ _____ _____ S CODEWORD

_____ _____ _____ TS SENSITIVE

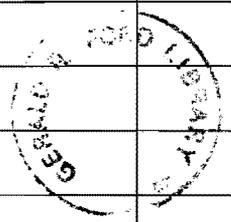
SUBJECT: *Memcon of Pres netg w/ Congressional members on Nov 19 1975*

DISTRIBUTION/INITIAL ACTION ASGMT

INTERNAL ROUTING AND DISTRIBUTION	ACTION	INFO.	REC CY FOR	ACTION REQUIRED
ADVANCE CYS TO HAK/SCOWCROFT				MEMO FOR HAK (_____)
STAFF SECRETARY				MEMO FOR PRES (_____)
FAR EAST				REPLY FOR _____ (_____)
SUB-SAHARAN AFRICA				APPROPRIATE ACTION (_____)
MID EAST / NO. AFRICA / SO. ASIA				MEMO _____ TO _____ (_____)
EUROPE / CANADA		<i>X</i>		RECOMMENDATIONS (_____)
LATIN AMERICA				JOINT MEMO (_____)
UNITED NATIONS				REFER TO _____ FOR: _____ (_____)
ECONOMIC				ANY ACTION NECESSARY? (_____)
SCIENTIFIC				CONCURRENCE (_____)
PROGRAM ANALYSIS				DUE DATE: _____
NSC PLANNING				COMMENTS: (INCLUDING SPECIAL INSTRUCTIONS)
CONGRESSIONAL			<i>X</i>	
OCEANS POLICY				
INTELLIGENCE				

SUBSEQUENT ROUTING/ACTIONS

DATE	FROM	TO	S	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	CY TO
11/21		<i>Scupt X</i>		<i>Decision (12/04)</i>	<i>CLF/T</i>
11/24		<i>NSC/C</i>		<i>Scowcroft approved memcon</i>	



NSC/S DISP INSTR

DISPATCH _____

CY RQMTS: SEE ABOVE PLUS: _____

NOTIFY _____ & DATE _____ BY _____

SPECIAL DISPOSITION: _____

CROSS REF W/ _____

SUSPENSE CY ATTACHED: *X* _____ FOLDER: _____

MICROFILM & FILE RQMTS: _____

M/ **NOV 29 1975**

CRT ID: _____

OPEN _____

CLOSE _____

SA SF

HP NS

WH EP

PA DI