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MEMORANDUM

THE WHITE HOUSE
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~~SECRET~~INFORMATION

December 5, 1969

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MEMORANDUM FOR DR. KISSINGER

FROM: Robert M. Behr *RMB*SUBJECT: Law of Seas Briefing

On 28 November 1969 I attended a briefing on the Law of the Seas, which was presented to Secretary Laird by Leigh Ratiner of the OSD General Counsel's Staff. Also present were General Wheeler, Admiral Moorer and Warren Nutter.

The briefing consisted of a forty-five minute lecture (well-received) by Ratiner. The Continental Shelf issue was the focal point, with seabeds disarmament and other law of the seas matters (seabeds resources, rights of innocent passage, etc.) receiving lesser emphasis. Although the briefing was an extremely lucid explication of the whole problem, it was also, as one would expect, hortatory. Secretary Laird was being educated so that he can defend the long-standing DOD position which opposes significant seaward extension of the sovereign rights of coastal states.

The primary reasons behind the DOD position are:

- a. Reluctance to further restrict geographical area in which U. S. vessels and aircraft can operate freely.
- b. Fear that extension of sovereign rights to limits of Continental Shelf will jeopardize the U. S. submarine detection program (which requires that sensing elements be placed under water on the Continental Shelves of other nations).
- c. Possibility that strategic passages such as the Straits of Malacca and Gibraltar may be closed to U. S. ships and aircraft.

DOD hopes to force early consideration of Law of the Seas issues within the NSC machinery -- in package form and by the Under Secretaries Committee. In the interim, they are exerting pressure on State and Interior to avoid commitments which could prejudice final resolution of these issues.

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