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MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

*File*

~~CONFIDENTIAL~~

March 25, 1969

MEMORANDUM FOR HENRY A. KISSINGER

FROM: Al Haig *Al Haig*

SUBJECT: ENDC Seabed Negotiations

Reference your conversation this morning concerning Gerard Smith's activities on the seabed, at Tab A is a memorandum from Colonel Lemnitzer for you, sent at General Wheeler's request, which outlines some serious problems they had with ACDA over the weekend.

As a result of your instructions this morning and Colonel Lemnitzer's memorandum, I called John Walsh and gave him the bill of particulars outlined by Colonel Lemnitzer and also asked where the status of the seabed negotiations stood. John stated that he was completely unaware of ACDA's weekend doings and in order to get a handle on them, would request an immediate report from ACDA on the status of the negotiations, with emphasis on the seabed talks. John feels this action will smoke out any precipitous movement ~~with~~ Geneva with which we may not be aware.

*at*

Attachment

*NLNA - NSC file  
Subject files  
18-Nation Disarmament  
Conference (ENDC)  
Box 319*

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WASHINGTON

INFORMATION

March 25, 1969

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MEMORANDUM FOR DR. KISSINGER

THRU COLONEL HAIG *CH*

FROM: Colonel Lemnitzer *L.*

SUBJECT: Arms Control Policy-Making

1. General Wheeler has asked me to bring to your attention an example of attempted policy-making through hasty interagency coordination of instructions for U.S. delegates. As you will recall, the recent NSC meeting of March 15 on the current ENDC session, plus the President's letter of instructions (Tab 1) to Mr. Smith, amplified by State 041598 (Tab 2), clearly illuminated the U.S. position with respect to seabed arms control discussions.
2. However, last Thursday, March 20, ACDA orally requested rapid interagency coordination of additional instructions which clearly stepped beyond the bounds set earlier. As a result of the Chairman's personal request (Tab 3) on Friday to revise the ACDA draft message, an interagency meeting was held Saturday to redraft the instructions in accordance with the President's guidance. At Tab 4 is a line-in, line-out comparison of the ACDA draft and the final U.S. message. It would appear that significant changes to the U.S. position with respect to arms control of the seabed would have been implied if the original draft had been dispatched.
3. This method of operation by ACDA is not new. A similar instance relating to seabeds occurred last fall, and you are familiar with the difficulties following the Inauguration concerning consultation with the NATO allies on objectives and principles for strategic arms limitation talks (SALT). In the least, this hasty and leading technique is a

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bothersome and generally unnecessary procedure. It could be far more serious, however, if this process were to result in the U.S. appearing to make an arms control proposal which the Joint Chiefs of Staff could not, in the interests of the national security, subsequently support.

4. The Joint Staff will continue to monitor as closely as possible for the Joint Chiefs of Staff this particular aspect relating to arms control. However, in the interest of presenting the best possible U.S. image in our foreign relations, it might be appropriate to insure that U.S. arms control policy is made whenever possible in a careful, disciplined, and deliberate manner.

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THE JOINT CHIEFS OF STAFF  
WASHINGTON, D. C. 20301

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PA/HO Department of State  
E.O. 12958, as amended  
August 6, 2007

CM-4024-69  
81 MAR 1969

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Seabed Arms Control

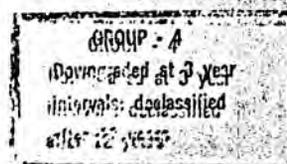
1. The attached draft message, orally referred to the Joint Chiefs of Staff by the Office of the Assistant Secretary of Defense (ISA), would commit the United States to positions on the critical factors of a Seabed Arms Control agreement that are beyond my understanding of the approval given by the President at the NSC meeting on 15 March 1969. It was my interpretation that the list of critical factors should be discussed but that the United States is not irrevocably committed at this time to a fixed position on any one factor. The draft message seeks informally to establish positions on objects of prohibition and the definition of "emplacement or fixing" that should be addressed formally through regular procedures for intergovernmental coordination.

2. Recognizing that the United States will be expected to elaborate on the subjects contained in the President's letter that was read in the opening meeting of the Eighteen-Nation Disarmament Committee, it is recommended that the 25 March speech be limited to the instructions that were provided by the Secretary of State in State 041598 of 18 March 1969. The list of critical factors could be mentioned as items for further discussion without committing the United States to a specific course of action on each. Other delegations should be asked to suggest factors that they consider essential to such an agreement.

3. It is recommended that the U.S. Arms Control and Disarmament Agency be requested to prepare a proposed governmental position paper on the factors and that it be formally coordinated.

(Sgd) EARLE G. WHEELER

EARLE G. WHEELER  
Chairman  
Joint Chiefs of Staff



DRAFT  
CABLE

TO: US Mission GENEVA  
US Mission NATO  
AmEmbassy TOKYO  
AmEmbassy CANBERRA

INFO: USUN New York  
AmEmbassy MOSCOW  
All NATO Capitals

DIST

STATE FOR SMITH

SUBJECT: Seabed Arms Control

REF: a) STATE 041598 b) TOKYO 2101 c) USNATO 1249 NOTAL  
d) USUN 837 NOTAL

1. You authorized draw on following for seabed portion your speech for Mar 25. Following intended to elaborate critical factors for discussion outlined reftel but not, rpt not, specifically designed to rebut Soviet draft. However, we fully recognize that in discussing our factors you will directly or indirectly be relating to issues raised <sup>by</sup> in/Soviet draft. You should make this clear with Soviets and others, indicating that Soviet draft being studied with great interest in Washington, and that subsequent fuller comment on Soviet draft will be forthcoming.

2. General U.S. Approach: U.S. firmly committed to realistic steps to curb nuclear arms race on seabed. U.S. interested in taking realistic

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steps to prevent arms race on seabed. We pleased to share interest in working out effective and viable international agreement.

~~However, we must point out that complete demilitarization simply unworkable and probably harmful.~~ In examining this question, we must consider that

Some seabed uses, such as communication and navigation aids are utilized for both military and nonmilitary purposes. Existence of submarine forces requires states to take action in self-defense, such as warning systems that might use the seabed. Moreover, much useful scientific research on seabeds supported or carried out by military personnel using military nonweapons equipment. Therefore, we must point out that complete demilitarization

simply unworkable and probably harmful. Finally- Moreover, U.S. believes it completely impractical to try prohibit conventional weapons on seabed. Encumbering seabeds arms control measure with this type prohibition would raise insuperable verification problems. Such considerations illustrate need for careful study of all relevant factors in developing acceptable agreement.

3. U.S. offers following criteria for consideration any seabed proposal and welcomes views other delegations on these or other relevant factors:

- a. Objects of Prohibition: U.S. believes most urgent problem is danger of emplacement weapons of mass destruction on seabed. Such weapons, whether nuclear, chemical, biological, or radiological in nature,

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By: [Signature] Date: 01/11/07

[REDACTED]

should be banned. However, in view possibility ~~Some Department of State~~ make  
advance preparation for sudden abrogation any treaty ban of this nature, will  
~~be necessary include~~ consideration should be given to whether launching  
platforms and delivery vehicles for such weapons should be included under  
the ban. ~~Moreover, care should be taken to avoid foreclosing possible -~~  
~~use of peaceful nuclear explosive devices on seabeds for resource exploitation~~  
~~purposes when and if technology makes possible.~~

b. Meaning of "Emplace or Fix": Objective of prohibition is to  
block deployment of specified weapons on, within, beneath, or to seabed.  
To achieve this, careful consideration must be given exact definition of  
words "emplace or fix." should apply both We must consider whether  
they should apply to permanent installations affixed to or implanted in  
seabed and or should also apply to all containers or carriers whose  
principal mode of deployment or operation requires physical contact with  
seabed. Hence, ~~bottom-crawling machines or missile-siles equipped with -~~  
~~weapons of mass destruction would be prohibited.~~ U.S. believes focus of  
prohibition must apply to be on seabed, not waters above seabed, in order  
avoid infringement traditional freedoms of ~~high-seas~~ navigation.

c. Verification and Inspection: U.S. deems it vital to insure  
compliance with prohibition by all parties through verification procedures.

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May be desirable draw on useful precedents of Antarctica and Outer Space Treaties in this respect to establish right of access and inspection. Such right should ~~not be subject to veto but~~ be based on reciprocity and should not be subject to veto. As in outer space, difficulties of hostile environment probably require reasonable advance notice be given of prospective visit in order avoid dangers to personnel or disruption of normal activity.

Consideration of verification question also demonstrates need to restrict scope of prohibition, to weapons of mass destruction since otherwise task of inspecting multitude present and future facilities would ~~might~~ be beyond capabilities.

d. Zone of Application of Prohibition: One of most difficult questions is definition of boundaries beyond which prohibition would apply. Regardless of method which might be agreed, U.S. believes goal should be to apply arms control to broad area of seabed ~~broadest-possible-coverage of seabed-for purpose-of arms-control.~~ Therefore, prohibition should apply to seabed beyond a narrow ~~narrowest-feasible~~ band along coasts of states. ~~If you deem it advisable, you may proceed to indicate that in order achieve agreement, U.S. believes such zone can be defined for arms control purposes only, without prejudice to the limits that might be agreed for any other purposes.~~ To extent possible, method chosen to define band should provide ease of determination and uniformity of interpretation, and should be equitable in its application. For example, zone could be defined by

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by several methods:

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- i) One approach is specified horizontal distance from coast.

~~This method seems easy to determine and equitable in application to different states. - Soviet draft provides one example.~~

ii) Another method uses specified isobath or depth limit which would generally follow contour of seabed. ~~This follows precedent of Geneva Convention on Continental Shelf but would result in wide variance among zones for different states and would also be difficult to measure. There are also no agreed world-wide charts in existence.~~

iii) ~~Third method~~ Some have suggested method based on outer limits of national jurisdiction deriving from either sovereignty or sovereign rights. This approach would on surface appear feasible because it based on existing boundary claims, but differences in international community regarding legitimate extent of such claims would result in gross inequities and weaken effect of measure by excluding wide areas of seabed from zone of application.

4. Apart from speech you should begin private talks with Soviets on ways to reduce areas of disagreement. You should make clear unacceptability of demilitarization or ban on conventional weapons. FYI.

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In meantime, ACDA giving consideration being given to the for  
early tabling U.S. counterdraft in order to prevent Sovs from molding  
discussion solely in terms issues posed in their draft. END FYI.

5. For USMission NATO: You should inform NAC reps prior Mar 25  
in appropriate manner of substance paras 1-3. You may say U.S. wishes  
keep up momentum on this question without establishing firm positions  
prematurely, pending assessment of Soviet draft and consultation with  
allies. U.S. believes NAC meeting Mar 26 with ACDA Director Smith  
appropriate opportunity consult further on this subject.

6. For TOKYO and-GANBERRA: You should inform appropriate  
officials of GOJ of substance of paras 1-3 and solicit views on Soviet draft.

7. For USUN: You may draw on substance paras 2-3 for statement  
to seabeds committee on Mar 27 or 28.

GP-3. ROGERS

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By: [redacted] NARA Date: 01/11/07