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

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ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

26 SEP 1969

In reply refer to:  
I-24934/69

INTERNATIONAL SECURITY AFFAIRS

388-3

Mr. Philip J. Farley  
Deputy Director  
Arms Control and Disarmament Agency  
Washington, D. C. 20451

Dear Phil,

Your memorandum of 24 September 1969, on the subject "Treatment of Marginal Waters in Seabed Arms Control Treaty", has been reviewed within the Department of Defense. In the list of five alternative approaches you suggest, we find that alternative two would be the least detrimental to the United States security.

We are particularly concerned with the Sea of Okhotsk, which the United States currently regards and treats as high seas. Soviet claims with respect to these waters are ambiguous but it is not unreasonable for us to expect that they will more precisely define and intensify their claims in the future. As you are aware, the United States is often reluctant for a variety of reasons to contest claims on the high seas, especially if such action could give rise to a confrontation.

Thus, the result of Soviet action to clarify their Sea of Okhotsk claim, if we did not physically contest it, could well be to eliminate our capability to verify their compliance with the treaty provisions within this strategically important area. Because of the serious national security implications which would arise, we believe it would be necessary in such a situation to invoke the withdrawal provisions of Article V of the treaty. In light of the disadvantages your memorandum points out for the five alternatives proposed, there would seem to be no other way to cure such a problem.

In order to facilitate the achievement of a seabed arms control treaty we could assent to proceeding in accordance with alternative two. This does not change our view that neither the treaty nor its negotiating history should permit the Soviet Union, or other adversaries, to deploy weapons or installations in historic waters claimed by them but not recognized by the United States, or preclude observation activities in such waters. Should any such situation develop, exercise of the withdrawal provision of Article V would most probably be necessary.

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All statements in the CCD on seabed arms control, from this point onward, will have an important bearing on the ultimate interpretation of any seabed arms control agreement. Accordingly, it is requested that all such statements be reported by telegram so that the Department of Defense will continue to have an opportunity to assist, in a timely manner, in the development of the negotiating record.

Sincerely,

(Signed) G. Warren Nutter

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