

FOIA MARKER

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Folder Title:

War Powers-Somalia [1]

Staff Office-Individual:

Legal Advisor-Kreczko, Alan

Original OA/ID Number:

2952

Row:	Section:	Shelf:	Position:	Stack:
39	4	8	3	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. paper	Legal Issues with Respect to Somalia (5 pages)	12/00/1992	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Kreczko, Alan)
OA/Box Number: 2952

FOLDER TITLE:

War Powers - Somalia [1]

2012-0659-F

kc4154

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

NATIONAL SECURITY COUNCIL
WASHINGTON, D C 20508

1595

March 1, 1995

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN J. KRECZKO⁶⁸⁰³
FROM: JAMES E. BAKER³⁶
SUBJECT: Report to Congress, Consistent with the War Powers
Resolution, on Introduction of U.S. Armed Forces
Into Somalia

The War Powers Resolution requires the President to report to Congress whenever U.S. Armed Forces are introduced into foreign territory while equipped for combat. A report for the President's signature is attached at Tab A.

The proposed report (Tabs A and B) has been cleared by the Departments of State, Defense (including the JCS) and Justice. It is being provided "consistent with the War Powers Resolution."

The letters should be signed and delivered to Congress by 3:00 p.m., Wednesday, March 1, 1995.

Concurrences by: 6803 Bill Danvers, Dick Clarke

RECOMMENDATION

That you sign the memorandum to the President at Tab I forwarding the report to Congress on Somalia.

Attachments

Tab I Memorandum for the President

Tab A Letter to the Speaker of the House

Tab B Letter to the President pro tempore of the Senate

Tab II Incoming from State Department

THE WHITE HOUSE

WASHINGTON

March 1, 1995

ACTION —

95 MAR 1 PT2:40

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *WMB*FROM: ANTHONY LAKE *AL*
PATRICK GRIFFIN *PG*

SUBJECT: Report to Congress, Consistent with the War Powers Resolution, on Introduction of U.S. Armed Forces Into Somalia

Purpose

To report to Congress, consistent with the War Powers Resolution, on the introduction of U. S. Armed Forces into Somalia.

Background

The War Powers Resolution requires you to report to Congress when U.S. Armed Forces are introduced into foreign territory while equipped for combat and in certain other situations. A report on Monday's deployment of U.S. forces into Somalia is attached.

The Counsel to the President together with the Departments of State, Defense (including the JCS) and Justice concur in the text of these letters.

RECOMMENDATION

That you report to Congress, consistent with the War Powers Resolution, on the introduction of U.S. Armed Forces into Somalia.

Attachments

Tab A Letter to the Speaker of the House

Tab B Letter to the President pro tempore of the Senate

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

March 1, 1995

Dear Mr. Speaker:

On February 27, 1995, at approximately 3:00 p.m. e.s.t., 1,800 combat-equipped U.S. Armed Forces personnel began deployment into Mogadishu, Somalia, to assist in the withdrawal of U.N. forces assigned to the United Nations Operation in Somalia (UNOSOM II). The U.S. forces were accompanied by approximately 500 Italian marines. A total of 14,000 multinational personnel are participating in this operation. The U.S. forces include the USS *Essex* Amphibious Readiness Group, the USS *Belleau Wood*, the Special Marine Air-to-Ground Task Force, and Special Operations forces including four AC-130 gunships.

The U.S. Armed Forces entered Somalia in December 1992, pursuant to United Nations Security Council Resolution 794, with the mission of establishing a secure environment for humanitarian relief operations. Upon completion of this mission in 1993, responsibility for maintaining the environment created by the U.S.-led operation was transferred to UNOSOM II. Almost all U.S. military forces were withdrawn from Somalia on March 31, 1994, and the few remaining U.S. forces were subsequently withdrawn on September 15, 1994.

The U.S. forces have returned to Somalia to support the U.N. withdrawal as part of the U.S. long-standing commitment to U.N. humanitarian efforts in Somalia. The withdrawal operation is a coalition effort consisting of forces from Italy, the United Kingdom, France, Pakistan, Malaysia, Bangladesh, and the United States. We do not intend that U.S. Armed Forces deployed to Somalia become involved in hostilities. Nonetheless, these forces are equipped and ready to take such measures as may be needed to accomplish their mission and defend themselves, if necessary; they also will have the support of any additional U.S. Armed Forces necessary to ensure their safety and the accomplishment of their mission. It is my intention that this will be an operation of short duration whose only purpose is to assist in the withdrawal of UNOSOM II forces.

Over the course of the U.N. operations in Somalia, various items of U.S. equipment (helicopters, tanks, and armored personnel carriers) were leased to the United Nations to support operations in Somalia. It is our intention to assist the United Nations in withdrawing this equipment, to prevent its falling into the hands of those who might use it to cause further harm to the Somali people.

I have taken this action pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive.

I remain committed to ensuring that the Congress is kept fully informed regarding significant employments of the U.S. Armed Forces. Accordingly, and consistent with the War Powers Resolution, I am providing this report on the U.S. military actions described above. I appreciate your continued support as we complete this operation.

Sincerely,

William S. Clinton

The Honorable Newt Gingrich
Speaker of the
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

March 1, 1995

Dear Mr. President:

On February 27, 1995, at approximately 3:00 p.m. e.s.t., 1,800 combat-equipped U.S. Armed Forces personnel began deployment into Mogadishu, Somalia, to assist in the withdrawal of U.N. forces assigned to the United Nations Operation in Somalia (UNOSOM II). The U.S. forces were accompanied by approximately 500 Italian marines. A total of 14,000 multinational personnel are participating in this operation. The U.S. forces include the USS *Essex* Amphibious Readiness Group, the USS *Belleau Wood*, the Special Marine Air-to-Ground Task Force, and Special Operations forces including four AC-130 gunships.

The U.S. Armed Forces entered Somalia in December 1992, pursuant to United Nations Security Council Resolution 794, with the mission of establishing a secure environment for humanitarian relief operations. Upon completion of this mission in 1993, responsibility for maintaining the environment created by the U.S.-led operation was transferred to UNOSOM II. Almost all U.S. military forces were withdrawn from Somalia on March 31, 1994, and the few remaining U.S. forces were subsequently withdrawn on September 15, 1994.

The U.S. forces have returned to Somalia to support the U.N. withdrawal as part of the U.S. long-standing commitment to U.N. humanitarian efforts in Somalia. The withdrawal operation is a coalition effort consisting of forces from Italy, the United Kingdom, France, Pakistan, Malaysia, Bangladesh, and the United States. We do not intend that U.S. Armed Forces deployed to Somalia become involved in hostilities. Nonetheless, these forces are equipped and ready to take such measures as may be needed to accomplish their mission and defend themselves, if necessary; they also will have the support of any additional U.S. Armed Forces necessary to ensure their safety and the accomplishment of their mission. It is my intention that this will be an operation of short duration whose only purpose is to assist in the withdrawal of UNOSOM II forces.

Over the course of the U.N. operations in Somalia, various items of U.S. equipment (helicopters, tanks, and armored personnel carriers) were leased to the United Nations to support operations in Somalia. It is our intention to assist the United Nations in withdrawing this equipment, to prevent its falling into the hands of those who might use it to cause further harm to the Somali people.

I have taken this action pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive.

I remain committed to ensuring that the Congress is kept fully informed regarding significant employments of the U.S. Armed Forces. Accordingly, and consistent with the War Powers Resolution, I am providing this report on the U.S. military actions described above. I appreciate your continued support as we complete this operation.

Sincerely,

William T. Clinton

The Honorable Strom Thurmond
President pro tempore
of the Senate
Washington, D.C. 20510

Department of State Office of the Legal Adviser

Date: 1 MARCH 1995 Time: _____

FAX COVERSHEET



FROM: Jonathan P. Edwards,
CDR, JAGC, USN
Office of Asst. Legal Advisor for Political-Military Affairs

Ph#202-647-7838 Fax# 202-736-7620

4 pages are included in this transmission, including this coversheet.

TO: JAMIE BAKER NSC/LA
CHRIS AYDER DOD/IC
COLTERRY JCS/LC

456-9111
703 695-1442
Phone # 703 697-1137

456-9110
703 695-1442
Fax # 703 693-1619

Comments:

ATTACHED IS THE SONALIA WAR POWERS REPORT AS CLEARED BY THE
INTER-AGENCY PROCESS. THANKS FOR YOUR ASSISTANCE!

Jon Edwards

March 1, 1995

Dear Mr. Speaker:

On February 27, 1995, at approximately 3:00 P.M. (EST), 1800 combat-equipped US armed forces personnel began deployment into Mogadishu, Somalia, to assist in the withdrawal of United Nations forces assigned to the United Nations Operation in Somalia (UNOSOM II). US forces were accompanied by approximately 500 Italian marines. A total of 14,000 multinational personnel are participating in this operation. US forces include the USS ESSEX Amphibious Readiness Group, the USS BELLEAU WOOD, the Special Marine Air-to-Ground Task Force, and Special Operations forces including four AC-130 gunships.

US armed forces entered Somalia in December, 1992, pursuant to UNSCR 794, with the mission of establishing a secure environment for humanitarian relief operations. Upon completion of this mission in 1993, responsibility for maintaining the environment created by the US-led operation was transferred to UNOSOM II. Almost all US military forces were withdrawn from Somalia on March 31, 1994 and the few remaining US forces were subsequently withdrawn on September 15, 1994.

US forces have returned to Somalia to support the UN withdrawal as part of the US long-standing commitment to UN humanitarian efforts in Somalia. The withdrawal operation is a coalition effort consisting of forces from Italy, the United Kingdom, France, Pakistan, Malaysia, Bangladesh and the United States. We do not intend that US armed forces deployed to Somalia become involved in hostilities. Nonetheless, these forces are

-2-

equipped and ready to take such measures as may be needed to accomplish their mission and defend themselves, if necessary; they also will have the support of any additional US armed forces necessary to ensure their safety and the accomplishment of their mission. It is my intention that this will be an operation of short duration whose only purpose is to assist in the withdrawal of UNOSOM forces.

Over the course of the UN's operations in Somalia, various U.S. items of equipment (helicopters, tanks, armored personnel carriers) were leased to the UN to support operations in Somalia. It is our intention to withdraw this equipment for use in future operations elsewhere, and more importantly, to prevent its falling into the hands of those who might use it to cause further harm to the Somali people.

I have taken this action pursuant to my constitutional authority to conduct US foreign relations and as Commander in Chief and Chief Executive.

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Sincerely,

William J. Clinton

The Honorable Strom Thurmond
President pro tempore
of the Senate

Drafted: JCS/LC:MLohr L/PM:JEdwards
2/28/95 SELPM 6278 (202) 647-7838

Cleared:

T:LDavis
L:CHarper
AF/E:DS hinn
PM/ISP:DLayton/PSuter
H:BDCurran
P:EBrimmer
AF/RA:KMoody
IO/PHO:WBartlett
USUN/W:JOBrien
DoJ/OLC:RSchiffrin
DoD/GC:JMcNeill

JAE
for

TO: PRESIDENT

FROM: LAKE

DOC DATE: 01 MAR 95
SOURCE REF:

KEYWORDS: SOMALIA
WAR POWERS

CONGRESSIONAL

Feli

PERSONS:

SUBJECT: RPT TO CONGRESS CONSISTANT W/ WAR POWERS RESOLUTION ON INTRO OF US
TROOPS IN SOMALIA

ACTION: PRESIDENT SGD PER WH EXEC CLERK DUE DATE: 03 MAR 95 STATUS: C

STAFF OFFICER: KRECZKO

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER

~~KRECZKO~~

NSC CHRON

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY: NSASK

DOC 2 OF 2

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9501595

DOC ACTION OFFICER

001 LAKE
002 ~~PRESIDENT~~
002

CAO ASSIGNED ACTION REQUIRED

Z 95030211 FWD TO PRESIDENT FOR SIG
Z 95030211 FOR SIGNATURE
X 95030211 PRESIDENT SGD PER WH EXEC CLERK

UNCLASSIFIED

National Security Council
The White House

PROOFED BY: _____

LOG # 1595

URGENT NOT PROOFED: _____

SYSTEM PR NSC INT

BYPASSED WW DESK: _____

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Berger	<u>2</u>	<u>ce</u>	
<u>W</u> Lake	<u>3</u>		
Situation Room		<u>Nat Sec Sec</u>	
West Wing Desk	<u>4</u>	<u>JOH 3/1</u>	<u>X TO PRS</u>
NSC Secretariat	<u>5</u>		<u>N</u>

A = Action

I = Information

D = Dispatch

R = Retain

N = No Further Action

cc: _____

COMMENTS:

Exec Sec Office has diskette yes

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

1595

March 1, 1995

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN J. KRECZKO ⁸⁸⁰³

FROM: JAMES E. BAKER ⁸⁸

SUBJECT: Report to Congress, Consistent with the War Powers Resolution, on Introduction of U.S. Armed Forces Into Somalia

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Concurrences by: Bill Danvers, Dick Clarke ⁸⁸⁰³

RECOMMENDATION

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Tab II Incoming from State Department

THE WHITE HOUSE

WASHINGTON

March 1, 1995

ACTION

MEMORANDUM FOR THE PRESIDENT

President sgd per WH

Executive Clerk MAR 1, 1995 *CH*

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE *AK*
PATRICK GRIFFIN *3/5/95*

SUBJECT: Report to Congress, Consistent with the War Powers Resolution, on Introduction of U.S. Armed Forces Into Somalia

Purpose

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cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

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U.S. Armed Forces entered Somalia in December, 1992, pursuant to UNSCR 794, with the mission of establishing a secure environment for humanitarian relief operations. Upon completion of this mission in 1993, responsibility for maintaining the environment created by the U.S.-led operation was transferred to UNOSOM II. Almost all U.S. military forces were withdrawn from Somalia on March 31, 1994, and the few remaining U.S. forces were subsequently withdrawn on September 15, 1994.

U.S. forces have returned to Somalia to support the UN withdrawal as part of the U.S. long-standing commitment to UN humanitarian efforts in Somalia. The withdrawal operation is a coalition effort consisting of forces from Italy, the United Kingdom, France, Pakistan, Malaysia, Bangladesh and the United States. We do not intend that U.S. Armed Forces deployed to Somalia become involved in hostilities. Nonetheless, these forces are equipped and ready to take such measures as may be needed to accomplish their mission and defend themselves, if necessary; they also will have the support of any additional U.S. Armed Forces necessary to ensure their safety and the accomplishment of their mission. It is my intention that this will be an operation of short duration whose only purpose is to assist in the withdrawal of UNOSOM forces.

Over the course of the UN's operations in Somalia, various items of U.S. equipment (helicopters, tanks, armored personnel

carriers) were leased to the UN to support operations in Somalia. It is our intention to assist the UN in withdrawing this equipment, to prevent its falling into the hands of those who might use it to cause further harm to the Somali people.

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Speaker of the House of Representatives
Washington, D.C. 20515

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Sincerely,

The Honorable Strom Thurmond
President pro tempore of the Senate
Washington, D.C. 20510

Department of State Office of the Legal Adviser

FAX COVERSHEET

Date: 1 MARCH 1995 Time: _____

FROM: Jonathan P. Edwards,
CDR, JAGC, USN
Office of Asst. Legal Advisor for Political-Military Affairs

Ph#202-647-7838 Fax# 202-736-7620

4 pages are included in this transmission, including this coversheet.

TO: JAMIE BAKER NSC/LA
CHRIS RYDER DoD/IGC
COLTERRY JCS/LC

Phone # ⁴⁵⁶⁻⁹¹¹¹
^{703 695-1942}
703 697-1137

Fax # ⁴⁵⁶⁻⁹¹¹⁰
^{703 695-1942}
703 693-1419

Comments:

ATTACHED IS THE SOMALIA WAR POWERS REPORT AS CLEARED BY THE
INTER-AGENCY PROCESS. THANKS FOR YOUR ASSISTANCE!

Jon Edwards

March 1, 1995

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-2-

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Sincerely,

William J. Clinton

The Honorable Strom Thurmond
President pro tempore
of the Senate

Drafted: JCS/LC:MLohr L/PM:JEdwards
2/28/95 SELPM 6278 (202) 647-7838

Cleared:

T:LDavis
L:CHarper
AF/E:DS hinn
PM/ISP:DLayton/PSuter
H:BDCurran
P:EBrimmer
AF/RA:KMoody
IO/PHO:WBartlett
USUN/W:JOBrien
DoJ/OLC:RSchiffrin
DoD/GC:JMcNeill

*JPE
for*

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9501595
RECEIVED: 28 FEB 95 16

TO: PRESIDENT

FROM: LAKE

DOC DATE: 01 MAR 95
SOURCE REF:

KEYWORDS: SOMALIA
WAR POWERS

CONGRESSIONAL

PERSONS:

SUBJECT: RPT TO CONGRESS CONSISTANT W/ WAR POWERS RESOLUTION ON INTRO OF US
TROOPS IN SOMALIA

ACTION: PRESIDENT SGD PER WH EXEC CLERK DUE DATE: 03 MAR 95 STATUS: C

STAFF OFFICER: KRECZKO

LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER

KRECZKO

NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY: NSASK

DOC 2 OF 2

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9501595

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 LAKE
002 PRESIDENT
002

Z 95030211 FWD TO PRESIDENT FOR SIG
Z 95030211 FOR SIGNATURE
X 95030211 PRESIDENT SGD PER WH EXEC CLERK

UNCLASSIFIED

National Security Council
The White House

PROOFED BY: _____

LOG # 1595

URGENT NOT PROOFED: _____

SYSTEM PRB NSC INT

BYPASSED WW DESK: _____

DOCLOG OK A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
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Soderberg	<u>copy</u>		
Berger	<u>2</u>	<u>ce</u>	
<u>W</u> Lake	<u>3</u>		
Situation Room			
West Wing Desk	<u>4</u>	<u>John 3/1</u>	<u>TO PREC</u>
NSC Secretariat	<u>5</u>		<u>N</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: _____

COMMENTS:

Exec Sec Office has diskette yes

66: Somalia - WPA

The religious freedom that James Madison and Thomas Jefferson helped to secure for us has been integral to the preservation and development of the United States. Over the years the exercise of our religious freedom has been instrumental in preserving the faith and the traditional values that are this Nation's greatest strengths. Moreover, the free exercise of religion goes hand in hand with the preservation of our other rights. As Thomas Jefferson noted, the first amendment "guard[s] in the same sentence, and under the same words, the freedom of religion, of speech, and of the press; inasmuch as that whatever violates either throws down the sanctuary which covers the others." That sanctuary is the spirit of life, liberty, truth, and justice.

In that spirit, the United States has continued to champion religious liberty and tolerance around the world. We decry as reprehensible the persecution of ethnic and religious minorities, and we likewise condemn the resurgence of anti-Semitism and other forms of religious bigotry. The United States calls on all nations to respect the fundamental rights of individuals, in accordance with international human rights agreements and in recognition of the direct and inexorable relationship between freedom and justice and the achievement of lasting peace in the world.

The Congress, by House Joint Resolution 457, has designated January 16, 1993, as "Religious Freedom Day" and has requested the President to issue a proclamation in observance of this day.

Now, Therefore, I, George Bush, President of the United States of America, do hereby proclaim January 16, 1993, as Religious Freedom Day. I urge all Americans to observe this day with appropriate ceremonies and activities in their homes, schools, and places of worship as an expression of our gratitude for the blessings of liberty and as a sign of our resolve to protect and preserve them.

In Witness Whereof, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the

United States of America the two hundred and seventeenth.

George Bush

[Filed with the Office of the Federal Register, 4:53 p.m., December 9, 1992]

Note: This proclamation was published in the Federal Register on December 11.

Letter to Congressional Leaders on the Situation in Somalia

December 10, 1992

Dear Mr. Speaker: (Dear Mr. President:)

Beginning in January of this year with the adoption of U.N. Security Council Resolution 733, the United Nations has been actively addressing the humanitarian crisis in Somalia. The United States has been assisting the U.N. effort to deal with a human catastrophe. Over 300,000 Somalis have died of starvation. Five times that number remain at risk, beyond the reach of international relief efforts in large part because of the security situation. As a result, voluntary relief organizations from the United States and other countries have appealed for assistance from outside security forces.

On November 29, 1992, the Secretary General of the United Nations reported to the Security Council that the deteriorating security conditions in Somalia had severely disrupted international relief efforts and that an immediate military operation under U.N. authority was urgently required. On December 3, the Security Council adopted Resolution 794, which determined that the situation in Somalia constituted a threat to international peace and security, and, invoking Chapter VII of the U.N. Charter, authorized Member States to use all necessary means to establish a secure environment for humanitarian relief operations in Somalia. In my judgment, the deployment of U.S. Armed Forces under U.S. command to Somalia as part of this multilateral response to the Resolution is necessary to address a major humanitarian calamity, avert related threats to international peace and security, and protect the

safety of Americans and others engaged in relief operations.

In the evening, Eastern Standard Time, on December 8, 1992, U.S. Armed Forces entered Somalia to secure the airfield and port facility of Mogadishu. Other elements of the U.S. Armed Forces and the Armed Forces of other Members of the United Nations are being introduced into Somalia to achieve the objectives of U.N. Security Council Resolution 794. No organized resistance has been encountered to date.

U.S. Army Forces will remain in Somalia only as long as necessary to establish a secure environment for humanitarian relief operations and will then turn over the responsibility of maintaining this environment to a U.N. peacekeeping force assigned to Somalia. Over 15 nations have already offered to deploy troops. While it is not possible to estimate precisely how long the transfer of responsibility may take, we believe that prolonged operations will not be necessary.

We do not intend that U.S. Armed Forces deployed to Somalia become involved in hostilities. Nonetheless, these forces are equipped and ready to take such measures as may be needed to accomplish their humanitarian mission and defend themselves, if necessary; they also will have the support of any additional U.S. Armed Forces necessary to ensure their safety and the accomplishment of their mission.

I have taken these actions pursuant to my constitutional authority to conduct our foreign relations and as Commander in Chief and Chief Executive, and in accordance with applicable treaties and laws. In doing so, I have taken into account the views expressed in H. Con. Res. 370, S. Con. Res. 132, and the Horn of Africa Recovery and Food Security Act, Public Law 102-274, on the urgent need for action in Somalia.

I am providing this report in accordance with my desire that Congress be fully informed and consistent with the War Powers Resolution. I look forward to cooperating with Congress in the effort to relieve human

suffering and to restore peace and stability to the region.

Sincerely,

George Bush

Note: Identical letters were sent to Thomas S. Foley, Speaker of the House of Representatives, and Robert C. Byrd, President pro tempore of the Senate.

Letter to Congressional Leaders on the Determination Not To Prohibit Fish Imports From Colombia

December 10, 1992

Dear Mr. Speaker: (Dear Mr. President:)

Pursuant to section 8(b) of the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1978(b)), generally known as the Pelly Amendment, I am notifying you that on November 3, 1992, in accordance with section 101(a) of the Marine Mammal Protection Act (MMPA), the Secretary of Commerce certified to me that a denial of an affirmative finding and resulting embargo of yellowfin tuna and products derived from yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) by Colombian flag vessels has been in effect since April 27, 1992.

By the terms of the MMPA, such certification is deemed to be a certification for the purposes of the Pelly Amendment, which requires that I consider and, at my discretion, order the prohibition of imports into the United States of products from the identified country, to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade. The Pelly Amendment also requires that I report to the Congress any actions taken under this subsection and, if no import prohibitions have been ordered, the reasons for this action.

After thorough review, I have determined that additional sanctions against Colombia under the Pelly Amendment will not be imposed at this time while the Administration continues to implement an international dolphin conservation program in the ETP.

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

General Counsel

file:
Somalia/
WPR

12/2

Neal -

Fyi. The White House "War Powers Group"
(which we largely audit) has been working
on a ^{legal} rationale for using troops to support and
Somalia relief. The successive iterations
(with which I will not burden you) now
seem to be more useful. Example of
latest draft attached for your info.

u

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Initials: VOE Date: 01/15/17
2012-0659-F

WASHFAX RECEIPT
DEPARTMENT OF STATE

Copy given to Rezz
URGENT

B

S/S #

MESSAGE NO. 089829 CLASSIFICATION SECRET ATTACHMENTS No. Pages 6
FROM: Michael J. Matheson L 647-8460 86423
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION
Paper on Legal Issues with Respect to Somalia

<u>O: (Agency)</u>	<u>DELIVER TO:</u>	<u>Extension</u>	<u>Room No.</u>
NSC	Nick Rostow	456-6538	348-OEOB
CIA/GC	Elizabeth Rindskopf	703-874-3200	6Y01
DOD/GC	David Addington	703-695-3341	GC Ofc
Justice/OLC	Tim Flanigan	514-2041	Legal Counsel Ofc
JCS/GC	Col. James Terry	703-697-1137	GC Ofc
WH Counsel	Boyden Gray	456-2632	Counsel's ofc

OR: CLEARANCE ☐ INFORMATION ☒ PER REQUEST ☐ COMMENT ☐

REMARKS:

S/S Officer: [Signature]

URGENT

~~SECRET~~

DECL: OADR

December 12, 1992

TO: NSC -- Mr. Rostow
FROM: Michael J. Matheson *mjm*

Attached are our comments to your paper of November 28 on Somalia, in the form of an expanded substitute draft. As we agreed, I will distribute copies to the other members of the group as well.

cc: CIA -- Ms. Rindskopf
DOD -- Mr. Addington
DOJ -- Mr. Flanigan
JCS -- Col. Terry
WHC -- Mr. Gray

~~SECRET~~

DECLASSIFIED E.O. 13526
Department of State Guidelines,
September 11, 2006

By VDE NARA, Date 01/13/17
2012-0659-F

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. paper	Legal Issues with Respect to Somalia (5 pages)	12/00/1992	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Kreczko, Alan)
OA/Box Number: 2952

FOLDER TITLE:

War Powers - Somalia [1]

2012-0659-F
ke4154

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

S/ke: WPR

[DISCUSSION DRAFT]103D CONGRESS
1ST SESSION**H. CON. RES. _____**

IN THE HOUSE OF REPRESENTATIVES

Mr. GILMAN submitted the following concurrent resolution; which was referred
to the Committee on _____

CONCURRENT RESOLUTION

Directing the President pursuant to section 5(c) of the War
Powers Resolution to remove United States Armed
Forces from Somalia by January 31, 1994.

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),*

3 **SECTION. 1 FINDING THAT THE U.S. ARMED FORCES IN SO-**
4 **MALIA ARE ENGAGED IN HOSTILITIES.**

5 For purposes of sections 5(c) and 7 of the War Pow-
6 ers Resolution (50 U.S.C. 1544(c) and 1546), the Con-
7 gress finds that the United States Armed Forces in Soma-

1 lia are engaged in hostilities without a declaration of war
2 or specific statutory authorization.

3 **SEC. 2. REMOVAL OF ARMED FORCES FROM SOMALIA.**

4 Pursuant to section 5(c) of the War Powers Resolu-
5 tion (50 U.S.C. 1544(c)), the Congress hereby directs the
6 President to remove the United States Armed Forces from
7 Somalia by January 31, 1994.

days thereafter, unless otherwise determined by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective House in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION

SEC. 7.² (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in

the Record or concerning any delay in the consideration of reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

INTERPRETATION OF JOINT RESOLUTION

SEC. 8.³ (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this resolution.

6/6/93
Somalia
war
powers

Somalia: Rep. Gilman Letter on War Powers Questions

Q: Why have you not responded to Congressman Gilman's letter of July 30 inquiring about the application of the War Powers Resolution to Somalia?

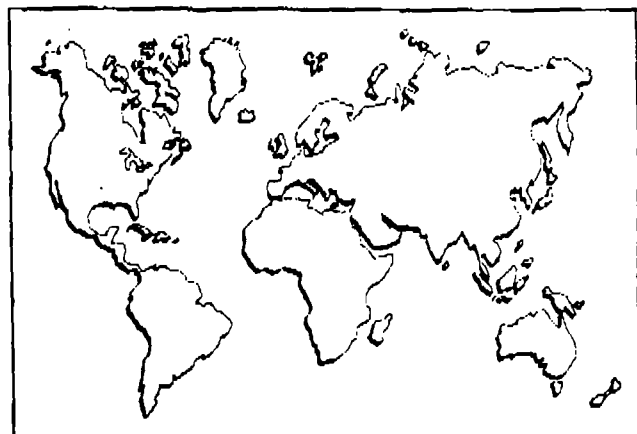
- A:
- o As you know, the Administration has been working very closely with the Congress on a wide range of issues related to U.S. policy in Somalia. Our consultations have included the matter of authority for the deployment of U.S. Armed Forces and related War Powers issues.
 - o The questions posed in your letter regarding specific sections of the War Powers Resolution were under review within the Administration during this time of close cooperation with the Congress and as the Administration prepared the detailed report, delivered to Congress on October 13, as requested in the House and Senate versions of the FY 94 Defense Authorization bill.
 - o In addition, the FY 94 Defense Appropriations bill currently under consideration by the Conference Committee includes a Somalia deployment authorization provision.
 - This provision approves the use of U.S. Armed Forces in Somalia and the obligation of funds for this purpose through March 31, 1994, unless the Congress authorizes an extension of that date.
 - o As you know, this authorization is consistent with the President's policy, and he has indicated his intention to comply with its terms.
 - o With apparent broad support for the authorization of the deployment through March 31, 1994, it does not appear fruitful or necessary to become sidetracked by further discussion on a particular provision of the War Powers Resolution.

Background

- o The July 30 letter questioned the Department's previous response to Senator Helms and Congressman Gilman in which we concluded that Section 5(b) of the War Powers Resolution did not apply to the situation in Somalia. (Section 5(b) is the 60-day withdrawal provision in cases of hostilities or "where imminent involvement in hostilities is clearly indicated by the circumstances.") Of course, the 60-day withdrawal provision does not apply if Congress authorizes the deployment.

**Department of State
Office of the Legal Adviser**

**FAX
COVERSHEET**



FROM: *Chuck Allee*

Ph#202-647-7838 Fax# 202-736-7620

TO: *Neal Wolin* *(as revised)*

Ph#

Fax#

Comments: *Mike Milleson said this looks OK, although he hopes the issue doesn't come up. Any changes?*
- Chuck.

Please acknowledge when received. There is a total of
2 pages being transmitted.

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- A: o As you know, the Administration has been working very closely with the Congress on a wide range of issues related to U.S. policy in Somalia. Our consultations have included the matter of authority for the deployment of U.S. Armed Forces and related War Powers issues.
- o The questions posed in your letter regarding specific sections of the War Powers Resolution have been under review within the Administration during this time of close cooperation with the Congress on our Somalia policy.
- o It is significant that the Administration provided a detailed report to Congress on October 13 as requested in the House and Senate versions of the FY 94 Defense Authorization bill.
- o In addition, the FY 94 Defense Appropriations bill currently under consideration by the Conference Committee includes a Somalia deployment authorization provision.
- This provision approves the use of U.S. Armed Forces in Somalia and the obligation of funds for this purpose through March 31, 1994, unless the Congress authorizes an extension of that date.
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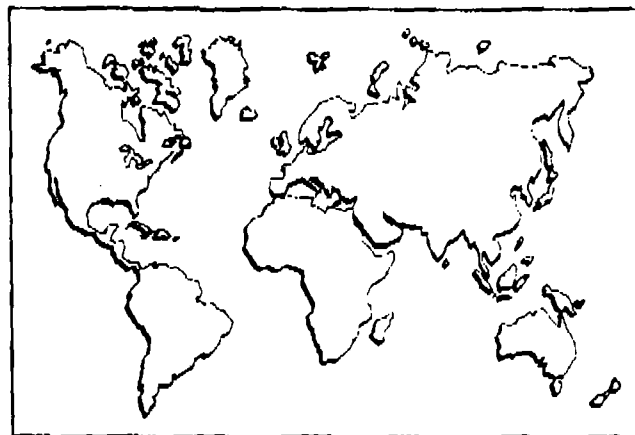
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10: NOV 05 '93 9:15 NO.001 1.01

**Department of State
Office of the Legal Adviser**

**FAX
COVERSHEET**



FROM: *Chuck Allen*

Ph#202-647-7838 Fax# 202-736-7620

TO: *Neal Wolin*

Ph#

Fax#

Comments: *Mike Matheson said this looks OK,
although he hopes the issue doesn't
come up. Any changes?
- Chuck.*

**Please acknowledge when received. There is a total of
2 pages being transmitted.**

Alan Kaczko

NATIONAL SECURITY COUNCIL

29-Oct-1993 12:14 EDT

~~CONFIDENTIAL~~

MEMORANDUM FOR: SEE BELOW

FROM: White House Situation Room
(WHSR@A1@WHSR)

SUBJECT: SOMALIA RESOLUTION ELEMENTS

<DIST>

PRT: OAKLEY SIT

SIT: BEERS CLARKER DARRAGH GEORGEL RAGLE RICE SUM2 TENET VAX WARD

<PREC>

IMMEDIATE

<CLAS>

~~CONFIDENTIAL~~

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USMISSION USUN NEW YORK

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RUEHC/SECSTATE WASHDC IMMEDIATE 1279

INFO RUEADWW/WHITEHOUSE WASHDC IMMEDIATE

RUEKJCS/CJCS WASHDC IMMEDIATE

RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE

RUEHMG/USLO MOGADISHU IMMEDIATE 0422

RUEKJCS/SECDEF WASHDC IMMEDIATE

RUEHDS/AMEMBASSY ADDIS ABABA PRIORITY 0542

<SUBJ>

SOMALIA RESOLUTION ELEMENTS

<TEXT>

~~CONFIDENTIAL~~ SECTION 01 OF 02 USUN NEW YORK 005535

WHITEHOUSE PASS TO NSC FOR CLARKE; JCS FOR BOWMAN;

OSD FOR SEWALL; STATE FOR SHINN

E.O.12356: DECL:OADR

TAGS: PREL, MOPS, MARR, UNSC, SO

SUBJECT: SOMALIA RESOLUTION ELEMENTS

REF: ADDIS 6901

1. ~~CONFIDENTIAL~~: ENTIRE TEXT

2. SUMMARY: AS SECURITY COUNCIL CONSULTATIONS
CONTINUE ON (FRENCH) DRAFT RESOLUTION EXTENDING
UNOSOM II TO NOVEMBER 18, MISSION TRANSMITS THE
FOLLOWING DRAFT ELEMENTS FOR THE FULL 6 MONTH
MANDATE EXTENSION. USUN'S ELEMENTS BUILD ON
DEPARTMENT'S WITH DIFFERENCES NOTED IN PARA 3. END
SUMMARY.

3. PARAGRAPHS ARE RE-ORDERED FOR LOGICAL FLOW;
REDUNDANT PARAGRAPHS ARE CONSOLIDATED OR DROPPED;

DECLASSIFIED E.O. 13526
Department of State Guidelines,
September 11, 2006
By KDE NARA, Date 01/13/17
2012-0659-F

OP PARA 1 LANGUAGE MAKING RENEWAL SUBJECT TO JANUARY 30 REVIEW IS DELETED, MANDATE NOW HEAVILY CONDITIONED AND THIS KIND OF SYMBOLISM IS OVER-KILL AND COUNTERPRODUCTIVE; LANGUAGE IS ADDED IN PREAMBULAR PARAS 3 AND 4 AND OP 8 TO RESPOND TO MELES' POINTS (REFTEL) EXCEPT THAT INVESTIGATIVE COMMISSION WILL BE ADDRESSED BY SEPARATE RESOLUTION; CALL FOR SETTING UP TRANSITIONAL NATIONAL COUNCIL AS SOON AS POSSIBLE IS RE-INSERTED AS FINAL CLAUSE OF OP PARA 4 ON DISTRICT AND REGIONAL COUNCILS - USUN CONCERNED THAT THE LATE DATES SELECTED FOR DISTRICT AND REGIONAL COUNCILS TELESCOPES TNC SET-UP INTO FINAL WEEKS OF US PRESENCE; OPERATIVE (NEW PARA 5) ON POLICE, JUDICIARY AND PENAL SYSTEMS RE-INSERTED, THESE COMPONENTS TOO IMPORTANT TO BE ABBREVIATED OR SUBMERGED IN GENERAL TERMS; HUMANITARIAN ASSISTANCE (OPERATIVE PARAGRAPH 9) LANGUAGE BROUGHT IN LINE WITH GOAL OF ATTRACTING CONTRIBUTIONS FOR SOMALIA RECOVERY PROJECTS THAT ARE IMPLEMENTABLE IN THE SHORT TERM - OCTOBER 22 VEHICLE DOES NOT DO THAT.

4. BEGIN RESOLUTION ELEMENTS

THE SECURITY COUNCIL,
REAFFIRMING ITS RESOLUTIONS 733 (1992) OF 23 JANUARY 1992 AND ALL SUBSEQUENT RESOLUTIONS,
STRESSING THAT THE PEOPLE OF SOMALIA BEAR THE ULTIMATE RESPONSIBILITY FOR REACHING A POLITICAL SETTLEMENT AND ACHIEVING NATIONAL RECONCILIATION AND RECONSTRUCTION,
EMPHASIZING THAT THE PURPOSE OF UNISOM II IS TO SUPPORT THE EFFORTS OF THE SOMALI PEOPLE TO ACHIEVE THOSE GOALS,

AFFIRMING THAT THE AGREEMENTS REACHED IN ADDIS ABABA IN JANUARY AND MARCH OF 1993 ESTABLISH A SOUND BASIS FOR RESOLUTION OF THE PROBLEMS IN SOMALIA,

DEPLORING THE CONTINUING ARMED ATTACKS AGAINST PERSONS ENGAGED IN HUMANITARIAN AND PEACEKEEPING EFFORTS AND EXPRESSING OUTRAGE AT THE LOSS OF LIFE AS A RESULT OF SUCH ATTACKS,

1. DECIDES TO RENEW THE MANDATE OF UNOSOM II FOR A PERIOD OF 6 MONTHS FROM THE DATE OF THIS RESOLUTION;

2. REQUESTS THE SECRETARY-GENERAL TO PROVIDE ON AN URGENT BASIS A DETAILED PLAN WITH CONCRETE STEPS SETTING OUT UNOSOM II'S FUTURE CONCERTED STRATEGY WITH REGARD TO ITS HUMANITARIAN, POLITICAL AND SECURITY ACTIVITIES, AS REQUESTED IN RESOLUTION 865;

3. CALLS ON ALL PARTIES IN SOMALIA, INCLUDING MOVEMENTS AND FACTIONS, TO ACCELERATE THEIR EFFORTS TO ACHIEVE POLITICAL RECONCILIATION, PEACE AND SECURITY, AND URGES THEM TO ABIDE IMMEDIATELY BY THE CEASE-FIRE AND DISARMAMENT AGREEMENTS REACHED

IN ADDIS ABABA, PARTICULARLY THE IMMEDIATE
CANTONMENT OF ALL HEAVY WEAPONS;

4. UNDERSCORES THE IMPORTANCE OF ATTAINING
POLITICAL GOALS, SPECIFICALLY, THE ESTABLISHMENT OF
ALL DISTRICT COUNCILS BY DECEMBER 31, 1993 ALL
REGIONAL COUNCILS BY FEBRUARY 15, 1994, AND A
~~C O N F I D E N T I A L~~ SECTION 02 OF 02 USUN NEW YORK 005535
WHITEHOUSE PASS TO NSC FOR CLARKE; JCS FOR BOWMAN;
OSD FOR SEWALL; STATE FOR SHINN

E.O.12356: DECL:OADR

TAGS: PREL, MOPS, MARR, UNSC, SO

SUBJECT: SOMALIA RESOLUTION ELEMENTS

TRANSITIONAL NATIONAL COUNCIL AS SOON AS FEASIBLE
THEREAFTER;

5. REQUESTS THE SECRETARY GENERAL TO IMPLEMENT ON
AN URGENT AND ACCELERATED BASIS THE RECOMMENDATIONS
CONTAINED IN ANNEX I OF HIS REPORT OF 17 AUGUST
1993 (S/26317) AND IN PARTICULAR TO BEGIN
ESTABLISHMENT OF AN OPERATIONAL POLICE, PENAL AND
JUDICIARY SYSTEM AT THE REGIONAL AND DISTRICT LEVEL
AS SOON AS FEASIBLE;

6. REQUESTS THE SECRETARY-GENERAL TO REPORT TO THE
SECURITY COUNCIL BY JANUARY 15, 1994 AND BY MARCH
15, 1994 ON WHETHER OR NOT SUBSTANTIAL PROGRESS HAS
BEEN MADE ON ACHIEVING NATIONAL RECONCILIATION AND
ON ATTAINING POLITICAL AND HUMANITARIAN GOALS;

7. URGES THE PARTIES TO TAKE NOTE THAT CONTINUED
UN INVOLVEMENT IN SOMALIA BEYOND THE PERIOD OF THIS
MANDATE DEPENDS ON THE GOODWILL OF SOMALIS AND
TANGIBLE PROGRESS TOWARDS A POLITICAL SETTLEMENT;

8. WELCOMES AND SUPPORTS THE ONGOING DIPLOMATIC
EFFORTS MADE BY PRESIDENT MELES, THE HORN OF AFRICA
COMMITTEE AND THE ORGANIZATION OF AFRICAN UNITY
(OAU) TO BRING THE WARRING FACTIONS TO THE
NEGOTIATING TABLE AND CALLS UPON UNOSOM TO
COOPERATE EFFECTIVELY WITH THEM IN THESE EFFORTS;

9. CALLS ON DONOR NATIONS TO CONTRIBUTE URGENTLY
TO SHORT TERM, HIGH IMPACT DEVELOPMENT PROJECTS
IDENTIFIED BY THE UNITED NATIONS IN ORDER TO
ESTABLISH DEMONSTRABLE LINKS BETWEEN POLITICAL
PROGRESS AND RECONSTRUCTION ASSISTANCE;

10. EXPRESSES ITS APPRECIATION TO THOSE MEMBER
STATES WHICH HAVE CONTRIBUTED TO UNOSOM II OR
OFFERED TO DO SO , AND CALLS ON THOSE WHO HAVE NOT
YET DONE SO TO CONTRIBUTE, ON AN URGENT BASIS,
TROOPS AND FINANCIAL SUPPORT TO ENHANCE UNOSOM II'S
CAPABILITY TO CARRY OUT ITS MANDATE;

11. URGES THE SECRETARY-GENERAL TO ASK THE SOMALIA
TRUST FUND COMMITTEE TO REVIEW CLAIMS. MAKE
PAYMENTS AND ALLOCATE THE SURPLUS TOWARDS
RE-ESTABLISHMENT OF THE SOMALIA POLICE, ON AN
URGENT BASIS;

12. DECIDES TO REMAIN ACTIVELY SEIZED OF THE
MATTER.

ALBRIGHT MINIMIZE CONSIDER

BT

#5535

NNNN

<SECT>

SECTION: 01 OF 02

<SSN>

5535

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931029105112 M0692236

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SECTION: 02 OF 02

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Fdi - War
Power - Somalia



United States Department of State

Washington, D.C. 20520

DATE: 4/29/93

	<u>FAX #</u>	<u>OFFICE</u>
TO: <u>Alan Kreczko</u>	<u>395-1039</u>	<u>395-1580</u>

FROM: L - Mary Silva
(202) 647-5036
(202) 647-1037 = FAX

SUBJECT: updated Hamilton resolution on Somalia
and Senate resolution

SPECIAL INSTRUCTIONS/MESSAGE:

NUMBER OF PAGES 21 (+ cover sheet)

[SUBCOMMITTEE PRINT]

APRIL 16, 1998

AMENDMENTS IN THE NATURE OF A SUBSTITUTE FOR S.J.RES. 46

[Strike out the preamble. Strike out all that follows the resolving clause and insert in lieu thereof the text shown below in *italics*. An amendment to the title of the resolution is shown on the last page below.]

103D CONGRESS
1ST SESSION

S. J. RES. 46

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1998

Referred to the Committee on Foreign Affairs

JOINT RESOLUTION

Authorizing the use of United States Armed Forces in
Somalia.

- 1 Whereas an estimated 200,000 Somalis reportedly have
- 2 died of hunger or as casualties of widespread violence
- 3 since the fall of Siad Barre in January 1991,
- 4 Whereas international relief agencies had been unable to
- 5 deliver adequate assistance to those most in need due

1 to increasingly difficult and dangerous security condi-
2 tions; including pervasive banditry and looting;
3 Whereas Congress has expressed its support for a greater
4 United Nations role in addressing the political and hu-
5 manitarian situation in Somalia through Senate Reso-
6 lutions 258 and 122 and House of Representatives
7 Resolution 370;
8 Whereas the United Nations Secretary General and Unit-
9 ed States officials had concluded that massive inter-
10 vention in Somalia would be necessary to avert further
11 starvation on this scale;
12 Whereas the United Nations Security Council on Decem-
13 ber 8, 1992, enacted Resolution 704, authorizing the
14 use of "all necessary means to establish as soon as
15 possible a secure environment for humanitarian relief
16 operations in Somalia";
17 Whereas President Bush began deploying United States
18 armed forces on December 8, 1992, in response to
19 United Nations Resolution 704;
20 Whereas more than 20,000 American servicemen and
21 women are now in Somalia under Operation Restore
22 Hope and have been joined by troops from many other
23 nations;
24 Whereas President Bush has emphasized that United
25 States Armed Forces will be withdrawn and that the

1 security mission will be assumed by the United Na-
2 tions' UNOSOM operation as soon as a "secure envi-
3 ronment" for the delivery of food has been created;
4 and

5 Whereas, on December 10, 1992, President Bush formally
6 reported to Congress on the deployment of United
7 States Armed Forces in Somalia. Now, therefore, be
8 it

9 *Resolved by the Senate and House of Representatives*
10 *of the United States of America in Congress assembled,*
11 **SECTION 1. SHORT TITLE.**

12 This joint resolution may be cited as the "Authoriza-
13 tion for Use of United States Armed Forces in Somalia".

14 **SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES**
15 **ARMED FORCES.**

16 (a) **AUTHORIZATION.**—The President is authorized to
17 use United States Armed Forces pursuant to United Na-
18 tions Security Council Resolution 704 in order to imple-
19 ment the Resolution, which authorizes the use of "all nec-
20 essary means to establish as soon as possible a secure en-
21 vironment for humanitarian relief operations in Somalia".

22 (b) **WAR POWERS RESOLUTION REQUIREMENTS.**—
23 Consistent with section 8(a)(1) of the War Powers Resolu-
24 tion, the Congress declares that this section is intended

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1 to constitute specific statutory authorization within the
2 meaning of section 5(b) of the War Powers Resolution:

3 **SEC. 2. SENSE OF CONGRESS.**

4 (a) ~~UNITED NATIONS PEACEKEEPING FORCES.~~ It
5 is the sense of Congress that the President should consult
6 with the Secretary General of the United Nations and with
7 the other member countries of the United Nations Secu-
8 rity Council to ensure that peacekeeping forces from other
9 countries of the United Nations continue to be deployed
10 in Somalia to maintain a secure environment and to allow
11 United States Armed Forces to transfer the mission to
12 a United Nations-led force at the earliest possible date.

13 (b) ~~MEASURES OF SELF-PROTECTION.~~ It is the
14 sense of Congress that the President should make every
15 effort to ensure that United States Armed Forces serving
16 in Somalia as part of a United Nations-led force are per-
17 mitted to take all reasonable measures to protect them-
18 selves.

19 (c) ~~ASSESSMENT OF COSTS.~~ It is the sense of Con-
20 gress that the President should submit a report to Con-
21 gress providing an assessment of the costs of Operation
22 Restore Hope, indicating the costs assessed to the United
23 States, the United Nations, and other countries and relat-
24 ed organizations involved in the operation.

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1 **SEC. 4. REPORTING REQUIREMENT.**

2 Not later than September 1, 1993, the Secretary of
3 State and the Secretary of Defense shall jointly submit
4 to Congress a report on the introduction and commitment
5 of United States Armed Forces into combat situations.
6 This report shall include—

7 (1) a specific review of the goals of United
8 States policy in Somalia and an outline of objective
9 criteria which will enable the United States to evalu-
10 ate when those goals are achieved;

11 (2) a review of all actions taken to ensure that
12 United States material contributions to United Na-
13 tions forces in Somalia are counted against United
14 States assessments in Somalia;

15 (3) a review of United States international in-
16 terests and their correlation to the commitment of
17 United States Armed Forces;

18 (4) a description of the factors to be used in
19 evaluating future commitments of United States
20 combat forces;

21 (5) specifically, a review of the many situations
22 in the world where there are intense humanitarian
23 needs and a means of evaluating what elements,
24 when present, would permit those situations to rise
25 to a level of importance necessary for the commit-
26 ment of United States combat forces; and

1 ~~(6) considerations which will affect whether~~
2 United States Armed Forces will be permitted to be
3 engaged as a portion of an international peacekeep-
4 ing force, including—

5 ~~(A) United States command of United~~
6 States troops,

7 ~~(B) equitable financial contributions of na-~~
8 tions so engaged, and

9 ~~(C) the right of United States combat~~
10 forces to defend themselves throughout all levels
11 of conflict.

12 SECTION 1. SHORT TITLE.

13 This joint resolution may be cited as the "Resolution
14 Authorizing the Use of United States Armed Forces in So-
15 malia".

16 SEC. 2. CONGRESSIONAL FINDINGS.

17 The Congress finds the following:

18 (1) An estimated 300,000 Somalis have died as
19 a result of hunger and widespread violence since the
20 fall of Siad Barre in January 1991.

21 (2) On December 3, 1992, the United Nations
22 Security Council adopted Resolution 794 in which the
23 Security Council—

24 (A) determined that "the magnitude of the
25 human tragedy caused by the conflict in Soma-

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1 lia, further exacerbated by the obstacles being
2 created to the distribution of humanitarian as-
3 sistance, constitutes a threat to international
4 peace and security", and

5 (B) acting under Chapter VII of the Charter
6 of the United Nations, authorized the use of "all
7 necessary means to establish as soon as possible
8 a secure environment for humanitarian relief op-
9 erations in Somalia".

10 (3) United States Armed Forces entered Somalia
11 on December 9, 1992, in response to Security Council
12 Resolution 794.

13 (4) The United Nations Secretary General con-
14 cluded in his report of March 3, 1993, that without
15 improved security throughout Somalia "the political
16 process cannot prosper and humanitarian relief oper-
17 ations will remain vulnerable to disruption".

18 (5) The Secretary General recommended in his
19 report that the United Nations Security Council
20 adopt a resolution affecting the transition from the
21 United States-led force in Somalia to a United Na-
22 tions-led force, with the formal date of transfer of
23 command to be May 1, 1993.

24 (6) The Secretary General's report envisioned a
25 United Nations-led force having a multinational mili-

1 tary component of 20,000 personnel, plus an addi-
2 tional 8000 personnel to provide logistic support.

3 (7) On March, 26, 1993, the United Nations Se-
4 curity Council, acting under Chapter VII of the Char-
5 ter of the United Nations, adopted Resolution 814 in
6 response to the Secretary General's report. This reso-
7 lution provides for the establishment of the United
8 Nations-led force in Somalia by expanding the size
9 and mandate of the original United Nations peace-
10 keeping force in Somalia (commonly referred to as
11 "UNOSOM") in accordance with the rec-
12 ommendations contained in the report of the Sec-
13 retary General.

14 (8) United States Armed Forces will participate
15 in the United Nations-led force in Somalia as part of
16 the multinational logistic support contingent, provid-
17 ing logistical, communications, and intelligence sup-
18 port.

19 (9) In addition to logistic forces, the United
20 States will make available a battalion-sized tactical
21 quick reaction force to respond to requests for emer-
22 genoy assistance from the United Nations Force Com-
23 mander in Somalia. This quick reaction force will be
24 under United States operational control.

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1 (10) The transfer of operations in Somalia from
2 the United States-led force to the United Nations-led
3 force will result in a substantial reduction in the
4 number of members of the United Armed Forces that
5 are deployed in Somalia and in the costs incurred by
6 the United States as a result of United Nations-au-
7 thorized operations in Somalia.

8 (11) The Congress should authorize any use of
9 United States Armed Forces to implement United Na-
10 tions Security Council Resolutions 794 and 814.

11 (12) By providing such an authorization, the
12 Congress will facilitate the transfer of operations in
13 Somalia from the United States-led force to the Unit-
14 ed Nations-led force.

15 (13)(A) The Congress does not anticipate that
16 United States Armed Forces will need to remain in
17 Somalia for more than 18 months after the date of
18 enactment of this joint resolution to implement Unit-
19 ed Nations Security Council Resolution 814.

20 (B) Given the importance of the mission of the
21 United Nations-led force in Somalia, however, the
22 Congress will give strong consideration to extending
23 the authorization for the use of United States Armed
24 Forces to implement Resolution 814 should such con-

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1 tinued use be necessary to ensure the success of the
2 United Nations-led force in Somalia.

3 **SEC. 3. SUPPORT FOR UNITED NATIONS EFFORTS IN SOMA-**

4 **LIA.**

5 The Congress supports United Nations efforts in
6 Somalia—

7 (1) to help provide a secure environment for
8 famine relief efforts;

9 (2) to prevent a resumption of violence;

10 (3) to help restore peace, stability, and order
11 through reconciliation, rehabilitation, and reconstruc-
12 tion of Somali society; and

13 (4) to help the people of Somalia create and
14 maintain democratic institutions for their own gov-
15 ernance.

16 **SEC. 4. AUTHORIZATION FOR USE OF ARMED FORCES.**

17 (a) **IMPLEMENTATION OF SECURITY COUNCIL RESOLU-**
18 **TIONS.**—The President is authorized to use United States
19 Armed Forces to implement United Nations Security Coun-
20 cil Resolutions 794 (1992) and 814 (1993), including the
21 use of such Armed Forces—

22 (1) to carry out operations under the authoriza-
23 tion provided by United Nations Security Council
24 Resolution 794 (1992) until the transition to the
25 United Nations-led force in Somalia is completed;

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1 (2) to provide logistic and related support for the
2 United Nations-led force in Somalia under the au-
3 thorization provided by United Nations Security
4 Council Resolution 814 (1993); and

5 (3) to serve as a tactical quick reaction force,
6 under United States operational control, to respond to
7 requests for emergency assistance from the United Na-
8 tions Force Commander in Somalia.

9 (b) *STATEMENTS OF INTENT REQUIRED BY WAR POW-*
10 *ERS RESOLUTION.*—Consistent with section 8(a)(1) of the
11 *War Powers Resolution*, the Congress declares that sub-
12 section (a) is intended to constitute specific statutory au-
13 thorization within the meaning of section 5(b) of the *War*
14 *Powers Resolution* to the extent that any United States
15 *Armed Forces* being used for the purposes described in sub-
16 section (a) are or become involved in hostilities or situations
17 where imminent hostilities is clearly indicated by the cir-
18 cumstances. .

19 (c) *EXPIRATION OF AUTHORIZATIONS.*—The author-
20 izations provided by subsection (a) shall expire at the ear-
21 lier of—

22 (1) the end of the 12-month period beginning on
23 the date of enactment of this joint resolution, unless
24 the Congress finds that continued participation by the
25 United States *Armed Forces* is necessary to ensure the

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1 *success of the United Nations-led force in Somalia*
2 *and extends the period of such authorizations; or*
3 *(2) the expiration of the mandate of the United*
4 *Nations-led force in Somalia.*

5 **SEC. 5. REPORTS REGARDING USE OF UNITED STATES**
6 **ARMED FORCES.**

7 **(a) PERIODIC REPORTS.—**

8 **(1) INFORMATION TO BE PROVIDED.—***The Presi-*
9 *dent shall submit periodic reports to the Congress*
10 *with respect to United States Armed Forces partici-*
11 *pation in and support for the United Nations-led*
12 *force in Somalia. Each such report shall—*

13 **(A)** *specify the number of members of the*
14 *United States Armed Forces participating in the*
15 *United Nations-led force in Somalia or operat-*
16 *ing in support of that force;*

17 **(B)** *specify where United States Armed*
18 *Forces are deployed as part of the United Na-*
19 *tions-led force in Somalia and where United*
20 *States Armed Forces are deployed that are oper-*
21 *ating in support of that force;*

22 **(C)** *specify the functions being performed by*
23 *United States Armed Forces participating in the*
24 *United Nations-led force in Somalia;*

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1 (D) specify the functions of United States
2 Armed Forces operating as a tactical quick reac-
3 tion force in support of the United Nations-led
4 force in Somalia, and describe any use of United
5 States Armed Forces as a quick reaction force;

6 (E) specify the command arrangements ap-
7 plicable with respect to United States Armed
8 Forces participating in the United Nations-led
9 force in Somalia or operating in support of that
10 force; and

11 (F) specify the anticipated duration of the
12 deployment of United States Armed Forces as
13 part of the United Nations-led force in Somalia
14 or in support of that force.

15 (2) REPORTING DATES AND PERIOD COVERED BY
16 EACH REPORT.—A report pursuant to this subsection
17 shall be submitted—

18 (A) not later than July 1, 1993, covering
19 the period since March 3, 1993; and

20 (B) not later than July 1, 1994, covering
21 the period since the preceding report pursuant to
22 this subsection.

23 (3) WAR POWERS RESOLUTION REPORTING RE-
24 QUIREMENTS.—The requirements of this subsection do

1 not supersede the requirements of section 4 of the War
2 Powers Resolution.

3 (b) *REPORT ON TRANSITION TO UN-LED FORCE.*—The
4 first report submitted pursuant to subsection (a) shall speci-
5 fy the number of members of the United States Armed
6 Forces, if any, remaining in Somalia as part of the United
7 States-led force in Somalia.

8 (c) *AGREEMENTS WITH UNITED NATIONS.*—The Presi-
9 dent shall transmit promptly to the Congress a copy of any
10 memorandum of understanding or other written agreement
11 entered into by the United States with the United Nations
12 Security Council, the Secretary General of the United Na-
13 tions (or his Special Representative), or the United Nations
14 Force Commander in Somalia—

15 (1) regarding the participation of United States
16 Armed Forces in the United Nations-led force in So-
17 malia;

18 (2) regarding United States Armed Forces oper-
19 ating as a tactical quick reaction force in support of
20 that force or otherwise in support of that force; or

21 (3) otherwise regarding the availability to the
22 United Nations Security Council of United States
23 Armed Forces, assistance, or facilities to implement
24 Security Council Resolution 794 or 814.

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1 SEC. 8. REPORTS ON COSTS OF UNITED NATIONS-AUTHOR.

2 IZED OPERATIONS IN SOMALIA

3 (a) REQUIREMENT FOR PERIODIC REPORTS.—The
4 President shall submit to the Congress periodic reports re-
5 garding the costs of the United States-led force in Somalia
6 and the United Nations-led force in Somalia.

7 (b) INFORMATION ON COSTS AND OTHER CON-
8 TRIBUTIONS.—Each report pursuant to this section shall
9 specify (to the extent such information is available to the
10 United States)—

11 (1) the amount of the incremental costs incurred
12 by the United States as the result of its participation
13 in the United States-led force in Somalia or as the
14 result of its participation in or military operations
15 in support of the United Nations-led force in Soma-
16 lia;

17 (2) the amount of other in-kind or financial con-
18 tributions pledged, and the amount of such con-
19 tributions made, by each participating country to-
20 ward the costs associated with the United States-led
21 force in Somalia and the United Nations-led force in
22 Somalia, including contributions to the United Na-
23 tions Trust Fund for Somalia and excluding amounts
24 reported pursuant to paragraph (3);

25 (3) the amount assessed by the United Nations to
26 the United States and each other country for its con-

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1 tributions to the costs associated with the United Na-
2 tions-led force in Somalia;

3 (4) the amount received by the United States
4 and each other country as reimbursement from the
5 United Nations, including reimbursements from the
6 United Nations Trust Fund for Somalia, as the result
7 of its participation in the United States-led force in
8 Somalia; and

9 (5) the amount received by the United States
10 and each other country as credit against an assess-
11 ment described in paragraph (3) from the United Na-
12 tions for costs that it incurred as the result of its par-
13 ticipation in or military operations in support of the
14 United Nations-led force in Somalia.

15 (c) DESCRIPTION OF UNITED STATES EFFORTS TO
16 OBTAIN EQUITABLE COST SHARING.—Each such report
17 shall also review all actions taken by the United States to
18 have in-kind United States contributions to the United Na-
19 tions-led force in Somalia counted against the amount of
20 the United States assessed contributions to the United Na-
21 tions for peacekeeping or other military operations in So-
22 malia carried out pursuant to resolutions of the Security
23 Council.

1 (d) *REPORTING DATES AND PERIOD COVERED BY*
2 *EACH REPORT.*—A report pursuant to this section shall be
3 submitted—

4 (1) not later than 1 month after the date of en-
5 actment of this joint resolution, covering the period
6 ending on the last day of the penultimate month pre-
7 ceding the enactment of this joint resolution; and

8 (2) not later than 12 months and 24 months
9 after that date, covering the 12-month period fol-
10 lowing the period covered by the preceding report
11 pursuant to this section and also providing cumu-
12 lative information.

13 **SEC. 7. DEFINITIONS.**

14 *As used in this joint resolution—*

15 (1) the term "United Nations Force Commander
16 in Somalia" means the commander appointed by the
17 Secretary General of the United Nations to command
18 the United Nations-led force in Somalia;

19 (2) the term "United Nations-led force in Soma-
20 lia" means the expanded force (commonly referred to
21 as "UNOSOM II") authorized by paragraph 5 of
22 United Nations Security Council Resolution 814
23 (1993);

24 (3) the term "United Nations Trust Fund for So-
25 malia" means the trust fund established and main-

1 *tained pursuant to United Nations Security Council*
2 *Resolutions 794 and 814; and*
3 *(4) the term "United States-led force in Soma-*
4 *lia" means the force (commonly referred to as the*
5 *"Unified Task Force" or "UNITAF") authorized by*
6 *United Nations Security Council Resolution 794*
7 *(1992).*

 Amend the title of the joint resolution to read as fol-
lows: "*Joint Resolution to authorize the use of United*
States Armed Forces in Somalia to implement United Na-
tions Security Council Resolutions 794 (1992) and 814
(1993)."

103D CONGRESS
1ST SESSION

S. J. RES. _____

IN THE SENATE OF THE UNITED STATES

Mr. MITCHELL (for himself, Mr. DOLE, Mr. PELL and Mr. HELMS) introduced the following joint resolution: which was read twice and referred to the Committee on _____

JOINT RESOLUTION

Authorizing the use of United States Armed Forces in
Somalia.

Whereas an estimated 300,000 Somalis reportedly have died of hunger or as casualties of widespread violence since the fall of Siad Barre in January 1991;

Whereas international relief agencies had been unable to deliver adequate assistance to those most in need due to increasingly difficult and dangerous security conditions, including pervasive banditry and looting;

Whereas Congress has expressed its support for a greater United Nations role in addressing the political and humanitarian situation in Somalia through Senate Resolutions 258 and 132 and House of Representatives Resolution 370;

Whereas the United Nations Secretary General and United States officials had concluded that massive intervention in Somalia would be necessary to avert further starvation on this scale;

Whereas the United Nations Security Council on December 3, 1992, enacted Resolution 794, authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia";

Whereas President Bush began deploying United States armed forces on December 8, 1992, in response to United Nations Resolution 794;

Whereas more than 20,000 American servicemen and women are now in Somalia under Operation Restore Hope and have been joined by troops from many other nations;

Whereas President Bush has emphasized that United States Armed Forces will be withdrawn and that the security mission will be assumed by the United Nations' UNOSOM operation as soon as a "secure environment" for the delivery of food has been created; and

Whereas, on December 10, 1992, President Bush formally reported to Congress on the deployment of United States Armed Forces in Somalia: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This joint resolution may be cited as the "Authoriza-
5 tion for Use of United States Armed Forces in Somalia".

1 SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES
2 ARMED FORCES.

3 (a) AUTHORIZATION.—The President is authorized to
4 use United States Armed Forces pursuant to United Na-
5 tions Security Council Resolution 794 in order to imple-
6 ment the Resolution, which authorizes the use of "all nec-
7 essary means to establish as soon as possible a secure en-
8 vironment for humanitarian relief operations in Somalia".

9 (b) WAR POWERS RESOLUTION REQUIREMENTS.—
10 Consistent with section 8(a)(1) of the War Powers Resolu-
11 tion, the Congress declares that this section is intended
12 to constitute specific statutory authorization within the
13 meaning of section 5(b) of the War Powers Resolution.

14 SEC. 3. SENSE OF CONGRESS.

15 It is the sense of Congress that the President should
16 consult with the Secretary General of the United Nations
17 and with the other member countries of the United Na-
18 tions Security Council to ensure that peacekeeping forces
19 from other countries of the United Nations are deployed
20 to Somalia to maintain a secure environment and to allow
21 United States Armed Forces to be withdrawn from Soma-
22 lia at the earliest possible date.

(Draft response for James L. Woods to Hamilton letter of Dec 21)

Lee H. Hamilton
Chairman
Committee on Foreign Affairs
House of Representatives
Washington, DC

Dear Mr. Chairman:

This is in response to your letter of December 21, 1992, in which you inquired about the legal authorities under which U.S. troops were deployed to Somalia.

President Bush stated in his report of December 10, 1992, to the Congressional leadership (copy enclosed) that he took this action pursuant to his constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive, and in accordance with applicable treaties and laws. In this regard, President Bush further stated that he had taken into account the views expressed in H. Con. Res. 370, S. Con. Res. 132, and the Horn of Africa Recovery and Food Security Act, Public Law 102-274, on the urgent need for action in Somalia. Additionally, he emphasized the need for U.S. action as part of a multilateral response to the United Nations Security Council decision under Chapter VII of the United Nations Charter.

In regard to your question about the applicable sections of the War Powers Resolution (WPR), I would note that the reporting provisions of the WPR apply when U.S. Armed Forces are introduced: (1) into actual or imminent hostilities; (2) into foreign territory while equipped for combat (with various exceptions); or (3) in numbers which substantially enlarge U.S. combat-equipped forces already located in the foreign nation in question.

As is customary, the December 10 report stated that it was "consistent with the War Powers Resolution", but was not submitted under any particular section of the Resolution. The report did state that no organized resistance had been encountered and that there was no intent that U.S. Armed Forces would become involved in hostilities. The report noted, however, that these forces were equipped as might be needed to accomplish their mission and defend themselves. Prior to the introduction of these forces, no combat-equipped U.S. Armed Forces were located in Somalia.

I hope that this information is helpful to you.

Sincerely,

SELPM 3261

The religious freedom that James Madison and Thomas Jefferson helped to secure for us has been integral to the preservation and development of the United States. Over the years the exercise of our religious freedom has been instrumental in preserving the faith and the traditional values that are this Nation's greatest strengths. Moreover, the free exercise of religion goes hand in hand with the preservation of our other rights. As Thomas Jefferson noted, the first amendment "guard[s] in the same sentence, and under the same words, the freedom of religion, of speech, and of the press; insomuch as that whatever violates either throws down the sanctuary which covers the others." That sanctuary is the spirit of life, liberty, truth, and justice.

In that spirit, the United States has continued to champion religious liberty and tolerance around the world. We decry as reprehensible the persecution of ethnic and religious minorities, and we likewise condemn the resurgence of anti-Semitism and other forms of religious bigotry. The United States calls on all nations to respect the fundamental rights of individuals, in accordance with international human rights agreements and in recognition of the direct and inexorable relationship between freedom and justice and the achievement of lasting peace in the world.

The Congress, by House Joint Resolution 457, has designated January 16, 1993, as "Religious Freedom Day" and has requested the President to issue a proclamation in observance of this day.

Now, Therefore, I, George Bush, President of the United States of America, do hereby proclaim January 16, 1993, as Religious Freedom Day. I urge all Americans to observe this day with appropriate ceremonies and activities in their homes, schools, and places of worship as an expression of our gratitude for the blessings of liberty and as a sign of our resolve to protect and preserve them.

In Witness Whereof, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the

United States of America the two hundred and seventeenth.

George Bush

[Filed with the Office of the Federal Register, 4:53 p.m., December 9, 1992]

Note: This proclamation was published in the Federal Register on December 11.

Letter to Congressional Leaders on the Situation in Somalia

December 10, 1992

Dear Mr. Speaker: (Dear Mr. President:)

Beginning in January of this year with the adoption of U.N. Security Council Resolution 733, the United Nations has been actively addressing the humanitarian crisis in Somalia. The United States has been assisting the U.N. effort to deal with a human catastrophe. Over 300,000 Somalis have died of starvation. Five times that number remain at risk, beyond the reach of international relief efforts in large part because of the security situation. As a result, voluntary relief organizations from the United States and other countries have appealed for assistance from outside security forces.

On November 29, 1992, the Secretary General of the United Nations reported to the Security Council that the deteriorating security conditions in Somalia had severely disrupted international relief efforts and that an immediate military operation under U.N. authority was urgently required. On December 3, the Security Council adopted Resolution 794, which determined that the situation in Somalia constituted a threat to international peace and security, and, invoking Chapter VII of the U.N. Charter, authorized Member States to use all necessary means to establish a secure environment for humanitarian relief operations in Somalia. In my judgment, the deployment of U.S. Armed Forces under U.S. command to Somalia as part of this multilateral response to the Resolution is necessary to address a major humanitarian calamity, avert related threats to international peace and security, and protect the

safety of Americans and others engaged in relief operations.

In the evening, Eastern Standard Time, on December 8, 1992, U.S. Armed Forces entered Somalia to secure the airfield and port facility of Mogadishu. Other elements of the U.S. Armed Forces and the Armed Forces of other Members of the United Nations are being introduced into Somalia to achieve the objectives of U.N. Security Council Resolution 794. No organized resistance has been encountered to date.

U.S. Army Forces will remain in Somalia only as long as necessary to establish a secure environment for humanitarian relief operations and will then turn over the responsibility of maintaining this environment to a U.N. peacekeeping force assigned to Somalia. Over 15 nations have already offered to deploy troops. While it is not possible to estimate precisely how long the transfer of responsibility may take, we believe that prolonged operations will not be necessary.

We do not intend that U.S. Armed Forces deployed to Somalia become involved in hostilities. Nonetheless, these forces are equipped and ready to take such measures as may be needed to accomplish their humanitarian mission and defend themselves, if necessary; they also will have the support of any additional U.S. Armed Forces necessary to ensure their safety and the accomplishment of their mission.

I have taken these actions pursuant to my constitutional authority to conduct our foreign relations and as Commander in Chief and Chief Executive, and in accordance with applicable treaties and laws. In doing so, I have taken into account the views expressed in H. Con. Res. 370, S. Con. Res. 132, and the Horn of Africa Recovery and Food Security Act, Public Law 102-274, on the urgent need for action in Somalia.

I am providing this report in accordance with my desire that Congress be fully informed and consistent with the War Powers Resolution. I look forward to cooperating with Congress in the effort to relieve human

suffering and to restore peace and stability to the region.

Sincerely,

George Bush

Note: Identical letters were sent to Thomas S. Foley, Speaker of the House of Representatives, and Robert C. Byrd, President pro tempore of the Senate.

Letter to Congressional Leaders on the Determination Not To Prohibit Fish Imports From Colombia

December 10, 1992

Dear Mr. Speaker: (Dear Mr. President:)

Pursuant to section 8(b) of the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1978(b)), generally known as the Pelly Amendment, I am notifying you that on November 3, 1992, in accordance with section 101(a) of the Marine Mammal Protection Act (MMPA), the Secretary of Commerce certified to me that a denial of an affirmative finding and resulting embargo of yellowfin tuna and products derived from yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) by Colombian flag vessels has been in effect since April 27, 1992.

By the terms of the MMPA, such certification is deemed to be a certification for the purposes of the Pelly Amendment, which requires that I consider and, at my discretion, order the prohibition of imports into the United States of products from the identified country, to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade. The Pelly Amendment also requires that I report to the Congress any actions taken under this subsection and, if no import prohibitions have been ordered, the reasons for this action.

After thorough review, I have determined that additional sanctions against Colombia under the Pelly Amendment will not be imposed at this time while the Administration continues to implement an international dolphin conservation program in the ETP.

DANTE S. FARCELL, Florida
Chairman

LEE M. HAMILTON, Indiana
GUS YATRON, Pennsylvania
STEPHEN J. SCALISE, New York
HOWARD WOLFE, Minnesota
SAM GLADSTONE, Connecticut
MERVYN M. DYKALSKI, California
TOM LANTON, California
G. TORRICELLI, New Jersey
HOWARD L. BERMAN, California
MR. LIVER, California
EDWARD F. BROWNE, Ohio
TED WIEBE, New York
GARY L. ACKERMAN, New York
WAYNE OWENS, Utah
JOHNSTON, Florida
ELIOT L. ENGEL, New York
DR. F.M. FALGOUTAKIS, American Samoa
ANTHONY J. COLOMBO, Puerto Rico
E. STODOL, Massachusetts
JAMES J. MURPHY, Pennsylvania
H. EOSTBAYER, Pennsylvania
THOMAS M. ROULETTA, Pennsylvania
FRANK McCLOSKEY, Illinois
C. SAWYER, Ohio
D. M. PAYNE, New Jersey
MR. FENTON, Illinois
(NAMES)

JOHN J. BRADY, Jr.
Chief of Staff

One Hundred Second Congress
Congress of the United States
Committee on Foreign Affairs
House of Representatives
Washington, DC 20515

WILLIAM E. BROOKFIELD, Oklahoma
Ranking Member

BENJAMIN A. CLARK, New York
ROBERT J. LACOMBARINO, California
WILLIAM F. RODOLINI, Pennsylvania
JIM LEACH, Iowa
TOM ROTH, Washington
OLYMPIA J. SNOWE, Maine
HENRY J. HYDE, Alaska
DOUG BERSHETER, Nebraska
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DAN BURTON, Indiana
JAN MYERS, Kansas
JOHN MILLER, Washington
SEN BLAZ, Guam
ELTON CALLEGLEY, California
AND HOLCHERT, New York
PORTER J. GOSC, Florida
KELANA ROS-LENTHEK, Florida

JOHN R. DONLAP
Staff Secretary

December 21, 1992

James L. Woods *(X)* rec'd 6 Jan 93
Deputy Assistant Secretary for African Affairs
Bureau of International Security Affairs
Department of Defense
The Pentagon

Dear Mr. Woods:

I wanted to follow up on your testimony before the Committee on Foreign Affairs last week.

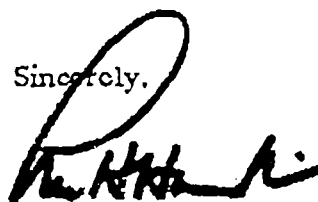
During the hearing, I questioned you about the legal authority under which U.S. troops were deployed to Somalia earlier this month. You referred in your answer to a December 8, 1992 memorandum entitled, "Somalia Contingency Operation," signed by Deputy Secretary of Defense Atwood. Mr. Atwood's memorandum cites Section 101(a)(13) of Title X of the United States Code, which merely provides a definition for a military contingency operation.

I would like to know precisely under what legal authorities, applicable treaties, or other agreements U.S. troops were deployed to Somalia. I would also like to know the specific sections of the War Powers Resolution under which the President's report of December 10 was submitted.

I appreciate your consideration of this letter and look forward to an early reply.

With best regards,

Sincerely,



Lee H. Hamilton
Chairman
Subcommittee on Europe
and the Middle East

cc. The Hon. Herman Cohen

hlf
Fornell
Wll

AK

Dear Mr. Gilman:

I am responding to your letter of July 30 to Secretary Christopher, in which you inquired further concerning the application of the War Powers Resolution to Somalia.

You asked whether our conclusion that section 5(b) of the Resolution does not apply to the U.S. military presence in Somalia is affected by the fact that section 5(b) refers not only to actual hostilities but also to "situations where imminent involvement in hostilities is clearly indicated by the circumstances." Our answer is that this does not affect our conclusion. There has not, in our view, been a "clear indication" of "imminent involvement" of our forces in sustained hostilities throughout a 60-day period. The involvement of our forces in incidents involving violence in Somalia has not been sustained, but rather isolated and intermittent. This view of section 5(b) is, of course, the same as that held by previous administrations.

Once again, I hope we have provided a useful response. Please communicate with me again if I can be of further assistance.

Sincerely,

Wendy R. Sherman
Assistant Secretary
Legislative Affairs

The Honorable
Benjamin A. Gilman,
Committee on Foreign Affairs,
House of Representatives.

Office of the Legal Adviser

FACSIMILE TRANSMISSION COVER SHEET

Transmission Date: 9/29/93 Pages Transmitted: 2

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Name: Neal Wolin
 Organization: NSC
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 Tele/Ext:
 Description:

TRANSMITTED FROM: Fax No. ~~647-1037~~ 736-7620

Name: Chuck Allen
 Organization: Office of the Legal Adviser (L/PM)
 Bldg, Room: Main State
Room
Washington, DC 20520
 Tele/Ext: 647-.....

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COMMENTS:

Neal -
 Here is our latest draft response to Gilman. Mike Matheson wanted me to get it to you, perhaps for discussion purposes at today's meeting.

Ltr Somalia

WRR

September 22, 1993

TO: DOD - Mr. McNeill
DOJ - Mr. Koffsky
NSC - Mr. Wolin
JCS - Col. Terry

FROM: L/PM - Chuck Allen

SUBJECT: Gilman Letter on Somalia and War Powers

Your comments/clearance would be appreciated on the attached draft response to the Gilman letter (also attached) on Somalia and War Powers. After we responded to the joint Helms/Gilman letter in July, Mr. Gilman wrote back with follow-up questions.

We request your clearance/comments by close of business Thursday, September 23, if at all possible. (Phone (202) 647-7838; fax (202) 736-7620.)

Thanks.

SELPM 3944

Dear Mr. Gilman:

I am responding to your letter of July 30 to Secretary Christopher, in which you posed further questions concerning the application of the War Powers Resolution to Somalia.

*unintentionally
+ same as
imminent
purpose.
continuous*

First, you asked whether our conclusion that section 5(b) of the Resolution does not apply to the U.S. military presence in Somalia is affected by the fact that section 5(b) refers not only to actual hostilities but also to "situations where imminent involvement in hostilities is clearly indicated by the circumstances." Our answer is that this does not affect our conclusion. There has not, in our view, been a "clear indication" of "imminent involvement" of our forces in sustained hostilities throughout a sixty-day period. The involvement of our forces in hostile incidents has not been sustained, but rather episodic, intermittent and unpredictable.

This view of section 5(b) is, of course, the same as that held by the Reagan Administration during the intermittent involvement of U.S. naval forces in hostile incidents in the Persian Gulf during the Iran-Iraq war. During this period, hostile exchanges with Iranian forces were never unlikely and did, in fact, occur intermittently. The Reagan Administration apparently concluded that such exchanges did not constitute a "clear indication" of the "imminent involvement" of our forces in sustained hostilities throughout a 60-day period.

Second, you asked whether section 5(b) would apply to involvement in "hostilities" against bandits, warlords, or other forces not controlled by a sovereign state. It is, in fact, unclear to what extent armed encounters with such irregular groups or individuals would constitute "hostilities" for the purposes of the War Powers Resolution. For example, the Reagan Administration apparently took the position that operations against terrorist groups are not covered by the Resolution where no confrontation with the forces of another state is expected. In the case of Somalia it is not necessary to decide that question, since there has not in any event been sustained involvement in armed encounters with such groups throughout a 60-day period.

The Honorable
Benjamin A. Gilman,
Committee on Foreign Affairs,
House of Representatives.

- 2 -

Once again, I hope we have provided a useful response to your questions. Please communicate with me again if I can be of further assistance.

Sincerely,

Wendy R. Sherman
Assistant Secretary
Legislative Affairs

One Hundred Third Congress
Congress of the United States
Committee on Foreign Affairs
House of Representatives
Washington, DC 20515

July 30, 1993

The Honorable Warren M. Christopher
Secretary of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

I am writing in response to Assistant Secretary Sherman's letter to me of July 21, 1993, answering some questions I had posed to you on June 15 about the application of the War Powers Resolution to Somalia.

I understand from her letter that the Administration's legal rationale for concluding that section 5(b) of the War Powers Resolution does not apply to the U.S. military presence in Somalia is that the combat since June 5 has consisted of "intermittent military engagements" rather than "sustained military action." Irrespective of whether these intermittent military engagements constitute "hostilities" within the meaning of the War Powers Resolution, her letter seems to suggest, they have not lasted more than 60 days and therefore are outside the scope of section 5(b).

I note, however, that the provisions of section 5(b) are triggered not only when U.S. Armed Forces are deployed into "hostilities" for 60 days, but also when they are deployed into "situations where imminent involvement in hostilities is clearly indicated by the circumstances" for 60 days. Thus, the fact that actual military engagements may be "intermittent" is not determinative under section 5(b) if, during the intervals between the engagements, it remains the case that "imminent involvement in hostilities is clearly indicated by the circumstances."

In this connection, I asked Assistant Secretary George Moose at a hearing of our Subcommittee on Africa on July 29 whether in his opinion the U.S. forces in Somalia are likely to be involved in fighting in the near future. He responded that it is likely that they will be involved in fighting. I fail to understand how Somalia could not be a situation "where imminent involvement in hostilities is clearly indicated by the circumstances" if, in the judgment of the State Department's senior Africa official, the U.S. forces there are likely to be involved in fighting in the near future.

Do you disagree with Assistant Secretary Moose's assessment that, at least on July 29, U.S. forces in Somalia were likely to be involved in fighting in the near future? Has there been any point between June 5 and the date of your response when U.S. forces in Somalia were not likely to be engaged in fighting in the near future? If you cannot specify dates on which the 60-day clock of section 5(b) was interrupted, please explain why section 5(b) does not require that U.S. forces be withdrawn from Somalia by August 4.

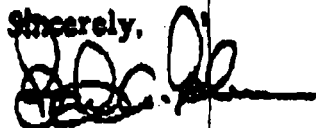
SEP 22 93 3:52 NO.002 P.05
202 887 2702:W 3

Assistant Secretary Sherman's letter made some additional points about the War Powers Resolution, but I did not understand them to be relevant to the legal analysis. For instance, she observed that our actions in Somalia have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. I am not aware of any exceptions to the War Powers Resolution for actions at the behest of the United Nations, or for involvement in hostilities against bandits, warlords, or other forces not controlled by a sovereign state. Please correct me if I am in error.

Likewise, Assistant Secretary Sherman referred to the resolutions passed by the House and the Senate that would have provided statutory authority under the War Powers Resolution for the Administration to continue the deployment of U.S. forces to Somalia. Neither resolution, of course, has been approved by both houses of Congress and signed into law by the President. Accordingly, I do not understand the Administration to claim that it has "specific statutory authorization" within the meaning of section 8(a)(1) of the War Powers Resolution on the basis of these resolutions. Again, I invite you to correct me if I have misunderstood Secretary Sherman's letter.

I look forward to your response to my questions.

Sincerely,



BENJAMIN A. GILMAN
Ranking Minority Member

BAG:ar

Washington, D.C. 20520

JUL 21 1993



Dear Senator Helms:

Thank you for your letter of June 15 (signed also by Congressman Gilman) to the Secretary regarding the War Powers Resolution and Somalia. I am pleased to respond on behalf of the Secretary.

You have raised several specific questions regarding whether U.S. Armed Forces in Somalia have been involved in "hostilities" since June for purposes of the War Powers Resolution. These questions all relate to the deployment that was the subject of a June 10 report to Congress by the President, and which was the subject of a supplemental report by the President on July 1. Your questions were raised in the context of section 5(b) of the War Powers Resolution, which provides that, absent Congressional action, the use of U.S. forces is to be terminated within 60 or 90 days after those forces have been introduced into hostilities or into situations where hostilities are clearly indicated by the circumstances.

In our view, no issue is presented of compliance with section 5(b) of the War Powers Resolution (regardless as to whether it is constitutional). We note at the outset that no previous Administration has considered that intermittent military engagements involving U.S. forces overseas, whether or not constituting "hostilities," would necessitate the withdrawal of such forces pursuant to section 5(b) of the Resolution. The War Powers Resolution provision on withdrawal sixty days after forces are introduced into hostilities (with certain exceptions) was intended to apply to sustained hostilities so as to ensure that the collective judgment of both Congress and the President would be applied to decisions about whether to go to war.

This is not the situation we face in Somalia. As summarized in the President's report of July 1, the significant involvement of the U.S. Quick Reaction Force in the United Nations operation against Aideed's forces and compound has not involved sustained military action. These activities have been

The Honorable
Jesse Helms,
Committee on Foreign Relations,
United States Senate.

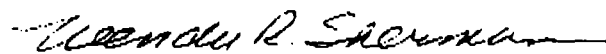
- 2 -

directed at those responsible for the murder or wounding of peacekeepers, as well as other criminal activity. While significant military force was used, our actions have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. Moreover, as you know from the President's reports, U.S. Armed Forces have made important contributions to the United Nations-led military action in support of U.N. peacekeeping efforts in Somalia.

Finally, both the House and Senate have voted in favor of bills that would provide express statutory authority to participate in peacekeeping efforts in Somalia (including authority for purposes of the War Powers Resolution). As we have stated before, although we do not believe that specific statutory authority is necessary, the Administration welcomes such Congressional support for U.S. activities in Somalia.

I hope this is useful to you. We look forward to further discussions with you on this important issue. Please feel free to communicate with me if I can be of further assistance.

Sincerely,



Wendy R. Sherman
Assistant Secretary
Legislative Affairs

L/PM:ECummings:lg
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Clearances: L -- MMatheson
PM -- NRasmussen
H -- MChapman
IO -- LWeintraub
T -- JBarker
P -- EBrimmer
DOD -- ADyson
NSC -- AKreczko
JCS -- JTerry
DOJ -- DKoffsky