

Ronald Reagan Presidential Library

Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Matlock, Jack F.: Files
Folder Title: KAL (Korean Airlines) (3)
Box: 28

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name MATLOCK, JACK: FILES

Withdrawer

JET 5/11/2005

File Folder KAL (3/3)

FOIA

F06-114/8

Box Number 28

YARHI-MILO

2814

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
10221	MEMO	PROPOSED NSDD U.S. RESPONSE TO SOVIET DESTRUCTION OF KAL AIRLINERS <i>R 3/16/2011 F2006-114/8</i>	4	ND	B1
10222	MEMO	SAME TEXT AS DOC #10221 <i>R 3/16/2011 F2006-114/8</i>	4	ND	B1
10225	PAPER	PROPOSED NSDD U.S. RESPONSE TO SOVIET DOWNING OF KAL AIRLINERS <i>R 9/30/2008 F06-114/8</i>	5	ND	B1
10226	PAPER	PROPOSED MEASURES AGAINST THE USSR <i>R 9/30/2008 F06-114/8</i>	5	ND	B1
10227	PAPER	INITIATIVES IN INTERNATIONAL ORGANIZATIONS <i>R 9/30/2008 F06-114/8</i>	2	ND	B1
10228	PAPER	TALKING POINTS FOR PRESIDENT'S USE WITH MEMBERS OF CONGRESS <i>R 9/30/2008 F06-114/8</i>	3	ND	B1
10230	PAPER	OPTIONS FOR CONGRESSIONAL APPROVAL OF CONTINUED PRESENCE OF U.S. FORCES IN LEBANON <i>R 9/30/2008 F06-114/8</i>	3	ND	B1

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]

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

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name MATLOCK, JACK: FILES

Withdrawer

JET 5/11/2005

File Folder KAL (3/3)

FOIA

F06-114/8

Box Number 28

YARHI-MILO

2814

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
10231	MEMO	SHULTZ TO PRESIDENT REAGAN RE RESPONSE TO SOVIET DOWNING OF KAL AIRLINER <i>R 9/30/2008 F06-114/8</i>	4	ND	B1
10223	MEMO	FORTIER TO CLARK RE KAL: THE FORGOTTEN ELEMENTS <i>PAR 3/16/2011 F2006-114/8</i>	4	9/28/1983	B3
10224	MEMO	CLARK TO PRESIDENT REAGAN RE STATE DEPARTMENT MEMORANDUM ON KAL FOLLOW-ON STRATEGY <i>R 9/30/2008 F06-114/8</i>	1	ND	B1
10232	MEMO	SHULTZ TO PRESIDENT REAGAN RE KAL: MANAGING THE NEXT PHASE <i>R 9/30/2008 F06-114/8</i> DOCUMENT PENDING REVIEW IN ACCORDANCE WITH E.O. 13233	4	9/27/1983	B1

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]

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

THE WHITE HOUSE

Office of the Press Secretary

FOR RELEASE AT 8:00 P.M. EDT
MONDAY, SEPTEMBER 5, 1983

FACT SHEET

The President's Address to the Nation

For the United States, the issue is one of preserving the standards of a civilized international community against this act of violence. In cooperation with other nations, the U. S. has asked the USSR for a full account of what happened, participation in the search operation, assurances that the USSR will not use destructive force against unarmed aircraft in the future, and compensation for the victims of this tragedy.

In order to realize these objectives, the United States has taken or will take specific actions in the areas of international diplomacy, aviation security and safety, and bilateral relations.

DIPLOMATIC EFFORTS

In cooperation with other nations, the U.S. will continue to press for a full account of what happened, an apology, an admission of responsibility, and appropriate punishments to those responsible.

Secretary Shultz will raise this issue as a matter of urgent concern during his scheduled meeting with Soviet Foreign Minister Gromyko in Madrid on September 8.

As part of our continuing consultations, Assistant Secretary of State Richard Burt met today with a group of ambassadors representing our allies and friends. We have kept them informed of the facts related to the incident and conducted discussions aimed at achieving common action.

The U. S. and Japan have requested the Soviets to grant immediate access into their territorial waters to extend the search effort, but the USSR has not yet agreed. We will continue to press the Soviet Union for immediate access to any wreckage or bodies recovered.

The U.S. along with South Korea and Japan called an emergency meeting of the United Nations Security Council. Ambassador Kirkpatrick will make public during tomorrow's session the full tape of the Soviet pilots' discussions as they downed the Korean airliner.

BILATERAL ACTIONS

We have informed the Soviets that we are suspending negotiations on several bilateral arrangements that we had under consideration. Future progress on these arrangements will certainly be affected by this incident.

We have notified the Soviets that we will not renew our bilateral agreement for cooperation in the field of transportation. This agreement, first signed in June 1973, was renewed in 1978 and again in 1980. The agreement was renewed for 18 months in June of this year. We have now informed the Soviets that we are cancelling the renewal.

AVIATION SAFETY AND SECURITY

The U.S. is conducting intensive discussions on measures to secure coordinated international action that will address the urgent issue of civil aviation safety. We have joined with

other countries to request the International Civil Aviation Organization to investigate this Soviet action at a special session of the Council.

The U. S. has reaffirmed its previous order denying the Soviet airline, Aeroflot, the right to fly to the United States. We originally announced the suspension of all Aeroflot's scheduled flights in December 1981 as one of the sanctions imposed after the declaration of martial law in Poland.

The U.S. will work with other members of the international community in implementing measures that will further inhibit the operations of Aeroflot. We will also work to suspend non-safety related discussions between Aeroflot and other national civil aviation bodies.

The U. S. will support appropriate measures by international non-governmental groups in their efforts to isolate Soviet aviation. Various labor organizations are already considering ways to restrict support for Aeroflot flights, such as ground operations and services.

The U. S. will be presenting an omnibus claim on behalf of U. S. nationals who lost their lives and any other U. S. property interest involved. This claim would be filed through diplomatic channels.

We will continue our internal activities and our consultations with the international community as further facts are obtained concerning the shootdown and as we evaluate the Soviet response. Other measures may be considered as a result of these ongoing activities and consultations.

#

persltr - 1	Watson - Personal Stationery
persltr - 2	Byrnes - official NSC "
persltr - 3	Mastny - " "
persltr - 4	Bill Ward - Personal Stationery
persltr - 5	Grace - official NSC stationery (small)
persltr - 6	Buckley - official NSC (small)
persltr - 7	Paul Simon - " " "
persltr - 8	Stevenson
- 9	Perry
- 10	Lehman
- 11	Harrison
- 12	

L. misbury 797-0284

Wants to speak -

c/o Jamison -

SECRET/SENSITIVE

Proposed National Security Decision
Directive Number

U.S. RESPONSE TO SOVIET DESTRUCTION OF KAL AIRLINER

INTRODUCTION

This NSDD defines the measures the United States will undertake to respond to the heinous act of the Soviet Union in shooting down a Korean Airlines civil airliner, an act that resulted in the loss of 269 lives. This action demands a serious U.S. and international response, with primary focus on action by the world community. This Soviet attack underscores once again the refusal of the USSR to abide by normal standards of civilized behavior and thus confirms the basis of our existing policy of realism and strength.

OBJECTIVES

- o Seek Justice. We must consult with, and help to lead, the international community in calling for justice. Civilized societies demand punishment and restitution to deter, and raise the costs, of future egregious acts. We have a responsibility to impress upon the world that the Soviets, at a minimum, owe the international community:
 - A full account of what happened, an apology, an admission of responsibility, and appropriate punishments to those responsible.
 - Immediate access to the crash site for joint efforts by Korea, Japan and the United States to recover the bodies of their citizens and, if possible, the wreckage of the Korean airliner.
 - Firm assurances that the USSR will not use destructive force against unarmed civilian aircraft in the future, including necessary alterations in Soviet procedures for handling cases in which airliners mistakenly cross its airspace.
 - Agreement to provide compensation for the benefit of the aggrieved families and KAL.
- o Demonstrate Resistance to Intimidation. Bolster the confidence of our Asian friends, and others, and demonstrate that Soviet intimidation will not achieve its intended end of discouraging our friends from cooperating with us,

DECLASSIFIED

SECRET/SENSITIVE

NLRR F06-114/8 #10221
BY RW NARA DATE 3/16/11

5

particularly on mutual security concerns.

- o Advance Understanding of the Contrast Between Soviet Words and Deeds. Soviet brutality in this incident presents an opportunity to reverse the false moral and political "peacemaker" perception that their regime has been cultivating. This image has complicated the efforts of the Free World to illuminate the USSR's true objectives.

ACTION

In order to realize the objectives above, the United States will take the following bilateral and multilateral actions in the areas of diplomacy, aviation security and safety, and regional confidence building:

- o Diplomacy and Justice. The following steps should be continued or undertaken immediately to mobilize the international community:
 - Conduct immediate and intensive internal efforts to secure coordinated international action.
 - Seek maximum condemnation of the Soviet Union in the U.N. Security Council and provide wide dissemination of statements made in these sessions.
 - Announce that the US-Soviet Transportation Agreement will not be renewed and suspend all discussion on the issue of consulates in Kiev and New York and on a new exchanges agreement.
 - Continue to conduct a search in international waters, in consultation with Japan and Korea, for the wreckage of the aircraft. Assure the government of Korea that we will vigorously support their request to conduct, participate in, or observe salvage operations. Indicate our clear willingness and desire to assist the government of Korea in recovering the bodies and flight recorder as appropriate and in accord with international law.
 - Initiate a major public diplomatic effort to keep international and domestic attention focused on the Soviet action and the objectives outlined above.
- o Aviation Safety and Security. The United States will work with--and help to lead--other members of the international community in formulating and implementing measures that will adversely affect the operation of the Soviet national airline, Aeroflot. The United States will also focus immediate attention on measures to enhance airline safety and security, while vigorously pursuing recovery efforts and the issue of reparations. Accordingly, we will:

~~SECRET/SENSITIVE~~

- Seek international governmental support for punitive actions in the civil aviation area for a period to be determined, with duration dependent upon the extent to which the Soviets demonstrate a willingness to honor essential standards of aviation safety. If the Soviets fail to provide concrete reasons to show that they are truly willing to observe such standards, we will consult with other nations about renewing the measures.
- Specifically seek immediate agreement by as many countries as possible to stop Aeroflot flights into their countries, to cancel interline ticketing arrangements and to take other possible measures to inhibit Aeroflot operations. We should especially seek Canada's and Japan's support for these and other possible sanctions against Aeroflot. We will avoid any actions that could affect the safety of international civilian aviation.
- Support appropriate measures against Aeroflot by US and international non-government groups, consistent with US law and policies, in their efforts to isolate Soviet aviation. Consult with other governments to further this objective.
- Work to suspend non-safety related discussions between the USSR and other national civil aviation bodies.
- Work to achieve a meaningful censure of the Soviet Union at a special meeting of ICAO Council, with reinforcing measures at ICAO to be pursued.
- Develop an omnibus U.S. claim against the Soviet Union for compensation for the loss of life and property. Offer to present to the USSR similar claims on behalf of the Korean victims. Also coordinate claims with the governments of other countries with citizens on the aircraft to dramatize the USSR's responsibility for its actions.
- Reaffirm the existing US sanctions against Aeroflot which predate the Soviet attack on KAL.

o Regional.

- Recognize that this act occurs in a theater where the Soviets have increasingly sought to intimidate our friends and discourage them from expanding their security cooperation with the United States.
- Consult actively with our Asian friends to develop measures we can take to further bolster their confidence. Provide tangible signals to the Soviets through this allied cooperation that the USSR's campaign of

SECRET/SENSITIVE

7

intimidation will only accelerate, not retard, our support for friends.

- Actions taken to advance this objective need not be directly linked to the aircraft tragedy, but should stand as a quiet, independent signal to the Soviets of our resolve to resist their intimidation.

IMPLEMENTATION

The Secretary of State, in concert with the Secretary of Defense, The Secretary of the Treasury, the Director of Central Intelligence, the Secretary of Transportation, the Chairman of the JCS and the Administrator of the FAA will develop a coordinated action plan to implement the provisions of this directive. This plan should include a legislative, public affairs and diplomatic strategy and be forwarded to the Assistant to the President for National Security Affairs by 12:00 noon on Wednesday, September 7, 1983.

~~SECRET/SENSITIVE~~

~~SECRET/SENSITIVE~~

THE WHITE HOUSE

WASHINGTON

Proposed National Security Decision
Directive Number

U.S. RESPONSE TO SOVIET DESTRUCTION OF KAL AIRLINER

INTRODUCTION

This NSDD defines the measures the United States will undertake to respond to the heinous act of the Soviet Union in shooting down a Korean Airlines civil airliner, an act that resulted in the loss of 269 lives. This action demands a serious U.S. and international response, with primary focus on action by the world community. This Soviet attack underscores once again the refusal of the USSR to abide by normal standards of civilized behavior and thus confirms the basis of our existing policy of realism and strength.

OBJECTIVES

- o Seek Justice. We must consult with, and help to lead, the international community in calling for justice. Civilized societies demand punishment and restitution to deter, and raise the costs, of future egregious acts. We have a responsibility to impress upon the world that the Soviets, at a minimum, owe the international community:
 - A full account of what happened, an apology, an admission of responsibility, and appropriate punishments to those responsible.
 - Immediate access to the crash site for joint efforts by Korea, Japan and the United States to recover the bodies of their citizens and, if possible, the wreckage of the Korean airliner.
 - Firm assurances that the USSR will not use destructive force against unarmed civilian aircraft in the future, including necessary alterations in Soviet procedures for handling cases in which airliners mistakenly cross its airspace.
 - Agreement to provide compensation for the benefit of the aggrieved families and KAL.
- o Demonstrate Resistance to Intimidation. Bolster the confidence of our Asian friends, and others, and demonstrate that Soviet intimidation will not achieve its intended end of discouraging our friends from cooperating with us,

~~SECRET/SENSITIVE~~

DECLASSIFIED

BY RUS
NLRB FD-1148 #10822
NARA DATE 3/14/11

particularly on mutual security concerns.

- o Advance Understanding of the Contrast Between Soviet Words and Deeds. Soviet brutality in this incident presents an opportunity to reverse the false moral and political "peacemaker" perception that their regime has been cultivating. This image has complicated the efforts of the Free World to illuminate the USSR's true objectives.

ACTION

In order to realize the objectives above, the United States will take the following bilateral and multilateral actions in the areas of diplomacy, aviation security and safety, and regional confidence building:

- o Diplomacy and Justice. The following steps should be continued or undertaken immediately to mobilize the international community:
 - Conduct immediate and intensive internal efforts to secure coordinated international action.
 - Seek maximum condemnation of the Soviet Union in the U.N. Security Council and provide wide dissemination of statements made in these sessions.
 - Announce that the US-Soviet Transportation Agreement will not be renewed and suspend all discussion on the issue of consulates in Kiev and New York and on a new exchanges agreement.
 - Continue to conduct a search in international waters, in consultation with Japan and Korea, for the wreckage of the aircraft. Assure the government of Korea that we will vigorously support their request to conduct, participate in, or observe salvage operations. Indicate our clear willingness and desire to assist the government of Korea in recovering the bodies and flight recorder as appropriate and in accord with international law.
 - Initiate a major public diplomatic effort to keep international and domestic attention focused on the Soviet action and the objectives outlined above.
- o Aviation Safety and Security. The United States will work with--and help to lead--other members of the international community in formulating and implementing measures that will adversely affect the operation of the Soviet national airline, - Aeroflot. The United States will also focus immediate attention on measures to enhance airline safety and security, while vigorously pursuing recovery efforts and the issue of reparations. Accordingly, we will:

~~SECRET/SENSITIVE~~

- 10
- Seek international governmental support for punitive actions in the civil aviation area for a period to be determined, with duration dependent upon the extent to which the Soviets demonstrate a willingness to honor essential standards of aviation safety. If the Soviets fail to provide concrete reasons to show that they are truly willing to observe such standards, we will consult with other nations about renewing the measures.
 - Specifically seek immediate agreement by as many countries as possible to stop Aeroflot flights into their countries, to cancel interline ticketing arrangements and to take other possible measures to inhibit Aeroflot operations. We should especially seek Canada's and Japan's support for these and other possible sanctions against Aeroflot. We will, avoid any actions that could affect the safety of international civilian aviation.
 - Support appropriate measures against Aeroflot by US and international non - government groups, consistent with US law and policies, in their efforts to isolate Soviet aviation. Consult with other governments to further this objective.
 - Work to suspend non-safety related discussions between the USSR and other national civil aviation bodies.
 - Work to achieve a meaningful censure of the Soviet Union at a special meeting of ICAO Council, with reinforcing measures at ICAO to be pursued.
 - Develop an omnibus U.S. claim against the Soviet Union for compensation for the loss of life and property. Offer to present to the USSR similar claims on behalf of the Korean victims. Also coordinate claims with the governments of other countries with citizens on the aircraft to dramatize the USSR's responsibility for its actions.
 - Reaffirm the existing US sanctions against Aeroflot which predate the Soviet attack on KAL.

o Regional.

- Recognize that this act occurs in a theater where the Soviets have increasingly sought to intimidate our friends and discourage them from expanding security cooperation with the United States.
- Continue to consult actively with our Asian friends to develop measures we can take to further bolster their confidence. Provide tangible signals to the Soviets through this allied cooperation that the USSR's campaign

~~SECRET/SENSITIVE~~

11
of intimidation will only accelerate, not retard, our support for friends.

- Actions taken to advance this objective need not be directly linked to the aircraft tragedy, but should stand as a quiet, independent signal to the Soviets of our resolve to resist their intimidation.

IMPLEMENTATION

The Secretary of State, in concert with the Secretary of Defense, The Secretary of the Treasury, the Director of Central Intelligence, the Secretary of Transportation, the Chairman of the JCS and the Administrator of the FAA will develop a coordinated action plan to implement the provisions of this directive. This plan should include a legislative, public affairs and diplomatic strategy and be forwarded to the Assistant to the President for National Security Affairs by 12:00 noon on Wednesday, September 7, 1983.

Saturday, Sept -

10:00 Mtg EHA State
10:15 Meeting Clark's office -

Hawes
6321626

MEMORANDUM

THE WHITE HOUSE

WASHINGTON



United States Department of State

Washington, D.C. 20520

EUR- [signature]

~~SECRET/SENSITIVE~~

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

SUBJECT: DRAFT NSDD ON SOVIET DOWNING OF KAL AIRLINER

Attached is a draft NSDD on our overall approach and specific measures to be pursued in response to the Soviet shootdown of the South Korean airliner. It follows the discussions last evening at the NSC meeting on this subject.

Charles M. Hill
Executive Secretary

Attachments: Draft NSDD

DECLASSIFIED

Department of State Guidelines, July 21, 1997

By *cos*

NARA

7/30/02

~~SECRET/SENSITIVE~~

DECL: OADP

~~SECRET/SENSITIVE~~

14

Proposed National Security Decision
Directive Number _____

U.S. RESPONSE TO SOVIET DOWNING OF KAL AIRLINER

In addition to providing all possible assistance to the families of the victims of the Soviet shootdown of the KAL airliner, we must use this terrible tragedy to reinforce our policy of strength and purpose toward the Soviet Union. We must punish the Soviets for their barbaric action and use it to point up the differences between our two systems. There should be no suggestion that the incident comes as a big surprise to U.S. policymakers since it only portrays what we have long known about the Soviet system, but we should ensure that others at home and abroad understand this point.

The basic U.S. approach toward the Soviets as set forward in NSDD ~~75~~ will continue in force. The shooting down of this plane will, however, add an additional strong negative element to the relationship and we must press them very hard on the issue. Our response to this action will focus on international condemnation of the Soviets and civil aviation matters. This allows us to focus on the areas in which the Soviets can be hurt most for downing the airplane.

The measures for which we will seek broad international support would be put into effect for a 60-90 day period or until the Soviets provide us a satisfactory response. If they fail to provide such a response, we will consult with other governments about renewing the measures. In deciding what would constitute a satisfactory response, we need to discuss with other governments what demands they are making of the Soviets. Throughout, we will keep in mind that there are very few steps the United States can take alone as we already have cancelled Aeroflot rights here.

In fact, the kind of criteria for a satisfactory response include the demands already made by the South Koreans in the UN Security Council: the Soviets should provide a full account of what happened, apologize, punish those directly responsible, guarantee unimpeded access to the crash site, offer full compensation, and provide credible guarantees against a

~~SECRET/SENSITIVE~~
DECL: OADR

DECLASSIFIED

NLRR FOG-114/8# 10225
BY WET NARA DATE 9/30/08

15

~~SECRET/SENSITIVE~~

- 2 -

recurrence of violence against civil airliners. We must not publicly define our standards now, however. We do not want to lock ourselves into a position, either with regard to the standards or to specific measures, that could lead the international community to perceive--as was the case with the Olympic boycott--that the U.S. has failed to obtain broad support for its approach.

A critical element in our strategy will be to show that it is the Soviets against the civilized world on this issue. Their attack on a civilian airliner directly undermines the safety of citizens of all nations who travel the world's airways. The Soviets will attempt to turn it into a U.S.-Soviet issue to improve their propaganda position; it will be important to emphasize that the Soviets broke the norms of international society and it is primarily an issue between the Soviets and the rest of the world.

Internally, we should capitalize on the revulsion to the Soviet action to strengthen support for the Administration's worldwide strategy. It should be effectively used to build support for the rearmament program, especially the MX, our strategy on INF deployments, our arms control negotiating posture, and our policies in Central America and Lebanon.

Mobilizing An Effective International Response.

The following steps should be continued or undertaken immediately to mobilize the international community:

--Conduct intensive discussions with our European and Asian allies and friends on coordinated specific responses and developing further efforts to pressure the Soviets and mobilize international opinion;

--Seek maximum condemnation of the Soviet Union in the Security Council for this act, mobilizing as many speakers as possible, and providing wide dissemination of statements made in the meetings.

--Press the Soviets hard in public and private to provide an adequate accounting for the shootdown. Secretary Shultz should make the importance we attach to this dastardly deed absolutely clear to Foreign Minister Gromyko during his meeting in Madrid and demand an explanation. As recommended by

~~SECRET/SENSITIVE~~

Secretary Shultz, we should not renew the Transportation Agreement nor revive discussions on the Consulates in Kiev and New York or a new exchanges agreement at this time.

--We should continue to conduct a search in international waters, in consultation with Japan and South Korea, for the submerged wreckage of the aircraft and should salvage the bodies and flight recorders if possible. If the aircraft is in Soviet waters, we should seek Soviet permission to conduct a salvage or, failing that, at least permission to participate in or observe Soviet salvage efforts. If we receive indications that the Soviets are beginning to recover the aircraft and/or bodies and are not cooperating in providing us immediate access, we will take more serious steps.

--A memorial service for the American victims of the shootdown should be held in the next few days. I will attend the service. Congressional interest will be high because of the death of Congressman MacDonald in the plane, but we will want to ensure that the families, relatives, and friends of American victims are contacted and involved.

--Our public diplomacy must be extensive and well-planned to keep international and domestic attention focussed on the Soviet action. It must also be well-focussed to promote the objectives laid out above.

--Current sanctions against Aeroflot flights to U.S. should be reaffirmed.

We should proceed as fast as possible to achieve the maximum that can be done in implementing the following steps

--Develop for the benefit of the victims' survivors an omnibus U.S. claim against the Soviet Union for compensation for the loss of life and property. We should also offer to present to the Soviets a similar claim on behalf of the South Korean government for the airplane, its contents, and South Korean victims that were lost. These governmental claims are to be coordinated to the extent possible with governments of other countries with citizens on the airplane to dramatize Soviet Union's responsibility in monetary terms for its act

--Seek other governments' support, especially Canada's and Japan's, for a variety of specific civil aviation sanctions against Aeroflot, including their stopping Aeroflot flights

17
~~SECRET/SENSITIVE~~

- 4 -

into their countries, stopping ticketing arrangements, and other measures. We would avoid measures which could affect the safety of international civil aviation;

--censure the Soviets at a special meeting of the ICAO Council this week; develop consensus for major action against the USSR in the triennial ICAO session later this month;

--suspend non-safety related discussions between the Soviets and other national civil aviation bodies;

--support appropriate efforts by non-governmental groups such as the airline pilots, in their efforts to isolate Soviet aviation and consult with other governments as necessary.

Finally, a report should be submitted to me outlining all that we know about the shootdown, including possible actions for the airliner being off course, and about actions the Soviets took. The State Department should coordinate the study, drawing on the Intelligence Community, the Defense Department, and the Department of Transportation. A separate report should be submitted on lessons learned from the shootdown and recommendations for future activity to prevent such incidents and steps to improve our ability to respond to such incidents if they occur.

Ronald Reagan

~~SECRET/SENSITIVE~~

18
DRAFT NSDD ON DOWNING OF KAL AIRLINER

Drafted: BLPascoe
9/3/83 (6635B)

Cleared: EUR/SOV: TWSimons, Jr.
EUR: MPalmer
EUR: RBurt

19

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

Subject: IG Working Group Papers on Civil Aviation Measures
Against the Soviet Union

Attached are the papers prepared by the Interagency Working Groups formed September 3 to examine steps which can be taken against the USSR to implement the draft NSDD. The first paper entitled "Proposed Measures Against the USSR" summarizes the supporting four papers which cover "Proposed Sanctions Against Aeroflot," "Private Boycott of Soviet Aviation," "Claims," and "Initiatives in International Organizations."

Charles Hill
Executive Secretary

Attachments:

As stated.

Drafted: EUR/SOV:KYalowitz/ky
L: EVerille

Cleared: EUR/SOV:TSimons
EUR:MPalmer
EUR:RBurt



~~SECRET~~

DEPARTMENT OF STATE

Washington, D.C. 20520

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

Subject: IG Working Group Papers on Civil Aviation Measures
Against the Soviet Union

Attached are the papers prepared by the Interagency Working Groups formed September 3 to examine steps which can be taken against the USSR to implement the draft NSDD. The first paper entitled "Proposed Measures Against the USSR" summarizes the supporting four papers which cover "Proposed Sanctions Against Aeroflot," "Private Boycott of Soviet Aviation," "Claims," and "Initiatives in International Organizations."

Charles Hill
Executive Secretary

Attachments:

As stated.

DECLASSIFIED

Department of State Guidelines, July 21, 1997

By CJS NARA, Date 7/30/02

~~SECRET~~

DECLASSIFIED

NLRR FOG-114/8#10226

LOT NARA DATE 9/30/08

21
~~SECRET~~

Proposed Measures Against the USSR

Working groups formed September 3 to examine steps which can be taken against the USSR to implement the NSDD. The groups identified the following objectives:

-- Obtain a thorough and impartial investigation of the incident.

-- Isolate Aeroflot from the international civil aviation community until the USSR responds satisfactorily to aviation safety concerns raised by the KAL incident.

-- Ensure that the USSR takes positive actions to guarantee the safety of international civil aviation through or near Soviet airspace.

-- Obtain appropriate compensation for the benefit of U.S. nationals, and perhaps assist the ROK and Taiwan in presenting their claims.

The working groups examined possible steps toward these objectives. While there are limited measures the U.S. could take unilaterally against Aeroflot, whose flights to the United States have been suspended since December, 1981, any sanctions will be most effective if undertaken in concert with other governments. Measures contemplated include curtailing Aeroflot international operations, restricting support services provided to Aeroflot in nations which cannot quickly curtail Aeroflot flights, and terminating interline arrangements which benefit Aeroflot financially.

In addition to bilateral contacts to coordinate steps against Aeroflot, a range of options to be pursued in multilateral fora were identified. These include a UN Security Council resolution condemning the KAL attack, an emergency General Assembly session if the Soviets veto the resolution, raising the issue in committees of the regular General Assembly session beginning September 20, and an ICAO investigation and condemnation of the incident.

We should monitor private initiatives to organize a boycott of Aeroflot by the aviation industry world-wide and support private efforts consistent with U.S. law and policies. Prompt, simultaneous presentation of initial financial claims arising from the crash to the Soviets by diplomatic note by several interested governments was also recommended; detailed claims can be presented later.

~~SECRET~~

22

~~SECRET~~

Private Boycott of Soviet Aviation

Principal Objectives:

- Isolate Soviet aviation from international aviation until USSR responds satisfactorily to aviation safety concerns;
- Preserve the boycott as world-wide aviation industry response, not U.S.G. initiative;

Time Factors:

- Delay in starting beyond two weeks will dissipate momentum;
- To have significant impact, effort will have to be sustained for months, rather than weeks;

Principal Obstacles:

- Multiplicity of groups involved and inability of any one country or organization to orchestrate;
- Difficulty of purely private initiatives in many foreign countries where labor groups, airport operators and carriers are either controlled or strongly influenced by government;
- Potential concern by foreign governments and aviation groups about adverse economic impact, including trade relations;
- Potential legal problems in U.S. and abroad for private boycotts;
- Aviation agreements may deter foreign governments from permitting or encouraging their carriers or others to participate.

Tentative Strategy

- Maintain contact with pilot and other groups to learn more of their plans and inform them that we favor all efforts consistent with U.S. law and policy to isolate Soviet aviation to elicit satisfactory Soviet response to safety concerns. Stress importance of private and spontaneous nature of U.S. group reaction and importance of world-wide response. If groups are concerned, suggest they have DOJ review any proposals for anti-trust problems.
- Maintain exchange of information and views with interested foreign governments re private boycott initiatives through diplomatic and aviation authority channels.
- Give appropriate public recognition to any emerging private boycotts, avoiding appearance of sponsorship.

PROPOSED SANCTIONS AGAINST AEROFLOT

I. OBJECTIVES

1. Isolate Soviet aviation from international aviation until USSR responds satisfactorily to aviation safety concerns.
2. Obtain a thorough and impartial investigation of the destruction of the Korean airliner.
3. Ensure that the USSR takes positive steps to guarantee the safety of international civil aviation and insure against recurrences of incidents of this kind.
4. Punish the USSR for this act and obtain appropriate compensation.

II. POSSIBLE MEASURES

A. Unilateral Measures

-- Place restrictions on the commercial opportunities available to Aeroflot in the US. (Aeroflot does not operate to the US; but, for example, other airlines could be prevented from operating joint ("interline") services with Aeroflot.)

-- Restrict any Aeroflot overflights of the US, except special diplomatic flights.

B. Multilateral Measures

Work closely with other governments in order to:

-- Restrict support services provided to Aeroflot in foreign countries, e.g., ground handling arrangements, ticketing services, etc.

-- Terminate interline arrangements that foreign carriers have with Aeroflot, to correspond with terminations by US carriers.

-- Curtail, to the maximum extent possible, Aeroflot's operations to other countries.

III. TIMING

-- Initiate steps to implement the unilateral measures.

-- Coordinate timing of implementation with foreign countries.

IV. PRINCIPAL OBSTACLES

-- US and foreign business could suffer economic harm from curtailed air services.

-- Terminating interline arrangements between US carriers and Aeroflot could divert revenues from US carriers to foreign carriers, unless foreign carriers take corresponding action.

-- Although we believe the CAB may legally terminate interline arrangements, there is some legal risk. Further, action against foreign carriers carries political risks.

-- Other countries may deem their bilateral or multilateral aviation agreements to prohibit implementation of certain sanctions, especially regarding extraordinary actions like closing air space or denying landing rights to all Aeroflot flights.

-- The specific measures the US takes may be used as precedents for foreign government actions against US airlines in the future.

V. STRATEGY

-- Consult urgently with other governments, particularly Canada, Japan, the West Europeans and those whose carriers fly the North Pacific.

-- Coordinate with them on multilateral and unilateral action.

-- Time unilateral measures to avoid alienating others and casting the issue primarily in US-Soviet terms.

CLAIMS

Objective:

To obtain appropriate compensation from the Soviet Union for U.S. nationals. Because the Soviet Union does not recognize the Republic of Korea, its government may request that we present claims on its behalf. Taiwan may also look to us.

Timing:

Initial claim should be presented via diplomatic note within the week. Simultaneous submission of similar notes by other interested governments would be desirable. Detailed claims may be presented later.

Obstacles:

No judicial forum has jurisdiction over USG claim (the Soviets have not accepted mandatory ICJ jurisdiction). Collection will ultimately depend on Soviet agreement.

It is probable that individuals will file suit in U.S. courts against the U.S.S.R., KAL, and even the USG. There will be no jurisdiction over the claims against the U.S.S.R., and any against the U.S.G. will be frivolous. Nevertheless, the lawsuits may significantly complicate our attempts to pursue the international claim.

Economic Issues:

Calculating the proper value of the claim.

Tentative Strategy:

- Prepare diplomatic note presenting claim.
- Consult with Korea and Taiwan on their claims.
- Coordinate diplomatic note with other governments.
- Begin contacts with U.S. national claimants.

DECLASSIFIED

NLRR FD6-114/8 #10227

~~SECRET~~

BY LOT NARA DATE 9/30/88

Initiatives in International Organizations

I. OBJECTIVES

To seek condemnation in multilateral fora, notably the UN and ICAO, of the Soviet downing of the Korean commercial airliner and secure an investigation of the incident

II. UNITED NATIONS

A. Security Council: seek a resolution condemning the Soviet action and call on UN and the ICAO to investigate the incident and calling for compensation, reparations. Also, enlist maximum number of speakers against the Soviets. We expect to be able to have the debate last all next week. We face almost certain Soviet veto on resolution.

B. General Assembly: call for emergency special session if Council concludes early, following Soviet veto. Drawback is GA President is Hungarian and there would be only one to two weeks between SC and regular GA session. Wait for regular GA session which begins September 20 and seek to inscribe new item covering Soviet action and general safety of in the air. Drawback is we may not be able to get enough support for inscription. If this fails, we can raise issue under existing agenda items in the human rights, legal and disarmament committees as well as in general debate speeches in plenary. In the committees, we can tack on references to the incident on pertinent resolutions, eg. U.S. sponsored resolution on transparency in disarmament. Support for such resolutions may be spotty depending on their nature.

III. ICAO OPTIONS

Council: Call for emergency session before September 15 and seek waiver of 7 day rule (the Koreans have called for emergency for September 15). This may be difficult. Regular session begins September 16. In either case, initiate investigation with immediate report to Assembly which meets September 20, table resolution of condemnation. Drawback is inability to have investigation report in short time span.

Assembly: Prevent Soviet election to ICAO Council, and withdraw Soviet voting rights. Drawbacks are persuading other countries to take drastic steps, convincing other candidates to run for Category I Council slot, and possibility of U.S. not being elected (in 1980 the U.S. was elected tenth out of 10 seats).

Regional offshoots: Seek support in regional bodies to condemn Soviet action along lines outlined above.

IV. INTERNATIONAL COURT OF JUSTICE OPTIONS

A direct adversary proceeding against the USSR will probably meet the same fate as the several we filed in the 1950s: dismissal because the Soviets refused the Court's jurisdiction. Seek an advisory opinion, which would not be legally binding but would be the first definitive statement from an international tribunal on the subject. Such an opinion can be requested by the SC, GA or preferably ICAO. This proceeding would probably be general in nature and would not necessarily focus on the USSR, but we could use a favorable opinion to strengthen any bilateral claims.

V. OTHER POSSIBILITIES

UNESCO will be holding its General Conference in the fall. UNESCO could look into the scientific aspects of the incident. The ILO Board of Governors meets in November. Workers in the ILO could advocate a boycott of Soviet transportation. Request Secretary General of World Tourism Organization to inscribe an agenda item for the Assembly meeting in New Delhi October 3-14, relating to effect on tourism by blatant acts of aggression against civil aircraft. Subcommittee on Human Rights is currently meeting and, although composed of "private" members, the U.S. member might be willing to raise the matter and pursue a resolution.

VI. TENTATIVE STRATEGY

In the Security Council, enlist support for a strong resolution, present our detailed evidence, and encourage additional speakers. In the UNGA wait for the regular session to start and seek to introduce an agenda item on the incident, and failing this, introduce the subject in the specific committees. Support the Koreans in their call for an emergency session of the ICAO Council, initiate investigation and table resolution of condemnation.



DEPARTMENT OF STATE

Washington, D.C. 20520

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

Subject: President's Talking Points for Meeting with
Congressmen, September 4

Attached are proposed talking points for the
President's use in his meeting with Members of Congress
September 4, 1983.

A handwritten signature in cursive script that reads "Charles Hill".

Charles Hill
Executive Secretary

Attachment:

As stated.

DECLASSIFIED

NLRR F06-114/84/10228

BY LOJ NARA DATE 9/30/08

~~SECRET~~

Talking Points for President's Use With Members of Congress

-- I know you all share my sense of grief and outrage at the brutal Soviet attack on a Korean airliner.

-- Over 269 innocent lives were lost. More than 60 Americans lost their lives including your distinguished colleague Congressman Larry MacDonald of Georgia, whose death is a deep tragedy to his family and the nation.

-- We are doing everything possible to identify the victims and assist their next of kin.

-- Many people from other nations also lost their lives in this barbaric and unprovoked attack on an unarmed civilian aircraft.

-- This attack was totally unjustified and contravenes all accepted norms of international conduct. It is both morally and legally reprehensible.

-- We have protested to the Soviets in the strongest possible terms and demanded a full explanation and accounting for this repulsive action.

-- The Soviets, as you know, so far have refused even to admit that they shot down this commercial airliner, much less to accept moral and financial responsibility. In fact, they are now trying to divert attention from their own actions by ludicrous claims that the Korean Airlines 747 was on an intelligence mission.

-- This is preposterous. No Soviet coverup can absolve the Soviet Union of its responsibility to explain its behavior, which was in total disregard for human life.

-- Nor will we allow them to turn this into a US-Soviet issue. This is the Soviet Union against the world, and the world is waiting for the Soviet Union to tell the truth.

-- This inhuman act against the international community has evoked outrage around the world, not only because of the immediate tragedy, but also because of the questions it raises about the safety of international air traffic.

-- The international community must respond firmly and

~~SECRET~~
DECL: OADR

30

~~SECRET~~

-2-

effectively to bring the Soviets to a full accounting for their actions, and to prevent similar events in the future.

-- We intend to work with the other nations of the world in the U.N. and other appropriate international bodies, such as the International Civil Aviation Organization. We have called Ambassador Kirkpatrick to return to New York and take over our efforts there.

-- This action will also affect US-Soviet bilateral relations. We have already told the Soviets we are not moving to renew the transportation agreement that expired in June. We will also reaffirm the sanction prohibiting regularly scheduled Aeroflot service to the U.S., which was put into place in the wake of the martial law crackdown in Poland.

-- However, because of the universal implications of this shameful and inexcusable incident, we want to move together with the outraged world community, and focus first of all on the future safety of international civil aviation.

-- The Japanese, Canadians and other key governments have asked us not to make public our ideas until we can do so jointly. But I want to seek your views on the measures we are considering.

-- Friday at a meeting of the NSC we considered a series of measures which we think constitute an appropriate response at this time.

-- I am asking the Secretary of State, working with other concerned agencies, immediately to investigate measures we can take with other countries which would accomplish the following:

-- We will be developing a claim against the Soviet Union for the wrongful death of our citizens to be pursued through diplomatic channels. We will seek compensation from the Soviet Union, demand that they take all appropriate measures to prevent a recurrence, and inform us of those measures. We will be working with the Koreans and other countries whose nationals lost their lives.

-- We are seeking agreement with other countries to take actions against Aeroflot service. These could be a serious blow to the Soviet Union's prestige. Such measures would be in effect until the Soviets have provided a satisfactory response to the international community.

~~SECRET~~

31

~~SECRET~~

-3-

-- We will also remain in touch with private groups who are considering their own responses to this tragic incident. We have all noted that pilots are considering a boycott.

-- We have decided to focus on these aviation-related efforts rather than broader economic measures which could diminish support in other countries and impede progress in obtaining results in the civil aviation field as well.

-- U.S. economic measures could also be used by the Soviets to bolster their arguments that this tragic incident is in fact a bilateral issue only and that we are using it to further undermine US-Soviet relations.

-- We will continue to press the Soviets hard for access to the crash site and recovery of the victims. If we gain information that they are actually recovering the aircraft and/or bodies, and still refusing to give us immediate access, we will take more serious measures.

-- I have also decided that Secretary Shultz should go to Madrid to have a short, blunt meeting with Foreign Minister Gromyko to tell the Soviets at the highest levels of government how dangerously and irresponsibly they have acted on this and on a number of other issues, such as their human rights violations.

-- The Soviets are simply wrong when they claim this is a US-Soviet issue and that we are exploiting it against them. They realize they are condemned by the whole world, and we will not play their diversionary game. It is for this reason that I have determined that the START and INF talks should continue. They try to portray themselves as peace-loving. We now have a major opportunity to demonstrate that we are the real peacemakers and peacekeepers.

-- Again, I ask your support for the measures that I have outlined. The unity of the Administration, Congress and the American people is critical to the success of our efforts with other countries to bring the Soviets to account both in world opinion and in concrete ways.

~~SECRET~~

32

Agenda

I. Meeting with the Speaker

- Discussion of War Powers
(The President, the Speaker,
the Secretary of State)

II. Korean Shootdown

- Briefing (Sec. Shultz)
- Actions to be taken by
the USG (and avoided).
- Discussion

III. Lebanon

- Briefing (McFarlane)
- MNF and the Marines: role, the future,
war powers
- Discussion

[IV. Press: What to say following the meeting and by whom.]

33

~~SECRET/SENSITIVE~~

Options for Congressional Approval of Continued
Presence of U.S. Forces in Lebanon

1. Issues to be resolved. If it is decided that Congressional authorization should now be sought for the continued presence of U.S. forces in Lebanon, several key issues arise:

A. On what basis would legislation be sought? There are three possibilities: (1) explicitly recognizing the applicability of Section 4(a)(1) of the War Powers Resolution and seeking authorization specifically under Section 5(b) of the Resolution (these provisions apply to the introduction of U.S. forces into actual or imminent hostilities); (2) seeking authorization under Section 4 of the 1983 Lebanon Supplemental (which applies to any substantial expansion in the number or role of U.S. forces in Lebanon); (3) seeking authorization without explicitly acknowledging any constitutional requirement to do so under either provision, citing the general desirability of Congressional approval and involvement and making a noncommittal reference to either or both of these provisions (possibly along with a disclaimer provision on the constitutional question); or (4) encouraging our Congressional supporters to offer a resolution as an indication of Congressional support for our policy (this differs from the above possibilities in that with the former we would be taking the initiative while with this approach we would let the Congress take the lead).

Congressional leaders will want an explicit invocation of Section 4(a)(1), since they see that as an important recognition of Congressional prerogatives under the Resolution. On the other hand, the President may well be reluctant to appear to concede the constitutionality of Section 4(a)(1) (which in effect purports to subordinate the President's power as Commander-in-Chief to Congressional authorities, including that of declaring war); and he may be reluctant to accept the precedent of expressly invoking it as a basis for Congressional action. Congress might be prepared to accept statutory language which is ambiguous on the exact basis for the legislation if the President concedes the basic point that Congressional authorization will be sought (whether constitutionally required or not). Citing the 1983 Lebanon Supplemental should only be considered if we decide to substantially expand the current number or role of U.S. forces.

DECLASSIFIED

NLRR FO6-114/8# 10230

BY WOT NARA DATE 9/30/88

B. What role would be authorized for U.S. forces?

Initially, at least, we probably have two basic alternatives: (1) seeking a broad and generally stated mandate, such as to take necessary action to support the sovereignty and territorial integrity of Lebanon; or (2) seeking a mandate essentially limited to the present role of U.S. forces (that is, providing a non-combat presence to facilitate Lebanese Government efforts). Ideally, we would want language that permits at least a modest expansion in the role of U.S. forces, consistent with how we expect the situation on the ground to evolve. Setbacks in current LAF efforts to achieve control in Beirut (and then move into the Shuf) will be a major factor in shaping Congressional attitudes toward the role of U.S. forces. Congress may well be unwilling to accept an open-ended mandate that would permit the unrestricted involvement of U.S. forces in combat action, and proposing such a mandate could have a negative effect on the process of reaching accommodation with Congressional leaders. On the other hand, limiting the request to the current role could result in a necessity for yet another request for authorization if we decide our forces must go beyond this role.

C. What other restrictions, if any, would be placed on U.S. forces? Congress will probably be interested in several other types of restrictions on U.S. forces, particularly: (1) limits on the number of U.S. forces in Lebanon; (2) limits on the duration of the U.S. presence; and (3) restrictions on the area of deployment of U.S. forces within Lebanon. The absence of such restrictions would best serve the President's flexibility to respond to developments, and would maximize the credibility of the U.S. role. On the other hand, Congress may well be very reluctant to permit the deployment of an unlimited number of U.S. personnel, to give an authorization having no time limit, or to permit U.S. deployments in areas of Lebanon perceived to be hazardous; and the President may appear to be contemplating a more open-ended U.S. commitment to the fighting in Lebanon if he resists any such limits. (Hopefully, Congress would accept language making this legislation the sole source of limitation on our Lebanon role, thereby eliminating any continuing need to satisfy the restrictions in the War Powers Resolution and the Lebanon Supplemental.)

2. Possible options. A number of possible options combining these elements could be considered. The following appear to be the most relevant with respect to our immediate posture:

35

A. Seek authorization specifically under Sections 4(a)(1) and 5(b); ask in return for a broad mandate and no restrictions. This assumes that the Congressional leadership would grant the President very broad authority in return for express acceptance of its War Powers prerogatives. It would provide maximum flexibility in the current situation, but essentially concedes the constitutional point for the long run.

B. Seek authorization without acknowledging a constitutional requirement to do so under Section 4(a)(1) and 5(b); ask in return for a broad mandate, but indicate a willingness to accept reasonable restrictions on duration (perhaps one year) and numbers (perhaps several thousand). This assumes that some statutory language could be found to avoid prejudicing either branch's constitutional position (as indicated above), and that Congress would accept a broad mandate in return for some limits on aspects of particular concern to them. It would put some limits on our options, but would allow expansion of our current role in support of LAF operations and would not concede the constitutional issue.

C. Seek authorization without acknowledging a constitutional requirement to do so under Sections 4(a)(1) and 5(b); accept a mandate limited to the current role, and resist other restrictions. As distinguished from Option B, this assumes that Congress would forego other limits if the authorized mandate were limited to the present role. It would preclude any combat role for U.S. forces, but would permit the indefinite maintenance of that role with whatever number of personnel may be necessary, and would also not concede the constitutional issue.

D. Encourage the Congress to take the initiative in advancing legislation to support the President's policy by trying for as much flexibility as possible in the President's deployment of U.S. forces in Lebanon. This approach would have the advantage of distancing the President from actively supporting a Congressional initiative as shifting the balance in foreign policy decision-making from the executive to the legislative branch. Under this scenario, our friends in the Congress would introduce legislation supporting the President's policy. The Administration could then applaud such support without explicitly acknowledging that Congress had the authority to involve itself in the President's foreign policy decision-making prerogatives.

36

THE SECRETARY OF STATE
WASHINGTON

DECLASSIFIED

NLRR F06-114/8 #10231

BY LAJ NARA DATE 9/30/08

~~SECRET/SENSITIVE~~

MEMORANDUM FOR THE PRESIDENT

FROM: George P. Shultz

SUBJECT: Response to Soviet Downing of KAL Airliner

We need your approval on the following steps in response to the Soviet downing of the South Korean airliner.

Memorial Service:

We propose to hold a memorial service for the American victims of the shootdown during the next few days. You should attend if possible.

Approve _____ Disapprove _____

Salvage Operations:

The U.S./Japanese and Soviet search operations are continuing. We should continue to conduct the search in international waters and salvage the bodies and flight recorders if possible. If the aircraft is in Soviet waters, we should seek Soviet permission to conduct a salvage or, failing that, at least permission to participate in or observe Soviet salvage efforts. If we receive indications that the Soviets are beginning to recover the aircraft and/or access and are not cooperating in providing us immediate access, we will take more serious steps.

Approve _____ Disapprove _____

U.S. Sanctions Against Aeroflot:

We should reaffirm current sanctions against Aeroflot flights to the U.S.

Approve _____ Disapprove _____

~~SECRET/SENSITIVE~~
DECL: OADR

36a

~~SECRET/SENSITIVE~~

- 2 -

U.S. Claim for Compensation:

The U.S. will develop for the benefit of the victims' survivors an omnibus U.S. claim against the Soviet Union for compensation for the loss of life and property. We will offer to present a similar claim to the Soviets on behalf of the South Korean government and coordinate with other governments affected to dramatize the Soviet Union's responsibility in monetary terms for its action.

Approve _____

Disapprove _____

Other Sanctions Against Aeroflot:

We will seek other governments' support, especially Canada's and Japan's, for a variety of specific civil aviation sanctions against Aeroflot, including their stopping Aeroflot flights into their countries, stopping ticketing arrangements, and other measures. We will avoid measures which could affect the safety of international civil aviation.

Approve _____

Disapprove _____

Censure the Soviets at the ICAO:

The U.S. would lead an effort to censure the Soviets at a special meeting of the ICAO Council this week and develop a consensus for major action against the USSR in the triennial ICAO session later this month.

Approve _____

Disapprove _____

Suspend Non-safety Related Discussions:

We will work with other governments to suspend non-safety related discussions between the Soviets and other national civil aviation bodies.

Approve _____

Disapprove _____

~~SECRET/SENSITIVE~~

~~SECRET/SENSITIVE~~

- 3 -

Support Sanctions by Non-Governmental Groups:

We will support appropriate efforts by non-governmental groups such as the airline pilots in their efforts to isolate Soviet aviation and consult with other governments as necessary as part of this support.

Approve _____

Disapprove _____

~~SECRET/SENSITIVE~~

Drafted:BLPascoe

Cleared:EUR:MPalmer
EUR:RBurt

30)
NATIONAL SECURITY COUNCIL

September 28, 1983

TO: ROGER ROBINSON
JACK MATLOCK
DAVID LAUX

The attached got to me at mid-afternoon for a close of business deadline. I got a reprieve until mid-morning tomorrow. Could I ask for your comments and concurrence by 9:30 Wednesday morning. Many thanks. *Thursday*



Don Fortier

Attachment

~~SECRET~~

6857

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~SECRET~~/SENSITIVE

ACTION

September 28, 1983

MEMORANDUM FOR WILLIAM P. CLARK

FROM: DONALD R. FORTIER

SUBJECT: KAL: The Forgotten Elements

Tocqueville once observed that under despotisms people are told nothing, while in free societies they are told everything. In the latter case, fundamental questions are sometimes obscured by a forest of detail. The validity of this observation has been driven home anew in the KAL incident. There, both the press and the bureaucracy have focused on a disparate array of issues: the retrieval of debris, the duration of the boycott, the pursuit of claims, the functioning of Soviet air defenses, airline safety measures, and so forth. These are all laudable objects of attention--and indeed the President's public posture has been just right. The Secretary's memo to the President continues to focus on these matters, and the follow-up actions he recommends are essentially correct. I do believe, however, that his memo overstates the actual punitive effect of what our allies have done to date. Indeed, there is evidence that the pilots' association--demoralized by the limited duration of official boycotts--may be on the verge of relaxing its measures as well.

Are there, however, important--if subterranean--fundamentals that are now being lost sight of as we grind away on operational matters? I think so. To me the neglected questions are as follows: What does the incident and its handling tell us about relations between Andropov and the Soviet military? Second, leaving aside the precise motivation for the attack, what impact is the incident likely to have on the security attitudes of our Asian partners (and others). And, if the most likely long-term reaction from them is greater fear rather than responsiveness, what can we do to offset this tendency? Third, apart from our statesmanlike public posture, are we adequately communicating--through quiet measures in Afghanistan and elsewhere--the kind of firmness that can signal the Soviets that we can impose real costs, as well as symbolically effective ones.

Regarding the first question, much confusion exists. For example, in discussing the unusual prominence of the Soviet military in "explaining" the incident, some columnists have

~~SECRET~~/SENSITIVE
Declassify OADR

~~SECRET~~

DECLASSIFIED IN PART
NLRR F06-11418#10223
BY RW NARA DATE 3/16/11

41

~~SECRET~~

~~SECRET/SENSITIVE~~

2

suggested the military is now in a more dominant position than ever. Another possibility, however, is that Andropov has pushed the military onto center stage to distance himself from world opprobrium and to protect his own position in the succession crisis. Some speculate that the Soviet general staff--miffed at certain decisions that have not gone their way--deliberately failed to notify the political authorities as a show of independence. If so, then similar such displays may occur in the future. We may not be able to precisely answer any of these questions, but we need to put our best minds to the task. These are not just theoretical questions, inasmuch as the answers hold vital implications for U.S. foreign policy over the next year and beyond.

Second, how is the incident likely to affect our security partners, and what does it suggest in terms of an increasing Soviet tendency to use force for intimidation? You correctly advised State not to put out the line that recent Soviet toughness in the Middle East and elsewhere is a consequence of the KAL. Indeed, if anything, the KAL shootdown is but part of a pattern of toughness worldwide. That pattern is longstanding, and comes as no surprise, but we still need to ask ourselves whether that pattern has not recently taken a noticeable turn toward the worse. The answer would appear to be yes. In addition to the obvious examples: ever more aggressive support for client states and an unwillingness to try to shape a face-saving retreat in Afghanistan (indeed, the Soviets have suddenly begun to increase their Afghan infrastructure on the Iranian border), we have less obvious indicators, such as provocative submarine intrusions in the northern flank that have caused some Norwegians and Swedes to believe the Soviets are self-consciously accelerating their war planning. And we have seen Soviet nuclear threats to Japan and Korea that are so blunt as to be reminiscent of the Khrushchev era.

I believe that consciously--or subconsciously--this pattern of more overt intimidation is having some effect. If so, we may find the short-term outrage and cooperation (in Europe and Asia) giving way to greater implicit fear of the Soviet Union--and hence greater accommodation. If we are to offset this we must do more than consult. We need to concentrate on measures--described in the original decision memo but ignored in the current State plan--such as deployments of F-16s to Japan, AWACs, and so on. These measures do not need to be advertised publicly; indeed, they shouldn't. But we have to be clear enough about their importance internally that the bureaucracy does not lose sight of them.

Finally, there is the question of the signals we privately send to the Soviets. I am myself confused by the Secretary's recent

~~SECRET/SENSITIVE~~

~~SECRET~~

~~SECRET~~

~~SECRET/SENSITIVE~~

3

reassurance to the allies that we do not intend to allow the incident "to throw our policy toward the Soviet Union off course." If he means we won't sidetrack arms control, that is one thing. But I assume our policy toward the Soviets continues to be a mix of incentives and disincentives, of dialogue and firmness. If so, then, if anything, the Korean incident suggests we need to more comprehensively enrich our package of available disincentives. That to me is the importance of the Afghan measures I recommended to you at the time of the shootdown--measures which Diane Dornan has now fleshed out.

Moreover, if the trend of Soviet intimidation by force continues, and indeed if dramatic new incidents arise, then we will also need other tools with which we can work. The New Republic wrote that the Korean incident demonstrated that--given the futility of sanctions--the West has no effective response to Soviet brutality. We cannot allow this perception to take root. The most effective long-term response is the one we have emphasized--rebuilding our strength. The problem is this may not deter the Soviets over the near term where they will enjoy the fruits of their own extended buildup and years of Western disinvestment in defense. We need to then concentrate on political-military measures we can take to increase costs over the near term. At our earlier direction, the CIA has been working on a series of papers on the vulnerabilities of key Soviet proxy states. The problem is that these studies are not due to be completed until late next year, [REDACTED]

[REDACTED]. These studies need to be accelerated and a parallel and highly restricted policy group established to develop contingent responses based on this work.

One final note. One of the signal achievements of this Administration has been to elevate the importance of public diplomacy. The danger in this is that sometimes public diplomacy serves as a tempting substitute for real policy. We cannot allow that to happen here.

How then to translate all this porridge into action? I recommend the following:

First, we should concur generally in the work program outlined by the Shultz memo, though we will want to follow the International Court of Justice option closely to ensure we do not have to pay a heavy price for the involvement of others. Roger Robinson will monitor this package.

Second, Jack Matlock, Ken de Graffenreid and I should convene a small group of Soviet experts--both inside the government and out--to review the data and explore the implications of the

~~SECRET/SENSITIVE~~

~~SECRET~~

FOIA(b)(3)

~~SECRET~~

~~SECRET/SENSITIVE~~

4

incident for Soviet internal politics and future decision making. We will submit a short report directly to you.

Third, the Korean incident has made the political-military dimension of the President's Asian trip more important than before. I recommend that you send a directive to Shultz and Weinberger making this point and directing that Gaston and I jointly chair a small panel--comprised of Howe, Wolfowitz, Armitage, and General Thompson--to explore trip-related political-military proposals that help to build upon exisisting regional concern in light of the shootdown.

Fourth, we need quick follow-through by CIA on the Afghanistan options. Moreover, we need to ask Casey to accelerate and restructure the proxy vulnerability work. (We will prepare a separate memo on this should you concur.)

Fifth, in order to be better prepared to have quiet but effective responses to future Soviet intimidation, Jack and I should take the lead in transforming the CIA studies into action proposals. This should be a highly restricted effort.

Roger Robinson, David Laux and Jack Matlock concur.

Recommendation

That you sign your memo at Tab I to the President forwarding Secretary Shultz's memo.

Approve _____

Disapprove _____

Attachment

Tab I Clark/President
Tab A Shultz/President dated September 27, 1983

~~SECRET/SENSITIVE~~

~~SECRET~~

44

~~SECRET~~

6857

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~SECRET/SENSITIVE~~

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: WILLIAM P. CLARK

SUBJECT: State Department Memorandum on KAL Follow-on Strategy

DECLASSIFIED

NLRR FOG-114/8#10224
BY LOI NARA DATE 9/30/08

At Tab A is a memorandum from George outlining a continuing work program for responding to the KAL shootdown.

We believe the measures that George has described make sense and will help to continue to focus international attention on this tragic spectacle of Soviet brutality. His proposed measures deserve your support. We believe the memo does somewhat overstate the concrete impact of the actions other countries have so far taken. Indeed, we have learned that the airline pilot associations--discouraged by the limited nature of the official Aeroflot boycotts--may be on the verge of relaxing their own measures. We will also need to carefully consider whether the option of going to the International Court of Justice is likely to pay substantive or public affairs dividends commensurate with the political capital that will be required to get others on board.

In addition to the measures George has described, we believe the following broader actions are also required: 1) a serious review of what the incident reveals about possible tension in the Soviet Union between Andropov and the Soviet military and what this may imply for us; 2) the preparation of a special political-military affairs plan related to your trip that seeks to offset the damage to the confidence of our Asian friends that continuing acts of Soviet brutality have caused; and 3) the preparation of quiet contingency steps in Afghanistan and elsewhere that can be taken to privately signal the Soviets that future such acts of intimidation will be met with firmness and sophistication. These measures can help to induce restraint until the broader improvement of our military strength can be completed to serve as a more durable deterrent to adventurism.

Attachment

Tab A Shultz memo, dated September 27, 1983

Prepared by:
Donald R. Fortier

~~SECRET/SENSITIVE~~
Declassify OADR

~~SECRET~~

THE SECRETARY OF STATE
WASHINGTON

~~SECRET~~ SENSITIVE

September 27, 1983

MEMORANDUM FOR: THE PRESIDENT
FROM: George P. Shultz *GP*
SUBJECT: KAL: Managing the Next Phase

The month since the shootdown has shown the Soviets at their worst and the U.S. at its best. Our task has been twofold: first, to highlight the moral and political lessons -- that the Soviets were acting like Soviets, and that we have the right policy for dealing with them over the long haul -- and, second, to mobilize the international community to demand justice and restitution.

I think we have been successful on both counts. At home, there has been some criticism and some natural pressure for stronger unilateral acts, but by and large your message that this is an issue of the world against the Soviets has been persuasive, and your firm but moderate approach has carried public opinion with it and gained us new support. Internationally, the "automatic majorities" that have supported Soviet positions and refused honest criticism of the USSR in recent years have vanished, and governments and private groups have imposed an unprecedented series of concrete measures against the USSR.

We are now entering a new phase. Emotional reactions will level off, and political calculation will resurface. People in and out of government everywhere have learned what you and others knew all along about the Soviets, but this is not enough. We need to initiate a series of steps that keep the lesson of Soviet misconduct before the world, but without playing to the counter-strategy the Soviets have now put in place.

The Soviets have clearly begun to implement a program designed to eat away at the solid front of world outrage by playing on the ambiguities of the evidence; to divide the U.S. from the rest of the world by portraying KAL as a U.S.-Soviet issue; and to put the issue behind them by renewed concentration on carrots and sticks in the arms control field.

To manage the next phase, we will require a comprehensive program. Some of these steps are already underway; others need to be put in place soon; others are for further down the road.

~~SECRET~~

SENSITIVE

DECL: OADR

DECLASSIFIED

NLRR F06-114/8#1023;

BY LOI NARA DATE 9/30/08

46

~~SECRET/SENSITIVE~~

-2-

First of all, we should keep the lesson of KAL before the public and the Congress in our public statements and in our continuing work on defense issues on the Hill.

Diplomatically, we should follow up strongly in Asia. Working closely with our Asian allies and friends on KAL has materially strengthened their confidence in the U.S. as a reliable ally. With regard to China, we should expect the Soviets to exploit any possibility of improving relations with the PRC to escape from the KAL box and regain some leverage on us, but Cap's trip to Beijing should help keep the Chinese on an even keel. Further along, your Far Eastern trip in November will be an opportunity to consolidate area gains.

In Europe, looking beyond the INF debate (where your decision to move forward on INF should help us materially), we should also engage the Allies in an intensified dialogue to draw the consequences of what KAL has shown about the Soviets for European defense spending, and for our part we should be making the same points in pressing our critical security assistance requests involving Europe in the Congress.

We should keep up the pressure in a number of fields. We have a running start: the widespread condemnations of the Soviets at the normally supine UNESCO Executive Board and General Conference September 22-23 and in the OAS are examples of what we should be seeking. Over the next weeks and months, we should proceed in the following areas:

1. The Search and Rescue Effort. The Soviet turnover of debris on Sakhalin Island on September 26 proceeded smoothly. By diplomatic note, however, we protested strongly the Soviet exclusion of Korean representatives and advised the Soviets that because Korea is the owner of the aircraft, and because Korea has authorized only the U.S. and Japan to conduct search and recovery operations, no other country including the USSR, is entitled to search for and recover such materials in international waters. The note also stated our expectation the USSR will not interfere with U.S. recovery operations. Meanwhile, the Navy will continue its intensive search efforts, in cooperation with Japan, expanding the search area as necessary, and we have put plans in place for handling the flight recorder should it be recovered, including inviting a ICAO observer aboard a U.S. search vessel.

2. The Public Boycott. A number of potential participants did not join the two-week suspension of air service to and from the USSR, and that suspension will end September 29. We have continued our efforts to bring other countries in, with stress on key Asian and Latin American

~~SECRET/SENSITIVE~~

4

~~SECRET/SENSITIVE~~

-3-

countries that have regularly scheduled Aeroflot service. Meanwhile, we should consult closely with the participating NATO Allies, Japan and Switzerland about extending the boycott. We must be realistic, however, and as emotions cool, we must expect less extensive support than over the past three weeks. We should thus avoid any public confrontation with the Allies over extension, since this would play into Soviet hands and undo much of what we have accomplished to date.

3. The Private Boycott. Consistent with U.S. law and practice, we will continue to follow the independent efforts of pilots and other private sector groups to express their indignation in concrete work actions. In the long run these may prove the most effective concrete measures taken.

4. The Diplomatic Front. We will be keeping up international pressure in a number of fora:

-- ICAO. Here we will need to work closely with Allies and concerned developing countries to prevent the Soviets from watering down the tough investigation mandated by the Extraordinary Council September 16, and to get a solid interim report from the SYG when the 110th Council organizational session meets October 14. The complete report should be ready for the Regular Council session scheduled for December 14-16.

-- Aviation Safety Measures. We are now examining existing ICAO commitments to determine how they can be strengthened, and are supporting the French proposal that the Chicago Convention be amended to outlaw use of force against civilian aircraft, subject to the provisions of the UN Charter.

-- UN General Assembly. We are studying effective ways to raise KAL in the General Assembly following your speech Monday. Friendly countries will be encouraged to raise this issue under every suitable agenda item.

-- Fifth World Tourist Organization (WTO) Assembly in New Delhi, October 3-14. The USSR and Korea are members, and we are asking key WTO capitals to cosponsor or support a resolution condemning the Soviet action and endorsing the right of all people to travel for tourism in safety.

-- International Parliamentary Union (IPU) Conference in Seoul, October 3-10. Our delegation is exclusively Congressional, and we are consulting with the delegates on how best to proceed about raising the KAL issue in Seoul.

5. Claims. The Soviets have twice rejected notes demanding compensation on our behalf and Korea's, and have done the same with similar notes from other countries. We have

~~SECRET/SENSITIVE~~

A8

~~SECRET/SENSITIVE~~

-4-

warned them that continued refusal to accept these notes is yet another act giving rise to right of redress under international law, and we are urgently pursuing the question of presenting our claims to the International Court of Justice in conjunction with other claimants, particularly the Canadians and British whose initial reactions have been tepid. We are also soliciting preliminary Japanese, Korean and Australian views. If these governments' final responses are negative on simultaneously filing an application to the ICJ, we are considering seeking their support in making parallel demands on the Soviets to submit to the jurisdiction of the ICJ or another international tribunal.

6. Public Diplomacy and Congress. You have given the lead to the whole government in keeping the issue before the public, and this effort will continue. USIA will continue to give the tragedy priority attention, with major play in the immediate future to the ICAO Council Resolution and the ICAO investigation. On September 20 we forwarded the text of a special report on the incident to the White House, and publication of an appropriately updated document will be a strong public diplomacy initiative. With the Congress, we will be following up on the unanimous Joint Resolution condemning the Soviets. Here we must keep in mind that Congressional support is neither monolithic nor permanent, and that many members will continue to urge strong unilateral sanctions against the USSR. We will therefore need to keep key members fully briefed on developments, to demonstrate that international condemnation plus your measured response focussing on civil aviation is producing a far more effective and lasting reaction than a series of unilateral steps that simply feed Soviet efforts to "bilateralize" the issue.

If we can continue to manage the KAL issue successfully along these lines, we will not only keep pressure on the Soviets to provide the restitution the world demands, but we will improve the prospects for forward movement on our larger foreign policy goals as well.

~~SECRET/SENSITIVE~~