

Original FOIA Number: 1998-0099-F

2nd FOIA Number:

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4th FOIA Number:

5th FOIA Number:

FOIA MARKER

**This is not a textual record. This is used as an
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Record Group:	Bush Presidential Records
Office:	Records Management, White House Office of (WHORM)
Series:	Subject File - General
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WHORM Category Code:	ND007
WHORM Category Name:	Military Personnel

Document Number:	191414SS
Alpha File Name:	

Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Memo	Case Number 191414SS From Brent Scowcroft to President Bush Re: Report to Congress on Recent Persian Gulf Deployment Decision (2 pp.)	11/16/90	P-5	
02. Memo	Case Number 191414SS From Brent Scowcroft to President Bush Re: Report to Congress on Recent Persian Gulf Deployment Decision (2 pp.)	11/16/90	P-5	
03. Memo	Case Number 191414SS From Brent Scowcroft to President Bush Re: Report to Congress on Recent Persian Gulf Deployment Decision (2 pp.)	11/16/90	P-5	
04. Memo	Case Number 191414SS From Nicholas Rostow to Brent Scowcroft Re: Report to Congress on Recent Persian Gulf Deployment Decision (2 pp.)	11/13/90	P-5	

Page 1 of 1

Collection:

Record Group: Bush Presidential Records
Office: Records Management, White House Office of (WHORM)
Series: Subject File - General
Subseries: Scanned
WHORM Cat.: ND007
File Location: 191414SS

Pinksheet Number: os99
OA/ID Number: 00002-001
Date Closed: 4/29/1998
FOIA/Sys Case #: 1998-0099-F
Re-review Case #: 2004-0573-S_
P-2/P-5 Review Case #:

PT

191414SS

ND007

THE WHITE HOUSE

WASHINGTON


8834

90 NOV 16 AM 11:09

November 16, 1990

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT 

SUBJECT: Report to Congress on Recent Persian Gulf
Deployment Decision

Purpose

To report to Congress on the recently announced deployment to the Persian Gulf region.

Background

Congressmen Fascell and Broomfield wrote on October 26, 1990, in response to media reports that you had decided to send some 100,000 additional troops to the Gulf (Tab D). They noted that, if the reports were accurate, such a decision had been taken without consultation with appropriate congressional leaders and "anticipate" that the Administration will report to Congress within 48 hours of the decision consistent with section 4(a)(3) of the War Powers Resolution.

Legislative advisors strongly recommend that you send identical letters to the Speaker and President Pro Tempore of the Senate providing information on the deployment and updating your letter of August 9.

Section 4(a)(3) of the War Powers Resolution requires a report in the event the Armed Forces are introduced "in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation." Senior Administration counsel believe that, notwithstanding the doubling of our Forces in the region, this provision is inapplicable. They conclude that deployments to the Gulf have been on-going since August and that, therefore, no report is required as a matter of law. On the other hand, they note that other provisions of the Resolution require the President to

cc: Vice President
Chief of Staff

NOTED
Jury

20 NOV 19 11:09

THE WHITE HOUSE
WASHINGTON

191414

provide information to Congress on request and to provide periodic reports, at least once every six months, on the status, scope, and duration of any deployment reportable under the Resolution in the first instance. To preserve our legal position with respect to the inapplicability of section 4(a)(3) of the Resolution, the letters prepared for your signature do not mention the War Powers Resolution (Tabs A and B). In the event Congress challenges the absence of such a reference, we could note that the letters in substance meet the criteria for a periodic report. In order to avoid implying that the War Powers Resolution's 60-day clock requiring withdrawal from hostilities has been started by this most recent development, the letters reaffirm your August 9 judgment that hostilities are not imminent. Some may see this reaffirmation as inconsistent with our efforts to increase pressure on Saddam Hussein.

I recommend that you update your August 9 letter (Tab C). I shall respond to Congressmen Fascell and Broomfield on your behalf and enclose copies of your letters to the Speaker and President Pro Tempore.

State, Defense, Justice, the Joint Chiefs of Staff, and Boyden Gray concur in the text of the letters (Tabs A and B).

RECOMMENDATION

That you report to Congress on the recent deployment decision by signing the letters at Tabs A and B.

Attachments

Tab A	Letter to the Speaker
Tab B	Letter to the President Pro Tempore
Tab C	Your Letter, dated August 9, 1990.
Tab D	Letter from Fascell and Broomfield

THE WHITE HOUSE

WASHINGTON

November 16, 1990

Dear Mr. Speaker:

There have been a number of important developments in the Persian Gulf region since my letter of August 9, 1990, informing you of the deployment of U.S. Armed Forces in response to Iraq's invasion of Kuwait. In the spirit of consultation and cooperation between our two branches of Government and in the firm belief that working together as we have we can best protect and advance the Nation's interests, I wanted to update you on these developments.

As you are aware, the United States and Allied and other friendly governments have introduced elements of their Armed Forces into the region in response to Iraq's unprovoked and unlawful aggression and at the request of regional governments. In view of Iraq's continued occupation of Kuwait, defiance of 10 U.N. Security Council resolutions demanding unconditional withdrawal, and sustained threat to other friendly countries in the region, I determined that the U.S. deployments begun in August should continue. Accordingly, on November 8, after consultations with our Allies and coalition partners, I announced the continued deployment of U.S. Armed Forces to the Persian Gulf region. These Forces include a heavy U.S. Army Corps and a Marine expeditionary force with an additional brigade. In addition, three aircraft carriers, a battleship, appropriate escort ships, a naval amphibious landing group, and a squadron of maritime prepositioning ships will join other naval units in the area.

I want to emphasize that this deployment is in line with the steady buildup of U.S. Armed Forces in the region over the last 3 months and is a continuation of the deployment described in my letter of August 9. I also want to emphasize that the mission of our Armed Forces has not changed. Our Forces are in the Gulf region in the exercise of our inherent right of individual and collective self-defense against Iraq's aggression and consistent with U.N. Security Council resolutions related to Iraq's on-going occupation of Kuwait. The United States and other nations continue to seek a peaceful resolution of the crisis. We and

TO THE SPEAKER: 11/16/90 (9:05 PM)
TO THE REPUBLICAN LEADER: 11/19/90 (9:45 AM)

NOTED
dwg

our coalition partners share the common goals of achieving the immediate, complete, and unconditional withdrawal of Iraqi forces from Kuwait, the restoration of Kuwait's legitimate government, the protection of the lives of citizens held hostage by Iraq both in Kuwait and Iraq, and the restoration of security and stability in the region. The deployment will ensure that the coalition has an adequate offensive military option should that be necessary to achieve our common goals.

In my August 9 letter, I indicated that I did not believe that involvement in hostilities was imminent. Indeed, it was my belief that the deployment would facilitate a peaceful resolution of the crisis. I also stated that our Armed Forces would remain in the Persian Gulf region so long as required to contribute to the security of the region and desired by host governments. My view on these matters has not changed.

I appreciate the views you and other members of the congressional leadership have expressed throughout the past 3 months during our consultations. I look forward to continued consultation and cooperation with the Congress in pursuit of peace, stability, and security in the Gulf region.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. Bush", is positioned below the word "Sincerely,".

The Honorable Thomas S. Foley
Speaker of the
House of Representatives
Washington, D.C. 20515

cc: The Honorable Robert H. Michel
Republican Leader

THE WHITE HOUSE

WASHINGTON

November 16, 1990

Dear Mr. President:

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TO THE PRESIDENT PRO TEMPORE OF THE SENATE: 11/19/90 (10:07AM)
TO THE REPUBLICAN LEADER: 11/17/90 (10:15AM)

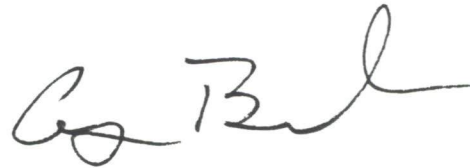
NOTED
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Sincerely,

A handwritten signature in dark ink, appearing to read "G. Bush", with a stylized, flowing script.

The Honorable Robert C. Byrd
President pro tempore
of the Senate
Washington, D.C. 20510

cc: The Honorable Robert Dole
Republican Leader

THE WHITE HOUSE

WASHINGTON

August 9, 1990

Dear Mr. President:

On August 2, 1990, Iraq invaded and occupied the sovereign state of Kuwait in flagrant violation of the Charter of the United Nations. In the period since August 2, Iraq has massed an enormous and sophisticated war machine on the Kuwaiti-Saudi Arabian border and in southern Iraq, capable of initiating further hostilities with little or no additional preparation. Iraq's actions pose a direct threat to neighboring countries and to vital U.S. interests in the Persian Gulf region.

In response to this threat and after receiving the request of the Government of Saudi Arabia, I ordered the forward deployment of substantial elements of the United States Armed Forces into the region. I am providing this report on the deployment and mission of our Armed Forces in accordance with my desire that Congress be fully informed and consistent with the War Powers Resolution.

Two squadrons of F-15 aircraft, one brigade of the 82nd Airborne Division, and other elements of the Armed Forces began arriving in Saudi Arabia at approximately 9:00 a.m. (EDT) on August 8, 1990. Additional U.S. air, naval, and ground Forces also will be deployed. The Forces are equipped for combat, and their mission is defensive. They are prepared to take action in concert with Saudi forces, friendly regional forces, and others to deter Iraqi aggression and to preserve the integrity of Saudi Arabia.

I do not believe involvement in hostilities is imminent; to the contrary, it is my belief that this deployment will facilitate a peaceful resolution of the crisis. If necessary, however, the Forces are fully prepared to defend themselves. Although it is not possible to predict the precise scope and duration of this deployment, our Armed Forces will remain so long as their presence is required to contribute to the security of the region and desired by the Saudi government to enhance the capability of Saudi armed forces to defend the Kingdom.

I have taken these actions pursuant to my constitutional authority to conduct our foreign relations and as Commander in Chief. These actions are in exercise of our inherent right of individual and collective self-defense. I look forward to cooperation with the Congress in helping to restore peace and stability to the Persian Gulf region.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. Bush", written in a cursive style.

The Honorable Robert C. Byrd
President pro tempore
of the Senate
Washington, D.C. 20510

cc: The Honorable Robert Dole
Republican Leader

LEE H. HAMPTON, Indiana
GUS YATRON, Pennsylvania
STEPHEN J. SOLARZ, New York
GERRY E. STUDS, Massachusetts
HOWARD WOLPE, Michigan
GEO. W. CROCKETT, Jr., Michigan
SAM GLJDENSON, Connecticut
MERYYN M. DYMAALLY, California
TOM LANTOS, California
PETER H. ROSTMAYER, Pennsylvania
ROBERT B. TORRICELLI, New Jersey
LAWRENCE J. SMITH, Florida
HOWARD I. BERMAN, California
MEL LEVINE, California
EDWARD F. FEIGHAN, Ohio
TED WEISS, New York
GARY L. ACKERMAN, New York
MORRIS K. UDALL, Arizona
JAMES MACLURE, North Carolina
JAMES S. FUSTER, Puerto Rico
WAYNE OWENS, Utah
HARRY JOHNSTON, Florida
ELIOT L. ENGEL, New York
ENI F. N. FALEOMAVAEGA, American Samoa
DOUGLAS M. BOSCO, California
FRANK MCCLOSKEY, Indiana
DONALD M. PAYNE, New Jersey

JOHN J. BRADY, Jr.
Chief of Staff

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

BENJAMIN A. GILMAN, New York
ROBERT J. LAGOMARSINO, California
JIM LEACH, Iowa
TOSTY ROTH, Wisconsin
OLYMPIA J. SNOWE, Maine
HENRY J. HYDE, Illinois
DOUG BERENETER, Wisconsin
CHRISTOPHER W. SMITH, New York
MICHAEL DOWNE, Ohio
DAN BURTON, Indiana
JAM MEYERS, Kansas
JOHN MILLER, Washington
DONALD E. "BUT" LUKENS, Ohio
SEN BLAZ, Guam
ELTON GALLEGLY, California
ANDY HOUGHTON, New York
PORTER J. GOSS, Florida
ILEANA ROS-LENTINE, Florida

JOHN R. SINCLAIR
Minority Chief of Staff

October 26, 1990

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

On Thursday, October 18, 1990, Secretary of State Baker testified before the Committee on Foreign Affairs on the current situation in the Persian Gulf. In response to several questions by Members, Secretary Baker repeatedly stated that the Administration will fully consult with the Congress regarding current and, to the degree possible, anticipated actions in the region.

We are concerned about press reports which indicate that the Executive branch has decided to send as many as 100,000 additional troops to the region.

If indeed such a decision has been made, we regret that the Administration did not seek to consult with appropriate Members of Congress. Such a decision cannot be justified by any time constraint or any national security interest that would preclude full and immediate consultation with the Congress.

Recognizing the difference of opinion between the Executive and Legislative branches as well as within the Congress itself on the constitutionality of the War Powers Resolution of 1973, we anticipate that the Administration, consistent with section 4(a)(3) of the War Powers Resolution, will submit to the Congress within 48 hours of its decision a report detailing the circumstances necessitating additional U.S. troops, the constitutional and legislative authority for such a decision, and the estimated scope and duration of this deployment.

202000700012 3

The Congress has strongly supported U.S. policy in the Persian Gulf. In fact, as you are well aware, there has been widespread agreement on both sides of the aisle that the Administration has handled the crisis exceptionally well to date. In particular, there has been praise for your actions to bring about an international coalition of nations in support of a policy aimed at isolating Iraq and its supporters politically, diplomatically, economically and militarily.

We are concerned that such support could erode absent effective, full, and prompt consultation with the Congress. Such a result would be neither in the interest of the Administration, the Congress, nor the nation.

We therefore expect that you will engage in appropriate consultation as well as report in a timely and complete manner with respect to any additional deployments of U.S. forces to the Persian Gulf or significant changes in their mission there.

Sincerely,



William S. Broomfield
Ranking Republican Member



Dante B. Fascell
Chairman

Office of the Executive Clerk Receipt

TO: The Honorable Thomas S. Foley
Speaker of the House of Representatives

NOVEMBER 16, 1990
(Date)

Received From The White House: Letter from the President, dtd. 11/16/90 updating
developments in the Persian Gulf region since letter dtd. 8/9/90 dwp
10/9/90.

Delivered by _____

Received by M. C. Lantz

Time Received 9:05 p.m.

Office of the Executive Clerk Receipt

TO: The Honorable Robert Dole
Senate Republican Leader
S-230 Capitol - ATTN: Al Lehn

NOVEMBER 17, 1990
(Date)

Received From The White House: Copy of a letter from the President to the
President pro tempore of the Senate, dated 11/16/90, updating developments
in the Persian Gulf region since letter of 8/9/90.

Delivered by Doug Chirdon
Executive Clerk's Office

Received by PUT UNDER DOOR (S-230) AND

Time Received 11/17/90 (10:15 am)
CALLED JAMES WHITTENHILL,
ASST TO SEN. DOLE AND
ADVISED HIM - dwp

Office of the Executive Clerk Receipt

TO: The Honorable Robert H. Michel
House Republican Leader
H-232 Capitol

NOVEMBER 19, 1990
(Date)

Received From The White House: Copy of a letter from the President to the Speaker
of the House, dated 11/16/90, updating developments in the Persian Gulf region
since letter of 8/9/90.

Delivered by _____

Received by S. Gard

Time Received 9:45

Office of the Executive Clerk Receipt

TO: The Honorable Robert C. Byrd
President pro tempore of the Senate

NOVEMBER 19, 1990
(Date)

ATTN: ~~BARBARA VIDENIEKS, Chief of Staff, S 206 Capitol~~
311 Hart Oct Bldg.

JOHN DRUMMOND
AA FOR FOREIGN RELATIONS

Received From The White House: Letter from the President, dated 11/16/90, updating
developments in the Persian Gulf region since letter of 8/9/90.

Delivered by _____

Received by J. Watkins

Time Received 10:07

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 16, 1990

TEXT OF A LETTER FROM
THE PRESIDENT TO THE SPEAKER OF
THE HOUSE OF REPRESENTATIVES AND
THE PRESIDENT PRO TEMPORE OF THE SENATE

November 16, 1990

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

There have been a number of important developments in the Persian Gulf region since my letter of August 9, 1990, informing you of the deployment of U.S. Armed Forces in response to Iraq's invasion of Kuwait. In the spirit of consultation and cooperation between our two branches of Government and in the firm belief that working together as we have we can best protect and advance the Nation's interests, I wanted to update you on these developments.

As you are aware, the United States and Allied and other friendly governments have introduced elements of their Armed Forces into the region in response to Iraq's unprovoked and unlawful aggression and at the request of regional governments. In view of Iraq's continued occupation of Kuwait, defiance of 10 U.N. Security Council resolutions demanding unconditional withdrawal, and sustained threat to other friendly countries in the region, I determined that the U.S. deployments begun in August should continue. Accordingly, on November 8, after consultations with our Allies and coalition partners, I announced the continued deployment of U.S. Armed Forces to the Persian Gulf region. These Forces include a heavy U.S. Army Corps and a Marine expeditionary force with an additional brigade. In addition, three aircraft carriers, a battleship, appropriate escort ships, a naval amphibious landing group, and a squadron of maritime prepositioning ships will join other naval units in the area.

I want to emphasize that this deployment is in line with the steady buildup of U.S. Armed Forces in the region over the last 3 months and is a continuation of the deployment described in my letter of August 9. I also want to emphasize that the mission of our Armed Forces has not changed. Our Forces are in the Gulf region in the exercise of our inherent right of individual and collective self-defense against Iraq's aggression and consistent with U.N. Security Council resolutions related to Iraq's on-going occupation of Kuwait. The United States and other nations continue to seek a peaceful resolution of the crisis. We and our coalition partners share the common goals of achieving the immediate, complete, and unconditional withdrawal of Iraqi forces from Kuwait, the restoration of Kuwait's legitimate government, the protection of the lives of citizens held hostage by Iraq both in Kuwait and Iraq, and the restoration of security and stability in the region. The deployment will ensure that the coalition has an adequate offensive military option should that be necessary to achieve our common goals.

- more -

OVER

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I appreciate the views you and other members of the congressional leadership have expressed throughout the past 3 months during our consultations. I look forward to continued consultation and cooperation with the Congress in pursuit of peace, stability, and security in the Gulf region.

Sincerely,

GEORGE BUSH

#

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE: UPDATE ON DEVELOPMENTS IN THE PERSIAN GULF
REGION SINCE LETTER(S) OF AUGUST 9, 1990.

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION

TREATY

OTHER: _____

RECEIVED: (Advance: / /90 Time: a.m./p.m.)
In final: 11/16/90 Time: 11:45 a.m./p.m.)

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: / /90 Time: a.m./p.m.)
In final: 11/16/90 Time: 12:05 a.m./p.m.)

TO JAMES W. CICCONI'S OFFICE:

(For staffing: / /90 Time: a.m./p.m.)
In final: 11/16/90 Time: 12:45 a.m./p.m.)

INFO, INCLUDING STENCIL, TO PRESS OFFICE:

Date: 11/16/90 Time: 6:10 a.m./p.m.)
POSTED: 11/16/90 Time: 7:05 a.m./p.m.)

NOTIFICATIONS:

Karen - 11/19/90 - 9:15 am
(Person/time)

Wendy - 11/17/90 - 11:00 am
(Person/time)

Nick - 11/16/90 - 7:40 pm
(Person/time)

Each time a message, report, etc., is xmitted
to the Congress, call OLA -- x2230.

NSC # 8834
NSC, when appropriate -- Brenda Hilliard;
Ex. Sec's. Office -- x6534.

Nick Rostow - picked up copies of letters.
(Other)

(Person/time)

(Other)

OTHER INFORMATION:

THE WHITE HOUSE

WASHINGTON

ORM OPTICAL DISK NETWORK

ID# 191414SS

☒ Hardcopy pages are in poor condition (too light or too dark).

☐ Remainder of case not scanned.

☐ Oversize attachment not scanned.

☐ Report not scanned.

☐ Enclosure(s) not scanned.

☐ Proclamation not scanned.

☐ Incoming letters(s) not scanned.

☐ Proposal not scanned.

☐ Statement not scanned.

☐ Duplicate letters attached - not scanned.

☐ Only table of contents scanned.

☐ No incoming letter attached.

☐ Only tracking sheet scanned.

☐ Photo(s) not scanned.

☐ Bill not scanned.

Comments:

THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

There have been a number of important developments in the Persian Gulf region since my letter of August 9, 1990, informing you of the deployment of U.S. Armed Forces in response to Iraq's invasion of Kuwait. In the spirit of consultation and cooperation between our two branches of Government and in the firm belief that working together as we have we can best protect and advance the Nation's interests, I wanted to update you on these developments.

As you are aware, the United States and Allied and other friendly governments have introduced elements of their Armed Forces into the region in response to Iraq's unprovoked and unlawful aggression and at the request of regional governments. In view of Iraq's continued occupation of Kuwait, defiance of 10 U.N. Security Council resolutions demanding unconditional withdrawal, and sustained threat to other friendly countries in the region, I determined that the U.S. deployments begun in August should continue. Accordingly, on November 8, after consultations with our Allies and coalition partners, I announced the continued deployment of U.S. Armed Forces to the Persian Gulf region. These Forces include a heavy U.S. Army Corps and a Marine expeditionary force with an additional brigade. In addition, three aircraft carriers, a battleship, appropriate escort ships, a naval amphibious landing group, and a squadron of maritime prepositioning ships will join other naval units in the area.

I want to emphasize that this deployment is in line with the steady buildup of U.S. Armed Forces in the region over the last 3 months and is a continuation of the deployment described in my letter of August 9. I also want to emphasize that the mission of our Armed Forces has not changed. Our Forces are in the Gulf region in the exercise of our inherent right of individual and collective self-defense against Iraq's aggression and consistent with U.N. Security Council resolutions related to Iraq's ongoing occupation of Kuwait. The United States and other nations continue to seek a peaceful resolution of the crisis. We and

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Sincerely,

The Honorable Thomas S. Foley
Speaker of the
House of Representatives
Washington, D.C. 20515

cc: The Honorable Robert H. Michel
Republican Leader

THE WHITE HOUSE

WASHINGTON

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Sincerely,

The Honorable Robert C. Byrd
President pro tempore
of the Senate
Washington, D.C. 20510

cc: The Honorable Robert Dole
Republican Leader

FM JC 11:45PM
To CORR 12:05PM

THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

✓ There have been a number of important developments in the Persian Gulf region since my letter of August 9, 1990, informing you of the deployment of U.S. Armed Forces in response to Iraq's invasion of Kuwait. In the spirit of consultation and cooperation between our two branches of government and in the firm belief that working together as we have we can best protect and advance the Nation's interests, I wanted to update you on these developments.

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

cc: The Honorable Robert H. Michel
Republican Leader

THE WHITE HOUSE

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Washington, D.C. 20510

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Republican Leader

THE WHITE HOUSE


WASHINGTON

8834
90 NOV 16 AM 11:09

November 16, 1990

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT 
SUBJECT: Report to Congress on Recent Persian Gulf
Deployment Decision

Purpose

To report to Congress on the recently announced deployment to the Persian Gulf region.

Background

Congressmen Fascell and Broomfield wrote on October 26, 1990, in response to media reports that you had decided to send some 100,000 additional troops to the Gulf (Tab D). They noted that, if the reports were accurate, such a decision had been taken without consultation with appropriate congressional leaders and "anticipate" that the Administration will report to Congress within 48 hours of the decision consistent with section 4(a)(3) of the War Powers Resolution.

Legislative advisors strongly recommend that you send identical letters to the Speaker and President Pro Tempore of the Senate providing information on the deployment and updating your letter of August 9.

Section 4(a)(3) of the War Powers Resolution requires a report in the event the Armed Forces are introduced "in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation." Senior Administration counsel believe that, notwithstanding the doubling of our Forces in the region, this provision is inapplicable. They conclude that deployments to the Gulf have been on-going since August and that, therefore, no report is required as a matter of law. On the other hand, they note that other provisions of the Resolution require the President to

cc: Vice President
Chief of Staff

provide information to Congress on request and to provide periodic reports, at least once every six months, on the status, scope, and duration of any deployment reportable under the Resolution in the first instance. To preserve our legal position with respect to the inapplicability of section 4(a)(3) of the Resolution, the letters prepared for your signature do not mention the War Powers Resolution (Tabs A and B). In the event Congress challenges the absence of such a reference, we could note that the letters in substance meet the criteria for a periodic report. In order to avoid implying that the War Powers Resolution's 60-day clock requiring withdrawal from hostilities has been started by this most recent development, the letters reaffirm your August 9 judgment that hostilities are not imminent. Some may see this reaffirmation as inconsistent with our efforts to increase pressure on Saddam Hussein.

I recommend that you update your August 9 letter (Tab C). I shall respond to Congressmen Fascell and Broomfield on your behalf and enclose copies of your letters to the Speaker and President Pro Tempore.

State, Defense, Justice, the Joint Chiefs of Staff, and Boyden Gray concur in the text of the letters (Tabs A and B).

RECOMMENDATION

That you report to Congress on the recent deployment decision by signing the letters at Tabs A and B.

Attachments

Tab A	Letter to the Speaker
Tab B	Letter to the President Pro Tempore
Tab C	Your Letter, dated August 9, 1990.
Tab D	Letter from Fascell and Broomfield

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 9008834
RECEIVED: 06 NOV 90 16

TO: BYRD, ROBERT C

FROM: PRESIDENT

DOC DATE: 16 NOV 90
SOURCE REF:

KEYWORDS: PERSIAN GULF
CO

WAR POWERS

PERSONS:

SUBJECT: PRES LTR TO PRES PRO TEMPORE

ACTION: PRES SGD PER WH EXEC CLERK

DUE DATE: 09 NOV 90

STATUS: C

STAFF OFFICER: HAASS

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

HAASS
KANTER
LAMPLEY
NSC CHRON
ROSTOW

19141455
ND007

COMMENTS:

DISPATCHED BY ED DATE _____ BY HAND W/ATTCH

OPENED BY: NSJWD

CLOSED BY: NSJWD

DOC 5 OF 5

UNCLASSIFIED

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 9008834
RECEIVED: 06 NOV 90 16

TO: PRESIDENT

FROM: BROOMFIELD, WILLIAM S
FASCELL, DANTE B

DOC DATE: 26 OCT 90
SOURCE REF: 186441

KEYWORDS: PERSIAN GULF
CO

WAR POWERS

PERSONS:

SUBJECT: EXPECT PRES IN FUTURE TO CONSULT CONGRESS RE ANY ADDITIONAL
DEPLOYMENT OF US FORCES TO PERSIAN GULF

ACTION: PREPARE MEMO FOR SCOWCROFT

DUE DATE: 09 NOV 90

STATUS: S

STAFF OFFICER: HAASS

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
HAASS

FOR CONCURRENCE
LAMPLEY
ROSTOW

FOR INFO
CHARLES
KANTER
PILLING
RADEMAKER
WELCH

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJWD

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

THE WHITE HOUSE

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WASHINGTON


President sgd per WH
18 Nov 90

8834

November 16, 1990

ACTION

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FROM: BRENT SCOWCROFT 

SUBJECT: Report to Congress on Recent Persian Gulf
Deployment Decision

Purpose

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Tab B	Letter to the President Pro Tempore
Tab C	Your Letter, dated August 9, 1990.
Tab D	Letter from Fascell and Broomfield

THE WHITE HOUSE

WASHINGTON

August 9, 1990

Dear Mr. President:

On August 2, 1990, Iraq invaded and occupied the sovereign state of Kuwait in flagrant violation of the Charter of the United Nations. In the period since August 2, Iraq has massed an enormous and sophisticated war machine on the Kuwaiti-Saudi Arabian border and in southern Iraq, capable of initiating further hostilities with little or no additional preparation. Iraq's actions pose a direct threat to neighboring countries and to vital U.S. interests in the Persian Gulf region.

In response to this threat and after receiving the request of the Government of Saudi Arabia, I ordered the forward deployment of substantial elements of the United States Armed Forces into the region. I am providing this report on the deployment and mission of our Armed Forces in accordance with my desire that Congress be fully informed and consistent with the War Powers Resolution.

Two squadrons of F-15 aircraft, one brigade of the 82nd Airborne Division, and other elements of the Armed Forces began arriving in Saudi Arabia at approximately 9:00 a.m. (EDT) on August 8, 1990. Additional U.S. air, naval, and ground Forces also will be deployed. The Forces are equipped for combat, and their mission is defensive. They are prepared to take action in concert with Saudi forces, friendly regional forces, and others to deter Iraqi aggression and to preserve the integrity of Saudi Arabia.

I do not believe involvement in hostilities is imminent; to the contrary, it is my belief that this deployment will facilitate a peaceful resolution of the crisis. If necessary, however, the Forces are fully prepared to defend themselves. Although it is not possible to predict the precise scope and duration of this deployment, our Armed Forces will remain so long as their presence is required to contribute to the security of the region and desired by the Saudi government to enhance the capability of Saudi armed forces to defend the Kingdom.

I have taken these actions pursuant to my constitutional authority to conduct our foreign relations and as Commander in Chief. These actions are in exercise of our inherent right of individual and collective self-defense. I look forward to cooperation with the Congress in helping to restore peace and stability to the Persian Gulf region.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. Bush", written in a cursive style.

The Honorable Robert C. Byrd
President pro tempore
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Washington, D.C. 20510

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LEE H. HAMPTON, INDIANA
GUS YATRON, PENNSYLVANIA
STEPHEN J. SOLARZ, NEW YORK
GERRY E. STUDS, MASSACHUSETTS
HOWARD WOLPE, MICHIGAN
GEO. W. CROCKETT, JR., MINNESOTA
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MERVYN M. DYMAALLY, CALIFORNIA
TOM LANTOS, CALIFORNIA
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ROBERT S. TORRICELLI, NEW JERSEY
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HOWARD L. BERMAN, CALIFORNIA
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EDWARD F. FEIGHAN, OHIO
TED WEISS, NEW YORK
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MORRIS K. UDALL, ARIZONA
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JAMES S. FUSTER, PUERTO RICO
WAYNE OWENS, UTAH
HARRY JOHNSTON, FLORIDA
ELIOT L. ENGEL, NEW YORK
ENI F. K. FALEOMAVAEGA, AMERICAN SAMOA
DOUGLAS H. BOSCO, CALIFORNIA
FRANK McCLOSKEY, INDIANA
DONALD M. PAYNE, NEW JERSEY

JOHN J. BRADY, JR.
Chief of Staff

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

BENJAMIN A. GILMAN, NEW YORK
ROBERT J. LAGOMARSINO, ILLINOIS
JIM LEACH, IOWA
TOSTY ROTH, WISCONSIN
OLYMPIA J. SNOWE, MAINE
HENRY J. HYDE, KANSAS
DOUG BERLETER, NEBRASKA
CHRISTOPHER W. SMITH, NEW HAMPSHIRE
MICHAEL DOWNE, OHIO
DAN BURTON, INDIANA
JAN MEYERS, KANSAS
JOHN MILLER, WASHINGTON
DONALD E. "BUT" LUKENS, OHIO
SEN BLAZ, GUAM
ELTON GALLEGLY, CALIFORNIA
AMO HOUGHTON, NEW YORK
PORTER J. GOSS, FLORIDA
ILEANA ROS-LENTINI, FLORIDA

JOHN R. SINCLAIR
Minority Chief of Staff

October 26, 1990

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

On Thursday, October 18, 1990, Secretary of State Baker testified before the Committee on Foreign Affairs on the current situation in the Persian Gulf. In response to several questions by Members, Secretary Baker repeatedly stated that the Administration will fully consult with the Congress regarding current and, to the degree possible, anticipated actions in the region.

We are concerned about press reports which indicate that the Executive branch has decided to send as many as 100,000 additional troops to the region.

If indeed such a decision has been made, we regret that the Administration did not seek to consult with appropriate Members of Congress. Such a decision cannot be justified by any time constraint or any national security interest that would preclude full and immediate consultation with the Congress.

Recognizing the difference of opinion between the Executive and Legislative branches as well as within the Congress itself on the constitutionality of the War Powers Resolution of 1973, we anticipate that the Administration, consistent with section 4(a)(3) of the War Powers Resolution, will submit to the Congress within 48 hours of its decision a report detailing the circumstances necessitating additional U.S. troops, the constitutional and legislative authority for such a decision, and the estimated scope and duration of this deployment.

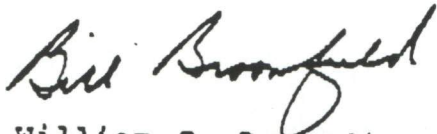
104000700012 3

The Congress has strongly supported U.S. policy in the Persian Gulf. In fact, as you are well aware, there has been widespread agreement on both sides of the aisle that the Administration has handled the crisis exceptionally well to date. In particular, there has been praise for your actions to bring about an international coalition of nations in support of a policy aimed at isolating Iraq and its supporters politically, diplomatically, economically and militarily.

We are concerned that such support could erode absent effective, full, and prompt consultation with the Congress. Such a result would be neither in the interest of the Administration, the Congress, nor the nation.

We therefore expect that you will engage in appropriate consultation as well as report in a timely and complete manner with respect to any additional deployments of U.S. forces to the Persian Gulf or significant changes in their mission there.

Sincerely,



William S. Broomfield
Ranking Republican Member



Dante B. Fascell
Chairman

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

8834

November 13, 1990

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

FROM: NICHOLAS ROSTOW *N*

SUBJECT: Report to Congress on Recent Persian Gulf
Deployment Decision

Congressmen Fascell and Broomfield wrote the President on October 26, 1990, noting media reports indicating a decision to send some 100,000 additional troops to the Gulf; complaining that, if true, the decision was taken without consultation with appropriate congressional leaders; and anticipating that the Administration will submit a report to Congress within 48 hours of the decision consistent with section 4(a)(3) of the War Powers Resolution (Tab D). State and NSC legislative affairs offices strongly recommend that the President send identical letters to the Speaker and President Pro Tempore of the Senate providing information on the deployment and updating the President's letter of August 9. They also recommend that the letter be delivered prior to the congressional leadership meeting scheduled for November 14 to prevent criticism of the absence of a report.

Section 4(a)(3) of the War Powers Resolution requires a report to Congress within 48 hours of the introduction of U.S. Armed Forces "in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation." Senior Administration counsel believe that, notwithstanding the doubling of our Forces in the region, this provision is inapplicable because, as a legal matter, the most recent deployment decision merely continues the deployments begun in August. On the other hand, counsel note that section 4(b) of the Resolution provides that the President shall provide such other information as "Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and the use of United States Armed Forces abroad," and that section 4(c) requires the President to report at least every six months to Congress on the status, scope, and duration of deployments that are reportable under the War Powers Resolution in the first instance. To preserve our legal position with respect to the inapplicability of section 4(a)(3), the letters prepared for the President's signature do not mention the War Powers Resolution (Tabs A and B). In the event Congress challenges the absence of such a reference, we could note that the letter in substance meets the criteria of section 4(c).

The letters update the letter sent August 9 (Tab C). In order to avoid implying that the War Powers Resolution's 60-day clock requiring withdrawal from hostilities has started, the letters

reaffirm the President's August 9 judgment that hostilities are not imminent. Some may see this reaffirmation as inconsistent with efforts to increase pressure on Saddam Hussein.

State, Defense, JCS, Justice, and White House Counsel concur.

I shall separately send you for signature a response to Congressmen Fascell and Broomfield, forwarding copies of the President's letters.

Concurrence by: Virginia A. Lampley, Richard Haass, Arnold Kanter *me*

RECOMMENDATION

That you ask the President to sign the letters to the Speaker of the House and President Pro Tempore of the Senate (Tab I).

Attachments

Tab I	Memorandum for the President
Tab A	Letter to the Speaker
Tab B	Letter to the President Pro Tempore of the Senate
Tab C	August 9, 1990 Letter
Tab D	Incoming

NATIONAL SECURITY COUNCIL

17-Nov-1990 15:30 EDT

UNCLASSIFIED

MEMORANDUM FOR: SEE BELOW

FROM: Wendy E. Gray
(GRAY)

SUBJECT: Packages 9092, 8834, & 9131

At noon today, Doug from the Clerk's Office called with the following info:

9092: Delegation of Presidential Authority to Reduce Egypt Military Debt was signed and delivered last evening (11/16)

9131: International Emergency Economic Powers Act was signed and delivered last evening (11/16). It had included the addition of "a copy" which we submitted today.

8834: Report to Congress re Recent Persian Gulf Deployment Decision was signed last evening (11/16). Delivery of original to Foley completed. Byrd will receive his on Monday.

Distribution:

FOR: Anita J. Craig	(CRAIG)
FOR: Entell Ford	(FORD)
FOR: George Van Eron	(VANERON)
FOR: John W. Ficklin	(FICKLIN)
FOR: Brian Merchant	(MERCHANT)
FOR: Brenda I. Hilliard	(HILLIARD)
FOR: Diane G. Limo	(LIMO)
FOR: Barbara Browne	(BROWNE)
FOR: Wendy E. Gray	(GRAY)
FOR: Robin A. Uhl	(UHL)
FOR: Stephen G. Rademaker	(RADEMAKER)
FOR: Nicholas Rostow	(ROSTOW)
FOR: C. David Welch	(WELCH)
FOR: Richard N. Haass	(HAASS)
FOR: Sandra Charles	(CHARLES)

*Rpt to Congress on
Recent Persian Gulf
Deployment Decision*

**National Security Council
The White House**

PROOFED BY: men

LOG # 8834

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT

BYPASSED WW DESK: _____

DOCLOG 34 A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
<i>sk</i> Ken Hill	<u>1</u>	<input checked="" type="checkbox"/>	<u>A</u>
Bill Sittmann	<u>2</u>	<u>copy</u>	
Bob Gates	<u>3</u>	<u>8</u>	
Brent Scowcroft	<u>4</u>	<input checked="" type="checkbox"/>	
Bill Sittmann			
Situation Room			
West Wing Desk	<u>5</u>	<u>11/16 AC</u>	<u>D</u>
NSC Secretariat	<u>6</u>		<u>N</u>

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

cc: VP Sununu Other _____

Should be seen by: _____
(Date/Time)

COMMENTS

DISPATCH INSTRUCTIONS:

*The text of the letters reflects
changes made in response to Secretary
Cheney's suggestions.*

Departments have concurred in the
revisions.

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9008834

DOC ACTION OFFICER

001 HAASS
002 SCOWCROFT
003 PRESIDENT
004
005

CAO ASSIGNED ACTION REQUIRED

Z 90110616 PREPARE MEMO FOR SCOWCROFT
Z 90111311 FWD TO PRES FOR SIG
Z 90111610 FOR SIGNATURE
X 90111911 PRES SGD PER WH EXEC CLERK
X 90111911 PRES SGD PER WH EXEC CLERK

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