

United States Senate

WASHINGTON, DC 20510

July 10, 2024

The Honorable Antony Blinken
Secretary
United States Department of State
2201 C St. NW
Washington, D.C. 20520

Dear Secretary Blinken,

We write to you today about the importance of clarifying that members of the North Atlantic Treaty Organization (NATO) would consider an armed attack against the State of Hawaii to be an attack against all NATO countries, because of the significant implications for U.S. national security interests and regional and global stability, as well as the imperative that Hawaii residents are treated in a respectful and just manner.

Hawaii is not covered by the geographical parameters set out in Article 6 of the North Atlantic Treaty, NATO's founding document. Article 6 of the Treaty defines the bounds of the protected territory for the purposes of Article 5, which commits all members to collective self-defense.¹ Under Article 6, an armed attack would trigger a response if one were to occur "on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer," thereby excluding Hawaii.² Although Article 4 allows the United States to "consult" with NATO allies in the event of an armed attack against Hawaii, it is an insufficient mechanism to address either of the deep concerns about deterring an adversary's attack or treating residents as equals to those in the other 49 states.³

When the Senate Foreign Relations Committee recommended the Senate ratify the North Atlantic Treaty in 1949, it was with the understanding that overseas territories would not be covered by Article 6.⁴ At the time, Hawaii was a U.S. territory and the drafters of the Treaty were reluctant to include all territories of the Treaty Parties under the NATO security umbrella. However, the world has changed significantly since 1949. Not only did Hawaii become a U.S. state, the importance of the Indo-Pacific to U.S. security has increased tremendously. Although since 1949, NATO's footprint has expanded from 12 founding members to 32, the alliance has not accounted for the inclusion of Hawaii as the 50th state of the union. The alliance also has not accounted for the strategic importance of the Indo-Pacific – and the need to deter destabilizing regional conflict – or the need to be more responsive and respectful toward Hawaii residents.

¹ North Atlantic Treaty art. 5, Apr. 4, 1949, 63 Stat. 2241, 34 U.N.T.S. 243

² *Id.* art. 6

³ *Id.* art. 4

⁴ Senate Executive Report No. 8 from the 81st Congress

As you confirmed during a Senate Foreign Relations Committee hearing in 2022, any attack on the United States or its territories would “almost certainly, in my judgement, draw allied reaction to include via the consultation procedures that exist under Article 4 of the Treaty.”⁵ However, the gravity of the Indo-Pacific threat environment requires that we do more. Admiral Harry Harris Jr., a former U.S. Ambassador to the Republic of Korea, and a former Commander of U.S. Indo-Pacific Command (USINDOPACOM) recently advocated for including Hawaii as a part of NATO during a Senate Foreign Relations Committee hearing, arguing that doing so would help deter future attacks on Hawaii.⁶ Hawaii is the center of the U.S. Indo-Pacific strategy, geographically located in the heart of the Pacific Ocean, and home to USINDOPACOM headquarters and critical component commands and defense installations. As Admiral Harris said, Hawaii is on “the front line of any attack if we were to suffer an attack from China or North Korea.”⁷

The fact that Hawaii is not covered under Article 6 of the North Atlantic Treaty is not a new concern. Six years after Hawaii became a state, Senator Daniel Inouye wrote to Secretary of State Dean Rusk asking whether Hawaii would be covered by Article 6 and was told “the absence of formal guarantees for Hawaii under the North Atlantic Treaty is obviously but a technicality.”⁸ The rising threats in the Indo-Pacific make clarifying NATO’s role in relation to Hawaii all the more important today. Admiral John Aquilino, another former USINDOPACOM commander, recently testified before the Senate Armed Services Committee that “the People’s Republic of China, Russia, and the Democratic People’s Republic of Korea are taking unprecedented actions that challenge international norms and advance authoritarianism” and becoming increasingly more aggressive.⁹ Allies and adversaries alike must understand now, before potential hostilities erupt, that an attack against Hawaii will be seen as an attack on NATO. Silence on whether NATO allies would come to the defense of Hawaii undermines our strategy of deterring conflict in the Indo-Pacific.

Formally amending the North Atlantic Treaty would be the clearest and most just course of action to rectify this shortcoming. There is precedent for amending the Treaty. Aside from the Treaty being effectively amended each time there is a protocol of accession for new alliance members, the Treaty language itself was altered in 1951 by the protocol adding Greece and Turkey. We, of course, recognize it may take time for the Department to navigate the challenges the amendment process may present. However, you may consider interim approaches that help address Hawaii’s formal exclusion that are more practical in the short-term. There is precedent for the North Atlantic Council to make clarifying statements regarding Treaty language that is no longer accurate or operative. For example, the North Atlantic Council recognizes the literal wording of the Article 6 phrase “the Algerian departments of France” as being effectively inoperative. In 1963, the French Representative issued a declaration to the Council stating that

⁵ <https://www.foreign.senate.gov/hearings/review-of-the-fy-2023-state-department-budget-request-042622>

⁶ <https://www.foreign.senate.gov/hearings/modernizing-us-alliances-and-partnerships-in-the-indo-pacific>

⁷ <https://www.foreign.senate.gov/hearings/modernizing-us-alliances-and-partnerships-in-the-indo-pacific>

⁸ Letter from Douglas MacArthur to Senator Daniel Inouye, July 7, 1965

⁹ https://www.armed-services.senate.gov/imo/media/doc/aquilino_statement.pdf

the President of the French Republic had formally recognized the independence of Algeria on July 3, 1962, and thus “the Algerian departments of France” no longer existed. The Council subsequently issued the following short press release: “Following a statement by the French Representative, the Council notes that insofar as the former Algerian Departments of France are concerned, the relevant clauses of the North Atlantic Treaty became inapplicable as of 3 July 1962.”¹⁰ We strongly encourage you to seriously consider a range of diplomatic options that will best protect and promote U.S. and allied interests.

The scars of the attack on Pearl Harbor are still visible today. We understand the threat that any potential conflict in the Indo-Pacific would pose to Hawaii and are committed to doing whatever is necessary to protect the state from future aggression.

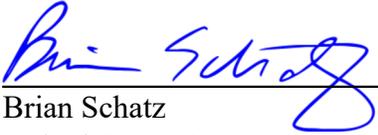
Accordingly, we request a response to the following questions by September 1:

- Has the State Department raised the issue of Hawaii’s exclusion from Article 6 of the North Atlantic Treaty with NATO allies?
 - If so, what courses of action, if any, have NATO allies considered to legally and formally ensure that an armed attack on Hawaii would trigger Article 5 obligations?
 - What options, if any, have they considered that would fall short of formal amendment of the North Atlantic Treaty, but still bolster deterrence and treat Hawaii residents as equal to those in the other 49 states?
- Has the State Department sought to amend the North Atlantic Treaty to include Hawaii?
 - If not, what are the Department’s reasons for failing to do so?
 - If so, what challenges do you anticipate arising from any formal amendment process?
- Has the State Department sought assurances from NATO allies?
 - If not, what are the Department’s reasons for failing to do so?
 - If so, what assurances have this and previous administrations received from NATO allies that have caused the United States to not seek to alter Article 6 to include Hawaii, and what form did they take (for example, written or oral commitments to treat an armed attack against Hawaii as an armed attack against all NATO members)?

We appreciate your attention to this matter and your ongoing work to protect our nation and deter potentially devastating conflict in the Indo-Pacific.

Sincerely,

¹⁰ https://www.nato.int/cps/en/natohq/news_26599.htm?selectedLocale=en



Brian Schatz
United States Senator



Eric Schmitt
United States Senator



Mazie K. Hirono
United States Senator



Tim Kaine
United States Senator



Tom Cotton
United States Senator



Chris Van Hollen
United States Senator



Todd Young
United States Senator



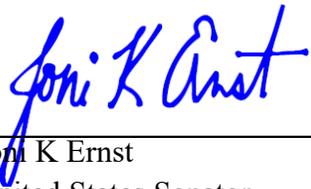
Ted Cruz
United States Senator



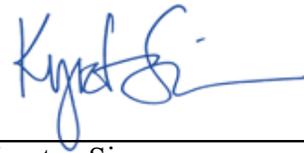
Tim Scott
United States Senator



Christopher S. Murphy
United States Senator



Joni K Ernst
United States Senator



Kyrsten Sinema
United States Senator

CC: The Honorable Lloyd Austin, Secretary of Defense