

# FOIA MARKER

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Legal Advisor-Allen, Charles

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# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                                | DATE       | RESTRICTION |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 001. email               | James Baker to Scott Busby, Mara Rudman, Theodore Piccone et al.<br>Subject: RE: Call from Congressman McGovern. (2 pages)   | 07/20/1998 | P1/b(1)     |
| 002. email               | Eric Schwartz to Theodore Piccone, Mara Rudman, Scott Busby et al.<br>Subject: RE: Call from Congressman McGovern. (3 pages) | 07/21/1998 | P1/b(1)     |
| 003. email               | James Baker to Mara Rudman, Scott Busby, Theodore Piccone et al.<br>Subject: RE: Call from Congressman McGovern. (3 pages)   | 07/21/1998 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
National Security Council  
Legal Advisor (Charles Allen)  
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### FOLDER TITLE:

Human Rights

2011-0168-F  
vz3342

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

U.S. Department of State  
ARA/CCA, Room 3234  
2201 C Street, N.W.  
Washington, D.C. 20520-6263

Phone: (202) 647-9273  
FAX: (202) 736-4476  
FAX: HELMS-BURTON UNIT: (202) 647-7095

*cleared 1800  
3/20/00  
Idris Diaz and  
Andre Suarez  
cleared*

## F A X C O V E R S H E E T

DATE: 20 March 2000

TO: Caryn Hollis  
Charles Allen

FROM: Lynn Whitlock

SUBJECT: FYI

REMARKS:

*Suggested changes from L.*

NUMBER OF PAGES, INCLUDING COVER PAGE:

*4*

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL 202 647-9273)

## Situation of human rights in Cuba

### The Commission on Human Rights:

Recalling its resolution 1999/8 of 23 April 1999,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Cuba is a party to the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination,

Reasserting the Commission's obligation to promote and protect human rights on the basis of the universal nature of the Universal Declaration of Human Rights, in all countries of the world, independently from other bilateral or regional issues affecting the country in question,

Recognizing that the violation of ~~fundamental~~ human rights, which have no geographical or political borders, *tramples on the inherent human dignity and the conscience of humanity, as such.*

Reaffirming adherence to the faith in ~~fundamental~~ human rights, in all aspects of human dignity and in the worth of the human person, as the central agent and beneficiary of development.

Recognizing the need to respect and guarantee civil and political rights and to strive to bring about full enjoyment of economic, social and cultural rights,

Taking into account the impact of the condition of human rights in Cuba on the socio-economic development and emphasising that ~~this~~ political pluralism ~~that leads to~~ economic prosperity,

Acknowledging the readiness of many countries to contribute to the sustainable development of the Cuban economy and mindful that international cooperation is an important element in improving the living conditions of the Cuban people,

and fundamental freedoms

and fundamental freedoms

fosters

Does this set us up for criticism of the embargo?

17/03 '00 FRI 13:48 FAX

Stressing that Cuba's reference to external factors does not free it from the obligation to comply with internationally recognized human rights standards and to promote the full exercise of these rights and to allow the development of civil society.

Profoundly concerned that the human rights and fundamental freedoms which are enumerated in the Universal Declaration of Human Rights are not being observed in Cuba.

1. Calls upon the Government of Cuba once again to ensure respect for human rights and fundamental freedoms and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system;
2. Calls on the Government of Cuba to honour the commitment to democracy and respect for human rights it made at the Sixth Ibero-American Summit in Chile in 1996, a commitment reiterated at the Ninth Ibero-American Summit in Havana in 1999, and an identical commitment made at the EU-Latin America Summit which is contained in the Rio Declaration of 1999;
3. Expresses the hope that the Government of Cuba will take increasingly meaningful measures with regard to the observance of internationally recognized human rights and fundamental freedoms

*permitted*  
4. Notes with satisfaction that the measures previously taken for the improvement of religious freedom and its expectation that ~~the religious institutions~~ *Churches* will be provided with an increasing scope in the field of social, humanitarian and educational activities;

*U.S. objects when such law is used towards us*  
5. Calls upon the Government of Cuba to *consider* accede to human rights instruments to which it is not yet a party, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

6. Expects that the efforts of the international community will be accompanied, on the Cuban side, by changes aimed at a reform of domestic legislation, incl. of the Cuban criminal code, and consequently the abolition of all political offences;

- 17/03/00 FRI 13:46 FAX

7. Calls upon the Government of Cuba ~~once again~~ to repeal the "Law for the Protection of the National Independence and Economy of Cuba", which is inconsistent with Cuba's international commitments;
8. Expresses its concern about the use of psychiatry as an instrument of political repression in Cuba;
9. Calls on the Government of Cuba to release all persons detained or imprisoned for the peaceful expression of their political, religious and social views, including Dr Oscar Elias Biscet and the four leaders, (names), of the dissident Grupo de Trabajo de la Disidencia Interna, and calls upon the Government of Cuba to release all such persons in accordance with their rights under the Cuban Constitution;
10. Calls upon the Government of Cuba to open a dialogue with the political opposition, as already requested by several groups including the coalition of groups "Mesa de Reflexion de la Oposicion Moderada";
11. Invites the Government of Cuba to accept all offers of international cooperation so that its citizens may enjoy the full exercise of all their internationally recognised human rights and unimpeded access to the democratic world, ~~what does this mean?~~  
BIZ only
12. Recommends, in this context, that the Government of Cuba takes advantage of the technical cooperation programmes of the Office of the United Nations High Commissioner for Human Rights, which are designed to help broaden the observance of internationally recognised human rights and fundamental freedoms;
13. Calls upon the Government of Cuba to increase its cooperation with the mechanisms of the Commission, and in particular with regard to thematic rapporteurs;
14. Decides to request the Special Rapporteur of the CHR on the promotion and protection of the right to freedom of opinion and expression as well as the Working Group on arbitrary detention to carry out a joint mission to examine situation on human rights in Cuba according to their respective mandates ~~the~~
15. Decides to consider further this matter at its fifty-seventh session under the same agenda item.

## Situation of human rights in Cuba

### The Commission on Human Rights:

Recalling its resolution 1999/8 of 23 April 1999,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Cuba is a party to the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination,

Reasserting the Commission's obligation to promote and protect human rights on the basis of the universal nature of the Universal Declaration of Human Rights, in all countries of the world, independently from other bilateral or regional issues affecting the country in question,

Recognizing that the violation of fundamental human rights, which have no geographical or political borders, *tramples on the inherent human dignity and the conscience of humanity as such*,

Reaffirming adherence to the faith in fundamental human rights, in all aspects of human dignity and in the worth of the human person, as the central agent and beneficiary of development,

Recognizing the need to respect and guarantee civil and political rights and to strive to bring about full enjoyment of economic, social and cultural rights,

Taking into account the impact of the condition of human rights in Cuba on the socio-economic development and emphasising that it is political pluralism that ~~leads to~~ economic prosperity,

*B Foster*  
Acknowledging the readiness of many countries to contribute to the sustainable development of the Cuban economy and mindful that international cooperation is an important element in improving the living conditions of the Cuban people,

OPTIONAL FORM 99 (7-90)

### FAX TRANSMITTAL

# of pages ►

|                       |                           |
|-----------------------|---------------------------|
| To <i>Chuck Allen</i> | From <i>Carryn Hollis</i> |
| Dept./Agency          | Phone #                   |
| Fax #                 | Fax #                     |

Stressing that Cuba's reference to external factors does not free it from the obligation to comply with internationally recognized human rights standards and to promote the full exercise of these rights and to allow the development of civil society,

Profoundly concerned that the human rights and fundamental freedoms which are enumerated in the Universal Declaration of Human Rights are not being observed in Cuba,

1. Calls upon the Government of Cuba once again to ensure respect for human rights and fundamental freedoms and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system;
2. Calls on the Government of Cuba to honour the commitment to democracy and respect for human rights it made at the Sixth Ibero-American Summit in Chile in 1996, a commitment reiterated at the Ninth Ibero-American Summit in Havana in 1999, and an identical commitment made at the EU-Latin America Summit which is contained in the Rio Declaration of 1999;
3. Expresses the hope that the Government of Cuba will take increasingly meaningful measures with regard to the observance of internationally recognized human rights and fundamental freedoms
4. Notes with satisfaction that the measures previously taken for the improvement of religious freedom and its expectation that the Churches will be provided with an increasing scope in the field of social, humanitarian and educational activities;
5. Calls upon the Government of Cuba to accede to human rights instruments to which it is not yet a party, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
6. Expects that the efforts of the international community will be accompanied, on the Cuban side, by changes aimed at a reform of domestic legislation, incl. of the Cuban criminal code, and consequently the abolition of all political offences;

7. Calls upon the Government of Cuba once again to repeal the "Law for the Protection of the National Independence and Economy of Cuba", which is Inconsistent with Cuba's International commitments;
8. Expresses its concern about the use of psychiatry as an Instrument of political repression in Cuba;
9. Calls on the Government of Cuba to release all persons detained or imprisoned for the peaceful expression of their political, religious and social views, including Dr Oscar Elias Biscet and the four leaders, (names) , of the dissident Grupo de Trabajo de la Disidencia Interna, and calls upon the Government of Cuba to release all such persons in accordance with their rights under the Cuban Constitution,
10. Calls upon the Government of Cuba to open a dialogue with the political opposition, as already requested by several groups including the coalition of groups "Mesa de Reflexion de la Oposicion Moderada";
- 11 Invites the Government of Cuba to accept all offers of international cooperation so that its citizens may enjoy the full exercise of all their internationally recognised human rights and unimpeded access to the democratic world,
12. Recommends, in this context, that the Government of Cuba takes advantage of the technical cooperation programmes of the Office of the United Nations High Commissioner for Human Rights, which are designed to help broaden the observance of internationally recognised human rights and fundamental freedoms;
13. Calls upon the Government of Cuba to increase its cooperation with the mechanisms of the Commission, and in particular with regard to thematic rapporteurs;
14. Decides to request the Special Rapporteur of the CHR on the promotion and protection of the right to freedom of opinion and expression as well as the Working Group on arbitrary detention to carry out a joint mission to examine situation on human rights in Cuba according to their respective mandates
15. Decides to consider further this matter at its fifty-seventh session under the same agenda item.

UNITED  
NATIONS

E



Economic and Social  
Council

Distr. .  
LIMITED

E/CN.4/1999/L.14  
15 April 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Fifty-fifth session  
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD

Czech Republic and Poland: draft resolution

1999/... Human rights in Cuba

The Commission on Human Rights,

Reaffirming the obligation of all Member States to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Mindful that Cuba is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

Reasserting the Commission's obligation to promote and protect human rights on the basis of the universal nature of the Declaration, in all countries of the world, independently from other bilateral or regional issues affecting the country in question,

GE.99-12166 (E)

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages ▶

|              |            |         |      |
|--------------|------------|---------|------|
| To           | Chuck A.   | From    | Camp |
| Dept./Agency |            | Phone # |      |
| Fax #        | last years | Fax #   |      |

NSN 7540-01-317-7368

5098-101

GENERAL SERVICES ADMINISTRATION

E/CN.4/1999/L.14  
page 2

Expressing its concern at the continued violation of human rights and fundamental freedoms in Cuba, such as freedom of expression, association and assembly and rights associated with the administration of justice, despite the expectations raised by some positive steps taken by the Government of Cuba in the past few years,

Considering the urgent need to adopt the necessary measures to ensure full respect for human rights in Cuba and to contribute to developing a more pluralistic society and a more efficient economy, and considering also the willingness of the international community to assist therein,

1. Welcomes the fact that the Government of Cuba has taken the first steps towards the opening of the society for religious institutions, and expects that Cuban citizens will be granted the right to freedom of religion and belief;

2. Encourages the Government of Cuba to continue to allow thematic special rapporteurs to visit Cuba;

3. Expresses the hope that positive steps will be taken with regard to all human rights and fundamental freedoms;

4. Expresses its concern about the adoption of the Law for the Protection of the National Independence and Economy of Cuba, and regrets the other steps taken by the Government of Cuba which are inconsistent with the Universal Declaration of Human Rights and other relevant human rights instruments;

5. Calls upon the Government of Cuba to ensure respect for human rights and fundamental freedoms, including freedom of religion, and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system;

6. Reiterates its concern about the continued repression of members of the political opposition and about the detention of dissidents, most recently of the four members of the "Grupo de Trabajo de la Disidencia Interna", and calls upon the Government of Cuba to release all the persons detained or imprisoned for peacefully expressing their political, religious and social views and for exercising their rights to full and equal participation in public affairs;

E/CN.4/1999/L.14  
page 3

7. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party, in particular the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

8. Invites the Government of Cuba to afford the country full and open contact with the democratic world, in order to ensure the enjoyment of all human rights for all Cuban people by utilizing international cooperation, by allowing a freer flow of people and ideas and by drawing on the experience and support of other nations;

9. Calls upon the Government of Cuba also to cooperate with other mechanisms of the Commission;

10. Recommends that the Government of Cuba take advantage of the technical cooperation programmes available to Governments under the auspices of the Office of the High Commissioner for Human Rights, designed to broaden the scope and to speed up reforms in the field of human rights and fundamental freedoms;

11. Decides to consider this matter at its fifty-sixth session under the same agenda item.

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

December 10, 1998

EXECUTIVE ORDER

- - - - -

IMPLEMENTATION OF HUMAN RIGHTS TREATIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is hereby ordered as follows:

Section 1. Implementation of Human Rights Obligations.

(a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the ICCPR, the CAT, and the CERD.

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, inter alia, those of the United Nations, the International Labor Organization, and the Organization of American States.

Sec. 2. Responsibility of Executive Departments and Agencies. (a) All executive departments and agencies (as defined in 5 U.S.C. 101-105, including boards and commissions, and hereinafter referred to collectively as "agency" or

"agencies") shall maintain a current awareness of United States international human rights obligations that are relevant to their functions and shall perform such functions so as to respect and implement those obligations fully. The head of each agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this order. Under this order, all such agencies shall retain their established institutional roles in the implementation, interpretation, and enforcement of Federal law and policy.

(b) The heads of agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that matters do not fall within the operating and program responsibilities and authorities of any agency, that most closely relate to their general areas of concern.

Sec. 3. Human Rights Inquiries and Complaints. Each agency shall take lead responsibility, in coordination with other appropriate agencies, for responding to inquiries, requests for information, and complaints about violations of human rights obligations that fall within its areas of responsibility or, if the matter does not fall within its areas of responsibility, referring it to the appropriate agency for response.

Sec. 4. Interagency Working Group on Human Rights Treaties. (a) There is hereby established an Interagency Working Group on Human Rights Treaties for the purpose of providing guidance, oversight, and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The designee of the Assistant to the President for National Security Affairs shall chair the Interagency Working Group, which shall consist of appropriate policy and legal representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Labor, the Department of Defense, the Joint Chiefs of Staff, and other agencies as the chair deems appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

(i) coordinating the interagency review of any significant issues concerning the implementation of this order and analysis and recommendations in connection with pursuing the ratification of human rights treaties, as such questions may from time to time arise;

(ii) coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations;

(iii) coordinating the responses of the United States Government to complaints against it concerning alleged human rights violations submitted to the United Nations, the Organization of American States, and other international organizations;

(iv) developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations and that these obligations are taken into account in reviewing legislation under consideration by the Congress as well;

(v) developing recommended proposals and mechanisms for improving the monitoring of the actions by the various States, Commonwealths, and territories of the United States and, where appropriate, of Native Americans and Federally recognized Indian tribes, including the review of State, Commonwealth, and territorial laws for their conformity with relevant treaties, the provision of relevant information for reports and other monitoring purposes, and the promotion of effective remedial mechanisms;

(vi) developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD, and other relevant treaties, and human rights-related provisions of domestic law;

(vii) coordinating and directing an annual review of United States reservations, declarations, and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, declarations, and understandings to human rights treaties, or United States practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning United States adherence to or implementation of human rights treaties and related matters; and

(ix) coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

(d) The work of the Interagency Working Group shall not supplant the work of other interagency entities, including the President's Committee on the International Labor Organization, that address international human rights issues.

Sec. 5. Cooperation Among Executive Departments and Agencies. All agencies shall cooperate in carrying out the provisions of this order. The Interagency Working Group shall facilitate such cooperative measures.

Sec. 6. Judicial Review, Scope, and Administration. (a) Nothing in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) This order does not supersede Federal statutes and does not impose any justiciable obligations on the executive branch.

(c) The term "treaty obligations" shall mean treaty obligations as approved by the Senate pursuant to Article II, section 2, clause 2 of the United States Constitution.

(d) To the maximum extent practicable and subject to the availability of appropriations, agencies shall carry out the provisions of this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,  
December 10, 1998.

# # #

12/11/98

EO / Dec 10 event

Schwartz

- believes the process imp. to USG-
- assist w/ file/starts
- deliverables - 10 Dec
- not designed to supplant Comint, legal, legisl regents

Joni Borah

UN Comm

- Skatnick committed to more formal process - not just State (he had coord'd w/ some elements of DOJ)
- Has been ad hoc proc -
- so some efforts logical/ongoing were tossed in
- HR pretty - very imp
- Pres - imp. he can say -
  - line taken steps to ensure compliance w/

States regly do things that get us into trouble

X Grants that EO doesn't have to spell out

(2)

Treasury -

OLC concern - long. looks like its  
simply non-self-exe tns that  
don't yet have legial.

we are comp. w/ \_\_\_\_\_

- but not as drafted.

- Kob - major surrender of Executive -

- well sent -

JB - its not doing anything new legally -

- its the policy of the govt -

- not creating prev. action

\* concedes can add this -

ES

Andre Sur - Torture Comm

Kob - suggests only quoted lang. on  
pp. 2.

JB - disturbed abt memo sugg'g not  
obliqs of US - they are -

(3)

- but - Just says Exec. Br. and also its supreme  
law of land.

-JB

- very few areas ~~was~~ involve unregulated  
state action - Could cover exceptions

Morton -

- State's view is enforcement will be affected.

Reichart

- Sec 3 - have we considered legal and  
resource implications?

BT - 2 levels of DOT concerns -

1- to extent Pres. can -  
(can be agreed upon)

(2) opt

OMB

To the max silent pract and  
only to want of appropo -

- does JBi offer address concern?  
- no prob

~~on so~~  
It would be troubling if we  
were not willing to ~~face~~ sign on  
to the oblig of the USG and every  
Dept there to act in regard to  
viols of HR obligs that fall w/ officers  
of responsibility.

Stewart

- doesn't appear to be a way for JMO to resolve.

↳ Eth

MAC REED  
 JAMI BOREIK  
 ANDRE M. SURENT  
 Chuck Allen  
 Poli MARMOLESOS  
 Molly Groom  
 So Capel  
 Scott Bushy  
 Eve Schwartz  
 Ruby Niding  
 Rosemary Hart  
 Bill Treanor  
 MARK RICHARD  
 John Morton

OMB/OGC  
 STATE/L  
 State/L  
 NSC/Legal  
 DOJ/CRT  
 INS-OGC  
 NS-OGC  
 NSC  
 NSC  
 OLC  
 OLC/DOJ  
 OLC/DOJ  
 Criminal/DOJ  
 ODAG/DOJ

| D        | F        |
|----------|----------|
| 395-3563 | 395-7294 |
| 647-7942 | 647-1037 |
| 647-4035 | 736-7116 |
| 456-9111 | 456-9110 |
| 307-3111 | 307-2839 |
| 514-3195 | 514-0455 |
| 514-9863 | 514-5491 |
| 456-9141 | 456-9140 |
| 456-9141 | 456-9140 |
| 514-1763 | 514-0563 |
| 514-2027 | 514-0563 |
| 514-2046 | 514-0563 |
| 514-2333 | 514-0108 |
| 514-9343 | 4-9277   |



U.S. Department of Justice

Office of Legal Counsel

Office of the  
Deputy Assistant Attorney General

Washington, DC 20530

December 7, 1998

TO: Robert Darnus  
General Counsel  
Office of Management and Budget

FR: William Michael Treanor *WMT*  
Deputy Assistant Attorney General  
Office of Legal Counsel

RE: Draft Executive Order, "Implementation of Human Rights Treaties"

As a follow-up to Scott Busby's conversation yesterday with James Castello, attached are suggested re-writes for the draft Executive Order, "Implementation of Human Rights Treaties."

1. Section 2, 3, and 4 would be eliminated. The State has assured us that the intent of the order is simply to confirm, not to expand, current responsibilities. That intent is carried out in current Sections 1(c) and 5. Section 3 seems to go beyond the Justice Department's current responsibilities and is also quite unclear about the expectations being created. We believe it is a mistake to use this Executive Order to try to resolve the respective responsibilities of individual departments, especially given the time constraints and lack of clarity in the current language. Accordingly, we ask that Sections 2-4 be deleted and that Sections 1(c) and 5, both of which address overall agency responsibilities, be combined in a single section setting out in a more general fashion the departments' and agencies' respective roles. This new, combined section would read as follows:

"Sec. 2. Responsibility of Executive Department and Agencies. (a) Executive departments and agencies (as defined in 5 U.S.C. 101-105, and including Boards and Commissions) ("departments and agencies") shall maintain a current awareness of U.S. international human rights obligations that are relevant to their functions and shall perform such functions so as to respect and implement those obligations fully. The head of each department or agency shall designate a single contact officer who will be responsible for overall coordination for the implementation of this Executive order. Under this order, departments and agencies shall retain their established institutional roles in the implementation of Federal law and policy.

*interpretation and*



## U.S. Department of Justice

## Office of Legal Counsel

Office of the  
Deputy Assistant Attorney General

Washington, DC 20530

December 2, 1998

TO: Robert G. Damus  
General Counsel, Office of Management and Budget

FR: William Treanor *WT*  
Deputy Assistant Attorney General  
Office of Legal Counsel

RE: Draft Executive Order, "Implementation of Human Rights Treaties"

Attached are the comments of the Department of Justice on the Draft Executive Order, "Implementation of Human Rights Treaties." The Department has both legal and policy concerns with the proposed Executive Order ("EO").

Two treaties named in the executive order - the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Race Discrimination - were ratified by the Senate subject to declarations of non-self-execution, and they have never been implemented by domestic legislation. A non-self-executing treaty "shall not become effective as domestic law without the enactment of implementing legislation." See Restatement (Third) of Foreign Relations Law of the United States § 111(4)(a), at 43 (1987). Until implementing legislation is enacted, such a treaty does not create private rights of action; it does not supersede statutes; and it does not impose justiciable obligations on the executive branch of government. In short, it does not operate in and of itself as domestic law in the United States. Nonetheless, the EO is entitled, "Implementation of Human Rights Treaties" and it sets out a specific scheme to "implement" U.S. responsibilities and policies, which it terms "obligations," under these treaties. Thus, section 1(a) of the EO states, "It shall be the policy and practice of the Government of the United States . . . fully to respect and implement its obligations under the international human rights treaties to which it is a party . . ." We are concerned, as a result, that this directive may improperly give rise to arguments that these two treaties are being executed by presidential directive; we are also concerned that use of the term "obligations" improperly suggests that these treaties can be read to have the stature of domestic law.

(b) The heads of departments and agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that a matter does not fall within the operating and program responsibilities and authorities of any Federal Government department or agency, that most closely relate to their general areas of concern."

2. In section 7(c)(v): In line 2, replace "implementation" with "the actions." In line 4, add "their" before "conformity" and replace "obligations" with "treaties."

3. In section 9, current paragraph is redesignated paragraph (d) and a new paragraph (c) is added to read as follows:

(c) The Department of Justice shall retain its responsibility for all litigative matters and for interpreting and resolving legal issues.

Is  
this  
necessary

\* \* \* \*

Finally, as James Castello explained in his conversation with Scott, although we believe that we could approve the Executive Order if it incorporated the above changes, we would do so only with the understanding that the President also would issue a subsequent Presidential letter or memorandum clarifying that the term "treaty obligations" in the Executive Order includes reservations, declarations, and understandings to the relevant treaties.

cc: Scott Busby, NSC  
James Castello, DOJ

It may be the case that the President has other authority, outside the treaties, to direct the Executive Branch to act in accordance with treaty principles, and we would need more time to consider specific applications fully. The proposed draft, however, raises serious enough concerns to warrant further review and discussion within the Executive Branch. At the least, we would recommend additional language clarifying that the EO does not contemplate creating any rights or requiring any executive action inconsistent with the Constitution, federal statutes, or any reservation or amendment to a treaty, any understanding attached to a treaty by the Senate, or any condition of the Senate's advice and consent to a treaty. From a policy perspective, we would also urge that close consideration be given to the way that the terms of these treaties, especially as they may be interpreted by international bodies, could potentially undermine current civil or criminal law enforcement and national security interests or policies.

With respect to private enforcement of the proposed EO, we note that when the President intends to prohibit enforcement rights by private litigants under an Executive Order, the standard practice is to include a provision stating that the order does not create such rights. We assume that it is not the intent of this EO to create new private rights of action. If this is correct, we propose that the following standard language be included in a new final section of the EO:

"Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person."

We have additional concerns regarding specific language in the EO.

Section 1(c): We understand the need to designate a single contact officer at each department and agency who will be responsible for overall coordination of the implementation of the EO, and recognize that this is a common procedure when inter-agency working groups are created. We do note, however, that to the extent the EO may expose the federal government to increased litigation risks, the individual designated as the contact officer may be subject to significant discovery in any litigation.

Section 2: While we share the common goal of improving coordination among the departments and agencies on the various areas of concern set forth in the EO, the Justice Department does have a discrete role in certain areas that are placed within the "lead responsibility" of the State Department. In the extradition area, for example, the Justice Department is actively involved in determining the countries with which we should negotiate new treaties, the contents of those treaties and their actual implementation, and litigation during extradition hearings, including dealing with alleged human rights violators. Language clarifying the Justice Department's role in extradition should be added to the list of responsibilities in Section 3(ii).

Section 3(i): It is unclear what is meant by the language in the EO referring to the Justice Department's lead responsibility for "[d]omestic implementation of international human

rights as a question of federal law, concerning in particular coordinating that implementation with the guarantees and protections established by the United States constitution and laws, including the laws concerning impermissible discrimination and the protection and promotion of civil rights." Is the Department of Justice supposed to "enforce" the provisions of international human rights treaties? Must the Department seek to ensure that federal and state practices are consistent with the various covenants? The Justice Department can only enforce any treaty obligations to the extent they are consistent with the Constitution and federal statutes. This provision needs to define more precisely the responsibilities that the Justice Department is expected to undertake.

Section 3(ii): Add "capital punishment" after "law enforcement and related subjects, including . . ."

Section 3(iii): This section is written broadly and the scope of the monitoring responsibility referred to is unclear, especially the extent to which this provision may add new responsibilities to the Justice Department's current activities. Moreover, the absence of similar provisions in the lists of responsibilities for other agencies can be interpreted to mean that the Department of Justice has the exclusive federal authority for monitoring activities by state and local authorities. Does this subsection augment the risk that the federal government may be held accountable to other countries for the compliance of state governments with international obligations? This provision has the potential for being quite burdensome since there may be no limit to the obligation to "promote actions by state and local authorities consistent with the relevant treaty obligations." Without fully exploring the scope of the responsibilities intended, the Department is unable to adequately assess the resource implications of this provision.

Section 3(iv): Add a section to read: "Enforcement responsibility for those domestic criminal laws passed in furtherance of our international human rights convention obligations." See, e.g., 18 U.S.C. §§ 1091-1093 (Genocide Convention Implementation Act), 18 U.S.C. §§ 2340-2340B (implementing Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

Section 4: We think it is important that the EO state the following: "The United States has recognized Indian tribes as domestic dependent nations under its protection and, through treaties, has guaranteed tribal rights to self-government." This language should be added to this section or to the Preamble or Section 1.

Section 5: The language in this section does not reflect the Department's role in providing legal advice and resolving legal questions within the Executive Branch. Thus, we suggest adding the following after the first paragraph: "With respect to legal questions, however, under long-established practice, the Department of Justice has been responsible for the interpretation of treaties with regard to domestic law. In addition, the Attorney General, pursuant to Executive Order 12146, has been charged with the responsibility for resolving any legal dispute whenever 'two or more Executive agencies whose heads serve at the pleasure of the President are unable to resolve such a legal dispute.' Nothing in this section shall alter the Department of

Justice's role with regard to the resolution of legal questions."

Section 6: What expectations are being created here? Does an individual's call to the Department of Labor or the Department of Justice, for example, entitle him to an investigation? Is that agency obligated to report back (compare the obligations to "respon[d] to inquiries ... and complaints" and to "keep appropriate records of its efforts on these matters")? Does the investigatory and reporting obligation extend to complaints about state government actions, since the obligation is defined with reference to the Departments' "areas of responsibilities as defined in sections 2-5 of this order," which, for the Department of Justice, obviously includes obligations under Section 3(iii). Will this require the creation of a whole new bureaucracy to respond to complaints, keep records, and file reports? Depending upon the scope of this provision, these new requirements could be unduly burdensome. Finally, to address another point implicated by this provision, it would be helpful to include clarifying language stating that this provision is not intended to alter or interfere with the Justice Department's statutory role as the government's chief litigator, see 28 U.S.C. §§ 516-519.

Section 7: What is the purpose of the Interagency Working Group? Is it a forum for coordination and exchange? We assume that the IWG has only an advisory and coordinating capacity, and it will not have any operational authority that would override established institutional roles, such as the issuance of legal opinions or the conduct of litigation.

Section 7(c)(iii): Does "international organizations" include non-governmental organizations? If so, that should be made clear. The current wording is generally used and understood to include only government entities.

Mary DeRosa

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504

7337

November 13, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: <sup>SB h</sup> ERIC SCHWARTZ/<sup>SB h</sup> JAMES BAKER

FROM: <sup>SB</sup> SCOTT BUSBY/<sup>SB h</sup> MARY DEROSA

SUBJECT: Proposed Executive Order on Implementation of  
Human Rights Treaties

During the past several years, the Department of State, the U.N. Human Rights Committee (which oversees compliance with the International Covenant on Civil and Political Rights) and a number of nongovernmental organizations have recommended that the U.S. Government develop an effective mechanism for coordinating implementation of duties under those human rights treaties to which we are a party. Coordination is particularly difficult in this area because responsibilities cut across traditional national security and domestic bureaucratic arrangements. Thus, there is value to establishing a mechanism to coordinate interagency action on these issues (e.g., preparing periodic treaty compliance reports and evaluating whether to support ratification of other human rights treaties).

State has drafted the attached Executive Order to address these concerns. It has been cleared by all affected bureaus at State, as well as by Tom Pickering's office.

The E.O. would first make clear that it is U.S. government policy to respect and implement its international human rights obligations. Second, the E.O. assigns lead responsibility to various agencies for implementation of human rights obligations within their respective purviews. Finally, and most significantly, the E.O. would establish an NSC-chaired Interagency Working Group on Implementation of Human Rights Treaties. This IWG would coordinate implementation efforts as well as other activities relating to international human rights treaties.

We support such an E.O. and request your approval to circulate it for interagency concurrence. We plan to make this E.O. one of the key deliverables for the proposed 50<sup>th</sup> anniversary commemoration of the signing of the Universal Declaration of Human Rights on December 10.

RECOMMENDATION

That you authorize Glyn Davies to sign the memorandum to Robert Damus.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachments

Tab I Memorandum to Robert Damus

Tab A Proposed Executive Order on Implementation of Human Rights Treaties

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504

7337

ACTION

MEMORANDUM FOR ROBERT DAMUS

FROM: GLYN DAVIES

SUBJECT: Proposed Executive Order on Implementation of  
Human Rights Treaties

We are providing the enclosed draft Executive order on Implementation of Human Rights Treaties for your coordination. The order has been cleared with the Department of State. We request that OMB clear the order with other relevant agencies and complete its processing by December 1, 1998.

Attachment

Tab A Proposed Executive Order

EXECUTIVE ORDER NO. **xxxxxx**  
(Date), 1998, x F.R. x  
Implementation of Human Rights Treaties

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is ordered as follows:

**Section 1. Implementation of Human Rights Obligations.**

(a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Any significant questions or issues concerning the implementation of this section shall be referred to the Interagency Working Group established by section 7 below.

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, inter alia, those of the United Nations and the Organization of American States.

(c) [All Departments and Executive Agencies (as defined in 5 U.S.C. 101-105, and including Boards and Commissions) shall maintain a current awareness of U.S. international human rights obligations which are relevant to their functions and shall perform such functions so as to fully respect and implement those obligations.] The head of each Department or Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order.

## **Section 2. Responsibility of the Department of State.**

The Department of State shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Developing and ensuring implementation of overall policy with respect to international human rights matters, including matters concerning refugees and migration, population, extradition, and other matters within the operating and program responsibilities and authorities of the Department of State;

(ii) Coordinating and developing executive branch analyses and recommendations regarding the ratification of human rights treaties;

(iii) Developing and managing overall relations and policies with respect to international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned; and

(iv) Preparing all periodic reports required by the relevant treaties.

## **Section 3. Responsibility of the Department of Justice.**

The Department of Justice shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Domestic implementation of international human rights as a question of federal law, concerning in particular coordinating that implementation with the guarantees and protections established by the United States constitution and laws, including the laws concerning impermissible discrimination and the protection and promotion of civil rights;

(ii) Other international human rights matters related to law enforcement and related subjects, including detention in prisons and similar facilities and proceedings regarding and detentions of juveniles in connection with acts that would be criminal if committed by adults; and

(iii) Efforts to monitor and promote actions by state and local authorities consistent with the relevant treaty obligations.

#### **Section 4. Responsibility of the Department of the Interior.**

The Department of the Interior shall have lead responsibility, in coordination with other appropriate agencies, within the federal government for questions concerning the human rights performance and compliance of Commonwealths, territories, and federally recognized tribes, as well as human rights matters concerning the treatment of native Americans and other indigenous populations in the United States.

#### **Section 5. Responsibility of Other Executive Departments and Agencies**

The heads of other Executive Departments and Agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that a matter does not fall within

the operating and program responsibilities and authorities of any federal government Executive Department or Agency, that most closely relate to their general areas of concern.

#### **Section 6. Human Rights Inquiries and Complaints**

Each Executive Department or Agency shall take lead responsibility, in coordination with other appropriate agencies, for investigating and responding to inquiries, requests for information, and complaints about violations of human rights obligations that fall within their areas of responsibility as defined in sections 2-5 of this order, or, if the matter does not fall within their area of responsibility, referring it to the appropriate Department or Agency for response. Each Executive Department or Agency shall keep appropriate records of its efforts on these matters.

#### **Section 7. Interagency Working Group on Human Rights Treaties**

(a) There is hereby established an Interagency Working Group on Human Rights Treaties, for the purpose of providing guidance, oversight and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The NSC shall chair the Interagency Working Group, which shall consist of appropriate policy and legal representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Defense, the Joint Chiefs of Staff, and other agencies as appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

(i) Coordinating the inter-agency review, analysis and recommendations in Connection with pursuing the ratification of human rights treaties, as such questions may from time to time arise;

(ii) Coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations;

(iii) Coordinating the responses of the United States Government to complaints against it concerning human rights violations, in particular those to be submitted to the United Nations, the Organization of American States and other international organizations;

(iv) Developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations, and that these obligations are taken into account in reviewing legislation proposed by Congress as well;

(v) Developing recommended proposals and mechanisms for improving the monitoring of implementation by the various states, Commonwealths, and territories of the United States and, where appropriate, of native Americans and federally recognized tribes, including the review of state, commonwealth and territorial laws for conformity with relevant obligations, the provision of relevant information for reports and other monitoring purposes, and the promotion of effective remedial mechanisms;

(vi) Developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD and other relevant treaties, and human rights related provisions of domestic law;

(vii) Coordinating and directing an annual review of reservations and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, declarations, understandings, or U.S. practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) Making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning U.S. adherence to or implementation of human right treaties and related matters; and

(ix) Coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

**Sec. 8. Cooperation among Executive Departments and Agencies.**

All Executive departments and Agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Working Group shall facilitate such cooperative measures.

States' concern —

Heinemann

OLC

- exempt for cap. pur.
- not in treaty itself
- OLC is OK w/ putting it into text of

K.D.

- BT — "It's got to be done —"
- striking example —
- Cap.

States' objection —

political — it's not

- imp. to make clear — not self-executing
- if Tr says A
- Conditions in ratif = A+B.

## EXECUTIVE ORDER

- - - - -

### IMPLEMENTATION OF HUMAN RIGHTS TREATIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights ("ICCPR"), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), the Convention on the Elimination of All Forms of Racial Discrimination ("CERD"), and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is hereby ordered as follows:

Section 1. Implementation of Human Rights Obligations. (a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Racial Discrimination.

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, inter alia, those of the United Nations, the International Labor Organization, and the Organization of American States.

Sec. 2. Responsibility of Executive Departments and Agencies. (a) All Executive Departments and Agencies (as defined in 5 U.S.C. 101-105, including Boards and Commissions, and hereinafter referred to collectively as "agency" or "agencies") shall maintain a current awareness of United States international human rights obligations that are relevant to their functions and shall perform such functions so as to respect and implement those obligations fully. The head of each agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this order. Under this order, all such agencies shall retain their established institutional roles in the implementation, interpretation, and

enforcement of Federal law and policy.

(b) The heads of agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that matters do not fall within the operating and program responsibilities and authorities of any agency, that most closely relate to their general areas of concern.

Sec. 3. Human Rights Inquiries and Complaints. Each agency shall take lead responsibility, in coordination with other appropriate agencies, for responding to inquiries, requests for information, and complaints about violations of human rights obligations that fall within its areas of responsibility or, if the matter does not fall within its areas of responsibility, referring it to the appropriate agency for response.

Sec. 4. Interagency Working Group on Human Rights Treaties. (a) There is hereby established an Interagency Working Group on Human Rights Treaties for the purpose of providing guidance, oversight, and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

*The APNSA or his designee*  
(b) ~~The National Security Council~~ shall chair the Interagency Working Group, which shall consist of appropriate policy and legal representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Labor, the Department of Defense, the Joint Chiefs of Staff, and other agencies as ~~appropriate~~. The principal members may designate alternates to attend meetings in their stead.

*Designated by the President or as the Chair deems appropriate.*

- (c) The principal functions of the Interagency Working Group shall include:
- (i) coordinating the interagency review of any significant issues concerning the implementation of this order and analysis and recommendations in connection with pursuing the ratification of human rights treaties, as such questions may from time to time arise;
  - (ii) coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations;
  - (iii) coordinating the responses of the United States Government to complaints against it concerning alleged human rights violations submitted to the United Nations, the Organization of American States, and other international organizations;

(iv) developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations, and that these obligations are taken into account in reviewing legislation <sup>under consideration</sup> ~~proposed~~ by Congress as well;

(v) developing recommended proposals and mechanisms for improving the monitoring of the actions by the various States, Commonwealths, and territories of the United States and, where appropriate, of Native Americans and federally recognized Indian tribes, including the review of state, commonwealth and territorial laws for their conformity with relevant treaties, the provision of relevant information for reports and other monitoring purposes, and the promotion of effective remedial mechanisms;

(vi) developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD and other relevant treaties, and human rights-related provisions of domestic law;

(vii) coordinating and directing an annual review of <sup>U.S.</sup> ~~reservations~~, declarations, and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, declarations, and understandings to human rights treaties, or United States practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning United States adherence to or implementation of human right treaties and related matters; and

(ix) coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

(d) ~~The work of~~ The Interagency Working Group shall not supplant other interagency entities, including the President's Committee on the International Labor Organization, that address international human rights issues.

Sec. 5. Cooperation among Executive Departments and Agencies. All agencies shall operate in carrying out the provisions of this order. The Interagency Working Group shall facilitate such cooperative measures.

Sec. 6. Judicial Review, Scope, and Administration. (a) Nothing in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) This order does not supersede federal statutes and does not impose any justiciable obligations on the Executive branch.

(c) The term "treaty obligations" shall mean treaty obligations as approved by the Senate pursuant to Article II, section 2, clause 2 of the United States Constitution.

(d) To the maximum extent practicable and subject to the availability of appropriations, agencies shall carry out the provisions of this order.

THE WHITE HOUSE,

EXECUTIVE ORDER

DRAFT  
12-4-98  
2:30

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IMPLEMENTATION OF HUMAN RIGHTS TREATIES

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is ordered as follows:

Section 1. Implementation of Human Rights Obligations. (a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Any significant questions or issues concerning the implementation of this section shall be referred to the Interagency Working Group established by section 7 below.

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, *inter alia*, those of the United Nations and the Organization of American States.

~~(c) All Departments and Executive Agencies (as defined in 5 U.S.C. 101-105, and including Boards and Commissions) shall maintain a current awareness of U.S. international human rights obligations which are relevant to their functions and shall perform such functions so as to fully respect and implement those obligations.~~ The head of each Department or

Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order.

*Under this order, all such departments and agencies shall retain their established institutional roles in the implementation of United States law and policy.*

Sec. 2. Responsibility of the Department of State. The Department of State shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

<sup>d</sup>(i) Developing and ensuring implementation of overall policy with respect to ~~but not limited to~~ international human rights matters, including matters concerning refugees and migration, ✓ population, extradition, and other matters within the operating and program responsibilities and authorities of the Department of State;

<sup>b</sup>(ii) Coordinating and developing executive branch analyses and recommendations regarding the ratification of human rights treaties;

<sup>c</sup>(iii) Developing and managing overall relations and policies with respect to international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned; and

<sup>d</sup>(iv) Preparing all periodic reports required by the relevant treaties.

Sec. 3. Responsibility of the Department of Justice. The Department of Justice shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

<sup>a</sup>(i) Domestic implementation of international human rights as a question of ~~their~~ relationship with federal law, concerning in particular ~~coordinating that implementation with the~~ guarantees and protections established by the United States constitution and laws, including the laws concerning impermissible discrimination and the protection and promotion of civil rights

<sup>b</sup>(ii) Other international human rights matters related to law enforcement and related subjects, including ~~detention in prisons and similar facilities, and proceedings regarding and~~ <sup>[capital punishment] [the execution of the United States of human rights]</sup> ~~detentions of juveniles in connection with acts that would be criminal if committed by adults;~~

and

<sup>c</sup><sup>appropriate</sup>(iii) Efforts to monitor and promote actions by state and local authorities ~~consistent with the relevant treaty obligations in connection with the above.~~

Sec. 4. Responsibility of the Department of the Interior. The Department of the Interior shall have lead responsibility, in coordination with other appropriate agencies, within the federal government for questions concerning the human rights performance and compliance of

Commonwealths, territories, and federally recognized tribes, as well as human rights matters concerning the treatment of native Americans and other indigenous populations in the United States; ~~and questions concerning compliance with international human rights obligations by Commonwealths, territories, and federally recognized tribes.~~

Sec. 5. Responsibility of Other Executive Departments and Agencies. The heads of other Executive Departments and Agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that a matter does not fall within the operating and program responsibilities and authorities of any federal government Executive Department or Agency, that most closely relate to their general areas of concern.

Sec. 6. Human Rights Inquiries and Complaints. Each Executive Department or Agency shall take lead responsibility, in coordination with other appropriate agencies, for ~~investigating~~ ✓  
~~and~~ responding to inquiries, requests for information, and complaints about violations of human ✓  
rights obligations that fall within their areas of responsibility as defined in sections 2-5 of this order, or, if the matter does not fall within their area of responsibility, referring it to the appropriate Department or Agency for response. ~~Each Executive Department or Agency shall~~ ✓  
~~keep appropriate records of its efforts on these matters.~~ ✓

Sec. 7. Interagency Working Group on Human Rights Treaties. (a) There is hereby established an Interagency Working Group on Human Rights Treaties, for the purpose of providing guidance, oversight and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The NSC shall chair the Interagency Working Group, which shall consist of appropriate ~~policy and legal~~ representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Defense, the Joint Chiefs of Staff, and other agencies as appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

(i) Coordinating the inter-agency review, ~~analysis and recommendations in connection~~

~~and the consideration~~ 3 of any significant ~~policy~~ issues concerning the implementation of this order

~~with pursuing the ratification of human rights treaties, as such questions may from time to time arise;~~

(ii) Coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations, ~~including reports to the Committee on Human Rights under Article 40 of the ICCPR;~~

(iii) Coordinating the responses of the United States Government to complaints against it concerning <sup>alleged</sup> human rights violations, ~~in particular those to be submitted~~ <sup>submitted</sup> to the United Nations, the Organization of American States, and other international organizations;

(iv) Developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations, and that these obligations are taken into account in reviewing legislation proposed by Congress as well;

(v) Developing recommended proposals and mechanisms for improving the monitoring of implementation by the various states, Commonwealths, and territories of the United States and, where appropriate, of native Americans and federally recognized tribes, including the review of state, commonwealth and territorial laws for conformity with relevant obligations, the provision of relevant information for reports and other monitoring purposes, and the promotion of effective remedial mechanisms;

(vi) Developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD and other relevant treaties, and ~~human rights related provisions of domestic law;~~

(vii) Coordinating and directing an annual review of reservations and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, ~~declarations,~~ understandings, or U.S. practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) Making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning U.S. adherence to or implementation of human right treaties and related matters; and

(ix) Coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

Sec. 8. Cooperation among Executive Departments and Agencies. All Executive departments and Agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Working Group shall facilitate such cooperative measures.

THE WHITE HOUSE,

Sec. 8. This order shall not implement a non-self-executing treaty, which has not been a subject of implementing legislation, in a way that departs from existing statutes

and ~~budget~~ administration

Sec 9. Judicial Review, and ~~separation~~ nothing in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. (b) This order does not supersede <sup>federal</sup> existing statutes and does not impose any justiciable obligations on the Executive branch. (c)

Executive Departments and agencies shall carry out the provisions of this order <sup>to the maximum extent practicable and</sup> subject to the availability of appropriations ~~and consistent with agency priorities~~

The term "treaty obligations" as used in this order encompasses the treaty as ratified, including any reservations, declarations, and understandings to the relevant treaties.

EXECUTIVE ORDER

DRAFT  
12-4-98  
2:30

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IMPLEMENTATION OF HUMAN RIGHTS TREATIES

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is ordered as follows:

Section 1. Implementation of Human Rights Obligations. (a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Any significant questions or issues concerning the implementation of this section shall be referred to the Interagency Working Group established by section 7 below.

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, inter alia, those of the United Nations and the Organization of American States.

(c) ~~All Departments and Executive Agencies (as defined in 5 U.S.C. 101-105, and including Boards and Commissions) shall maintain a current awareness of U.S. international human rights obligations which are relevant to their functions and shall perform such functions so as to fully respect and implement those obligations.~~ The head of each Department or Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order.

put  
under  
I-106.

Sec. 2. Responsibility of the Department of State. The Department of State shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Developing and ensuring implementation of overall policy with respect to international human rights matters, including matters concerning refugees and migration, population, extradition, and other matters within the operating and program responsibilities and authorities of the Department of State;

(ii) Coordinating and developing executive branch analyses and recommendations regarding the ratification of human rights treaties;

(iii) Developing and managing overall relations and policies with respect to international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned; and

(iv) Preparing all periodic reports required by the relevant treaties.

Sec. 3. Responsibility of the Department of Justice. The Department of Justice shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Domestic implementation of international human rights as a question of ~~their~~ ~~relationship with~~ federal law, concerning in particular coordinating that implementation with the guarantees and protections established by the United States constitution and laws, including the laws concerning impermissible discrimination and the protection and promotion of civil rights

(ii) Other international human rights matters related to law enforcement and related subjects, including detention in prisons and similar facilities and proceedings regarding and detentions of juveniles in connection with acts that would be criminal if committed by adults; and

(iii) Efforts to monitor and promote actions by state and local authorities ~~consistent with the relevant treaty obligations in connection with the above.~~

Sec. 4. Responsibility of the Department of the Interior. The Department of the Interior shall have lead responsibility, in coordination with other appropriate agencies, within the federal government for questions concerning the human rights performance ~~and compliance of~~

Commonwealths, territories, and federally recognized tribes, as well as human rights matters concerning the treatment of native Americans and other indigenous populations in the United States. ~~and questions concerning compliance with international human rights obligations by Commonwealths, territories, and federally recognized tribes.~~

Sec. 5. Responsibility of Other Executive Departments and Agencies. The heads of other Executive Departments and Agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that a matter does not fall within the operating and program responsibilities and authorities of any federal government Executive Department or Agency, that most closely relate to their general areas of concern.

Sec. 6. Human Rights Inquiries and Complaints. Each Executive Department or Agency shall take lead responsibility, in coordination with other appropriate agencies, for investigating and responding to inquiries, requests for information, and complaints about violations of human rights obligations that fall within their areas of responsibility as defined in sections 2-5 of this order, or, if the matter does not fall within their area of responsibility, referring it to the appropriate Department or Agency for response. Each Executive Department or Agency shall keep appropriate records of its efforts on these matters.

Sec. 7. Interagency Working Group on Human Rights Treaties. (a) There is hereby established an Interagency Working Group on Human Rights Treaties, for the purpose of providing guidance, oversight and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The NSC shall chair the Interagency Working Group, which shall consist of appropriate policy and legal representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Defense, the Joint Chiefs of Staff, and other agencies as appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

(i) Coordinating the inter-agency review, analysis and recommendations in Connection

with pursuing the ratification of human rights treaties, as such questions may from time to time arise;

(ii) Coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations, ~~including reports to the Committee on Human Rights under Article 40 of the ICCPR;~~

(iii) Coordinating the responses of the United States Government to complaints against it concerning human rights violations, in particular those to be submitted to the United Nations, the Organization of American States and other international organizations;

(iv) Developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations, and that these obligations are taken into account in reviewing legislation proposed by Congress as well;

(v) Developing recommended proposals and mechanisms for improving the monitoring of implementation by the various states, Commonwealths, and territories of the United States and, where appropriate, of native Americans and federally recognized tribes, including the review of state, commonwealth and territorial laws for conformity with relevant obligations, the provision of relevant information for reports and other monitoring purposes, and the promotion of effective remedial mechanisms;

(vi) Developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD and other relevant treaties, and human rights related provisions of domestic law;

(vii) Coordinating and directing an annual review of reservations and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, declarations, understandings, or U.S. practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) Making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning U.S. adherence to or implementation of human right treaties and related matters; and

(ix) Coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

Sec. 8. Cooperation among Executive Departments and Agencies. All Executive departments and Agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Working Group shall facilitate such cooperative measures.

THE WHITE HOUSE,

Sec 9. — (written in this —————

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# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                              | DATE       | RESTRICTION |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 001. email               | James Baker to Scott Busby, Mara Rudman, Theodore Piccone et al.<br>Subject: RE: Call from Congressman McGovern. (2 pages) | 07/20/1998 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
National Security Council  
Legal Advisor (Charles Allen)  
OA/Box Number: 2672

### FOLDER TITLE:

Human Rights

2011-0168-F

vz3342

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

**Allen, Charles A.**

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**From:** Busby, Scott W.  
**Sent:** Thursday, July 23, 1998 9:44 AM  
**To:** @NSA - Natl Security Advisor  
**Cc:** @LEGAL - Legal Advisor; @INTERAM - Inter-American; @INTEL - Intelligence Programs;  
@RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs  
**Subject:** Case of U.S. Churchwomen Killed in El Salvador [UNCLASSIFIED]

**Rob -- Please pass to SRB ASAP. Mara has promised a phone call to Rep. Jim McGovern on this today (responding to his phone call to Sandy) but we would like Sandy's approval on the proposed course of action before she does so.**

**Sandy --**

**We seek your approval of a proposed response to a request for further declassification of materials relating to the cases of the four American churchwomen killed in El Salvador in 1980 and for a meeting with you on this topic.**

**As you know, some of the soldiers convicted of these killings have recently stated that they acted pursuant to higher military orders. The families reacted to this news by asking State that it see to the release of all previously withheld USG materials relevant to the case. (Several agencies reviewed and released materials relating to this and other human rights cases in 1993 but a number of materials were also withheld.) The families have also raised questions about the USG decision to grant permanent resident status to two former Salvadoran military leaders who the families suspect may have been involved in ordering or covering up the killings. To date, the USG position has been that the soldiers were acting of their own accord.**

**In late June, State responded by releasing all of its previously withheld materials. However, State did not feel it was in a position to get other agencies to do the same. In addition, Justice and State are reviewing the decisions to grant permanent status to the two leaders.**

**The families have responded to the release of the State materials by writing to you with a request for (1) a meeting with you and (2) your assistance in finding and releasing additional information from DoD, FBI and CIA relating to these women's cases. Rep. Jim McGovern has followed up with a phone call to you in support of this request. Mara has spoken to McGovern about his request and he expects a phone call from Mara by COB today.**

**All relevant NSC offices (Legal, Intel, Interam, Records and Multilateral) have discussed this issue and agreed on the following:**

- 1. This case is compelling; however, before agreeing to either a meeting with the families or a further review of previously withheld materials, we need to obtain agencies' views. We also need to learn specific information such as the extent of the searches previously conducted, how much time it would take to conduct a further search or review of relevant materials, and the likelihood that any previously withheld materials could be released. We also must be sure that we can justify any special efforts undertaken here as compared with other similar requests.**
- 2. We want to be sure that there are no clear problems with the decisions by INS to grant permanent legal status to the two former military leaders.**
- 3. We propose that Mara relay the following points to Rep. McGovern tomorrow:**

- **We share your interest in these cases and in ensuring that anyone responsible for these crimes not go unpunished.**
- **As you know, an extensive search for, review and release of materials on these cases took place in 1993. We want to have a full understanding of those earlier efforts before we decide how best to proceed. We will get back to you as soon as possible.**

**\_\_\_\_\_ Agree with proposed course of action.**

**\_\_\_\_\_ Let's discuss.**

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                                | DATE       | RESTRICTION |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 002. email               | Eric Schwartz to Theodore Piccone, Mara Rudman, Scott Busby et al.<br>Subject: RE: Call from Congressman McGovern. (3 pages) | 07/21/1998 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
National Security Council  
Legal Advisor (Charles Allen)  
OA/Box Number: 2672

### FOLDER TITLE:

Human Rights

2011-0168-F

vz3342

### RESTRICTION CODES

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

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

RR. Document will be reviewed upon request.

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

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# Withdrawal/Redaction Marker

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| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                              | DATE       | RESTRICTION |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 003. email               | James Baker to Mara Rudman, Scott Busby, Theodore Piccone et al.<br>Subject: RE: Call from Congressman McGovern. (3 pages) | 07/21/1998 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
National Security Council  
Legal Advisor (Charles Allen)  
OA/Box Number: 2672

### FOLDER TITLE:

Human Rights

2011-0168-F

vz3342

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