

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title: Chron File - August 1994 #3 [7]				
Staff Office-Individual: Defense Policy-Bell, Robert				
Original OA/ID Number: 266				
Row: 31	Section: 3	Shelf: 5	Position: 1	Stack: V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	For Anthony Lake from Keith Hahn. Subject: 1994 Contingency Planning Guidance. Record ID: 9406644. (1 page)	08/30/1994	P1/b(1)
001b. memo	For the President from Anthony Lake. Subject: 1994 Contingency Planning Guidance. Record ID: 9406644. (1 page)	08/30/1994	P1/b(1)
001c. memo	For the President from William Perry. Subject: 1994 Contingency Planning Guidance. (1 page)	08/13/1994	P1/b(1)
001d. memo	For the Chairman of the Joint Chiefs of Staff. Subject: 1994 Contingency Planning Guidance. (11 pages)	08/13/1994	P1/b(1)
002a. memo	Duplicate of vz4623_005a. (1 page)	08/29/1994	P1/b(1)
002b. cable	Duplicate of vz4623_005b. (2 pages)	08/26/1994	P1/b(1)
003a. report	U.S. Army Inspector General Agency Investigation (Case 4-94), Executive Summary. (6 pages)	08/15/1994	b(2), b(7)(C), b(6)
003b. letter	To Major General R. S. Siegfried from Major General Edward D. Baca. (8 pages)	08/15/1994	b(2), b(7)(C), b(6)
004. letter	[Personally Identifiable Information] [partial] (2 pages)	08/12/1994	b(6)
005. letter	[Personally Identifiable Information] [partial] (1 page)	08/23/1994	b(6)
006a. memo	[Walter J. Davis] [Personally Identifiable Information] [partial] (1 page)	06/10/1994	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

Chron File - August 1994 #3 [7]

2016-0152-F

vz4624

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]
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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]
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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006b. resume	Transcript of Naval Service for Rear Admiral Walter J. Davis, Jr. (3 pages)	06/03/1994	b(6)

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National Security Council
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001b. memo	For the President from Anthony Lake. Subject: 1994 Contingency Planning Guidance. Record ID: 9406644. (1 page)	08/30/1994	P1/b(1)

COLLECTION:

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National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

Chron File - August 1994 #3 [7]

2016-0152-F

vz4624

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001c. memo	For the President from William Perry. Subject: 1994 Contingency Planning Guidance. (1 page)	08/13/1994	P1/b(1)

COLLECTION:

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Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001d. memo	For the Chairman of the Joint Chiefs of Staff. Subject: 1994 Contingency Planning Guidance. (11 pages)	08/13/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

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2016-0152-F
vz4624

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~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9407003
RECEIVED: 30 AUG 94 08

TO: MCALEER, R

FROM: ITOH

DOC DATE: 31 AUG 94
SOURCE REF:

KEYWORDS: MILITARY EXERCISES

PANAMA

PERSONS:

SUBJECT: SIGNIFICANT MILITARY EXERCISE CABANAS 1994 - II

ACTION: REED SGD MEMO

DUE DATE: 31 AUG 94 STATUS: C

STAFF OFFICER: SEATON

LOGREF:

FILES: PA

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
EXECSEC
SEATON

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By 12 NARA, Date 1/3/07

7016-0152-F

COMMENTS:

DISPATCHED BY DRG

DATE 8/31

BY HAND

W/ATTCH

OPENED BY: NSJEB

CLOSED BY: NSDRS

DOC 3 OF 3

~~CONFIDENTIAL~~

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ACTION DATA SUMMARY REPORT

RECORD ID: 9407003

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 HAHN	Z	94083008	PREPARE MEMO FOR ITOH
001	Z	94083114	ACTION TRANSFERRED
001 SEATON	Z	94083114	PREPARE MEMO FOR LAKE
002 ITOH	Z	94083114	FOR SIGNATURE
003	X	94083114	REED SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 940831 MCALEER, R

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9407003
RECEIVED: 30 AUG 94 08

TO: ITOH

FROM: MCALEER, R

DOC DATE: 29 AUG 94
SOURCE REF:

KEYWORDS: MILITARY EXERCISES

PANAMA

PERSONS:

SUBJECT: SIGNIFICANT MILITARY EXERCISE CABANAS 1994

ACTION: PREPARE MEMO FOR ITOH

DUE DATE: 31 AUG 94 STATUS: S

STAFF OFFICER: HAHN

LOGREF:

FILES: PA

NSCP:

CODES:

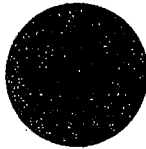
DOCUMENT DISTRIBUTION

FOR ACTION
HAHN

FOR CONCURRENCE

FOR INFO
BELL

Feinberg



URGENT

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *VL* NARA, Date *1/3/07*
2016-052-2

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJEB

CLOSED BY:

DOC 1 OF 1

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL

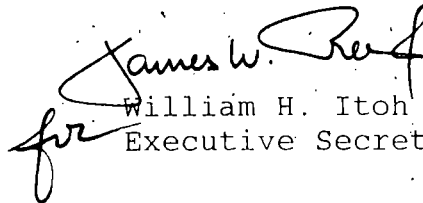
WASHINGTON, D.C. 20506

August 31, 1994

MEMORANDUM FOR COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

SUBJECT: Significant Military Exercise CABANAS 1994-II

The National Security Council staff concurs in military exercise CABANAS 1994-II.


for William H. Itoh
Executive Secretary

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

7003

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

30 August 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH
THROUGH: ROBERT BELL *RB*
FROM: JIM SEATON *JS*
SUBJECT: Significant Military Exercise CABANAS 1994-II

At Tab I is a proposed memorandum to the Executive Secretary, Department of Defense, concurring in military exercise CABANAS 1994-II. At Tab II Defense recommends approval and State concurs.

CABANAS 1994-II is a special operations "foreign internal defense" field training exercise involving American, Ecuadorian, Venezuelan, and Colombian forces from September 8-22. The exercise is designed to improve military-to-military relationships and coordination as the forces conduct counterdrug training and operations. The exercise's ground and air portions occur at Ft. Chafee, ~~Arizona~~, and various riverine operations are planned in the Republic of Panama.

The critical cancellation date is *Arkansas* September 2, 1994.

Concurrence by: *mm* Manuel Rocha

RECOMMENDATION

That you sign the memorandum at Tab I concurring in the exercises.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *VL* NARA, Date *1/3/17*

2016-0152-F

~~CONFIDENTIAL~~

Declassify on: OADR

~~CONFIDENTIAL~~

Withdrawal/Redaction Marker

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002a. memo	Duplicate of vz4623_005a. (1 page)	08/29/1994	P1/b(1)

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002b. cable	Duplicate of vz4623_005b. (2 pages)	08/26/1994	P1/b(1)
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TIME RECEIVED (LOCAL)

~~CONFIDENTIAL~~

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS
Initials: W Date: 1/11/2017

National Security Council
The White House

PROOFED BY: [Signature] LOG # 7003

URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT

BYPASSED WW DESK: _____ DOCLOG [Signature] A/O. _____

Amw SEQUENCE TO HAS SEEN DISPOSITION

	SEQUENCE TO	HAS SEEN	DISPOSITION
Reed	<u>1</u>	<u>TWR</u>	<u>A</u>
Sens	_____	_____	_____
Itoh	_____	_____	_____
Soderberg	_____	_____	_____
Berger	_____	_____	_____
Lake	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>2</u>	<u>[Signature] 31</u>	<u>D</u>
NSC Secretariat	<u>2</u>	<u>[Signature] 31</u>	<u>D</u>
_____	_____	_____	_____
_____	_____	_____	_____

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

cc: _____

COMMENTS:
Critical Cancellation
Date is Sept 2, 1994

Exec Sec Office has diskette NIO

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/31/94 ACTION/CONCURRENCE/COMMENT DUE BY: 9/6/94
 MILITARY NOMINATION: MAJ GEN EDWARD D. BACA, NEW MEXICO
 SUBJECT: NATIONAL GUARD

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McGINTY	☐	☐
PANETTA	☐	☐	MYERS	☐	☐
McLARTY	☐	☐	QUINN	☐	☐
LADER	☐	☒	RASCO	☐	☐
ICKES	☐	☐	RUBIN	☐	☐
RIVLIN	☐	☐	SEGAL	☐	☐
BAGGETT	☐	☐	SEIDMAN	☐	☐
CUTLER	☐	☐	STEPHANOPOULOS	☐	☐
EMANUEL	☐	☐	TYSON	☐	☐
GEARAN	☐	☐	VARNEY	☐	☐
GERGEN	☐	☐	WILLIAMS	☐	☐
GIBBONS	☐	☐	BELL	☒	☐
GRIFFIN	☐	☐	CLERK	☐	☒
HALE	☐	☐		☐	☐
HERMAN	☐	☐		☐	☐
LAKE	☐	☐		☐	☐
LINDSEY	☐	☒		☐	☐

REMARKS:

Do you have any objection?

RESPONSE:

The National Security Council staff concurs in the attached military nomination.

Anthony Lake

JOHN D. PODESTA
 Assistant to the President
 and Staff Secretary
 Ext. 2702

THE WHITE HOUSE

WASHINGTON

August 26, 1994

94 AUG 30 P2:17

INFORMATION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *JK for*
Mark E. Rogers
FROM: ALPHONSO MALDON, JR. *for*
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE
SUBJECT: General Officer Nomination

On May 5, 1994, you nominated Major General Edward D. Baca, New Mexico National Guard, for appointment to Lieutenant General, Reserve of the Army, and assignment as Chief, National Guard Bureau. That nomination is currently pending Senate confirmation.

Subsequent to that nomination, the Senate received allegations of improprieties by General Baca and forwarded them to the Department of Defense.

The Inspector General of the Army conducted an extensive investigation of all allegations presented, as well as some that arose during the investigation, and determined that General Baca had committed some regulatory violations.

After reviewing the Inspector General's findings and, taking into account General Baca's many years of exemplary service to his state and the Nation, the Department of Defense supports the nomination and believes it is proper for the confirmation process to continue. The Deputy Secretary of Defense has forwarded the attached letters to the Chairman and Ranking Minority Member of the Senate Armed Services Committee and made an offer for the Army Inspector General to provide a detailed briefing on the investigation, should they deem that necessary.

Attachment



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000



28 AUG 1994

Mr. Alphonso Maldon (LTC(R))
Deputy Assistant to the President and
Director, White House Military Office
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Maldon:

On April 28, 1994, the President forwarded to the Senate the nomination of Major General Edward D. Baca, New Mexico National Guard, for appointment to Lieutenant General, Reserve of the Army, and assignment as Chief, National Guard Bureau.

Subsequent to the President's nomination, the Senate received allegations of improprieties by General Baca and forwarded them to the department.

The Inspector General of the Army conducted an extensive investigation of all allegations presented, as well as some that arose during the investigation, and determined that General Baca had committed some regulatory violations.

We have reviewed the inspector general's findings and, taking into account General Baca's many years of exemplary service to his state and the Nation, support the nomination and believe it is proper for the confirmation process to continue.

I forwarded the attached letters to the Chairman and Ranking Minority Member of the Senate Armed Services Committee and made an offer for the Army Inspector General to provide a detailed briefing on the investigation, should they deem that necessary.

Sincerely,

Enclosures



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000

August 24, 1994



Senator Sam Nunn
Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510-6050

Dear Mr. Chairman:

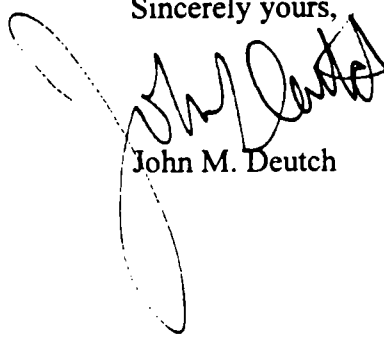
I am writing in response to your letter of May 17, 1994, concerning allegations of improprieties against Major General Edward D. Baca, Adjutant General, New Mexico National Guard, who is the President's nominee for assignment as Chief, National Guard Bureau, and appointment to the grade of lieutenant general.

On the basis of information provided by the Committee, the Department of the Army Inspector General Agency initiated a preliminary assessment on May 23, 1994. This was followed by a formal investigation, commenced on June 24, 1994, that considered those allegations originally identified in your letter and additional allegations arising during the investigation.

I have enclosed an executive summary of the Inspector General's findings for the Committee's consideration. In addition, the Army Inspector General is prepared to provide you or your representative a detailed briefing on the investigation if you deem that to be useful.

After reviewing the Army Inspector General's findings and MG Baca's response, we believe that it is appropriate for the confirmation process to go forward. First, none of the allegations brought to the Committee's attention was found, after inquiry, to be substantiated. Second, the allegations that were found to be substantiated are not sufficient to preclude favorable consideration of this nomination. Third, the investigation did not uncover any indication that MG Baca engaged in intentional wrong doing. Taking into account MG Baca's many years of exemplary service to his state and the Nation, we continue to support the nomination.

Sincerely yours,


John M. Deutch

Enclosure



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000

August 24, 1994



Senator Strom Thurmond
Ranking Minority Member
Committee on Armed Services
United States Senate
Washington, D.C. 20510-6050

Dear Senator Thurmond:

I am writing in response to your letter of May 17, 1994, concerning allegations of improprieties against Major General Edward D. Baca, Adjutant General, New Mexico National Guard, who is the President's nominee for assignment as Chief, National Guard Bureau, and appointment to the grade of lieutenant general.

On the basis of information provided by the Committee, the Department of the Army Inspector General Agency initiated a preliminary assessment on May 23, 1994. This was followed by a formal investigation, commenced on June 24, 1994, that considered those allegations originally identified in your letter and additional allegations arising during the investigation.

I have enclosed an executive summary of the Inspector General's findings for the Committee's consideration. In addition, the Army Inspector General is prepared to provide you or your representative a detailed briefing on the investigation if you deem that to be useful.

After reviewing the Army Inspector General's findings and MG Baca's response, we believe that it is appropriate for the confirmation process to go forward. First, none of the allegations brought to the Committee's attention was found, after inquiry, to be substantiated. Second, the allegations that were found to be substantiated are not sufficient to preclude favorable consideration of this nomination. Third, the investigation did not uncover any indication that MG Baca engaged in intentional wrong doing. Taking into account MG Baca's many years of exemplary service to his state and the Nation, we continue to support the nomination.

Sincerely yours,

John M. Deutch

Enclosure

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003a. report	U.S. Army Inspector General Agency Investigation (Case 4-94), Executive Summary. (6 pages)	08/15/1994	b(2), b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

Chron File - August 1994 #3 [7]

2016-0152-F
vz4624

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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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.

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]
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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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003b. letter	To Major General R. S. Siegfried from Major General Edward D. Baca. (8 pages)	08/15/1994	b(2), b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

Chron File - August 1994 #3 [7]

2016-0152-F

vz4624

RESTRICTION CODES

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

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DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU

U.S. PROPERTY AND FISCAL OFFICER FOR NEW MEXICO

P.O. BOX 4277

SANTA FE, NEW MEXICO 87502-4277



NMPF-IRAC (11)

20 July 1994

MEMORANDUM THRU COL Alex R. Garcia, Assistant Adjutant General for
Army, NMARNG, PO Box 4277, Santa Fe, New Mexico
87505-3258

FOR COL Jack R. Fox, Chief of Staff, PO Box 4277, Santa Fe, New
Mexico 87505-3258

SUBJECT: Follow-Up Audit on Replies to Audit Report No. 93-12,
Counterdrug Support Program

1. The Office of the United States Property and Fiscal Officer for NM, Internal Review and Audit Compliance (IRAC) Division, conducted a follow-up audit on replies to Internal Audit Number 93-12. The audit reviewed all replies thoroughly to determine if they addressed and closed each additional recommendation.

2. Overall, most of the replies address each additional recommendation thoroughly. However, Additional Recommendation B-2 recommended that formal position descriptions be initiated to justify duties in support of the CDS Program, Secretary of Defense (OSD) and NGB approved duties. Formal descriptions were initiated effective 15 February 1994 by the Director of Plans and Training Counterdrug Support Branch. One particular position, General's Aide-de-Camp, was not fully justified and continued utilizing Federal funds after 7 January 1994. It should be identified that between 15 Feb and 8 July 1994 this position was eliminated and replaced with a new official title of Liaison to Command Group, with the effective date of 15 February 1994. The current written position description for the Liaison to Command Group, meets the requirements in additional Recommendation B-2. Your immediate action to discontinue using Counterdrug Federal Funds for the Aide-de-Camp position is appreciated and will close our finding that identified misuse of Counterdrug Federal Funds.

3. Effective 4 March 1994, the CDS Program was redirected under the command and control of the Director, CDS Program (Chief of Staff). Considering this recent change, the IRAC Division is recommending that all PDs effective 15 February 1994 be modified to read "DIVISION: Director, CDS Program. Also, that each PD identified in additional recommendation B-2 be certified by the

NMPF-IRAC (11)

SUBJECT: Follow-Up Audit on replies to Audit Report No. 93-12, Counterdrug Support Program .

Director, CDS Program, CDS Program Coordinator, and appropriate Directorate. The following is the current status of the five (5) PDs in question:

OFFICIAL TITLE OF POSITION: General's Aide-de-Camp

CURRENT STATUS: DELETED - Official Title is now "Liaison to Command Group." According to new PD, previous General's Aide-de-camp duties no longer exist. This PD is adequate and this issue is considered closed.

OFFICIAL TITLE OF POSITION: USP&FO Liaison

CURRENT STATUS: Adequate, this PD was not questioned in additional Recommendation B-2.

OFFICIAL TITLE OF POSITION: DPA Personnel Specialist

CURRENT STATUS: Adequate; however, this PD is in need of modification. According to SSG Melanie Maes, four (4) other CDS Progra Soldiers report to her. The following is a list of those soldiers:

- (1) SGT Lucy Chavez, USPFO/Military Pay Branch
- (2) SGT Mike Romero, "State Police Plus-Up
- (3) SGT Frank Del Margo, Taos (Plus-Up)
- (4) SPC Mike Cordova, Mailroom Specialist (HQ Bldg)

OFFICIAL TITLE OF POSITION: Mail Room Specialist

CURRENT STATUS: Questionable. It is of the opinion of the Auditor that this position is not fully justified and is currently supplementing the AGR/Technician Workforce.

OFFICIAL TITLE OF POSITION: Santa Fe CDS Office Clerk

CURRENT STATUS: Deleted. This position no longer exists. The soldier is now occupying a Military Pay Specialist position under the USP&FO, effective 11 April 1994. No current PD exists for this position at this time.

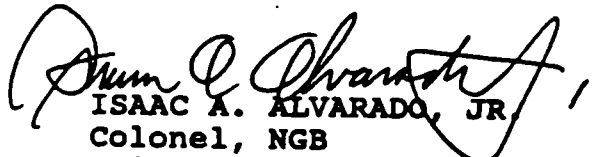
NMPF-IRAC (11)

SUBJECT: Follow-Up Audit on replies to Audit Report No. 93-12,
Counterdrug Support Program

4. Additional Recommendations D-1-1 and D-8-1 are adequate and are considered closed. Additional Recommendation D-7-1, addressing external assessment utilizing the joint CDS Internal Control Checklist, was accomplished in FY 93. However, now that the CDS Program falls under the command and control of the Director, CDS Program (Chief of Staff), who will be performing this external review? It should be noted that the FY 94 external review requirement has not been accomplished with 2 1/2 months left in FY 94. Your command emphasis is requested on the questionable issues mentioned above.

5. Point of contact is MSgt Robert Chacon, Supv Auditor, Internal Review and Audit Compliance Division, CTN: 474-1807.

FOR THE CHIEF NATIONAL GUARD BUREAU:


ISAAC A. ALVARADO, JR.
Colonel, NGB
United States Property and
Fiscal Office

CF:
NMAG
NMAG-AA
NMAG-IG
AFKB-NG

NMAG-DPT

15 February 1994

MEMORANDUM THRU ^{1/16} ~~Msgt~~ Robert Chacon, Supervisory Auditor, Internal Review and Audit
Review and Audit Compliance Division, P.O. Box 4277, Santa Fe,
New Mexico 87502-4277

⁰²⁻³¹⁻⁹⁴
FOR Col Isaac A. Alvarado Jr., US Property and Fiscal Officer for New Mexico, P.O. Box 4277,
Santa Fe, New Mexico 87502-4277

FOR Jack R. Fox, Chief of Staff, P.O. Box 4277, Santa Fe, New Mexico 87502-4277 ^{JA}

SUBJECT: Reply to Internal Audit on Counterdrug Support Program, Audit Report No. 93-12

TITLE: MISUSE OF COUNTERDRUG FUNDS

INITIAL FINDING B:

Counterdrug funds were utilized to pay for routine National Guard operations that were not related to counterdrug program activities. Also, manpower authorized and funded by the Chief, National Guard Bureau to the New Mexico Army National Guard, was not being effectively utilized for its intended purpose. This was due to mismanagement of personnel resources. The result is misuse of counterdrug federal funds.

INITIAL RECOMMENDATION B-2: {POTO/POMSO/DRUG INTERDICTION PROGRAM COORDINATOR}

That the POTO ensure four of the six ADSW personnel identified as supplementing the technician/AGR work force be reassigned back to the Drug Program and perform duties consistent with the program. And, the other two ADSW personnel are effectively and efficiently utilized in support of the Drug Interdiction Program.

ADDITIONAL RECOMMENDATION B-2: {CHIEF OF STAFF/POTO}

That the Chief of Staff ensure the POTO reassigns all five soldiers identified as supplementing the G-1 Technician/AGR work force and Drug Demand Reduction Program back to the CDS Program to perform Office of the Security of Defense (OSD) and NGB approved duties.

ADDITIONAL RECOMMENDATION B-2-2: {DIRECTOR, PLANS & TRAINING}

That the Director, Plans & Training (DPT) ensure formal position descriptions are initiated to justify duties in support of the CDS Program for five of the seven soldiers on ADSW. And that the DPT discontinue using Drug Interdiction CDS funds to support the DDR S-5 (Aide De Camp) position, effective after 7 January 1994. More appropriate funds to use for this position would be State funds. Also, that he utilize the soldier that is currently assigned to the POMSO to a position that more clearly supports the CDS Program and not supplements the Technician/AGR work force.

ACTIVITY REPLY: *The required position descriptions are at Enclosure 1. The position descriptions are for the following CDS personnel assigned to Santa Fe:*

1. Aide de Camp.
2. USP&FO Liaison.
3. DPA Personnel Specialist.
4. Mail Room Specialist.
5. Santa Fe CDS Office Clerk.

Effective 14 February 1994 the soldier assigned to the POMSO has been reassigned to the Santa Fe CDS Office.

*closed
2/28/94
JEM*

7050

WHITE HOUSE STAFFING MEMORANDUM

DATE: 08/31/94 ACTION/CONCURRENCE/COMMENT DUE BY: Tuesday, 09/06

SUBJECT: MILITARY NOMINATIONS: 26 OFFICERS FOR APPOINTMENT TO THE GRADE OF
MAJOR GENERAL AND BRIGADIER GENERAL, USAR

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McGINTY	☐	☐
PANETTA	☐	☐	MYERS	☐	☐
McLARTY	☐	☐	QUINN	☐	☐
LADER	☐	☐	RASCO	☐	☐
ICKES	☐	☐	RUBIN	☐	☐
RIVLIN	☐	☐	SEGAL	☐	☐
BAGGETT	☐	☐	SEIDMAN	☐	☐
CUTLER	☐	☐	STEPHANOPOULOS	☐	☐
EMANUEL	☐	☐	TYSON	☐	☐
GEARAN	☐	☐	VARNEY	☐	☐
GERGEN	☐	☐	WILLIAMS	☐	☐
GIBBONS	☐	☐	BELL	☒	☐
GRIFFIN	☐	☐	CLERK	☐	☒
HALE	☐	☐		☐	☐
HERMAN	☐	☐		☐	☐
LAKE	☐	☐		☐	☐
LINDSEY	☐	☐		☐	☐

REMARKS:

Do you have any objections?

RESPONSE:

The National Security Council staff concurs in the attached military nominations.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
Ext. 2702

Anthony Lake

THE WHITE HOUSE

WASHINGTON

August 26, 1994

94 AUG 30 P2:16

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *THC for Mark A. Rogers*
FROM: ALPHONSO MALDON, JR.
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE
SUBJECT: General Officer Nomination

Forwarded for your approval and signature is a nomination containing the names of 26 officers for appointment to the grade of major general and brigadier general, as indicated, in the Reserve of the Army of the United States.

This nomination is submitted by the Secretary of Defense after considering adverse information pertaining to one officer which has been provided by the Under Secretary of Defense (Personnel and Readiness) (TAB A). If you approve this nomination, the adverse information will be provided to the Senate Armed Services Committee.

This nomination is based on the report of a Federal Recognition Board approved by the Secretary of the Army and forwarded by the Secretary of Defense.

Recommend you approve and sign the attached.

Attachment



THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1000

12 AUG 1994

MEMORANDUM FOR THE PRESIDENT

SUBJECT: General Officer Nomination

I recommend you nominate the twenty-six officers whose names are on the attached list for appointment to the grade indicated in the Reserve of the Army of the United States. These officers have been recommended for promotion by a Federal Recognition Board approved by the Secretary of the Army.

I have personally reviewed adverse information concerning one of the officers and will provide the information to the White House Military Office separately. Should you approve this nomination recommendation, I will provide the same information to the Senate Armed Services Committee.

This action will not result in the Army exceeding the authorized strength of general officers in an active status in the Reserve of the Army.

A handwritten signature in cursive script, reading "William J. Perry", is located in the lower right area of the page.

Attachment

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. letter	[Personally Identifiable Information] [partial] (2 pages)	08/12/1994	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

Chron File - August 1994 #3 [7]

2016-0152-F

vz4624

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]
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- 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]
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- 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]

The White House

Washington

To the Senate of the United States:

I nominate:

The following United States Army National Guard officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of Sections 593(a), 3385 and 3392, Title 10, United States Code:

To be Major General

Brigadier General James J. Hughes, Jr.

(b)(6)

Brigadier General William D. Jones,

Brigadier General Gerald A. Rudisill,

(b)(6)

Brigadier General Melvin C. Thrash,

To be Brigadier General

Brigadier General John W. Hubbard,

(b)(6)

Colonel John D. Havens,

(b)(6)

[004]

Colonel Ronald D. Tincher,

(b)(6)

Colonel Peter B. Injasoulian,

Colonel Alfred E. Tobin,

(b)(6)

Colonel James W. O'Toole,

(b)(6)

Colonel Francis D. Vavala,

Colonel Michael H. Harris,

Colonel Albert A. Mangone,

(b)(6)

Colonel David P. Rataczak,

Colonel Thomas D. Kinley,

Colonel Joseph J. Taluto, (b)(6)

Colonel Roger C. Green, Jr., (b)(6)

Colonel Norman A. Hoffman, (b)(6)

Colonel Ewald E. Beth, (b)(6)

Colonel Raymond A. Vezina, (b)(6)

Colonel Eduardo R. Duenas, (b)(6)

[004]

Colonel Rodney A. McNelley, (b)(6)

Colonel Gene Sisneros, (b)(6)

Colonel Gus L. Hargett, Jr., (b)(6)

Colonel Harold J. Stearns, (b)(6)

Colonel John Avila, Jr., (b)(6)

WHITE HOUSE STAFFING MEMORANDUM

7047

DATE: 08/31/94 ACTION/CONCURRENCE/COMMENT DUE BY: Tuesday, 09/06

SUBJECT: MILITARY NOMINATION: 3 OFFICERS FOR APPOINTMENT TO BRIGADIER
GENERAL, MEDICAL CORPS, USA

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McGINTY	☐	☐
PANETTA	☐	☐	MYERS	☐	☐
McLARTY	☐	☐	QUINN	☐	☐
LADER	☐	☐	RASCO	☐	☐
ICKES	☐	☐	RUBIN	☐	☐
RIVLIN	☐	☐	SEGAL	☐	☐
BAGGETT	☐	☐	SEIDMAN	☐	☐
CUTLER	☐	☐	STEPHANOPOULOS	☐	☐
EMANUEL	☐	☐	TYSON	☐	☐
GEARAN	☐	☐	VARNEY	☐	☐
GERGEN	☐	☐	WILLIAMS	☐	☐
GIBBONS	☐	☐	BELL	☒	☐
GRIFFIN	☐	☐	CLERK	☐	☒
HALE	☐	☐		☐	☐
HERMAN	☐	☐		☐	☐
LAKE	☐	☐		☐	☐
LINDSEY	☐	☐		☐	☐

REMARKS: Do you have any objection?

RESPONSE:

The National Security Council staff concurs in the attached military nominations.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
Ext. 2702

Anthony Lake

8/31/94

THE WHITE HOUSE
WASHINGTON

August 26, 1994

94 AUG 30 P2:16

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *JK for*
FROM: ALPHONSO MALDON, JR. *Maldon*
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE
SUBJECT: General Officer Nomination

Forwarded for your approval and signature is the nomination containing the names of three officers for appointment to the grade of brigadier general in the Medical Corps of the United States Army.

This nomination is based on the results of a selection board approved by the Deputy Secretary of Defense on behalf of the Secretary.

Recommendation

That you approve and sign the attached.

Attachment



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



23 AUG 1994

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Army General Officer Nomination

On behalf of the Secretary of Defense, I recommend you nominate Colonel Harold L. Timboe, Colonel Warren A. Todd, Jr., and Colonel Stephen N. Xenakis for appointment to the grade of brigadier general in the Medical Corps of the United States Army.

This nomination is based on the results of a selection board I approved for the Secretary of Defense. It will not result in the Army exceeding the authorized strength of general officers on active duty.



John M. Deutch

Attachment

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. letter	[Personally Identifiable Information] [partial] (1 page)	08/23/1994	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

Chron File - August 1994 #3 [7]

2016-0152-F

vz4624

RESTRICTION CODES

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The White House

Washington

To the Senate of the United States:

I nominate:

The following-named Medical Corps Competitive Category officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of Title 10, United States Code, Sections 611(a) and 624(c):

To be Permanent Brigadier General

Colonel Warren A. Todd, Jr., (b)(6) United States Army

Colonel Stephen N. Xenakis, (b)(6) United States Army

Colonel Harold L. Timboe, (b)(6) United States Army

[005]

Choon

072606SS

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

7048

DATE: 8/3ACTION/CONCURRENCE/COMMENT DUE BY: 8/5

MILITARY NOMINATION: REAR ADMIRAL WALTER J. DAVIS, JR., USN

SUBJECT: _____

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McGINTY	☐	☐
PANETTA	☐	☐	MYERS	☐	☐
McLARTY	☐	☐	QUINN	☐	☐
LADER	☐	☐	RASCO	☐	☐
ICKES	☐	☐	RUBIN	☐	☐
RIVLIN	☐	☐	SEGAL	☐	☐
BAGGETT	☐	☐	SEIDMAN	☐	☐
CUTLER	☐	☐	STEPHANOPOULOS	☐	☐
EMANUEL	☐	☐	TYSON	☐	☐
GEARAN	☐	☐	VARNEY	☐	☐
GERGEN	☐	☐	WILLIAMS	☐	☐
GIBBONS	☐	☐	BELL	☒	☐
GRIFFIN	☐	☐	CLERK	☐	☒
HALE	☐	☐		☐	☐
HERMAN	☐	☐		☐	☐
LAKE	☐	☐		☐	☐
LINDSEY	☐	☐		☐	☐

REMARKS:

Do you have any objection?

RESPONSE:

The National Security Council staff concurs in the attached military nomination.

Anthony Lake

JOHN D. PODESTA
 Assistant to the President
 and Staff Secretary
 Ext. 2702

THE WHITE HOUSE

WASHINGTON

July 28, 1994

94 AUG 1 P4:45

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *J*
FROM: ALPHONSO MALDON, JR. *Amg*
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE
SUBJECT: Flag Officer Nomination

Forwarded for your approval and signature is the nomination of Rear Admiral Walter J. Davis, Jr., United States Navy, for appointment to the grade of vice admiral and a recommendation for his assignment as Director, Space Electronic Warfare, N6, Office of the Chief of naval Operations.

As required by title 10, United States Code, section 601 (d) (1), the Deputy Secretary of Defense has attached an evaluation of Admiral Davis' performance in two joint equivalent assignments from the Chairman of the Joint Chiefs of Staff.

This nomination has been staffed by the Secretary of the Navy and approved by the Deputy Secretary of Defense.

Recommendation

That you approve and sign the attached.

Attachment



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000



19 JUL 1994

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Flag Officer Nomination

I recommend you assign Rear Admiral Walter J. Davis, Jr., United States Navy, as Director, Space Electronic Warfare, N6, Office of the Chief of Naval Operations. This position was previously authorized to carry the grade of vice admiral under the title Director, Space and Electronic Warfare, OP-094. I further recommend you nominate Admiral Davis, age 57, for appointment to the grade of vice admiral. He currently serves as Director, Warfare Systems Architecture and Engineering, Space and Naval Warfare Systems Command. He will succeed Vice Admiral Arthur K. Cebrowski who has been nominated as the Director for Command, Control, Communications, and Computers, J-6, Joint Staff.

In order to carry out the duties and responsibilities of the proposed assignment, a flag officer must have demonstrated highly effective performance in senior leadership positions. He must be able to plan, program, direct, and coordinate support functions necessary for effective Naval command and control, including telecommunications, reconnaissance, surveillance, electronic warfare, intelligence-related activities, and Navy space programs. Admiral Davis meets these qualifications.

As required by Title 10, United States Code, Section 601(d)(1), I have attached an evaluation of Admiral Davis from the Chairman of the Joint Chiefs of Staff while assigned to two joint equivalent assignments.

This action will not cause the Navy to exceed the number of officers authorized to be serving in the grade of vice admiral.

Attachment



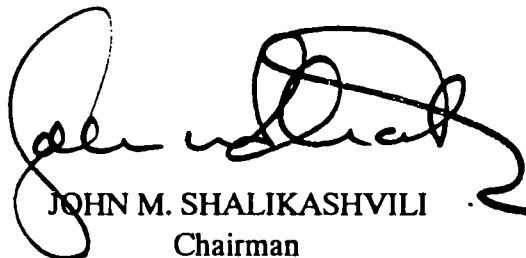
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20318-9999

CN-321-94
10 June 1994

MEMORANDUM FOR: Secretary of Defense
Deputy Secretary of Defense

Subject: Flag Officer Nomination

1. In accordance with the provisions of title 10, United States Code, and DOD Instruction 1320.4, the Secretary of the Navy has recommended Rear Admiral Walter J. Davis, Jr., for assignment as Director, Space and Electronic Warfare, N6, Office of the Chief of Naval Operations, and appointment to the grade of vice admiral.
2. I have reviewed Rear Admiral Davis' performance in two joint equivalent assignments. As the Project Officer, Weapons Systems Test Division, Navy Air Training Center, Patuxent River, he was instrumental in efforts to modify aircraft in the current Research, Development, Test, and Evaluation inventory to fleet defensive electronic countermeasures system configuration. While planning and conducting comprehensive test series, he maintained extensive liaison with Air Force and contractor personnel. As the Assistant Project Manager for F-14s, Naval Air Systems Command Headquarters, his technical expertise and operational experience enabled him to meld the technical communities and fleet operators into an effective working team. He was particularly effective in leading a study effort to define long-range F-14 improvements necessary to ensure that the aircraft remained a premier fighter in the 1990s. I am confident he is well qualified for this assignment and advancement.
3. I concur in the Secretary's nomination of Rear Admiral Davis for this assignment and appointment to the grade of vice admiral and recommend you forward the enclosed nomination to the President for approval.


JOHN M. SHALIKASHVILI
Chairman
of the Joint Chiefs of Staff

Enclosure

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. memo	[Walter J. Davis] [Personally Identifiable Information] [partial] (1 page)	06/10/1994	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

Chron File - August 1994 #3 [7]

2016-0152-F
vz4624

RESTRICTION CODES

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

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

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

The White House

Washington

To the Senate of the United States:

I nominate:

The following named officer for appointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be Vice Admiral

Rear Admiral Walter J. Davis, Jr., U. S. Navy,

(b)(6)

[006a]

X

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006b. resume	Transcript of Naval Service for Rear Admiral Walter J. Davis, Jr. (3 pages)	06/03/1994	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 266

FOLDER TITLE:

Chron File - August 1994 #3 [7]

2016-0152-F
vz4624

RESTRICTION CODES

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

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

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

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.

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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]

IMMEDIATE RELEASE

No.

(703) 697-5131 (media)

(703) 697-3189 (copies)

(703) 697-5737 (public/industry)

FLAG OFFICER ANNOUNCEMENT

Secretary of Defense William J. Perry announced today that the President has nominated Rear Admiral Walter J. Davis, Jr., U.S. Navy, for appointment to the grade of vice admiral and assignment as Director, Space Electronic Warfare, N6, Office of the Chief of Naval Operations in The Pentagon. Rear Admiral Davis is currently serving as Director, Warfare Systems Architecture and Engineering, Space and Naval Warfare Systems Command in Arlington, Virginia.

Rear Admiral Davis was born August 1, 1936 in Winston Salem, North Carolina.

-END-

8/31/94

CC: Aahn

Rohr

For Dohs -

please let me know by 1000 AM
if this conforms to your thinking.

Foreign Policy Talking Points
August 31, 1994, 6:00 P.M.

Cheer.

J. Spalter

Foreign Policy Accomplishments

Ireland

Cuba

Haiti

Mexico

China

North Korea

Population

Bosnia

Nuclear Smuggling

Rwanda/Burundi

Nigeria

Middle East

Jordan

Helicopter

Shutdown

HELICOPTER *Shoot down*

Background

this week
The Air Force's Air Combat Command (ACC) *preferred* ~~will~~ enter court-martial charges for dereliction of duty ~~today and tomorrow~~ against five crew members of the AWACS that was controlling air operations over northern Iraq at the time of the April 19 accidental downing of two U.S. Army helicopters, killing 26. Final decisions are still pending within the U.S. Air Forces in Europe (USAFE) command with regard to the two F-15 pilots and the senior leadership of the Combined Task Force.

Points

- The proceedings are being conducted in strict accordance with the Uniform Code of Military Conduct (UCMJ). As Commander-in-Chief, it would be improper for me to offer views as to individual culpability since that could create a perception of undue command influence.

(If asked if this reflects budget cuts requiring our military forces to do too much with too little):

- The official report of the investigation found that all AWACS crew members had satisfied their crew rest requirements prior to the flight and all were physically qualified to fly the mission.
- The report also found that with one exception all were trained and qualified to perform the mission. The exception was the Mission Crew Commander, who was not overextended in his duty schedule but rather under-qualified, having flown only one AWACS sortie in the previous three months.
- As General Andrus said in his July 13 press briefing, the accident was caused by a breakdown in command guidance and supervision, and the misidentification of the two Black Hawk helicopters.

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

August 31, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT G. BELL *RGB*FROM: JIM SEATON *JS*

SUBJECT: Representative Cramer's Letter RE: Classification of Persian Gulf War as Period of Military Hostility

Representative Cramer wrote to the President requesting that he consider issuing an Executive Order granting U.S. citizenship to non-nationals who served in the military during the Gulf War. A letter from a soldier-constituent, Sgt. Manuel Bojorquez, precipitated Rep. Cramer's letter to the President.

Sgt. Bojorquez, a Mexican national, has served in the U.S. Army since February 1988. He gained permanent residency status while living in the U.S. as a child. When he was 13 his family moved back to Mexico. After returning to the U.S. when he was 21, a judge restored his permanent residency status, but INS appealed. Sgt. Bojorquez enlisted while the case was pending before the Board of Immigration Appeals (BIA). In 1990 the earlier decision was overturned on the grounds that he gave up this status once before. The BIA then denied his application for citizenship because he is not a permanent resident, so he awaits deportation.

As a matter of law, the President has statutory authority to grant expedited naturalization to aliens who have served in the U.S. armed forces during periods of active hostilities. In package 7014 we request the Defense Department and Justice to examine the ramifications of drafting such an Executive Order and ask for their recommendations.

Concurrences by:

In draft
Ellen Laipson, Jamie Baker, Bill Danvers *JD*RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President
Tab A Letter to Representative Cramer
Tab B Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
SUSAN BROPHY

SUBJECT: Representative Cramer's Letter RE: Classification
of Persian Gulf War as Period of Military
Hostility

Purpose

To respond to a congressional request to review possibility of issuing an executive order to expedite naturalization for non-nationals who served during the Gulf War.

Background

Representative Cramer wrote concerning a U.S. Army constituent attempting to regain the permanent residency status he lost as a child when his family moved to Mexico after a five-year stay in the U.S. He has attempted to regain this classification since his return to the U.S. in 1984, but has been told by the Board of Immigration Appeals that he is ineligible because he gave up this status once before. He enlisted in 1988 while his case was under appeal. He is on his final appeal now and believes that an executive order expediting the naturalization process for those who served in the military during a period of hostilities is his only remaining option for acquiring American citizenship.

As a matter of law, you have statutory authority to expedite naturalization to aliens who served in the U.S. armed forces during periods of active hostilities. The Courts disagree, however, whether the statute requires participation in the combat area or mere service during a period of hostilities. (Sgt. Bojorquez did not serve in the Gulf War theater.) We have asked Defense and Justice to review this issue.

RECOMMENDATION

That you sign the letter at Tab A explaining to Representative Cramer that Defense and Justice are reviewing this issue.

Attachments

Tab A Letter to Representative Cramer
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Bud:

Thank you for your letter regarding an Executive Order to expand naturalization opportunities to those non-nationals who served in the military during the Gulf War.

There is a long and proud tradition of non-U.S. nationals serving with our Armed Forces and many have an exemplary record of service to this country. For this reason, I believe your request deserves careful consideration and I have asked the Secretary of Defense and the Attorney General to review this issue and report back to me on it.

Once again, thank you for writing.

Sincerely,

The Honorable Robert E. Cramer, Jr.
House of Representatives
Washington, D.C. 20515

JUL 12 '94 16134

ID:

JUL 21 '94 8:17 No. 001 P. 02

0 112 1 2 5924

1318 LONGWORTH BUILDING
WASHINGTON, DC 20515-0106
(202) 225-4801

403 FRANKLIN STREET
MONTGOMERY, AL 36101
(205) 551-0190

737 EAST AVALON AVENUE
MUSCLE SHOALS, AL 35661
(205) 221-2450

MORGAN COUNTY COURTHOUSE
Box 668
DECATUR, AL 35602
(205) 355-9400

BUD CRAMER
5TH DISTRICT, ALABAMA
COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION
COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

Congress of the United States
House of Representatives
Washington, DC 20515-0105

July 12, 1994

President Bill Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

My constituent, Sgt. Manuel Bojorquez has asked me to forward to you his letter wherein he respectfully requests you to consider his plea to issue an Executive Order.

Sgt. Bojorquez served in active duty status during the period of the Persian Gulf War and continues to serve as an exemplary soldier of the United States Army.

I would greatly appreciate it if you could review this matter and advise me of any assistance that can be provided in this regard.

Thank you for your time and consideration.

Sincerely,

Bud Cramer
Bud Cramer

BC/mh

Enclosures

12 July 1994

President Bill Clinton
The White House
Washington, D.C.

Dear Mr. President:

I recently received a Decision from the Board of Immigration Appeals (BIA). This decision informed me that my petition to reopen or reconsider a previous decision of the BIA has been denied.

The significance of this decision is critical, because I will not be able to be naturalized as a United States citizen. INS doesn't consider me a permanent resident. In reality this is the only technicality preventing me from being naturalized.

If nothing is done to overcome this technicality I will be excluded and deported from the United States.

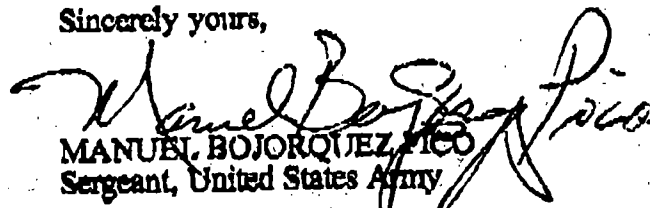
Mr. President the benefit of seeking naturalization when an alien who has served honorably in an active duty status in the Armed Forces during a period of military hostilities may be eligible for naturalization even though he is not a permanent resident. The basic policy of Congress is of rewarding those aliens who have served the United States in time of war.

The President of the United States designates the periods of military hostility where aliens like myself could qualify. I served in an active duty status during the Persian Gulf War, a period of military hostility, although not in the direct theatre of operations.

Mr. President, I am respectfully requesting that you consider issuing an Executive Order that would recognize the Persian Gulf War as a period of military hostility where aliens like myself could qualify for naturalization.

In the interest of justice, I am respectfully requesting your full support and assistance in the process of becoming a citizen of the United States of America. I will appreciate your consideration on this important matter.

Sincerely yours,


MANUEL BOJORQUEZ, MCO
Sergeant, United States Army
1304 B Jupiter Street
Redstone Arsenal, AL 35808
A 30 293 547

A soldier fights for justice

Manuel Bojorquez joined the U.S. Army to serve our country.

However, it now seems his country would rather he leave it than love it.

But the Mexican-born native isn't going down without a fight. And the rest of us ought to be jumping to his aid.

You see, the U.S. wants to deport the Redstone Arsenal-based soldier because of a technicality. Sure, a technicality is a technicality, but if this country is big enough to make exceptions, he is surely a legitimate exception.

Manuel just happens to have more military experience than Presidents Reagan, Bush and Clinton combined. He is a calibration specialist with the Test Measurement and Diagnostic Equipment support activity at Redstone.

His trouble with the Immigration and Naturalization Service began in 1990 when an immigration judge's decision to re-admit Manuel to the United States was overturned.

The INS said he abandoned his permanent residency (his family moved

**Budd
McLaughlin**



to California from Mexico in 1971 when he was 8) by leaving the United States for more than a year. In 1976, his parents retired and moved back to Mexico. Since he was only 13 and still a minor, he had to move with them. In 1984, at the age of 21, he returned to the U.S.

Two years later, an immigration judge in Phoenix ruled to re-admit him to the United States. In February 1988, Manuel enlisted in the Army and has been at Redstone since 1992.

Manuel is also married, his wife is a Mexican native, and has two sons who are American-born. He has ap-

plied for citizenship, but was denied, because the INS ruled he was no longer a permanent resident.

He's got a couple of allies in Congress in Rep. Bud Cramer and Sen. Howell Heflin and has his superior officers coming to his defense. Right now, however, Manuel is on the ropes in the fight of his life.

He can be deported at literally a moment's notice.

So, here we have a man who joined the Army because he wants to serve this country. He is a taxpayer and has two sons born on American soil.

Meanwhile, on the West Coast, the state of California is considering giving social services to illegal immigrants. They don't pay taxes and aren't in the service of this country.

Manuel said the Board of Immigration Appeals has the latitude to reverse decisions "if it is in the interest of justice."

If he isn't allowed to remain in this country and illegals are, then, by God, there isn't any justice.

(c) Huntsville News Co. Inc.

*Huntsville (AL) News
July 11, 1994*

Manuel Bojorquez, with his wife, Ruby, and children Jose, left, and Manuel, is looking for a way to stay in U.S.A.



NEWS STAFF PHOTO/STEVE BARNETTE

'In last round,' Mexico-born man pleads to keep life built in U.S.A.

By Buster Kantrow
News staff writer

Mexico native Manuel Bojorquez does not dispute that the immigration laws are stacked against him.

So he hopes, he says, that someone — a member of Congress, the Immigration and Naturalization Service or the Board of Immigration Appeals — will step in to overturn a 1990 order for his deportation since his options to fight it are exhausted.

Seeking to evoke the spirit of law, Bojorquez and his Birmingham lawyer point to his two American-born children and his six years of honorable service in the U.S. Army — service which could have earned him a passport to his citizenship by now if not for the 1990 decision.

"I really do believe in liberty and justice for all," said Bojorquez. "It's just not there for my family. We haven't been able to find it."

His parents were from Mexico, but they settled in Los Angeles and gained permanent resident status. Bojorquez was born in Mexico when the family was visiting there in 1962, but he gained permanent residency status as a child.

That allows an immigrant to live in the United States but not to vote, Jaffe said.

When his family moved to Mexico in 1976 to care for an ailing relative, Bojorquez ended up staying eight years and technically losing that status.

When he decided to return in the mid-'80s, an Arizona judge restored his permanent residency status, but the INS appealed. And four years later, when the INS won its case before the BIA, Bojorquez was ordered to leave the country.

BIRMINGHAM (AL) NEWS — 07/04/94

HUNTSVILLE (AL) NEWS 07/08/94 ✓

On the ropes

Mexican-born soldier based here fighting to avoid deportation

By GEORGE POAGUE
and PATRICK GRAHAM
News Staff Writers

A soldier stationed at Redstone Arsenal is fighting to avoid deportation to Mexico.

Although he has enlisted U.S. Rep. Bud Cramer and Sen. Howell Heflin in his quest, he is running out of time.

"I've exhausted all my legal remedies," Manuel Bojorquez told the Huntsville News. "I've worked within the system, and the system has failed me."

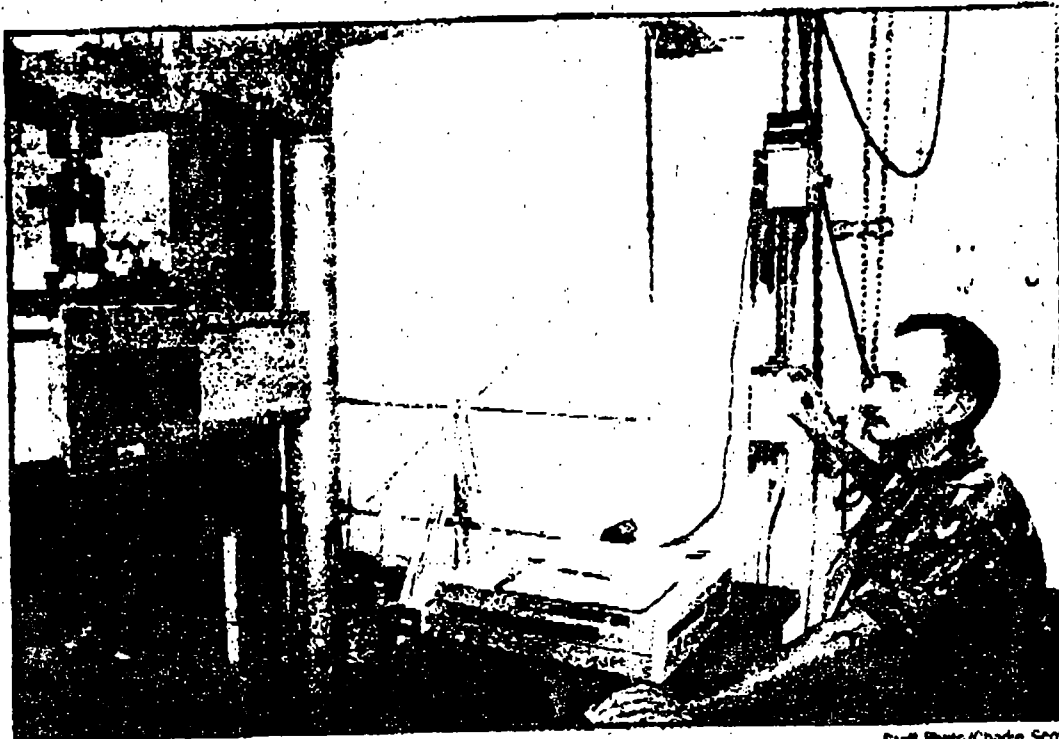
Bojorquez, 31, was born in Ensenada, Mexico, near the California border. His family moved to California in 1971. In 1976 his parents retired and moved back to Mexico; as a minor, he had to move with them. He returned to the United States in 1984.

In 1986, an Immigration judge in Phoenix, Ariz., ruled to readmit him to the United States. However, the judge's decision was overturned in 1990 by the Immigration and Naturalization Service (INS) and he was ordered back to Mexico.

According to Bojorquez, the INS argued that he abandoned his permanent residency status by leaving the United States for more than a year.

He enlisted in the U.S. Army in February 1988 and has worked at Redstone Arsenal for the last two years. He and his Mexican-born wife have two American-born children.

Bojorquez has applied for U.S. citizenship, noting that "there are naturalization benefits when you serve in the Army." He said he was denied cit-



Staff Photo/Charles Scott

Bojorquez, shown at work calibrating, has more military service than Presidents Reagan, Bush and Clinton combined

izenship because of the INS's ruling that he was no longer a permanent resident.

The Board of Immigration Appeals (BIA) has the latitude to reverse decisions "if it is in the interest of justice," he said. "They denied my motion to reconsider my case."

Bojorquez praised Cramer's staff for being "very effective, very cooperative and very helpful." Cramer has contacted the district director of the INS in Atlanta, U.S. Attorney General Janet Reno and other offi-

cials.

"Everything I've asked, he's done," Bojorquez said, adding that Heflin's office has also helped him. "Unfortunately I'm stuck with INS."

The agency has not even been swayed by letters from the chain of command at Redstone Arsenal supporting Bojorquez's efforts, he said.

Bojorquez said he has been on active duty for 6½ years and is a graduate of the basic Non Commissioned Officer (NCO) course. He was selected

as the post NCO during quarter at Redstone. He has been made an "honorary citizen of Huntsville."

Asked when he could be deported, he said, "It could be tomorrow, it could be next month. INS is driving the train."

Bojorquez said he would not gain anything in another INS hearing. "They're just going to hear the same evidence," he said.

(See Deport. Page A3)

Report

(Continued from Page 1)

Immigrant

BHAM NEWS 6/10/94

From Page 1E

Cramer, D-Huntsville, and his military commanders have written letters for him to the BIA.

Bojorquez has been unsuccessful in convincing the BIA to reconsider his case, although he has argued his military service and American children justified a discretionary exemption to allow him to regain his permanent resident status.

"I feel like a fighter on the ropes in the last round," Bojorquez said. "I'm tired... I'm maxed out."

Bojorquez would have been eligible for citizenship last year under a special clause of the naturalization law that takes into account military service, but that chance vanished because his permanent resident status had been voided.

Bojorquez said he never intended to relinquish his permanent resident status, but he had no choice but to accompany his parents to Guadalajara in 1976. His stay there was so long, he said, because he was caring

for his father, who was in an accident shortly after the move, and running the family restaurant.

The immigration judge in Arizona agreed with Bojorquez when she renewed his permanent resident status.

The INS successfully contested that judgment, contending that Bojorquez had not left "temporarily," as required for reinstatement of the status. The government argued he had made arrangements to live in Mexico, including buying a car and marrying a Mexican woman.

Bojorquez said he continues to hope his hopes for a military career won't be lost and his wife and two sons, who have been with him in Huntsville for about two years, will not be uprooted.

"As an NCO (non-commissioned officer), I set the example for my soldiers to do the best for my country," Bojorquez said, his voice breaking. "But the system can't do anything for me. That's frustrating."

"My rights are not very healthy right now," he said. "There's a lot of stress... I have to continue being a soldier and serving my country, and I consider this my country. I've sworn to defend this country."

In this country, which is a land of immigrants, I can't understand why so much attention is paid to one little rule instead of seeing the whole picture. The system is not willing to make any considerations. There may be other people who have fallen in the cracks as well. I think I should be entitled to stay here. I pay my taxes just like you do... I think there's something wrong with the system."

Bojorquez said he has been in the military for 15 years and has been in the United States for 18 years. He said he has been in the military for 15 years and has been in the United States for 18 years. He said he has been in the military for 15 years and has been in the United States for 18 years.

to convince them of that. Is this how you want to treat your soldiers?"

When his family moved back to Mexico in 1976, he never felt he was permanently abandoning America. "Circumstances beyond my control prevented me from coming back sooner. I've not been able to visit my family in Mexico for five years. I'd basically be deporting myself out of the country."

"I hope I can make a difference, even if I have to go back to Mexico. I hope I can enlighten people that we immigrants make a contribution to our country. Sometimes the system is blindfolded."

Cramer spokesman David Butler said, "(Bojorquez) has worked extensively with our of-

file on this issue and we have provided him with all the resources, information and contacts that we could make available.

"This has been a really frustrating situation," he said.

Along with letters from Bojorquez's superior, Butler said Cramer recently sent a letter to the INS office in Washington D.C. pleading Bojorquez's case. He said Cramer is now waiting for a response from the Washington office concerning the matter.

"We'll continue to help with the situation in any way possible," Butler said. "Providing outreach to constituents having extensive problems with federal agencies is an essential part of Congressman Cramer's office."

Huntsville News

07/08/94

PUBLIC LAW 102-110—OCT. 1, 1991

105 STAT. 555

Public Law 102-110
102d Congress

An Act

To amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years.

Oct. 1, 1991
[S. 286]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Armed Forces
Immigration
Adjustment Act
of 1991.
8 USC 1101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Immigration Adjustment Act of 1991".

SEC. 2. SPECIAL IMMIGRANT STATUS FOR ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST 12 YEARS.

(a) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

- (1) by striking "or" at the end of subparagraph (I),
- (2) by striking the period at the end of subparagraph (J) and inserting "; or", and

(3) by adding at the end the following new subparagraph:
"(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

"(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

"(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant."

(b) NUMERICAL LIMITATIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)), as inserted by section 121(a) of the Immigration Act of 1990, is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR 'K' SPECIAL IMMIGRANTS.—

"(A) NOT COUNTED AGAINST NUMERICAL LIMITATION IN YEAR INVOLVED.—Subject to subparagraph (B), the number of immigrant visas made available to special immigrants under section 101(a)(27)(K) in a fiscal year shall not be subject to the numerical limitations of this subsection or of section 202(a).

* ENLISTMENT WAS INSIDE THE U.S.
OTHERWISE BORQUEZ COULD QUALIFY
UNDER PL 102-110.

106 STAT. 556

PUBLIC LAW 102-110—OCT. 1, 1991

"(B) COUNTED AGAINST NUMERICAL LIMITATIONS IN FOLLOWING YEAR.—

"(i) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS.—The number of visas made available in any fiscal year under paragraphs (1), (2), and (8) shall each be reduced by $\frac{1}{3}$ of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K).

"(ii) REDUCTION IN PER COUNTRY LEVEL.—The number of visas made available in each fiscal year to natives of a foreign state under section 202(a) shall be reduced by the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

"(iii) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS WITHIN PER COUNTRY CEILING.—In the case of a foreign state subject to section 202(e) in a fiscal year (and in the previous fiscal year), the number of visas made available and allocated to each of paragraphs (1) through (8) of this subsection in the fiscal year shall be reduced by $\frac{1}{3}$ of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

"(C) APPLICATION OF SEPARATE NUMERICAL LIMITATION.—

"(i) IN GENERAL.—Subject to clause (ii), the number of immigrant visas made available to special immigrants under section 101(a)(27)(K) in any fiscal year (other than as a spouse or child described in such section) may not exceed—

"(I) in the case of aliens who are nationals of a foreign state for which there is a numerical limitation treaty or agreement (as defined in clause (iii)), 2,000, or

"(II) in the case of aliens who are nationals of any other state, 100.

"(ii) EXCEPTION FOR ALIENS CURRENTLY MEETING REQUIREMENTS.—The numerical limitations of clause (i) shall not apply to individuals who meet the requirements of section 101(a)(27)(K) as of the date of the enactment of this subparagraph.

"(iii) NUMERICAL LIMITATION TREATY OR AGREEMENT.—In clause (i), the term 'numerical limitation treaty or agreement' means a treaty or agreement in effect on the date of the enactment of this subparagraph which authorizes and limits the number of aliens who are nationals of such state who may be enlisted annually in the Armed Forces of the United States."

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by striking "or (I)" and inserting ", (I), or (K)", and

(2) by adding at the end the following new subsection:

"(g) In applying this section to a special immigrant described in section 101(a)(27)(K), such an immigrant shall be deemed, for purposes of subsection (a), to have been paroled into the United States."

PUBLIC LAW 102-110--OCT. 1, 1991

105 STAT. 557

(d) **EFFECTIVE DATE.**—This section shall take effect 60 days after the date of the enactment of this Act.

* USC 1101
note.

SEC. 3. DELAY UNTIL APRIL 1, 1992, IN IMPLEMENTATION OF PROVISIONS RELATING TO O AND P NONIMMIGRANTS.

* USC 1101
note.

Section 214(g)(1)(C) of the Immigration and Nationality Act shall not apply to the issuance of visas or provision of status before April 1, 1992. Aliens seeking nonimmigrant admission as artists, athletes, entertainers, or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance) before April 1, 1992, shall not be admitted under subparagraph (O)(i), (O)(ii), (P)(i), or (P)(iii) of section 101(a)(15) of such Act, but may be admitted under the terms of subparagraph (H)(i)(b) of such section (as in effect on September 30, 1991).

SEC. 4. CONTINUATION OF DERIVATIVE STATUS FOR SPOUSES AND CHILDREN OF THIRD AND SIXTH PREFERENCE IMMIGRANTS; DEEMED CONTINUED EFFECTIVENESS OF CERTAIN EMPLOYMENT-BASED PETITIONS.

Effective as if included in the Immigration Act of 1990, section 161(c) of such Act is amended by adding at the end the following new paragraphs:

Effective date.
* USC 1101
note.

"(3) In the case of an alien who is described in section 203(a)(8) of the Immigration and Nationality Act (as in effect before October 1, 1991) as the spouse or child of an alien described in section 203(a)(3) or 203(a)(6) of such Act and who would be entitled to enter the United States under such section 203(a)(8) but for the amendments made by this section, such an alien shall be deemed to be described in section 203(d) of such Act as the spouse or child of an alien described in section 203(b)(2) or 203(b)(3)(A)(i), respectively, of such Act with the same priority date as that of the principal alien.

"(4)(A) Subject to subparagraph (B), any petition filed before October 1, 1991, and approved on any date, to accord status under section 203(a)(8) or 203(a)(6) of the Immigration and Nationality Act (as in effect before such date) shall be deemed, on and after October 1, 1991 (or, if later, the date of such approval), to be a petition approved to accord status under section 203(b)(2) or under the appropriate classification under section 203(b)(3), respectively, of such Act (as in effect on and after such date). Nothing in this subparagraph shall be construed as exempting the beneficiaries of such petitions from the numerical limitations under section 203(b)(2) or 203(b)(3) of such Act.

"(B) Subparagraph (A) shall not apply more than two years after the date the priority date for issuance of a visa on the basis of such a petition has been reached."

105 STAT. 558

PUBLIC LAW 102-110—OCT. 1, 1991

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE RESETTLEMENT PROGRAMS FOR FISCAL YEAR 1992.

Subsection (a) of section 414 of the Immigration and Nationality Act (5 U.S.C. 1524) is amended to read as follows:

"(a) There are authorized to be appropriated for fiscal year 1992 such sums as may be necessary to carry out this chapter."

Approved October 1, 1991.

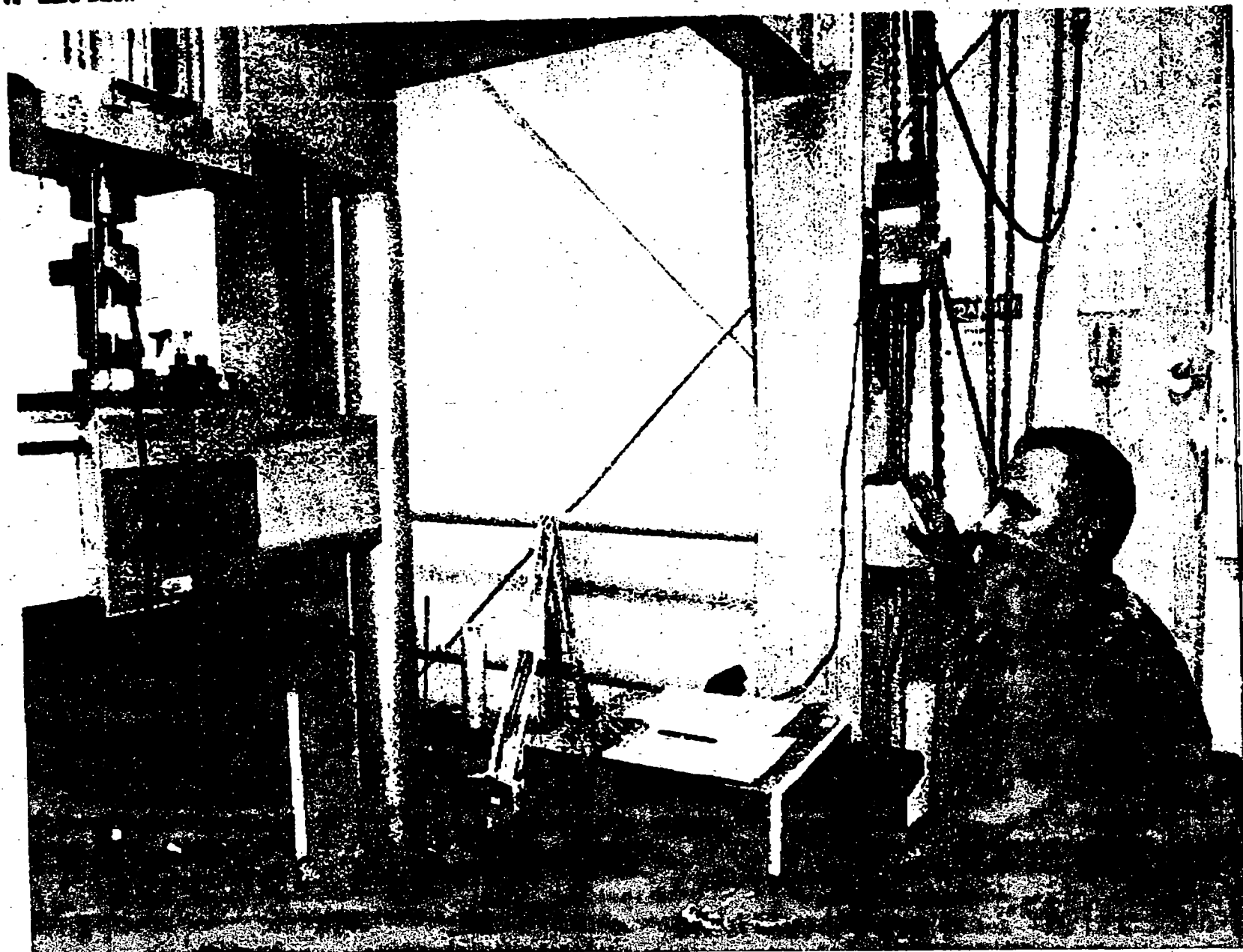
LEGISLATIVE HISTORY—S. 296:

HOUSE REPORTS: No. 102-195 (Comm. on the Judiciary),
CONGRESSIONAL RECORD, Vol. 137 (1991):

Jan. 20, considered and passed Senate.
Sept. 16, considered and passed House, amended.
Sept. 24, Senate concurred in House amendment with an amendment.
Sept. 28, House concurred in Senate amendment.

○

OUTSIDE—July 8 1994 REDSTONE ARSENAL, AL. USA—Hector Bojarsquez, [REDACTED] at [REDACTED] July 7, 1994 calibrating load cell for the U.S. Army Primary Standards Laboratory. Redstone Arsenal, Ala., faces deportation to Mexico by the Immigration and Naturalization Service after six and a half years active duty for the U.S. Army. Bojarsquez, who has had more military service than President's Reagan, Bush and Clinton combined, has support from Rep. Bud Cramer and Sen. Howell Heflin. His quest to remain in the U.S. Despite the full support of his superiors, the order to deport him could come any day. AP Photo/Huntsville News, Charlie Scott. **CREDIT: AP by CHARLIE SCOTT SLUG: SOLDIER DEPORTATION/AV CS**
AP LEAD DESK



TO: ITOH

FROM: CONWAY, J

DOC DATE: 31 AUG 94
SOURCE REF:

KEYWORDS: ACCESS
NON PROLIFERATION
STOCKPILES NUCLEAR

PDD
EXPORT CONTROLS
NUCLEAR TESTING

PERSONS:

SUBJECT: DEFENSE NUCLEAR FACILITIES SAFETY BOARD REQUEST FOR PDD 13 & PDD 15

ACTION: PREPARE MEMO FOR ITOH

DUE DATE: 03 SEP 94 STATUS: S

STAFF OFFICER: MERCHANT

LOGREF:

FILES: IF

NSCP: PDD0015 PDD0013

CODES:

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FOR CONCURRENCE
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E.O. 13526

White House Guidelines, September 11, 2006
By VR NARA, Date 1/3/2017
2016-0152-5

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSBTM

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DOC 1 OF 1

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

August 31, 1994

MEMORANDUM FOR STEVE ANDREASEN

FROM: BRIAN MERCHANT *BTM*
SUBJECT: PDD-15

The Defense Nuclear Facilities Safety Board has requested a copy of PDD-15 (attached). Please review your directorate book copy of this PDD and indicate your recommendation below:

____ Copy of PDD should be provided,

____ Copy of PDD should NOT be provided,

☒ NO copy of PDD should be provided; however, the Board should be allowed to read the PDD,

____ Other Guidance:

SIGNATURE: *St. P. Bell*DATE: 9/12/94

Thank you for your assistance. Please return this form to me NLT Tuesday, 6 September.

cc Robert Bell

John T. Conway, Chairman
A.J. Eggenberger, Vice Chairman
John W. Crawford, Jr.
Joseph J. DiNunno
Herbert John Cecil Kouts

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004
(202) 208-6400



21026

~~CONFIDENTIAL~~

August 31, 1994

DETERMINED TO BE AN
ADMINISTRATIVE MARKING

Mr. William Itoh
Executive Secretary
National Security Council Staff
White House
Washington, D.C. 20506

INITIALS: VZ DATE: 1/12/67

Dear Mr. Itoh:

On behalf of the Defense Nuclear Facilities Safety Board (Board), I am requesting copies of Presidential Decision Directives (PDD) 13 and 15. These documents contain information that could affect issues falling under the purview of the Board.

The Board is a Congressionally-established, independent Federal agency with responsibility for oversight of public and worker health and safety at the Department of Energy (DOE) defense nuclear facilities. The Board makes recommendations for action in these areas to the Secretary of Energy and to the President, as required. The material contained in both of the requested PDD's has been raised by different sources as providing guidance that effects DOE's ability to respond to concerns raised by the Board.

The Board's purview includes DOE's activities related to the assembly, disassembly, and testing of nuclear weapons. These activities are directly impacted by the guidance contained on stockpile stewardship in PDD 15. A copy of this Directive is requested so as to ensure that the Board's actions and recommendations do not run counter to the guidance of the President, but instead are supportive of national objectives.

Enclosed with this letter is a communication from the Natural Resources Defense Council, the Energy Research Foundation, and Citizens for Environmental Justice. The second paragraph of this communication cites the guidance provided in PDD 13 as an impediment to plutonium reprocessing by the United States. The Board understands that the scope of PDD 13 is much broader than this issue. However, this particular interpretation has the potential for significant impact on material remediation actions that the Board believes to be urgently required to protect workers and the public, as demonstrated by the Board's Recommendation 94-1, *"Improved Schedule for Remediation in the Defense Nuclear Facilities Complex,"* dated May 26, 1994. A copy of PDD 13 is requested to allow the Board to determine how national policy-mandated limitations on action will impact DOE's ability to deal with the materials in question.

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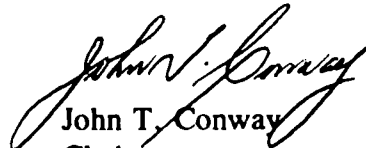
Mr. William Itoh

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The Board is aware of the limitations placed on access to Presidential Decision Directives, and is prepared to abide by them if the requested copies are provided. Access to the documents and to the information contained will be strictly limited to those appropriately cleared individuals who require the information to support the Board in exercising its statutory authority. No copies of the documents or extracts of information from them will be allowed. The Board has Department of Energy approved secure facilities in its offices for storage, handling, and review of documents at classification level of Secret Restricted Data.

If you require any additional information regarding this request, please contact Mr. Steven Krahn, (202) 208-6585. Secure communication and fax capability are available, if required. Thank you for your assistance in this matter.

Sincerely,


John T. Conway
Chairman

Enclosure

~~CONFIDENTIAL~~

**NATURAL RESOURCES DEFENSE COUNCIL
ENERGY RESEARCH FOUNDATION
CITIZENS FOR ENVIRONMENTAL JUSTICE**

June 17, 1994

**The Honorable Hazel R. O'Leary
Secretary
U.S. Department of Energy
Washington, D.C. 20585**

Dear Secretary O'Leary:

On May 9, the Savannah River Site ("SRS") petitioned Headquarters for permission to restart the F-Canyon chemical separations facilities prior to completion of the environmental impact statement ("EIS") currently underway. We are writing to express our serious reservations about such a course of action.

The case for restarting the canyon rests on the ground of threats to worker and public safety posed by the plutonium-bearing solutions and the Mark-31 targets at the site. As we have made clear from the beginning of our involvement with this issue, we will not oppose restart of the canyon if it is shown that immediate processing must take place in order to protect workers and the public. On the current record, however, those who advocate restart have not come close to making a compelling case. Moreover, restarting F-Canyon implicates fundamental interests of our organizations, interests that the Department must share: avoiding the creation of large quantities of radioactive waste, and avoiding the separation of weapons-usable fissile material. This latter interest is particularly important in the wake of Presidential Decision Directive 13, which commits the United States to avoiding plutonium reprocessing.

The advocates of restarting F-Canyon do not contend that a failure to process the solutions and targets immediately will result in large and immediate risks. Indeed, Assistant Secretary Reis acknowledged in a May 26 memorandum to Assistant Secretary O'Toole that "we know of no major imminent threat to site personnel or the public" posed by the materials in their current form. Instead, the case for restart is framed around the issue of uncertainty. In the wake of 40 years of canyon operation, the advocates say, the risks posed by processing and by the materials that emerge from the canyons are known and familiar. By contrast, the risks posed by the materials in their current form are less known and less certain. The advocates of

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The Honorable Hazel R. O'Leary
June 17, 1994
Page 2

restart claim that such uncertainty is intolerable and warrants the extraordinary act of circumventing the EIS process.

Such a case for restart, premised as it is on uncertainty, does not come close to what the law and sound public policy require. A situation marked by uncertainty is precisely the situation where completion of an EIS is most important: the purpose of the EIS is to compile and analyze all available information in a rigorous and coherent way, to give the decisionmaker the information she needs to make an intelligent decision. In a situation marked by uncertainty, where the available information is sketchy or incomplete, this process of information compilation and analysis is particularly critical. Rather than militating in favor of an emergency exception, the presence of uncertainty strongly favors completion of the EIS prior to agency action, as the law requires.

Similarly, circumventing the EIS process is a particularly bad idea where the analysis of alternatives is as important as it is here. According to the documents prepared by the advocates of restart, the primary benefit of processing the materials through F-Canyon is the familiarity of such processing; that is how things have been done at SRS for 40 years. But the outputs of such familiar ways of doing business are obsolete and affirmatively dangerous in today's world. The United States has more plutonium-239 metal and more high-level radioactive waste, the two key products of processing in F-Canyon, than it knows what to do with. What we need more than anything else is a reasoned analysis of alternative approaches for stabilizing these materials. Is it possible to stabilize the targets and solutions without separating out the plutonium? Can an alternative treatment method limit the creation of radioactive waste? By seeking to go around the EIS process for these materials, the advocates of immediate restart threaten to render the answers to these key questions meaningless, to pull the rug out from under this important alternatives analysis.

In making your decision about whether to seek restart of F-Canyon prior to completion of the EIS, we hope you will remember that there are safety concerns on both sides of the ledger. Just as there are safety risks in preserving the status quo, there are real and significant safety risks in operating the canyons. Moreover, you are not faced with a stark choice between restarting the canyon or doing nothing. One option would be to put in place an aggressive monitoring program for the materials, perhaps while accelerating the timetable for completing the EIS. We also hope you will observe that waiting for completion of the EIS will mean only a six-month delay beyond the earliest possible date for restart -- a delay that seems particularly reasonable in

The Honorable Hazel R. O'Leary
June 17, 1994
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light of SRS's lengthy delay to date in commencing the EIS and in preparing its case for an emergency restart.

Most of all, though, we hope you will recognize that this decision is a critical test of the new DOE. Coming from a Department that has an unfortunate history of seeking to go around rather than through the National Environmental Policy Act (and, not incidentally, of being repeatedly and successfully sued for it), a proposal for circumventing the EIS process gives us great pause. While we are willing to be persuaded that safety concerns demand immediate restart, the data presented to date fail completely to make the necessary case. We applaud the Department's decision to send a team from Headquarters to SRS to conduct an evaluation, and we look forward to seeing the results of the team's work.

Sincerely,

Andrew Caputo

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ronmental Justice
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cc: Under Secretary Curtis
Assistant Secretary Grumbly
Assistant Secretary Reis
Assistant Secretary O'Toole