

MR MARKER

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Original OA/ID Number: 3233				
Document ID: 9704347				
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UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9704347
RECEIVED: 23 JUN 97 07

TO: PRESIDENT

CHRON FILE

FROM: BERGER
HILLEY, J

DOC DATE: 27 JUN 97
SOURCE REF:

KEYWORDS: RUSSIA
MFN

CONGRESSIONAL
IMMIGRATION

PERSONS:

SUBJECT: RPT ON RUSSIAN COMPLIANCE W/ JACKSON - VANIK AMENDMENT

ACTION: PRESIDENT SGD PER WH EXEC CLERK DUE DATE: 28 JUN 97 STATUS: C

STAFF OFFICER: PIFER

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

DANVERS
FICKLIN
NSC CHRON
PASCUAL
PIFER
RUMER
SCHWARTZ
SPARKS

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY: NSDRS

DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9704347

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 PIFER	Z 97062307 PREPARE MEMO FOR BERGER
002 BERGER	Z 97062514 FWD TO PRESIDENT FOR SIG
003 PRESIDENT	Z 97063015 FOR SIGNATURE
003	X 97080613 PRESIDENT SGD PER WH EXEC CLERK

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003	970627	VICE PRESIDENT
003	970627	WH CHIEF OF STAFF

UNCLASSIFIED

UNCLASS D
NSC/RMO PR LE

RECORD ID: 9704347
RECEIVED: 23 JUN 97 07

TO: DAVIES

FROM: BURNS, W

DOC DATE: 21 JUN 97
SOURCE REF: 9711457

KEYWORDS: RUSSIA
MFN

CONGRESSIONAL

PERSONS:

SUBJECT: UPDATE RPT TO CONGRESS ON RUSSIAN FEDERATIONS CONTINUED COMPLIANCE
W/ PROVISIONS OF JACKSON-VANIK AMENDMENT PROVISIONS

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 28 JUN 97 STATUS: S

STAFF OFFICER: PIFER

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

PIFER

FOR CONCURRENCE

DANVERS

FORT

KYLE

LEE

MALLEY

MATERA

FOR INFO

ANDREASEN

BEERS

BELL

BOUCHARD

JONES, K

KRECZKO

SCHWARTZ

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

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DOC 1 OF 1

UNCLASSIFIED

National Security Council
The White House

Rec'd
6/29/97
11am

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LOG # 4347

URGENT NOT PROOFED: _____

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	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Rice	<u>1</u>	<u>(P) 6/25</u>	
Davies			
Kerrick	<u>2</u>	<u>(V) 6/25</u>	<u>See note</u>
Steinberg			
Berger	<u>3</u>		
Situation Room			
West Wing Desk	<u>4</u>	<u>TMA 6.27</u>	<u>Natl Sec Advisor D Walker has seen</u>
Records Mgt.	<u>5</u>	<u>TMA 6.27</u>	<u>D Stern</u>

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

cc:

COMMENTS:

*Needs to be signed
and to Hill before
6/30/97*

'97 JUN 24 PM 10:28

Exec Sec Office has diskette

YES

Log # 4347

ADDITIONAL COMMENTS

Fm ② To Sandy Date _____

Asks if you need to
personally see this one.

Fm _____ To _____ Date _____

THE WHITE HOUSE
WASHINGTON

June 27, 1997

President sgd per WH
Executive Clerk (T2) 1/3

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL R. BERGER 
JOHN HILLEY 
SUBJECT: Report on Russian Compliance with the
Jackson-Vanik Amendment

Purpose

To transmit to Congress by June 30 a report indicating continued Russian compliance with U.S. and international standards on emigration.

Background

On September 21, 1994, you determined and reported to Congress that Russia was in "full compliance" with the freedom of emigration criteria spelled out in the Jackson-Vanik Amendment. This action allowed Russia to retain most-favored-nation status without requiring an annual waiver.

The Amendment requires that you submit semiannually a report to Congress on continued Russian compliance with freedom of emigration provisions. (You last did so on December 30, 1996.)

The report to Congress at Tab C indicates that, in general, the Russian Federation continues to make progress on policies and practices that enable its citizens to travel and emigrate. These policies and practices largely conform with internationally recognized human rights and norms. While Russia continues to satisfy Jackson-Vanik emigration criteria, there remain onerous bureaucratic procedures for emigration.

At present, American Jewish organizations do not support Russia's graduation from Jackson-Vanik. We have started a dialogue with them and the Russian government to address Jewish community concerns and build support for legislation required to graduate Russia. The American Jewish community remains concerned over the Russian government's lack of explanation for long delays in 1996

to register the Jewish Agency which manages emigration. The Jewish community is also concerned that a new 1996 law allows the government to delay emigration for 10 years for people working in sensitive areas.

While not specifically an emigration issue, human rights and religious organizations are deeply concerned about a law passed by the Duma on June 23 which would limit religious freedom. The law would require all religious groups to register with the government and would create unequal categories of religion. While Orthodoxy, Islam, Judaism and Buddhism would not be threatened, the law would be seen as legitimizing religious discrimination. You asked Yeltsin to veto the law when you saw him in Denver. He has vetoed similar laws before but may hesitate to confront the Russian Orthodox Church, which strongly supports the law. If Yeltsin does not veto the law, it will be very difficult to build support among U.S. Jewish organizations for Russia's graduation from Jackson-Vanik.

RECOMMENDATIONS

(1) That you sign the Transmittal Messages to Congress at Tab A covering the semiannual Russian compliance report.

(2) That you sign the Presidential Determination on emigration policies of the Russian Federation at Tab B.

Attachments

Tab A Transmittal Message to Congress

Tab B Presidential Determination -- Memorandum for the
Secretary of State on Emigration Policies of the
Russian Federation

Tab C Report to Congress on Progress Concerning Emigration
Laws and Practices of the Russian Federation

Tab D Burns-Davies Memo Recommending Submission of Report

THE WHITE HOUSE
WASHINGTON

Dear Mr. Speaker:

On September 21, 1994, I determined and reported to the Congress that the Russian Federation is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Russia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of the Russian Federation. You will find that the report indicates continued Russian compliance with U.S. and international standards in the area of emigration.

Sincerely,

The Honorable Newt Gingrich
Speaker of the
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

On September 21, 1994, I determined and reported to the Congress that the Russian Federation is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Russia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of the Russian Federation. You will find that the report indicates continued Russian compliance with U.S. and international standards in the area of emigration.

Sincerely,

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination Under Subsections
402(a) and 409(a) of the Trade Act of 1974, as
Amended -- Emigration Policies of the Russian
Federation

Pursuant to the authority vested in me by sections 402(a) and 409(a) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2439(a) (the "Act")), I determine the Russian Federation is not in violation of paragraph (1), (2), or (3) of subsection 409(a) of the Act.

You are authorized and directed to publish this determination in the Federal Register.

REPORT TO CONGRESS CONCERNING
EMIGRATION LAWS AND POLICIES OF
THE RUSSIAN FEDERATION

This report is submitted pursuant to sections 402 and 409 of the Trade Act of 1974, as amended ("the Act"), following Presidential Determination Number 94-51 of September 21, 1994, and the accompanying report to Congress, that the Russian Federation is not in violation of paragraphs (1), (2), or (3) of sections 402(a) and 409(a) of the Act.

All current information indicates that the emigration laws and practices of the Russian Federation continue to satisfy the criteria set forth in sections 402(a) and 409(a) of the Act in respect of all matters covered in those subsections.

Since the break-up of the Soviet Union in 1991, the Russian Federation has made steady progress in establishing and implementing legal guarantees of the right to emigrate. This right is enshrined in Russia's 1993 Constitution. The law on "Procedures for Departing and Entering the Russian Federation" was signed into law by President Yeltsin on August 15, 1996. This law reaffirms Russia's policy of allowing all of its citizens to exercise freely the right to travel abroad and to emigrate. It also details the procedures for obtaining travel documents, such as passports, and elaborates the circumstances under which the state can limit the freedom of travel. The law replaces corresponding USSR laws and the interim procedures that had been adopted by Russia.

The entry and exit law contains significant improvements over the previous regulations as well as needed clarification of some controversial policies. It clarifies exit restrictions for citizens who have had access to state secrets. The law gives the Russian government the right to deny Russian nationals who, during the course of their work, had access to "secret," "top secret," and "highly sensitive" material, permission to travel abroad for five years with the possibility that one five-year extension may be imposed in cases in which the material that the individual had access to was especially sensitive. While there are concerns about this new ten-year rule, and we are discussing it with Russian authorities, the "ten-year" rule has not been invoked since passage of the law. Under the law, this restriction must be explicitly stated in the employment contract signed by the employee when commencing work. It also provides a measure of transparency by requiring that any denial of exit on secrecy grounds specify the reasons for and the duration of the restriction and indicate the name and position of the official

responsible for the decision. In the past, such rulings were frequently made anonymously and without stated reasons. In addition, the new law loosens restrictions on draft-age men seeking permission to travel.

The entry and exit law also formalizes the status of the "Interagency Commission for Reviewing State Secrets" (commonly referred to as the Ivanov Commission), which hears appeals of Russian nationals who have been refused permission to travel on secrecy grounds. Since its inception in 1993, the Ivanov Commission has met 52 times and has heard 976 cases. According to the Russian Ministry of Foreign Affairs (MFA), between December 1996 (after the last report was submitted to Congress) and May 1997, the Interagency Commission met seven times and reviewed 135 cases -- 104 of these cases were decided in favor of the applicant, 12 applicants were refused permission to travel until the expiration of the five-year period of prohibition against travel abroad due to an individual's previous access to sensitive materials, and decisions on 19 cases were postponed pending the receipt of additional information. Because there is currently a backlog of approximately 250 cases before the Commission, it can take more than six months to have a case heard. An estimated 5,000 to 6,000 persons, who have not appealed to the Ivanov Commission, have been refused passports on security grounds and are waiting the requisite time. Some human rights groups have criticized some of the decisions of the Ivanov Commission. In one contested case, the applicant, who is partially blind and elderly, has been told he must wait until 1999 to receive a passport because he previously worked with secret documents. The United States Government has raised this case with the Russian government at a high level.

The law also grants the state the right to refuse passports to individuals who are the subject of legal proceedings or convicts who have not served their sentences. In addition, the new law retains restrictions that allow the state to deny the right to travel "temporarily" if an individual has evaded performance of financial obligations imposed by a court -- such as alimony payments -- until the obligations are fulfilled or the parties have come to agreement. In practice, this rule has sometimes allowed relatives or former spouses effectively to delay or even veto the emigration plans of some Russian nationals.

Although over ten months have elapsed since passage of the law, implementation has been incomplete. For example, some of the onerous bureaucratic procedures required for emigration have not

yet been abolished even though the new law makes no provision for them. Earlier, the Russian government had provided assurances that procedures implementing the law would be in force within six months.

Despite the fact that not all of the law's procedures have been implemented, in practice, the Russian government generally is following procedures that allow its nationals to travel abroad and emigrate. According to the U.S. Embassy in Moscow, the time for processing travel applications for Russian nationals with passports who wish to travel to a foreign country is one month, and the time for processing passport applications for Russian nationals who wish to emigrate who do not already have a passport is three months on average.

As a result of such progress, tens of thousands of Russian citizens emigrate annually. In FY 1996, approximately 7,500 Russian citizens emigrated to the United States and 17,500 Russian citizens emigrated to Israel. The number of state secrecy and "poor relatives" cases on the listings of "refuseniks" maintained by American Jewish organizations has decreased from over one thousand in the late 1980's to about eighty today. A broad international consensus -- which includes Russian and American human rights groups, leaders of Jewish communities in Russia and third-country governments -- concur that freedom of emigration is a reality in Russia.

In Russia, Jews continue to encounter societal discrimination although they enjoy the same civil and political rights enjoyed by all other Russian citizens. Anti-Semitic incidents continue to occur, although they are not condoned by Russian authorities. In each case, our government has sought to obtain all of the relevant facts and to urge the authorities to conduct thorough investigations and to prosecute those responsible. The Russian government has been rightly criticized for not pursuing all of these cases aggressively. Some of the hate crimes that took place at the end of 1996 and the beginning of 1997 included the following:

- In November, a Jewish cemetery in Vladimir was desecrated and tombstones were damaged by unidentified persons.
- Also in November, several Jewish youths at a Moscow basketball game were attacked by a group chanting anti-Semitic slogans.
- In April, the Smolensk Jewish cemetery was desecrated and vandalized. More than 60 tombs were smashed to pieces, uprooted, displaced and desecrated.

In one significant prosecution, in Yaroslavl in February, a 29-year old unemployed Moscow man was convicted of carrying out the explosion which caused \$40,000 in damages to the Jewish Community Center and synagogue in Yaroslavl in April 1996. The culprit -- who is a member of the nationalistic organization "Derzhava" ("Power") -- was sentenced to three years in prison. In response to an increase in the public display of Nazi symbols, the Moscow City Duma is considering a law which would prohibit the production, dissemination or display of Nazi symbols anywhere in the precincts of Moscow. Offenders would face fines and/or imprisonment.

The Administration is carefully monitoring developments on a new bill, passed by the Russian Duma but not yet passed by the upper chamber of parliament or signed into law, which would limit religious freedom. The law would require all religious groups to register with the government and would create hierarchical categories of religion with different registration procedures and rights. While Orthodoxy, Islam, Judaism, and Buddhism would not be directly threatened, and Russian leaders of these religious groups do not oppose the law, the law is very troublesome. The registration procedures would grant government officials considerable discretion in certification decisions. The Administration has made its concerns over this law known to the Russian government and has urged that it be vetoed.

Human rights issues generally, and questions regarding religious tolerance and freedom of movement in particular, have been regular topics of discussion between U.S. and Russian leaders. President Clinton, Vice President Gore and Secretary Albright have repeatedly reaffirmed our interest in Russia's continued development as a democratic state with a flourishing civil society that protects religious diversity and freedom of movement by its citizens. For its part, the Russian Federation has made and continues to make steady progress in developing policies and practices that provide its citizens with rights to foreign travel and emigration that are in conformity with internationally recognized human rights norms.



9711457

United States Department of State

Washington, D.C. 20520

June 21, 1997

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SENSITIVE BUT UNCLASSIFIED

MEMORANDUM FOR GLYN DAVIES
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

Subject: Update Report to Congress on the Russian Federation's
Continued Compliance with the Provisions of the
Jackson-Vanik Amendment Provisions

On September 21, 1994, the President determined and reported to Congress that the Russian Federation was in "full compliance" with the freedom of emigration criteria in Sections 402(a) and 409(a) ("the Jackson-Vanik Amendment") of the Trade Act of 1974 ("the Act"), as amended. This action allows the Russian Federation to retain most-favored-nation (MFN) status without the requirement of an annual waiver.

Sections 402 and 409 of the Act require that the President submit semiannually a report to Congress on continued Russian compliance with freedom of emigration provisions. The most recent report was submitted on December 31; the sixth report is due on June 30.

At the 1993 Summit in Vancouver, Presidents Clinton and Yeltsin committed to work together to create the conditions to allow Russia's full graduation from the provisions of the Jackson-Vanik amendment. Once the Russian Federation has demonstrated a consistent policy on emigration, we intend to recommend introduction of legislation to remove the Russian Federation altogether from the application of Title IV of the Act (which includes the Jackson-Vanik provisions). This would entail, in close consultation with Congress, a thorough review of Russian emigration practices and relevant legislation as well as an evaluation of the likelihood that free emigration will continue in the future.

SENSITIVE BUT UNCLASSIFIED

The Russian Federation has made significant progress in its emigration policy. On August 15, 1996, President Yeltsin signed legislation on "Procedures for Departing and Entering the Russian Federation," replacing the previous Soviet and Russian regulations. The law improves and clarifies the procedures governing acquisition of passports by Russian citizens and provides for more transparency in instances where the state denies travel permission on national security grounds. However, as stated in the law, the maximum allowable restriction on travel for those who have had access to state secrets is ten years.

Although over ten months have elapsed, implementation of the law remains incomplete. For example, some of the onerous bureaucratic procedures required for emigration have not yet been abolished even though the new law makes no provision for them. Earlier, the Russian government had provided assurances that procedures implementing the law would be in force within six months.

In general, the Russian Federation continues to make steady progress in developing policies and practices that enable its citizens to travel and emigrate. These policies and practices are largely in conformity with internationally recognized human rights norms. The report (Tab 2 of White House attachment) details these findings.

We recommend the President sign the attached transmittal letter to Congress covering the semiannual Russian compliance report.


William J. Burns
Executive Secretary

Attachments:

- Tab 1 - Transmittal Message to the Congress
- Tab 2 - Report to Congress Concerning the Russian Federation's Continued Compliance
- Tab 3 - Presidential Determination of Russia's Full Compliance with Jackson-Vanik Amendment Criteria

Draft Letter

TO THE CONGRESS OF THE UNITED STATES:

On September 21, 1994, I determined and reported to the Congress that the Russian Federation is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Russia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated Report to Congress concerning the emigration laws and policies of the Russian Federation. You will find that the report indicates continued Russian compliance with U.S. and international standards in the area of emigration.

Sincerely,

William J. Clinton

The White House

June XX, 1997

REPORT TO CONGRESS CONCERNING
EMIGRATION LAWS AND POLICIES OF
THE RUSSIAN FEDERATION

This report is submitted pursuant to sections 402 and 409 of the Trade Act of 1974, as amended ("the Act"), following Presidential Determination Number 94-51 of September 21, 1994, and the accompanying report to Congress, that the Russian Federation is not in violation of paragraphs (1), (2), or (3) of sections 402(a) and 409(a) of the Act.

All current information indicates that the emigration laws and practices of the Russian Federation continue to satisfy the criteria set forth in sections 402(a) and 409(a) of the Act in respect of all matters covered in those subsections.

Since the break-up of the Soviet Union in 1991, the Russian Federation has made steady progress in establishing and implementing legal guarantees of the right to emigrate. This right, which is enshrined in Russia's 1993 Constitution, was strengthened during 1996 with the passage of the law on "Procedures for Departing and Entering the Russian Federation," which was signed into law by President Yeltsin on August 15, 1996. This law reaffirms Russia's policy of allowing all of its citizens to exercise freely the right to travel abroad and to emigrate. It also details the procedures for obtaining travel documents, such as passports, and elaborates the circumstances under which the state can limit the freedom of travel. The law replaces corresponding USSR laws and the interim procedures that had been adopted by Russia.

The entry and exit law contains significant improvements over the previous regulations as well as needed clarification of some controversial policies. Significantly, the law clarifies exit restrictions for citizens who have had access to state secrets. The law gives the Russian government the right to deny Russian nationals who, during the course of their work, had access to "secret," "top secret," and "highly sensitive" material, permission to travel abroad for five years with the possibility that one five-year extension may be imposed in cases in which the material that the individual had access to was especially sensitive (in practice, the "ten-year" rule has not been invoked since passage of the law). Under the law, this restriction must be explicitly stated in the employment contract signed by the employee when commencing work. It also provides a measure of transparency by requiring that any denial of exit on secrecy grounds specify the reasons for and the duration of the restriction and indicate the name and position of the official responsible for the decision. In the past, such rulings were frequently made anonymously and without stated reasons. In addition, the new law loosens restrictions on draft-age men seeking permission to travel.

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As a result of such progress, tens of thousands of Russian citizens emigrate annually. In FY 1996, approximately 7,586 Russian citizens emigrated to the United States and 17,512 Russian citizens emigrated to Israel. The number of state secrecy and "poor relatives" cases on the listings of "refuseniks" maintained by American Jewish organizations has decreased from over one thousand in the late 1980's to about eighty today. A broad international consensus -- which includes Russian and American human rights groups, leaders of Jewish

communities in Russia, and third-country governments - concur that freedom of emigration is a reality in Russia.

In Russia, Jews continue to encounter societal discrimination although they enjoy the same civil and political rights enjoyed by all other Russian citizens. Anti-Semitic incidents continue to occur although not condoned by Russian authorities. In each case, our government has sought to obtain all of the relevant facts and to urge the authorities to conduct thorough investigations and to prosecute those responsible. The Russian government has been rightly criticized for not pursuing all of these cases aggressively. Some of the hate crimes that took place at the end of 1996 and the beginning of 1997 included the following:

--In November, a Jewish cemetery in Vladimir was desecrated and tombstones were damaged by unidentified persons.

--Also in November, several Jewish youths at a Moscow basketball game were attacked by a group chanting anti-Semitic slogans.

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In one significant prosecution, in Yaroslavl in February, a 29-year old unemployed Moscow man was convicted of carrying out the explosion which caused \$40,000 in damages to the the Jewish Community Center and synagogue in Yaroslavl in April 1996. The culprit -- who is a member of the nationalistic organization "Derzhava" ("Power") -- was sentenced to three years in prison. In response to an increase in the public display of Nazi symbols, the Moscow City Duma is considering a law which would prohibit the production, dissemination, or display of Nazi symbols anywhere in the precincts of Moscow. Offenders would face fines and/or imprisonment.

Human rights issues generally, and questions regarding religious tolerance and freedom of movement in particular, have been regular topics of discussion between U.S. and Russian leaders. President Clinton, Vice President Gore and Secretary Albright have repeatedly reaffirmed our interest in Russia's continued development as a democratic state with a flourishing civil society that protects religious diversity and freedom of movement by its citizens. For its part, the Russian Federation has made and continues to make steady progress in developing policies and practices that provide its citizens with rights to foreign travel and emigration that are in conformity with internationally recognized human rights norms.

THE WHITE HOUSE

WASHINGTON

September 21, 1994

Presidential Determination
No. 94-51

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination Under Subsections
402(a) and 409(a) of the Trade Act of 1974, as
Amended -- Emigration Policies of the Russian
Federation

Pursuant to the authority vested in me by sections 402(a) and 409(a) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2439(a) (the "Act")), I determine the Russian Federation is not in violation of paragraph (1), (2), or (3) of subsection 402(a) of the Act, or paragraph (1), (2), or (3) of subsection 409(a) of the Act.

You are authorized and directed to publish this determination in the Federal Register.

William J. Clinton

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

June 24, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: STEVE PIFER *SP*

FROM: CARLOS PASCUAL *CP*

SUBJECT: Report to Congress on Russia's Compliance with the
Jackson-Vanik Amendment

The memorandum for the President at Tab I recommends that he sign a transmittal message to Congress for a report on Russian compliance with the Jackson-Vanik Amendment. The submission of this semiannual report is mandated by law as a consequence of the President's September 21, 1994 determination finding Russia in full compliance with Jackson-Vanik. The report must be submitted by June 30, 1997.

Concurrence by: *OR for*
William Danvers, Eric Schwartz, John Sparks,
Eugene Rumer

RECOMMENDATION

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

Attachments

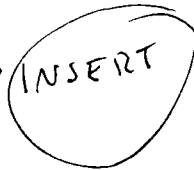
Tab I Memorandum for the President
Tab A Transmittal Message to Congress
Tab B Presidential Determination -- Memorandum for the
Secretary of State on Emigration Policies of
the Russian Federation
Tab C Report to Congress on Progress Concerning
Emigration Laws and Practices of the Russian
Federation
Tab D Burns-Davies Memo Recommending Submission of
Report

INSERT

II The Administration is carefully monitoring developments on a new bill, passed by the Russian Duma but not yet passed by the upper chamber of parliament or signed into law, which would limit religious freedom. The law would require all religious groups to register with the government and would create hierarchical categories of religion with different registration procedures and rights. While Orthodoxy, Islam, Judaism and Buddhism would not be directly threatened, and Russian leaders of these religious groups do not oppose the law, the law is very troublesome. The registration procedures would grant government officials considerable discretion in certification decisions. The Administration has made its concerns over this law known to the Russian Government and has urged that it be vetoed.

In one significant prosecution, in Yaroslavl in February, a 29-year old unemployed Moscow man was convicted of carrying out the explosion which caused \$40,000 in damages to the Jewish Community Center and synagogue in Yaroslavl in April 1996. The culprit -- who is a member of the nationalistic organization "Derzhava" ("Power") -- was sentenced to three years in prison. In response to an increase in the public display of Nazi symbols, the Moscow City Duma is considering a law which would prohibit the production, dissemination or display of Nazi symbols anywhere in the precincts of Moscow. Offenders would face fines and/or imprisonment.

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INSERT

to register the Jewish Agency which manages emigration. The Jewish community is also concerned that a new 1996 law allows the government to delay emigration for 10 years for people working in sensitive areas.

While not specifically an emigration issue, human rights and religious organizations are deeply concerned about a law passed by the Duma on June 23 which would limit religious freedom. The law would require all religious groups to register with the government and would create unequal categories of religion. While Orthodoxy, Islam, Judaism and Buddhism would not be threatened, the law would be seen as legitimizing religious discrimination. You asked Yeltsin to veto the law when you saw him in Denver. He has vetoed similar laws before but may hesitate to confront the Russian Orthodox Church, which strongly supports the law. If Yeltsin does not veto the law, it will be very difficult to build support among U.S. Jewish organizations for Russia's graduation from Jackson-Vanik.

RECOMMENDATIONS

(1) That you sign the Transmittal Messages to Congress at Tab A covering the semiannual Russian compliance report.

Attachments

Tab A Transmittal Message to Congress
 Tab B Report to Congress on Progress Concerning Emigration
 Laws and Practices of the Russian Federation
 Tab C Burns-Davies Memo Recommending Submission of Report

WWD -
 Reversed
 page 2 -
 memo to
 POTUS

Millison, Cathy L.

From: Pascual, Carlos E.
Sent: Monday, June 30, 1997 11:34 AM
To: Millison, Cathy L.; Pifer, Steven K.; Sparks, John E.
Cc: @EXECSEC - Executive Secretary; @LEGAL - Legal Advisor; /R Records; /R Records;
@RUSSIA - Russia/Ukraine; '@LEGISLAT-Legislative Affairs'
Subject: RE: #4347-Rpt on Russian Compliance w/Jackson-Vanik Amendment [UNCLASSIFIED]
Importance: High

State/L just confirmed that no PD is required, but that the original PD from 1994 (which is included in the Burns-Davies memo) should be attached.

From: Sparks, John E.
To: Millison, Cathy L.; Pifer, Steven K.
CC: /R, Record at A1; /R Records; @EXECSEC - Executive Secretary; @LEGAL - Legal Advisor; @LEGISLAT-Legislative Affairs; @RUSSIA - Russia/Ukraine
Subject: RE: #4347-Rpt on Russian Compliance w/Jackson-Vanik Amendment [UNCLASSIFIED]
Date: Monday, June 30, 1997 11:22 AM

Concur, once original determination is made, statute only requires semiannual submission of a report.

From: Pifer, Steven K.
To: Millison, Cathy L.
CC: @EXECSEC - Executive Secretary; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; /R Records;
@RUSSIA - Russia/Ukraine
Subject: RE: #4347-Rpt on Russian Compliance w/Jackson-Vanik Amendment [UNCLASSIFIED]
Date: Monday, June 30, 1997 11:10 AM

We defer to the Executive Clerk on this. Please make the changes to the memo and shoot it back to them (POTUS is supposed to sign today). Thanks for your help.

From: Millison, Cathy L.
To: @RUSSIA - Russia/Ukraine
CC: @LEGAL - Legal Advisor; @EXECSEC - Executive Secretary
Subject: #4347-Rpt on Russian Compliance w/Jackson-Vanik Amendment [UNCLASSIFIED]
Date: Monday, June 30, 1997 10:31 AM

<<Attached File: 4347GING.DOC>>
<<Attached File: 4347GORE.DOC>>
<<Attached File: 4347PRE.DOC>>
<<Attached File: 4347TABB.DOC>>
<<Attached File: 4347TABC.DOC>>

The Executive Clerk's office has just notified me that this package requires only a report to Congress not a Presidential Determination. If no one objects, I will revise page 2 of the memo to the President to delete all references to a Presidential Determination. Need to know ASAP since I understand this one needs to be signed as soon as possible. I'm attaching relevant portions of the document for your review. Thanks.