

United States Senate

WASHINGTON, DC 20510

May 31, 1999

Israel

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, DC 20500

I think
this may be
the 2nd half
of a Pax you
took

Dear Mr. President:

We are writing to express our disappointment that the administration has chosen not to fulfill the requirement in Public Law 104-45, the Jerusalem Embassy Act of 1995, to establish the U.S. Embassy to Israel in Jerusalem no later than May 31, 1999. We understand that you intend to make use of the Act's waiver provision, section 7(a), to make it possible for the State Department, despite the failure to move the embassy, to expend all the funds for acquisition and maintenance of buildings abroad. We strongly urge you not to issue the waiver.

Non-fulfillment of the law does no good to the U.S.-Israeli relationship or to prospects for Arab-Israeli peace. Establishing our Embassy in Jerusalem would constructively demonstrate U.S. support for Israel and, in particular, for Israel's national rights under international law. Attacks on Israel's rights in Jerusalem have been an important means of trying to delegitimize Israel generally. The United States should signal without equivocation that we will reject any effort to divide the United States from Israel regarding Jerusalem. Unrealistic expectations on the Palestinians' side about Jerusalem are harmful to prospects for peace. The administration's refusal to comply with the Jerusalem Embassy Relocation Act tends to feed such expectations.

Invoking the Act's waiver provision would be inconsistent with the intent of Congress and flout the relevant colloquy by Senators Dole and Kyl just before the Senate passed the legislation. In that colloquy, Senator Dole said: "The President cannot lawfully invoke this waiver simply because he thinks it would be better not to move our embassy to Jerusalem or simply because he thinks it would be better to move it at a later time. The waiver is designed to be read and interpreted narrowly. It was included to give the President limited flexibility to ensure that this legislation will not harm U.S. national security interests in the event of an emergency or unforeseen change in circumstances." When asked: "What is the significance of the phrase 'national security interests' as opposed to 'national interests'?" Senator Dole replied: "This is the way we are ensuring that the waiver will not permit the President to negate the legislation simply on the grounds that he disagrees with the policy. 'National security interests' is much narrower than the term 'national interest' and it is a higher standard than 'national interest.' The key word is security."

As the parties move toward "final status" negotiations, the United States should take care not to undermine the talks, which invoking the section 7(a) waiver would tend to do. It is therefore desirable for the Congress and the administration to reach a meeting of the

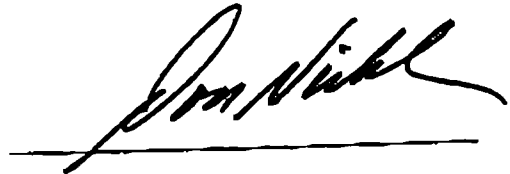
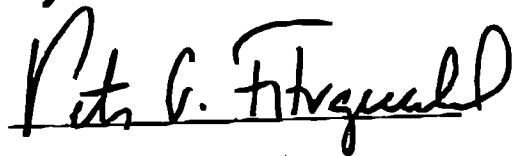
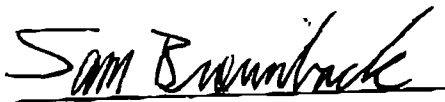
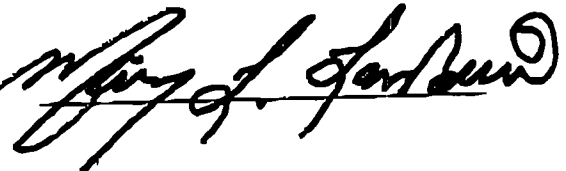
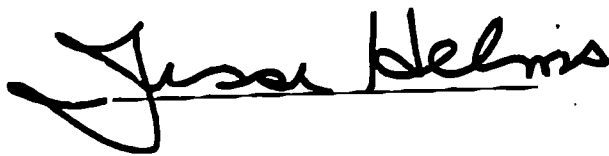
minds so that you will not feel pressure to make improper use of the waiver and the State Department will not lose half its funds for acquisition and maintenance of its buildings abroad.

We strongly urge you, in good faith, not to invoke the section 7(a) waiver. Should you choose to do so, we will see no option but to amend the Jerusalem Embassy Act to remedy this unacceptable delay in moving the U.S. embassy to Jerusalem, and recognizing Jerusalem as the capital of Israel.

We believe this is the best way to satisfy the requirements of the law and the legitimate concerns of all parties. And it would serve the cause of peace.

We look forward to working with you on this matter.

Sincerely,



NEW YORK POST, SATURDAY, JUNE 19, 1999

Prez skirts law, keeps U.S. embassy in Tel Aviv

By BRIAN BLOMQUIST
Post Correspondent

WASHINGTON — President Clinton says he won't move the U.S. Embassy in Israel from Tel Aviv to Jerusalem, required by a 1995 law he signed, because of a "national security" risk. The embassy move is controversial because Jerusalem has great historical and religious significance in Israel — and because the Palestinians hope to get East Jerusalem in a Middle

East peace deal.

The United States has never recognized Jerusalem as Israel's capital. Moving the U.S. embassy to the Holy City would help Israel's effort, but would rebuke the Palestinians.

In 1995, Clinton signed legislation requiring the U.S. embassy be moved to Jerusalem by the middle of this year, unless it's a risk to national security.

Clinton quietly invoked that national-security waiver while in Germany on Thursday.

But it was evident long before then that Clinton had no intention of moving the embassy any time soon.

A State Department official said the department has yet to design the new embassy or hire a contractor to build it — although U.S. Ambassador Edward Walker does lease a suite of rooms at the Hilton Hotel in Jerusalem.

Clinton, in a letter to Sen. Daniel Patrick Moynihan (D-

N.Y.), said moving the embassy to Jerusalem could harm national security by tangling the Middle East peace process.

Sen. Charles Schumer (D-N.Y.) said he doesn't think moving the embassy to Jerusalem poses any national-security risk to the United States. He said Clinton just wants to use Jerusalem as a "bargaining chip" in the Middle East peace process.

"I think the embassy should be moved. I'm disappointed the

president did it," Schumer said yesterday, adding that he'll try to get Congress to force the embassy move and deny the president an escape hatch.

"Are we going to legislate that it has to move? Yes, that is something that is very much on the table," Schumer said.

"In the new law, we're going to have to look at how this national-security waiver was taken advantage of [by Clinton] and hopefully not allow that to happen again."

United States Senate

WASHINGTON, DC 20510

June 21, 1999

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, DC 20500

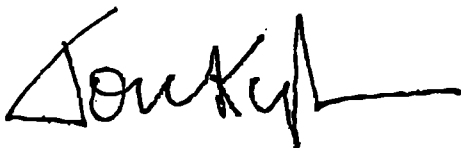
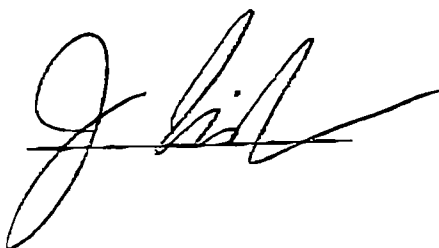
Dear Mr. President:

We are deeply disappointed that you chose to exercise the waiver provision contained in the Jerusalem Embassy Act of 1995. Jerusalem is Israel's capital and the Administration should have long ago recognized that fact.

The waiver authority provided in the Jerusalem Embassy Act does not apply to the other provisions of the Act, other than the sanctions provisions. One of those other provisions contains a statement of U.S. policy that is the law of the land and is not subject to waiver: Jerusalem should remain united and should be recognized as Israel's capital, with our Embassy located there.

As permanent status negotiations approach, we expect that America's approach to Jerusalem to be based on U.S. law, as stated in the Jerusalem Embassy Act.

Sincerely,


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