

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Victoria Reznik to Elizabeth Verville. Subject: RE: Ukraine X-hatch. (1 page)	04/19/1996	P1/b(1)
002. email	James Baker to James Baker, Gordon Bendick, Christina Burrell et al. Subject: Bosnia Document Request and Briefings. (5 pages)	05/08/1996	P1/b(1)
003. email	James Baker to Jane Baker, M.K. Friedrich, Brenda Hilliard et al. Subject: Bosnia Request. (6 pages)	05/08/1996	P1/b(1)
004. email	Fulton Armstrong to Kim Natoli. Subject: Cuba. (4 pages)	07/23/1996	P1/b(1)
005. email	Jeremy Zucker to Daniel Poneman. Subject: Holum/Baturin SOC. (3 pages)	08/05/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 MSMail-Record (Sept 94-Sept 97) ([Senator Helms])
 OA/Box Number: 590000

FOLDER TITLE:

[03/30/1996-08/13/1996]

2006-1363-F

vz5615

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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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]

M S M a i l

DATE-TIME 30 March 96 12:38
FROM Cullin, Brian P.
CLASSIFICATION UNCLASSIFIED
SUBJECT POTUS Guidance [UNCLASSIFIED]
TO Cullin, Brian P.
 Fetig, James L.
 Johnson, David T.
 Naplan, Steven J.
 Schuker, Jill A.
 Wozniak, Natalie S.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[PRESGUI.DOC : 3118 in PRESGUI.DOC]]

**ATTACHMENT
FILE DATE** 30 March 96 12:38

**ATTACHMENT
FILE NAME** PRESGUI.DOC

PRESIDENTIAL GUIDANCE

PRESS INTERVIEWS 2 - 4 APRIL 1996

China

Bosnia

Haiti

Northern Ireland

Middle East Peace Process

CHINA

Overall Relationship

☐ We are committed to having as positive a relationship with China as we can. It is an important country and a productive relationship with a strong,

stable, open and prosperous China will contribute not only to our long term interests, but also to regional and global stability and prosperity. We want to encourage China to play a constructive international role.

□ There are a number of problem areas in our relations, but we believe they are manageable. We want to work with China, at all levels, to assert our interests. It is important we keep at these problem issues steadily, with long term goals in mind.

□ Comprehensive engagement remains in our interest. China is still in the process of reform and opening to the outside world. Engagement does not mean compromising our interests; it means pressing our interests, and enforcing our laws and agreements.

Ring Magnets

□ We are reviewing reports that China provided sensitive nuclear assistance to Pakistan and we have had several consultations with China on this issue.

□ Once that review is complete we will make a decision on how to proceed in light of the facts as we understand them as well as applicable law.

Intellectual Property Rights

□ Protection of U.S. intellectual property is a top priority. Our talks with China are continuing and Ambassador Barshefsky will visit Beijing next week to try and hammer out specific steps China will take to close down pirate operations.

□ We have made it clear that implementation of the agreement is essential in order for China to avoid imposition of sanctions.

Taiwan

□ The PRC military exercise is over, our naval assets have resumed normal deployment and both Taiwan and the PRC have expressed an interest in resuming the cross-Strait

dialogue. These are good signs that tensions are lessening.

□ There are no easy answers to the question of the future of relations between Taiwan and the PRC. We have no interest in being drawn into the middle of the debate between Beijing and Taipei.

□ The one China policy has been followed by five administrations. It works and we intend to continue to see it work by reminding the PRC of our interests in peaceful resolution of the Taiwan question and by reminding Taipei of the need to engage constructively with Beijing.

□ President Lee has said domestic priorities in Taiwan, including restoring amicable relations with Beijing, would be the focus of his efforts and that he had no intention to undertake any international travel. We have not received a request from him to visit the U.S.

Q: Does this mean you support Helms' invitation to Lee to visit the U.S.?

A: I'm not going to comment on Senator Helms' invitation.

MFN

□ In order to encourage the types of reforms we seek in the Chinese system, we need to be engaged with Beijing economically. Revocation of MFN would damage the U.S.-China relationship and isolate us from China. It would not isolate China from the rest of the world; rather, loss of MFN removes our ability to encourage China to undertake economic reform, introduce the rule of law in its commercial and civil systems and improve the human rights environment.

Japan

□ Japan and the U.S. have a solid security relationship and a strong and healthy economic relationship. Prime Minister Hashimoto and I are committed to ensuring the security relationship remains potent and that it serves as a central component of sustained

regional peace, stability and prosperity.

□ We expect to discuss regional issues such as the situation on the Korean peninsula, the need to proceed with implementation of plans to replace North Korea's dangerous nuclear reactor program, tensions in the Taiwan Strait, and progress in developing multilateral institutions such as the ASEAN Regional Forum within which regional security issues can be discussed.

Q: Will the Okinawa problem be solved by the time you get there?

A: The issue of U.S. forces and their deployment in different areas of Japan is a difficult one. It is most complex in Okinawa, where a terrible rape incident last fall focused attention on larger issues involving the U.S. military presence in Japan.

We continue to work with the Japanese government through a Special Action Committee to resolve some of these issues, and we expect to have reached a good agreement by the time of my visit. The problems are complicated and long-standing, however, and we will still need to work hard the rest of the year. But I am encouraged about the progress already made.

Q: What about economic problems?

A: We will of course be discussing economic issues, most of which consists of good news, including improvement of the trade balance, implementation of many trade agreements that have benefited both sides, and continuing efforts to deregulate the Japanese economy and open it more to foreign competition. We are working to resolve some specific ongoing trade differences, but they should not be seen as the focus of the summit.

BOSNIA

- ☐ Like to begin by saying how proud the United States can be of Americans, civilian and military, serving in Bosnia. They are doing a terrific job in the cause of peace.
- ☐ Implementation of military aspects of Dayton Accords is going well. Parties have pulled back behind Zones of Separation; parties are drawing down military units; transfer of territory occurring peacefully; and cease-fire continues to hold.
- ☐ With passage of first major military milestones, 90 days after IFOR began its mission, we now have an opportunity to focus attention on critical next stage of peace implementation, especially civilian aspects.
- ☐ Remarkable how much achieved in first 90 days. Must remember that a country cannot recover from 4 years of war overnight.
- ☐ Civilian implementation is moving forward, although progress has been uneven.
- ☐ Preparations for elections this summer are on track and International Police Task Force is building up its strength.
- ☐ While many strains still exist between Muslims and Croats, Federation is beginning to come together: parties have agreed on government institutions, joint Federation police established in Sarajevo, final discussions taking place on single Federation defense law.
- ☐ Planning for \$5 billion reconstruction effort by international community over next 3-4 years is well underway. Grateful that Congress just approved \$200 million for reconstruction and other civilian needs. Will help us mobilize broad international support at donors' conference next month.
- ☐ Our \$85 million "Quick Impact" program has already benefited thousands of people: 91,000 tons of food delivered; funding for renewed agriculture planting, livestock production and food processing; restored water to Sarajevo residents.
- ☐ Still have a long way to go. International community needs to

accelerate reconstruction
efforts to demonstrate benefits of peace.

☐ And parties themselves need to do more to seize opportunity,
overcome those who favor
ethnic separation over reconciliation.

HAITI

☐ With the redeployment of U.S. forces to their home stations in
the United States, and the
downsizing of the UNMIH military component, we are entering a new
stage of our
engagement and partnership with Haiti.

☐ President Preval's visit to Washington last week, and its
principle theme of economic
development, are a signal of this new stage of engagement.

☐ Henceforth, American assistance to the Government of Haiti will
not take the form of armed
Humvees patrolling the streets of Port-au-Prince; rather, it
will be in terms of technical
advice and expertise as the Government of Haiti continues its
efforts to reform its economic,
governmental and judicial systems.

☐ I am particularly encouraged by recent moves of the Government
of Haiti to reinforce the
professionalism of the Haitian National Police.

These include: - the recent appointment of a new
Director-General,
- the re-appointment of a tough-minded Inspector General,
- the bringing of charges for misuse of authority and
misappropriation of equipment against several HNP officers,
- and the announcement of a set of tough new standards for
recruitment of mid-level supervisors.

NORTHERN IRELAND

☐ In Northern Ireland in November I experienced genuine and moving
outpouring of support
for peace by people of both communities, both faiths. Made me
proud of power of
American ideals and American example.

- ☐ Was outraged by the IRA bombings in London in February; no excuse for resorting to violence.
- ☐ Imperative that cease-fire be restored. That is the way to a just and lasting peace.
- ☐ Heartened by determination of the people of Northern Ireland to continue their search for peace, as demonstrated in public rallies and campaigns for peace. We support them fully.
- ☐ As in Middle East, must not allow the men of the past to ruin the future of the children of Northern Ireland.
- ☐ The U.S. has been working closely with the British and Irish governments and the political parties in Northern Ireland to help move the peace process forward.
- ☐ On February 28 the governments announced that negotiations on Northern Ireland's future will begin June 10. The setting of that date is a watershed in the peace process, what everyone has been working toward.
- ☐ Next step will be an election on May 30 that will lead directly into the negotiations. Hope that all parties will participate.
- ☐ [If asked about Adams' visa:] Granted visa to Mr. Adams because I believed it was important for him to hear from Americans how deeply we support the peace process and how important it is that the cease-fire be restored. Convinced he got that message.

MIDDLE EAST PEACE PROCESS

- ☐ Committed to sustaining the historic progress made toward a comprehensive and lasting peace in the Middle East; that goal threatened by acts of terror; innocent Israelis are immediate target, but real objective is the peace process itself.
- ☐ Challenge we face is clear: must restore an environment in which peace can be made.
- ☐ Sharm el-Sheikh Summit of the Peacemakers unprecedented

demonstration of Arab and international solidarity with Israel and others in region confronting terror.

☐ We are following up on the Summit through discussions held here March 28-29 to strengthen international capacity to combat terror.

☐ Arafat and Palestinian Authority taking positive steps to dismantle terrorist infrastructure, stop those who have betrayed hopes of Palestinians for better future.

☐ We are focused on ways to support Palestinian people as they too suffer consequences of terrorism, Israeli security closure: we have agreed with Peres, Arafat and Norway on development of emergency plan designed to improve economic situation in Gaza and West Bank and are working intensively to put it in place.

☐ Peace and security indivisible; one cannot last without other and both must be pursued with vigor.

M S M a i l

DATE-TIME 09 April 96 07:26
FROM Fetig, James L.
CLASSIFICATION UNCLASSIFIED
SUBJECT Haiti Aid Holds [UNCLASSIFIED]
TO Fetig, James L.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[AIDHOLDS.DOC : 1889 in AIDHOLDS.DOC]]

**ATTACHMENT
FILE DATE** 9 April 96 7:25
**ATTACHMENT
FILE NAME** AIDHOLDS.DOC

HAITI HOLDS: Currently 4 notifications totalling \$8.5M are on hold:

- - \$1.5M for ICITAP by Gilman linked to progress in Cite Soleil shootings (\$5M for ICITAP was originally notified in December, Gilman released \$2.5M in January and \$1M in March)

- - \$4.7M for health systems*

- - \$1.7M for basic education*

- - \$646,000 for Caribbean Latin American Scholarship program*

* these three notifications have been on hold by Sen. Helms since last December with the requirements for lifting the hold having been changed several times - currently a letter from Helms says the holds will not be lifted until we declassify and supply all documents from State, CIA, DOD, & FBI on five political assassinations.

AID is also citing two more projects (\$5M for private sector development and \$2.3M for environmental activities) as "on hold" although they have not been sent to Congress. AID is holding back on these notifications pending the post-troop

withdrawal review of progress in
meeting Dole amendment requirements.

-- Have inter-agency cleared talkers on helos - we will make
calls tomorrow morning with State
and DOD

M S M a i l

DATE-TIME 08 April 96 20:55
FROM Danvers, William C.
CLASSIFICATION UNCLASSIFIED
SUBJECT Legislative Update [UNCLASSIFIED]

TO Baker, Jane E.
Baldwin, Kenneth
Bass, Peter E.
Cicio, Kristen K.
Dohse, Fred J.
Friedrich, M. K.
Hall, Wilma G.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Veit, Katherine M.
Wiley, Mary C.

CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Fuerth, Leon S.
Wise, William M.

TEXT_BODY

Note for Tony, Sandy and Nancy:

BOSNIA: Reprogramming for O&M for IFOR-- some \$659 million-- waiting to go to Hill. Most of money is from inflation and noncontroversial (we hope) programs. See separate update on LA Times article.

ONDCP MONEY: Attended a meeting with OMB, Martha Foley (she again has come through for us) and ONDCP to discuss McCaffrey strategy on how to get support for \$350 million. He is ready to launch. Goal is to get it on CR.

MFN: Tentative briefing with friendly Senate staff on Thurs. Need to know if we can set up a meeting with Sandy Berger, Tarnoff and USTR next week with friendly House members (their request). Will get you talking points for Gephardt and Bonior calls for this week.

TURKEY FRIGATES: State Leg Affairs trying to reach Sarbanes staffer over recess to see what needs to be done (if we can do anything) to remove Sarbanes objection. State also drafting answer to Gilman/Hamilton letter to Christopher requesting frigates remain on hold. State policy bureaus and DOD will recommend proceeding, "holds" notwithstanding, while State/H will counsel waiting and working the issue. Demeril reportedly had good meeting with Gingrich and that may be an avenue to help with Gilman. If Gilman isn't turned around, there is no precedent in this Administration for breaking a majority hold. If we decide to proceed, Congress would have to pass a resolution of disapproval to stop the sale - unlikely there are the votes needed to override a veto. Opponents counting on cost of a lengthy and nasty public debate on Turkey's shortcomings acting as real deterrent.

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-- Have inter-agency cleared talkers on helos - we will make calls tomorrow morning with State and DOD

PAKISTAN: Have call list for roll out on our decision starting tomorrow (Talbot calls to Glenn, Pressler, and Hamilton; Berger calls to Brown and Ackerman; rest of the calls to staff). Samore coordinating points with State.

JORDAN: Will need to send determination to Hill by Wed that waives requirement for Jordan to be in compliance with sanctions against Iraq - need to do this to allow \$30M of '96 FMF to go to Jordan to begin F-16 program

LIBERIA: made calls along with State and DOD

STATE AUTH BILL: According to the Executive Clerk's office, with the combination of slow enrollment and delivery to the White House (and not counting Sunday's), the President has until the 17th to veto the bill.

TERRORISM CONFERENCE: We will continue our FSIA calls tomorrow.
Understand
that staff conference will resume tomorrow.

M S M a i l

DATE-TIME 09 April 96 18:19
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT Package [UNCLASSIFIED]
TO Letts, Kelly J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
This one needs to be seen by DObbins and Eric. Thanks
[[2286.DOC : 4680 in 2286.DOC]][[2286A.DOC : 4681 in 2286A.DOC]][[
2286B.DOC : 4682 in 2286B.DOC]]
**ATTACHMENT
FILE DATE** 9 April 96 17:49
**ATTACHMENT
FILE NAME** 2286.DOC

Dear:

Thank you for your letter concerning the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act.

I share your desire to see that the Act is effectively implemented in accordance with Congress' intent. Representatives from all concerned agencies have been working together diligently to that end.

While the Act presents complex procedural and legal issues, I am confident that we soon will be in a position to implement its provisions. I have asked my Administration to be in regular contact with interested congressional staff members during this process.

Once again, thank you for your interest in this matter.

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

**ATTACHMENT
FILE DATE**

9 April 96 18:6

**ATTACHMENT
FILE NAME**

2286A.DOC
2286
cc: Vice President
Chief of Staff

ACTION

MEMORANDUM FOR THE PRESIDENT

**FROM: ANTHONY LAKE
JOHN HILLEY**

SUBJECT: Response to Helms/Gilman Letter on LIBERTAD

Purpose

To respond to a letter from Senator Helms and Representative
Gilman
on the implementation of the LIBERTAD Act.

Background

Senator Helms and Representative Gilman wrote to request
consultations between the Congress and the Administration on the
implementation of the Cuban Liberty and Democratic Solidarity
(LIBERTAD) Act.

The proposed response indicates that you have asked Administration representatives to be in contact with interested staff members.

RECOMMENDATION

That you sign the attached responses at Tabs A and B.

Attachments

Tab A Response to Senator Helms

Tab B Response to Representative Gilman

Tab C Incoming Correspondence

**ATTACHMENT
FILE DATE**

9 April 96 18:18

**ATTACHMENT
FILE NAME**

2286B.DOC
2286

April 9, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ERIC SCHWARTZ/JIM DOBBINS

FROM: ROB MALLEY

SUBJECT: Response to Helms/Gilman Letter on LIBERTAD

Senator Helms and Representative Gilman wrote to the President to ask for consultations between the Congress and the Administration on implementation of the LIBERTAD Act.

Concurrence by: Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President

Attachments

Tab I Memorandum to the President

Tab A Response to Senator Helms

Tab B Response to Representative Gilman

Tab C Incoming Correspondence

M S M a i l

DATE-TIME 17 April 96 09:59
FROM Kessinger, Jodi
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Note from Soderberg re: Cuba [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

NES asked:

"Rob, can we get someone to give receipts saying who they gave money to?"

From: Malley, Robert
To: Kessinger, Jodi
CC: /R, Record at A1; @LEGISLAT-Legislative Affairs
Subject: RE: Note from Soderberg re: Cuba [UNCLASSIFIED]
Date: Tuesday, April 16, 1996 11:42 AM

Please pass to NES

Brian and Larry Byrne apparently see this allowing an NGO to disburse USG provided cash to dissidents and families of dissidents would set a bad precedent given the absence of accounting guarantees.

In my view, they might have a point on the merits -- though not if it imperils materialization of the POTUS' commitment of last October. At this point, Senator Helms has a hold on the money to Freedom House, purportedly over this and one other issue. USAID believes the hold will be lifted even without the waiver.

Our leg. office will call Fiske and try to get a sense of whether this waiver issue is a deal-breaker. Based on its assessment this afternoon, I will make a recommendation to you on whether you should call Brian.

From: Kessinger, Jodi
To: Malley, Robert
CC: /R, Record at A1; @CROSS - Cross Hatches
Subject: RE: Note from Soderberg re: Cuba [UNCLASSIFIED]
Date: Monday, April 15, 1996 09:54 PM

NES read this email an asked:

"What would it take to get Brian to okay it? Freedom House wants a waiver to let the guy who disburses aid to say I gave x to y etc. Seems reasonable, can we push? I'm happy to call Brian if it helps."

From: Malley, Robert
To: Kessinger, Jodi
CC: /R, Record at A1
Subject: RE: Note from Soderberg re: Cuba [UNCLASSIFIED]
Date: Monday, April 15, 1996 01:27 PM

Brian Atwood has weighed in personally on this. He opposes a waiver for reasons of accountability.

From: Kessinger, Jodi
To: Malley, Robert
CC: /R, Record at A1
Subject: Note from Soderberg re: Cuba[UNCLASSIFIED]
Date: Monday, April 15, 1996 01:10 PM

Note from NES:

Where are we on Freedom House and Cuba's \$10,000 humanitarian aid? They want a waiver on receipts.

M S M a i l

DATE-TIME 19 April 96 08:10
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Note from Soderberg re: Cuba [UNCLASSIFIED]
TO Kessinger, Jodi
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Will do

From: Kessinger, Jodi
To: Malley, Robert
CC: /R, Record at A1
Subject: RE: Note from Soderberg re: Cuba [UNCLASSIFIED]
Date: Thursday, April 18, 1996 11:16 PM

Nancy read this email and asked:

"Could you call Adrian K. and discuss?"

From: Malley, Robert
To: Kessinger, Jodi
CC: /R, Record at A1
Subject: RE: Note from Soderberg re: Cuba [UNCLASSIFIED]
Date: Thursday, April 18, 1996 12:34 PM

Please pass to NES:

This is where we are on the issue:

Under normal AID procedures, we would have to get a receipt signed by the persons who got the money. Since these would be dissidents, or their family, we do not want them to take this risk.

That is why a waiver of traditional accounting rules is needed. That could have been done, but Freedom House apparently has acknowledged that there is an alternative: It could use \$ 10,000 of its own funds it had planned to use in Cuba (a total of 20,000 that was meant to be used to cover in-kind costs) for cash contributions to dissidents. In turn, AID would use 10,000 of the 500,000 grant to cover these in-kind costs. In light of this alternative, USAISD concluded that both in terms of legal compliance and to avoid problems on the hill, it would not seek a waiver.

This solution seems sensible to me: Freedom House will be able to make cash contributions and will get its full 500,000. USAID is working with Freedom House this week to finalize this understanding and then will go to the hill to get the hold on the CN lifted.

I will keep you informed. If you want me to call Freedom House to make sure they are comfortable with this, please let me know.

From: Kessinger, Jodi
To: Malley, Robert
CC: /R, Record at A1
Subject: RE: Note from Soderberg re: Cuba [UNCLASSIFIED]
Date: Wednesday, April 17, 1996 09:59 AM

NES asked:

"Rob, can we get someone to give receipts saying who they gave money to?"

From: Malley, Robert
To: Kessinger, Jodi
CC: /R, Record at A1; @LEGISLAT-Legislative Affairs
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Date: Tuesday, April 16, 1996 11:42 AM

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COLLECTION:

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NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Senator Helms])
OA/Box Number: 590000

FOLDER TITLE:

[03/30/1996-08/13/1996]

2006-1363-F

vz5615

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- 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
002. email	James Baker to James Baker, Gordon Bendick, Christina Burrell et al. Subject: Bosnia Document Request and Briefings. (5 pages)	05/08/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Senator Helms])
OA/Box Number: 590000

FOLDER TITLE:

[03/30/1996-08/13/1996]

2006-1363-F

vz5615

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	James Baker to Jane Baker, M.K. Friedrich, Brenda Hilliard et al. Subject: Bosnia Request. (6 pages)	05/08/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Senator Helms])
OA/Box Number: 590000

FOLDER TITLE:

[03/30/1996-08/13/1996]

2006-1363-F

vz5615

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M S M a i l

DATE-TIME 09 May 96 22:05
FROM Kreczko, Alan J.
CLASSIFICATION UNCLASSIFIED
SUBJECT ICC [UNCLASSIFIED]
TO Hunerwadel, Joan S.
CARBON_COPY Baker, James E.
Kreczko, Alan J.
Sparks, John E.

TEXT_BODY

Jo,

Please put in package form. Unclassified info memo.

[[ICCREP.DOC : 5681 in ICCREP.DOC]]

**ATTACHMENT
FILE DATE**

9 May 96 22:4

**ATTACHMENT
FILE NAME**

ICCREP.DOC

TO: ANTHONY LAKE

FROM: ALAN KRECZKO

SUBJECT: International Criminal Court

The UN recently concluded the first of two intersessional working groups it has devoted this year to the ICC. These two sessions are

aimed at a new consolidated text for an ICC treaty which could be discussed at a diplomatic conference.

The key political issue remains the "trigger" to ICC jurisdiction.

Little progress was made on this matter: many European States would

give the ICC "inherent" jurisdiction to start cases, without regard

to the consent of States; many Asian States would require the consent

of numerous "interested" states before the ICC could take up a

case;
we and a few others (notably France, the UK and Russia) continue to
propound a strong Security Council role. Also still unresolved are
several other key issues: (1) whether to exclude drug and terrorism
offenses (with the latter benefiting from a bit of a revival in light
of the Sharm El-Sheikh conference); (2) whether to cover internal
situations under crimes against humanity and war crimes; and
(3) the extent to which the ICC will defer to bona fide national
prosecutions
(a critical point to the USG, particularly DOD).

The second preparatory session (August) will concentrate on due
process and procedural issues and defining relevant law --
subjects
on which we have taken and will continue to take a lead. We
intend
to meet with other interested countries over the summer to do
more
preparatory work on these subjects. The UNGA will assess the
results
of the two sessions next fall and determine whether enough has
been
accomplished to warrant a diplomatic conference, or, more likely,
whether additional preparatory sessions are required.

The US delegation met regularly with NGO's. Our support for a
Security Council "trigger" continues to be criticized by these
groups, which are concerned that the veto would be used to
frustrate
referrals to the ICC. In other respects, however, the USG
position
and approach seem to be generally acknowledged as progressive and
constructive. Congressional interest remains relatively low --
Senators Specter and Dodd remain strong supporters of an ICC;
Senator
Helms and Rep. Gilman have supported legislation which would
condition US participation in an ICC.

cc: Rob Malley
Dick Clarke

M S M a i l

DATE-TIME 14 May 96 23:02

FROM Friedrich, M. K.

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT Night Update [~~CONFIDENTIAL~~]

TO Baker, Jane E.
Dohse, Fred J.
Friedrich, M. K.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Wetzel, M. Jeanne

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

DECLASSIFIED
E.O. 13526 5/16/2017
White House Guidelines, September 11, 2006
By 17 NARA, Date 2/7/2017
2006-1367-F(3)

- No packages needed for POTUS/TL/SRB

Misc.

Package #3348 "Preliminary SSCI Bosnia Report and Bob Kerrey," is in the UPSTAIRS box. Mr. Berger will need his copy for the 7:30 a.m. meeting. Pls be sure it gets to him.

Package #3278 "POTUS Ltr to President Lee of Taiwan," has been signed by the President. The original is with the WWD. S. Kristoff asked that it be prepared so that it can be hand carried. Leyla notified her by e-mail and phone. Pls give her a yell in the A.M. if it hasn't moved.

Package #2703 "Proposed response to Senator Helms re: Iran Supply to Bosnian Military" is w/ the POTUS for signature. Pls check on its status and notify Fred.

That's it

M S M a i l

DATE-TIME 22 May 96 19:17
FROM Harris, Elisa D.
CLASSIFICATION UNCLASSIFIED
SUBJECT cwc update [UNCLASSIFIED]
TO Bell, Robert G.
Poneman, Daniel B.
CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.

TEXT_BODY

i thought this might be a good moment to bring everyone up to date on various items related to CWC ratification:

1. SACOG: the background information with a cover note from bob was delivered to the senate arms control observers last monday. copies of the package were also provided to selected staff, such as ken myers.
2. dole letter: the christopher-perry letter to dole was finally delivered to dole last thursday, the day AFTER dole announced he was resigning from the senate. altho the timing probably will not make any difference in the end, state's incompetent handling of this letter is a case study in how NOT to get things done.
3. Helms letter: sen. helms has a dear colleague out for signature which argues that the Senate should defer consideration of the CWC until 1) russia has ratified START II; and 2) the results of the russian elections are known, their impact on US-Russian relations assessed, and political stability has returned to russia. ten senators are on the letter which is circulating (helms, thurmond, inhofe, kyl, smith, craig, grams, d'amato, hutchinson, and murkowski).

when we learned about this this afternoon, i convened an immediate conference call with gordy, terri lodge, lori murray and ivo spalatin to discuss how to respond. everyone agreed that we needed to reach out immediately to key SFRC, SASC, and SACOG members to alert them to the letter and explain why it should be opposed. everyone has been assigned offices to call; i am also working with ACDA on some background information to give friends on the Hill for use in responding to the issues raised in Helms' letter. we will have another conference call thursday morning to discuss where we stand.

4. UC: a unanimous consent agreement wrapping together the various NMD issues and CWC is continuing to be worked by daschle and others. at this point, the CWC language calls for a vote on the resolution of ratification no later than the july 4th recess and final Senate action on the cwc implementing legislation by sept. 12. obviously, we'd like to see a vote on the resolution of ratification before the russian elections, if at all possible, for the same reason jesse wants the vote after the elections (i.e., helms will have an easier time getting support for killer amendments re: russia if the election goes badly.) barbara larkin is also concerned about the cwc vote coming unraveled if it happens after dole's departure. daschle's staff is aware of our concerns. all indications are that the UC will not be resolved until after the memorial day recess.

M S M a i l

DATE-TIME 03 June 96 11:14
FROM Sestak, Joseph A.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Law of the Sea (LOS) [UNCLASSIFIED]
TO Bell, Robert G.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Bob, the Rubber Treaty arrived at the WH last week (FRIDAY, I'm told) for forwarding to the Senate. Have you had a chance to speak with Barbara Larkin regarding any possible tie of this Treaty which Helms wants with the LOS??? I doubt it, but I wanted your green light to let Jack McNeil know that there is NOT (or is) any tie that will be made. Thanks. r, Joe

From: Sestak, Joseph A.
To: Bell, Robert G.
CC: /R, Record at A1
Subject: Law of the Sea (LOS)
Date: Wednesday, May 29, 1996 05:38 PM

Bob,
Jack McNeil called regarding a "rubber treaty" which Senator Helms "wants" and the possibility of perhaps leveraging his request for his consideration of LOS. After looking into it, I am told:
o In December, the interagency was split on whether to renew our participation in the "International Natural Rubber Agreement" (we'd rollover for another 5 years the \$70M we have in an international "buffer stock" used to ameliorate sudden price changes in the price of rubber). Helms then spoke with Talbott and others; he said that while he didn't support commodity agreements per se, he had a constituency of tire manufacturers that were pleading for the agreement's renewal. State then decided to switch its position and support the agreement.
o I am unsure if State got anything in return for its support of the agreement, except that Patti McNearney on the SFRC said that the "Straddling Stocks" fishing convention would be given hearings along with the rubber agreement once it arrived in Congress. The letter of transmittal for the rubber agreement is expected to arrive in the WH in the next few days.
o I spoke with Bobbie Shore (Leg H, who handles the rubber agreement) and she was very opposed to any tie of the LOS with the rubber agreement (she also said LOS was not her equity, so she could feel that way); Linda Strachan, spec asst to Eileen Claussen, said she favored a possible tie-in (she noted that Stevens wanted straddling stocks; Helms wants rubber; perhaps we can get Stevens to also push for LOS, along with Thurmond who

wants "his man" to be on the Tribunal; she also noted that Patti McNearney had asked her for information on what the LOS Tribunal entailed: an "interest" in the LOS which Helms' people had never shown before). However, Dave Colson (OES) was very opposed to any tie-in with LOS. He feels that we are not in a position to "game" this rubber agreement: if Straddling Stocks does come up in conjunction with the rubber hearings, LOS will necessarily be mentioned (since the Straddling Stocks convention implements the LOS) and we might have an outside chance then.

BOTTOM LINE: State does not appear to be in favor of trying to tie in the LOS with Helms' desire for the rubber agreement. Dave Colson said that it wouldn't do any good to get a read from Ed Hall since Ed knows all of this and if he felt that we might "game" this, we would have heard from him. Bob, do you want me to speak with Bill Danvers about looking more into this, or should you make a phone call to someone more senior in State H to ascertain that you agree with State's position on pursuing any tie-in with LOS? Or should I inform Jack McNeil now -- who said that we might want to look at this in the IWG -- that the rubber agreement is not the vehicle for us to use as leverage? (I would think that a call from you to someone you respect on State/Congressional insight on this issue might be best just to verify that State's position is the one to go with). r, Joe

M S M a i l

DATE-TIME 06 July 96 16:57
FROM Harris, Elisa D.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Update [UNCLASSIFIED]
TO Davis, William K.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

will:

what two amendments on CWC have been put in as place holders? no one else has mentioned this, including ken myers, who bob and i both met with on wednesday.

elisa

From: Davis, William K.
To: @ALLNSC - NSC Staff; @VP - VP Natl Security Affairs
CC: /N, NonRecord at A1; @LEGISLAT-Legislative Affairs
Subject: Legislative Update [UNCLASSIFIED]
Date: Wednesday, July 03, 1996 07:26 PM

Please pass to Tony, Sandy, and Nancy:

BURUNDI: We began calls to key members' offices today to give heads up on Burundi. Calls mostly to staff - most were appreciative of being brought in on the ground floor, but hungry for more details. State connected with House CJS appropriators marking up FY '97 peacekeeping funding in their bill next week and they were appreciate of being informed at such an early stage.

NATO ENLARGEMENT: Meeting today with HIRC, State and us to narrow the differences between the Gilman Bill and our approach to NATO Enlargement. Meeting went well and differences are decreasing, but not completely removed. Hamilton is not entirely on-board with the Bill yet, either. HIRC intends to markup on Wednesday, July 10th.

IRAN/LIBYA: Senate Republican leadership staff "confident" bill would be brought up on Senate floor next week with the Kennedy amendment on Libya made in order.

ENCRYPTION: Ed Appel and Greg Simon talked to Daschle's staff today to air our national security and law enforcement problems with the Burns Bill on encryption. L-ship will be on the lookout for Burns as an amendment to the

DOD Approps Bill (or other moving legislative vehicles) in the coming weeks. They will try to keep it off the floor via holds and/or objections as best they can this month. Interagency group is putting out letters and papers to combat potential floor action supporting the Burns bill.

EAA: HIRC staff told us today that both Repubs and Dems have cleared this bill for the Suspensions Calendar. We are informed that it could go to the floor either the week of July 9th or 16th.

CWC: Bob Bell led a meeting today with Ken Myers of Lugar's staff and ACDA and State to discuss strategy for CWC floor action. It is likely that CWC will get to the Senate floor in July. To date, two potential amendments (allowed under the UC) have been put in as placeholders for Sen. Helms. Dem support for the CWC remains strong and we're working with the Repubs to keep their support. Also, Bob intends to meet with the Senate Arms Control Observer Group in July when Stevens' schedule allows.

AFRICA TRADE LEGISLATION: Hearings scheduled in the House before HIRC (7/12) and Ways & Means (7/16). Susan and Bob Kyle trying to bring together Administration views. Proposed legislation is still evolving (mostly by deferring for several years any cuts to DA to fund a trade partnership/foundation). Still opposition from Black Caucus and others which makes bill unlikely to move (in its current form) until the next Congress, but we could see lots of activity/discussion short of it being passed.

M S M a i l

DATE-TIME 07 June 96 16:56
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: helms and cwc, sigh.... [UNCLASSIFIED]
TO Harris, Elisa D.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Option 2 plus an invitation for Helms staff to go physically to ACDA to review the longer list, but not take the list away with them.

From: Harris, Elisa D.
To: Bell, Robert G.; Poneman, Daniel B.; @LEGAL - Legal Advisor;
@LEGISLAT-Legislative Affairs
CC: /R, Record at A1
Subject: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Friday, June 07, 1996 03:57 PM

In late april, sen. helms wrote john holum asking for a detailed summary and complete list of all US companies that WILL have obligations under the CWC, sorted by state and chemical activity. helms probably was aware that we have had a CWC industry database since 1993 of some 10,000 companies that work with organic chemicals and thus MAY potentially be affected by the Convention.

after consulting with ACDA/GC and the Chemical Manufacturers Association, we

decided to cooperate with Helms and sent him a letter indicating that we were providing him "a complete list of all companies" in the CWC industry database. although i worked closely with ACDA on the letter, i never saw the actual database which was attached. I assumed, however, that it contained all the companies in the database. in reality, ACDA only sent Helms the roughly 2,000 companies that are "LIKELY" to be affected by the CWC. the acda letter did mention that, as a consequence of new info since 1993, it has become clear that the number of companies LIKELY to be affected by the CWC has dropped, but it did not explicitly say that these LIKELY companies were the ones being provided. at CMA's suggestion, we included a paragraph in the letter warning that the list constituted "Confidential Business Information" which, under our CWC implementing legislation, would be exempt from disclosure under FOIA. Each page of the database was stamped with a similar warning.

in the meantime, unbeknownst to me, at the same time we were sending the

letter to Helms, ACDA congressional affairs was providing information (which they got from ACDA/MA) to senators grams and kyl on chemical companies in their states. however, rather than providing exactly the same type of information (i.e. only the companies LIKELY to be affected), they gave grams and kyl both the larger number of companies that MAY have some involvement with the CWC and the much smaller number of countries that are LIKELY to be affected.

in a letter sent to Holum last friday, helms seized on this discrepancy, noting that, working from the same database, acda had given kyl a list of 81 companies, only 9 of which were on the list given to the Committee. helms then cleverly modified his earlier request, asking that we provide a summary and list of all companies which MAY have any involvement in the CWC (and reminding us that he knows that we have a database of some 10,000 such companies).

until late yesterday afternoon, we were working on a response to Helms which explained that we had given him a list of those companies LIKELY to be affected by the CWC but were prepared to meet his request for a list of the remaining companies, even though we now believed they were UNLIKELY to be

affected. then we found out that helms had sent a Dear Colleague around the Senate earlier in the week which discussed the impact of the CWC on industry AND provided full copies of the actual database to every senate office.

upon learning of this, I immediately called Mike Walls of CMA to tell him what had happened. needless to say, CMA is VERY unhappy, and is preparing a letter to the Senate expressing its opposition to Helms's distribution of Confidential Business Information and responding to the points in Helms's Dear Colleague. Senator Lugar's office is considering distributing the CMA letter around under a Lugar Dear Colleague.

after talking with peter mason in ACDA/GC, i also asked ACDA/GC to work with

State and NSC lawyers to determine whether Helms's action has in any way jeopardized our ability to protect industry data from release under FOIA, either now or under the implementing legislation. alan, jamie, john, you should be hearing from peter on this.

finally, we have put the draft response to last friday's helms letter to holum on hold. we have a couple of different options:

option 1 would be to delay sending a response until after the lawyers have resolved the FOIA question. (lori murray and i are leaning toward this option)

if the lawyers conclude that there is no FOIA problem, we will then need to make a policy decision on whether to give Helms's staff access to the additional company information. CMA thinks we would be crazy to do this, given Helms's ability to make mischief, and might well formally oppose such

a step. i have, however, asked Mike Walls to think about the possibility of us allowing Helms's staff to review the list at ACDA, without being given an actual copy of the list.

option 2 would be to send a letter to helms which reiterates that we have already given him a list of all the companies **LIKELY** to be affected by the CWC, period. (terri lodge and ACDA congressional affairs are leaning toward this option, believing that we should stand our ground and not let helms frame the debate on industry impact.)

there may be other options as well. i'd welcome your thoughts on this.

M S M a i l

DATE-TIME 10 June 96 13:31
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: helms and cwc, sigh.... [UNCLASSIFIED]
TO Kreczko, Alan J.
Sparks, John E.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

It did speak with Peter Mason from ACDA/GC about this on Friday. I told him that State/L and ACDA should reach a position on the FOIA issue, that the position they were developing (i.e., that unauthorized Senate disclosure did not constitute waiver of otherwise applicable FOIA exemptions) sounded correct, but that they should confer with Dan Metcalfe at DOJ, as DOJ is charged with providing government wide FOIA guidance and Dan is very good at

it. I don't perceive any further action necessary on our part.

From: Kreczko, Alan J.
To: Sparks, John E.
CC: /R, Record at A1; Baker, James E.
Subject: RE: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Monday, June 10, 1996 11:43 AM

Please.

From: Sparks, John E.
To: @LEGAL - Legal Advisor
CC: /N, NonRecord at A1
Subject: FW: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Monday, June 10, 1996 11:18 AM

Jamie,
When ACDA GC called last week was it about this? Alan, if not, would you like me to take this?

From: Harris, Elisa D.
To: Bell, Robert G.; Poneman, Daniel B.; @LEGAL - Legal Advisor;
@LEGISLAT-Legislative Affairs
CC: /R, Record at A1
Subject: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Friday, June 07, 1996 03:57 PM

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there may be other options as well. i'd welcome your thoughts on this.

M S M a i l

DATE-TIME 11 June 96 13:34
FROM Harris, Elisa D.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: helms and cwc, sigh.... [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY Hunerwadel, Joan S.
Kreczko, Alan J.
Sparks, John E.

TEXT_BODY

because i have less than full confidence in acda/gc at times, i decided to call dan metcalfe myself to make sure that he saw no FOIA exemption problem. dan never talked to anyone at acda yesterday. when i explained the situation to him, he said that he thought we could have a problem exempting industry data in the future because of helms's action and that the problem could be exacerbated if we sent helms the remaining info. he also raised the question of whether the industry data was affected by the Trade Secrets Act. i have a call in to acda to find out who at justice they spoke with yesterday. in the meantime, metcalfe suggested that we talk with a melanie pustay at justice about the trade secrets act question.

bottom line: i am more uncomfortable than i was yesterday about proceeding with a decision on how to respond to helms based on various ad hoc and apparently contradictory conversations. i am not a lawyer and do not understand these issues as well as all of you. i would very, very much appreciate if one of you could participate in a legal SVTS or conference call to resolve this matter. i would be happy to set it up. metcalfe is crashing for a hearing later this week but said that melanie could ably represent justice if we had such a call. pls advise. thanks!

From: Baker, James E.
To: Harris, Elisa D.
CC: /R, Record at A1; @LEGAL - Legal Advisor
Subject: FW: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Tuesday, June 11, 1996 08:37 AM

Elisa:

There is no need for a SVTS. State and ACDA should follow DOJ's guidance, which seems intuitive to me, and to an expert like Bill Leary, correct. I would note as well that DOJ is not just charged with providing advice on FOIA, but also with pushing the public disclosure envelope and with handling

FOIA litigation. Thank you.

From: Baker, James E.
To: Sparks, John E.; Kreczko, Alan J.
CC: /R, Record at A1
Subject: RE: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Monday, June 10, 1996 01:31 PM

I did speak with Peter Mason from ACDA/GC about this on Friday. I told him that State/L and ACDA should reach a position on the FOIA issue, that the position they were developing (i.e., that unauthorized Senate disclosure did not constitute waiver of otherwise applicable FOIA exemptions) sounded correct, but that they should confer with Dan Metcalfe at DOJ, as DOJ is charged with providing government wide FOIA guidance and Dan is very good at

it. I don't perceive any further action necessary on our part.

From: Kreczko, Alan J.
To: Sparks, John E.
CC: /R, Record at A1; Baker, James E.
Subject: RE: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Monday, June 10, 1996 11:43 AM

Please.

From: Sparks, John E.
To: @LEGAL - Legal Advisor
CC: /N, NonRecord at A1
Subject: FW: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Monday, June 10, 1996 11:18 AM

Jamie,
When ACDA GC called last week was it about this? Alan, if not, would you like me to take this?

From: Harris, Elisa D.
To: Bell, Robert G.; Poneman, Daniel B.; @LEGAL - Legal Advisor;
@LEGISLAT-Legislative Affairs
CC: /R, Record at A1
Subject: helms and cwc, sigh.... [UNCLASSIFIED]
Date: Friday, June 07, 1996 03:57 PM

In late april, sen. helms wrote john holum asking for a detailed summary and complete list of all US companies that WILL have obligations under the CWC, sorted by state and chemical activity. helms probably was aware that we have had a CWC industry database since 1993 of some 10,000 companies that work with organic chemicals and thus MAY potentially be affected by the Convention.

after consulting with ACDA/GC and the Chemical Manufacturers Association, we

decided to cooperate with Helms and sent him a letter indicating that we were providing him "a complete list of all companies" in the CWC industry database. although i worked closely with ACDA on the letter, i never saw the actual database which was attached. I assumed, however, that it contained all the companies in the database. in reality, ACDA only sent Helms the roughly 2,000 companies that are "LIKELY" to be affected by the CWC. the acda letter did mention that, as a consequence of new info since 1993, it has become clear that the number of companies LIKELY to be affected by the CWC has dropped, but it did not explicitly say that these LIKELY companies were the ones being provided. at CMA's suggestion, we included a paragraph in the letter warning that the list constituted "Confidential Business Information" which, under our CWC implementing legislation, would be exempt from disclosure under FOIA. Each page of the database was stamped with a similar warning.

in the meantime, unbeknownst to me, at the same time we were sending the letter to Helms, ACDA congressional affairs was providing information (which they got from ACDA/MA) to senators grams and kyl on chemical companies in their states. however, rather than providing exactly the same type of information (i.e. only the companies LIKELY to be affected), they gave grams and kyl both the larger number of companies that MAY have some involvement with the CWC and the much smaller number of countries that are LIKELY to be affected.

in a letter sent to Holum last friday, helms seized on this discrepancy, noting that, working from the same database, acda had given kyl a list of 81 companies, only 9 of which were on the list given to the Committee. helms then cleverly modified his earlier request, asking that we provide a summary and list of all companies which MAY have any involvement in the CWC (and reminding us that he knows that we have a database of some 10,000 such companies).

until late yesterday afternoon, we were working on a response to Helms which explained that we had given him a list of those companies LIKELY to be affected by the CWC but were prepared to meet his request for a list of the remaining companies, even though we now believed they were UNLIKELY to be

affected. then we found out that helms had sent a Dear Colleague around the Senate earlier in the week which discussed the impact of the CWC on industry AND provided full copies of the actual database to every senate office.

upon learning of this, I immediately called Mike Walls of CMA to tell him what had happened. needless to say, CMA is VERY unhappy, and is preparing a letter to the Senate expressing its opposition to Helms's distribution of Confidential Business Information and responding to the points in Helms's Dear Colleague. Senator Lugar's office is considering distributing the CMA letter around under a Lugar Dear Colleague.

after talking with peter mason in ACDA/GC, i also asked ACDA/GC to work with

State and NSC lawyers to determine whether Helms's action has in any way jeopardized our ability to protect industry data from release under FOIA, either now or under the implementing legislation. alan, jamie, john, you should be hearing from peter on this.

finally, we have put the draft response to last friday's helms letter to holum on hold. we have a couple of different options:

option 1 would be to delay sending a response until after the lawyers have resolved the FOIA question. (lori murray and i are leaning toward this option)

if the lawyers conclude that there is no FOIA problem, we will then need to make a policy decision on whether to give Helms's staff access to the additional company information. CMA thinks we would be crazy to do this, given Helms's ability to make mischief, and might well formally oppose such a step. i have, however, asked Mike Walls to think about the possibility of us allowing Helms's staff to review the list at ACDA, without being given an actual copy of the list.

option 2 would be to send a letter to helms which reiterates that we have already given him a list of all the companies **LIKELY** to be affected by the CWC, period. (terri lodge and ACDA congressional affairs are leaning toward this option, believing that we should stand our ground and not let helms frame the debate on industry impact.)

there may be other options as well. i'd welcome your thoughts on this.

MS Mail

DATE-TIME 03 July 96 15:52
FROM Harris, Elisa D.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Revised CNS memo (with rubber) [UNCLASSIFIED]
TO Fairfax, Kenneth J.
CARBON_COPY Edwards, Joan
Harris, Elisa D.
Poneman, Daniel B.
Quinn, Mary E.
Samore, Gary S.
Zucker, Jeremy B.

TEXT_BODY

pls see my changes. thanks! (there is no cwc hearing sept 14; this is date for floor action.)

[[7-3CNS.DOC : 3868 in 7-3CNS.DOC]]

From: Fairfax, Kenneth J.
To: Poneman, Daniel B.
CC: /R, Record at A1; @NONPRO - Export Controls
Subject: Revised CNS memo (with rubber) [UNCLASSIFIED]
Date: Wednesday, July 03, 1996 03:17 PM

<<Attached File: 7-3CNS.DOC>>

Here's the revised memo. See if it is what you want. I have NOT sent it to Bill & Bob yet.

ATTACHMENT
FILE DATE 3 July 96 15:50

ATTACHMENT
FILE NAME 7-3CNS.DOC

July 3, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: DANIEL PONEMAN

FROM: KENNETH FAIRFAX

SUBJECT: Action Needed to Press for Senate Ratification of
the Convention on Nuclear Safety (CNS)

At the nuclear summit in Moscow, President Clinton joined the
other
P-8 leaders in pressing for rapid ratification of the Convention
on
Nuclear Safety (CNS). Unfortunately, continued ratifications in
other capitals plus inaction in the SFRC risks bringing the CNS
into
force without the United States as a charter member. As soon as
one
more nation with a nuclear power program ratifies the Convention
it
will enter into force. State expects this to happen by the end
of
the summer.

Failure by the United States to ratify in time to become a
charter
member of the CNS will be an embarrassment, both due to the fact
that
we were one of the CNS's principal drafters and because President
Clinton personally committed at the nuclear summit to working for
early ratification. In addition, failure to ratify before the
first
meeting of parties would greatly diminish our ability to
influence

key operational decisions to be taken by founding parties.

Time is short. While State has briefed both members of the Senate and the SFRC staff, hearings have not yet been scheduled. Ideally, the CNS hearings should take place as soon as possible after the August recess. The best available vehicle for pushing the CNS appears to be a rubber treaty that Senator Helms favors for rapid ratification.

Concurrences: Bill Danvers, Bob Bell

RECOMMENDATION

That White House and State legislative affairs offices work to have a Congressional supporter of the CNS link action on the rubber treaty to action on the CNS.

Approve _____ Disapprove _____

M S M a i l

DATE-TIME 03 July 96 17:52
FROM Bendick, Gordon L.
CLASSIFICATION UNCLASSIFIED
SUBJECT UPDATE [UNCLASSIFIED]
TO Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

NATO ENLARGEMENT: Meeting today with HIRC, State and us to narrow the differences between the Gilman Bill and our approach to NATO Enlargement. Meeting went well and differences are decreasing, but not completely removed. Hamilton is not entirely on-board with the Bill yet, either. HIRC intends to markup on Wednesday, July 10th.

ENCRYPTION: Ed Appel and Greg Simon talked to Daschle's staff today to air our national security and law enforcement problems with the Burns Bill on encryption. L-ship will be on the lookout for Burns as an amdt to the DOD Approps Bill (or other moving legislative vehicles) in the coming weeks. They will try to keep it off the floor via holds and/or objections as best they can this month. Interagency group is putting out letters and papers to combat potential floor action supporting the Burns Bill.

EAA: HIRC staff told us today that both Repubs and Dems have cleared this Bill for the Suspensions Calendar. We are informed that it could go to the floor the week of July 9th or 16th.

CWC: Bob Bell led a meeting today with Ken Myers of Lugar's staff and ACDA and State to discuss strategy for CWC floor action. It is likely that CWC will get to the Senate floor in July. To date, the two potential amdts (allowed under the UC) are unknown and were put in as placeholders for Sen Helms. Dem support the CWC remains strong and we're working with the Repubs to keep their support. Also, Bob intends to meet with the Senate Arms Control Observer Group in July when Stevens' schedule allows.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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004. email	Fulton Armstrong to Kim Natoli. Subject: Cuba. (4 pages)	07/23/1996	P1/b(1)
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COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Senator Helms])
OA/Box Number: 590000

FOLDER TITLE:

[03/30/1996-08/13/1996]

2006-1363-F

vz5615

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

M S M a i l

DATE-TIME 23 July 96 20:08
FROM Bendick, Gordon L.
CLASSIFICATION UNCLASSIFIED
SUBJECT Update [UNCLASSIFIED]
TO Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

CJS - HOUSE: Called all House Dems today to engender support for potential Obey that would strike Livingston' section that essentially abolishes the SCC. Response from Dems was excellent. Nearly all staff said they would brief their Members to vote for Obey. ACDA, State and DOD helped us. Hill staff feel that they have 170 to 180 votes for Obey. However, it is unclear if Obey will offer this amdt.

NATO ENLARGEMENT: House debated and passed this legislation today under

Suspension of the rules. Final passage on this was 353 to 65. It is our understanding that Senator Brown will now use the Gilman Bill as passed as the starting point for the Senate Bill. They do not currently have this Bill scheduled for action in Committee or on the floor.

MEXICAN HELOS: The DOD Auth Conference has worked out a deal that is acceptable to the Conferees and DOD has said they can live with. DOD has sufficient flexibility and authority to complete their program with Mexico in FY 97. The funding was reduced from \$10 M to \$ 8M but both DOD and State

say that this program is all right at that funding level. On a separate, but related, issue, State has told us that Sen Helms is likely to remove his objections to the transfer of 20 excess helos to the Mexican Gov't. They don't know his timing, but he is being pressured by all the other committees of jurisdiction, including the HIRC.

EX-IM SANCTIONS: State has apparently worked out a deal with Glenn's staff that is acceptable to them. The language delays sanctions for 180 days to allow the host nation to work out the difficulties with the offending person or business. It also removes the term "vital" from national security interest waivers. The Senate will buy this, but we are unsure if the House has agreed as yet. As this was being worked out, Weldon has added a number of other sanctions to the amendment that are much worse than Glenn's. State

is working with us to get information to the Conferees to eliminate Weldon's amendment.

DOD AUTHORIZATION CONFERENCE: According to staff, the Conference is nearing completion. The number of issues is reported to be under 20. Also, the Senate l-ship has said that the Conference needs to be completed in the next few days or they won't be able to get floor time either before the August recess or in September. This seems to be motivating the Conferees to achieve closure.

M S M a i l

DATE-TIME 23 July 96 21:09
FROM Davis, William K.
CLASSIFICATION UNCLASSIFIED
SUBJECT Legislative Update [UNCLASSIFIED]

TO Bass, Peter E.
Biernacki, Eileen V.
Cicio, Kristen K.
Dohse, Fred J.
Friedrich, M. K.
Hall, Wilma G.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Veit, Katherine M.
Wetzel, M. Jeanne
Wiley, Mary C.

CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Fuerth, Leon S.
Wise, William M.

TEXT_BODY

Note for Tony, Sandy and Nancy:

FOREIGN OPERATIONS: Republican leadership staff indicates it will be on the Senate floor tomorrow. Still actively working a number of issues:

-- KEDO - Lieberman has agreed to offer amendment - Perry calling Stevens and Slocombe calling others to recruit more Republican support for amendment - McConnell staff has indicated a willingness to negotiate, but insists on retaining language enabling Hill to cut off funding if N. Koreans divert oil

-- BURMA - Cohen will offer alternative to McConnell's sanctions language that tracks relatively closely with Administration position, but Cohen is facing some defections from strongly pro-business Republicans (Nickles, Murkowski, Bryan) and Democrats (Johnston) - may end up with two votes - Cohen will offer his alternative, then Johnston/Nickles will offer an

amendment to soften Cohen's sanctions - if that fails, there will then be a vote to adopt the original Cohen. Working on a letter from State supporting Cohen.

-- MEDBank and IDA continue to look good

-- Coverdell/Lott amendment to increase counternarcotics at expense of IO&P and Development Assistance will be problematic and almost impossible to defeat on the floor - will need to work in conference

-- Population - Lott appears to have worked successfully to keep a contentious abortion debate AWAY from the bill

As always, Senate floor debate will be difficult to influence and full of surprises, but much of what is added on the Senate floor will fall away in conference.

IRAN/LIBYA: House adopted Senate-passed bill containing Kennedy amendment

by voice vote today. Bill will be enrolled and sent to the President. Need to decide on signing ceremony.

BOSNIA/IRAN: Jamie Baker and Bill Leary met with House select subcommittee

staff to go over ground rules for proceeding with document requests. Staff took info on board and appeared to want to work with us to avoid delays. Also met with SSCI staff separately to go over documents they have requested that we cannot turn over since they are all deliberative. SSCI will get back to us on which documents they want to request for review by members.

CJS: Called all House Dems today to engender support for potential Obey amendment that would strike Livingston's section that essentially abolishes the SCC. Response from Dems was excellent. Nearly all staff said they would brief their Members to vote for Obey. ACDA, State and DOD also made calls. Hill staff feel that they have 170 to 180 votes for Obey. However, it is still unclear if Obey will offer this amendment.

-- Porter intends to offer amendment to restore funding cut from Radio Free Asia but said to be at expense of State Department operating expenses

NATO ENLARGEMENT: House debated and passed this legislation today under

Suspension of the rules. Final passage on this was 353 to 65. It is our understanding that Senator Brown will now use the Gilman Bill as passed as the starting point for the Senate Bill.

MEXICAN HELOS: The DOD Auth Conference has worked out a deal that is acceptable to the Conferees and DOD has said they can live with. DOD has sufficient flexibility and authority to complete their program with Mexico

in FY 97. The funding was reduced from \$10 M to \$ 8M but both DOD and State

say that this program is all right at that funding level. On a separate, but related, issue, State has told us that Sen Helms is likely to remove his objections to the transfer of 20 excess helos to the Mexican Gov't. They don't know his timing, but he is being pressured by all the other committees of jurisdiction, including the HIRC.

EX-IM SANCTIONS: We asked Nunn's office to talk to Glenn about eliminating

his amendment. While that doesn't seem likely, State has apparently worked out a deal with Glenn's staff that is acceptable to them. The language delays sanctions for 180 days to allow the host nation to work out the difficulties with the offending person or business. It also removes the term "vital" from national security interest waivers. The Senate will buy this, but we are unsure if the House has agreed as yet. As this was being worked out, Weldon has added a number of other sanctions to the amendment that are much worse than Glenn's. State is working with us to get information to the Conferees to fight Weldon's amendment.

DOD AUTHORIZATION CONFERENCE: According to staff, the Conference is nearing completion. The number of issues is reported to be under 20. Also, the Senate l-ship has said that the Conference needs to be completed in the next few days or they won't be able to get floor time either before the August recess or in September. This seems to be motivating the Conferees to achieve closure.

M S M a i l

DATE-TIME 25 July 96 19:02
FROM Friedrich, M. K.
CLASSIFICATION UNCLASSIFIED
SUBJECT Package 4463 [UNCLASSIFIED]
TO Biernacki, Eileen V.
Dohse, Fred J.
Friedrich, M. K.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Wetzel, M. Jeanne
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Package 4463 " Ltr to Senator Helms" is EXECSEC hold bin. Bob Bell stated that he needed to clear something through VP's shop.

M S M a i l

DATE-TIME 29 July 96 17:28
FROM Pritchard, Charles (Jack) L.
CLASSIFICATION UNCLASSIFIED
SUBJECT [UNCLASSIFIED]
TO Suettinger, Robert L.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Bob:

Matt Lorin returned your call. 5:30pm

Keith McCormick at State H called. Asked if the REV POWER Case had been brought during the China trip. Says it is a pet case of SEN Helms and that SECSTATE will be testifying soon before Helms and expects he will be asked what progress has been made. 5:31 pm

Keith's # 647-8722.

Jack

M S M a i l

DATE-TIME 05 August 96 12:06
FROM Danvers, William C.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Pkg 5391 [UNCLASSIFIED]
TO Bell, Robert G.
Zucker, Jeremy B.
CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Kelly, Sandra L.
TEXT_BODY

Thanks, Jeremy. We will have a leg. affairs call this afternoon to see if we can get a little better coordinated.

From: Zucker, Jeremy B.
To: Bell, Robert G.; Danvers, William C.
CC: /R, Record at A1; Kelly, Sandra L.
Subject: RE: Pkg 5391 [UNCLASSIFIED]
Date: Monday, August 05, 1996 12:01 PM

I was not in on the call on Friday and do not know. I am the messenger on behalf of Bob (and Lori Murray at ACDA) on this. Lori and Elisa Harris mentioned including Sen. Levin as well...

Jeremy

From: Danvers, William C.
To: Zucker, Jeremy B.
CC: /R, Record at A1; @LEGISLAT-Legislative Affairs
Subject: RE: Pkg 5391 [UNCLASSIFIED]
Date: Monday, August 05, 1996 11:54 AM

Did Pell and Lugar ask for this? We did not discuss this on our phone call last Fri. We might want to think through whether there are others to whom we should send a letter.

From: Zucker, Jeremy B.
To: Danvers, William C.
CC: /R, Record at A1; @LEGISLAT-Legislative Affairs
Subject: Pkg 5391 [UNCLASSIFIED]
Date: Monday, August 05, 1996 11:47 AM

<<Attached File: 5391A.DOC>>

Bill -

Attached please find for your clearance a thank-you letter from TL to Senators Pell and Lugar for their efforts on behalf of securing the UC scheduling a Senate vote on the CWC by Sep. 14. This letter derives almost entirely from the recent TL response to Sen. Helms, with new head and tail. Bob Bell would like to send this through today, so your consideration is appreciated.

Thank you.

Jeremy

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Jeremy Zucker to Daniel Poneman. Subject: Holum/Baturin SOC. (3 pages)	08/05/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Senator Helms])
OA/Box Number: 590000

FOLDER TITLE:

[03/30/1996-08/13/1996]

2006-1363-F

vz5615

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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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]

M S M a i l

DATE-TIME 09 August 96 14:11
FROM Zucker, Jeremy B.
CLASSIFICATION UNCLASSIFIED
SUBJECT CWC etc. [UNCLASSIFIED]
TO Danvers, William C.
CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Davis, William K.

TEXT_BODY

Bill -

1) With Bob gone, briefings underway and, now, even the Helms II response in the WW, I wanted to check on the status of the proposal to send thank-you's to pro-CWC Senators. Per Bob and Lori Murray @ ACDA at the start of this week, the pkg below was to have gone to Pell and Claiborne (and perhaps Levin).

2) What is the state of play on the Panetta-Lott call?

Just trying to stay on top of things.
[[5391A.DOC : 3651 in 5391A.DOC]]
Jeremy

From: Danvers, William C.
To: Bell, Robert G.; Zucker, Jeremy B.
CC: /R, Record at A1; Kelly, Sandra L.; @LEGISLAT-Legislative Affairs
Subject: RE: Pkg 5391 [UNCLASSIFIED]
Date: Monday, August 05, 1996 12:06 PM

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From: Zucker, Jeremy B.
To: Bell, Robert G.; Danvers, William C.
CC: /R, Record at A1; Kelly, Sandra L.
Subject: RE: Pkg 5391 [UNCLASSIFIED]
Date: Monday, August 05, 1996 12:01 PM

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Jeremy

From: Danvers, William C.
 To: Zucker, Jeremy B.
 CC: /R, Record at A1; @LEGISLAT-Legislative Affairs
 Subject: RE: Pkg 5391 [UNCLASSIFIED]
 Date: Monday, August 05, 1996 11:54 AM

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From: Zucker, Jeremy B.
 To: Danvers, William C.
 CC: /R, Record at A1; @LEGISLAT-Legislative Affairs
 Subject: Pkg 5391 [UNCLASSIFIED]
 Date: Monday, August 05, 1996 11:47 AM

<<Attached File: 5391A.DOC>>

Bill -

Attached please find for your clearance a thank-you letter from TL to Senators Pell and Lugar for their efforts on behalf of securing the UC scheduling a Senate vote on the CWC by Sep. 14. This letter derives almost entirely from the recent TL response to Sen. Helms, with new head and tail. Bob Bell would like to send this through today, so your consideration is appreciated.

Thank you.

Jeremy

ATTACHMENT
FILE DATE

5 August 96 11:39

ATTACHMENT
FILE NAME

5391A.DOC
 UNCLASSIFIED
~~WITH SECRET ATTACHMENT~~

 UNCLASSIFIED
~~WITH SECRET ATTACHMENT~~

 UNCLASSIFIED
~~WITH SECRET ATTACHMENT~~
 UNCLASSIFIED
~~WITH SECRET ATTACHMENT~~

Dear Senator Lugar:

Thank you for your continuing support for the Chemical Weapons Convention. We very much appreciate your efforts in securing the Unanimous Consent Agreement which scheduled a Senate vote on the CWC by September 14.

As you know, concerns have been raised regarding the Convention and I would like to take the opportunity to address these with you.

Prompt ratification of the Chemical Weapons Convention by the United States is crucial to the fight against the spread of chemical weapons. The Convention is a central element of U.S. non-proliferation policy that will significantly enhance our national security and contribute to greater global security. Since chemical weapons are more likely to be used against U.S. forces and allies in regions outside of the Russian Federation, we need the CWC in place as soon as possible to help address this broader proliferation problem. It is in the interests of the United States to provide leadership and maintain momentum toward entry into force of this landmark arms control and nonproliferation agreement. The U.S. must lead the global fight against the spread of chemical weapons.

We continue to believe that the best way to promote Russian ratification of the CWC is to continue to move forward with our own ratification. In this regard, it is significant that the Russian delegation to the CWC Preparatory Commission plenary session recently announced that they are completing the preparation of the necessary documents for the speedy submission of the CWC to the Russian Federation Federal Assembly for ratification.

With regard to the 1990 Bilateral Destruction Agreement, the Russian Federation, as you know, has long expressed concerns about certain aspects of this agreement and has not agreed to detailed implementing procedures and updated provisions to finalize the BDA. We

continue
to press the Russians at the highest levels on the need to
resolve
the outstanding CW issues, and they have agreed to meet again
with
ACDA Director John Holum, as well as to host a visit to Volgograd
to
address specifically the issue of conversion of production
facilities. While the Russians have stated that they believe
that the
bilateral agreements between Russia and the United States have
fulfilled their useful role, they have also stated that they will
not
renege on the agreements they have made.

We have carefully considered the Senate Foreign Relations
Committee
Chairman's request for declassification of any documents and
cables
pertaining to bilateral discussions with Russia. As you know, it
is
our standard practice to make relevant classified information
available to the Senate through classified briefings and reports.
The
Administration has provided the Senate with numerous briefings
and
reports of this sort since November 23, 1993, when the President
submitted the CWC with a request for its prompt consideration. I
regret that we cannot declassify the requested documents, because
they have been properly classified pursuant to E.O. 12958 and
because
disclosure of the information they contain could seriously
undermine
ongoing diplomatic activities. The Administration is eager,
however,
to assist the Senate in developing a complete record for its
consideration prior to floor action on the Chemical Weapons
Convention, as stated in the June 28, 1996 unanimous consent
agreement
pertaining to the Convention. Therefore, we are prepared to make
appropriate officials available to Senators and cleared staff to
brief on those documents under appropriate classification at the
earliest date.

We look forward to Senate advice and consent to the CWC by
September
14. Attached please find detailed responses to questions which
have
been raised.

Sincerely,

Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Richard Lugar
United States Senate
Washington, D.C. 20510

Attachment as Stated

M S M a i l

DATE-TIME 12 August 96 14:13
FROM Dohse, Fred J.
CLASSIFICATION ***** CLASSIFICATION NOT FOUND *****
SUBJECT Letter to Senator Helms on Chemical Weapons Convention
TO Biernacki, Eileen V.
Friedrich, M. K.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Wetzel, M. Jeanne
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Elisa Harris asks that we track this two-part package to determine how long before POTUS signs it. Package contains a letter from POTUS to Helms that talks in general terms and a letter from TL to Helms that answers some specific questions. She is concerned that we not take too much longer to get back to Helms with answers to his questions. Tony signed his letter on Saturday; we're waiting of the President to signs his letter. The package is currently with Todd Stern, who will decide whether to auto-pen it or not. If Todd decides not to auto-pen the letter and wants to wait until the President returns, please let Elisa know so she can evaluate how best to proceed.

M S M a i l

DATE-TIME 13 August 96 18:23

FROM Joshi, M. Kay

CLASSIFICATION UNCLASSIFIED

SUBJECT Sen. Helms Letter [UNCLASSIFIED]

TO Edwards, Joan
Fairfax, Kenneth J.
Harris, Elisa D.
Poneman, Daniel B.
Quinn, Mary E.
Roe, Pamela K.
Samore, Gary S.
Zucker, Jeremy B.

CARBON_COPY Bendick, Gordon L.
Biernacki, Eileen V.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Dohse, Fred J.
Friedrich, M. K.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
Wetzel, M. Jeanne

TEXT_BODY We have signature!! The Helms letter is on its way -- both the President's and Tony Lake's. Per Bill Danvers, it will be couriered to Helms by 10:00 a.m. tomorrow a.m.