

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Cathy Millison to Gina Abercrombie-Winstanley, Donald Camp, Kathleen Cooper et al. Subject: FW: Package 8330: POTUS Meeting with Senators on Iraq. (16 pages)	11/11/1999	P1/b(1)
002. email	Hoyt Yee to Steven Andreasen, Johannes Binnendijk, Joseph Bouchard et al. Subject: US-EU Ministerial, November 9. (30 pages)	11/12/1999	P1/b(1)
003. email	Richard Brody to Jonathan Elkind. Subject: RE: DEA Request for a Carveout. (3 pages)	01/18/2000	P1/b(1)
004. email	Carlos Pascual to Jonathan Elkind, Richard Clarke, Roger Cressey et al. Subject: RE: DEA requests for a carveout. (3 pages)	01/18/2000	P1/b(1)
005. email	Jonathan Elkind to Frederick Rosa. Subject: RE: DEA requests for a carveout. (5 pages)	01/18/2000	P1/b(1)
006. email	Richard Brody to Jonathan Elkind. Subject: FW: DEA requests for a carveout. (4 pages)	01/19/2000	P1/b(1)
007. email	Jonathan Elkind to Rosa Frederick. Subject: RE: DEA requests for a carveout. (5 pages)	01/20/2000	P1/b(1)
008. email	Jonathan Elkind to Rosa Frederick. Subject: RE: DEA requests for a carveout. (6 pages)	01/27/2000	P1/b(1)
009. email	Rosa Frederick to Jonathan Elkind. Subject: RE: DEA requests for a carveout. (6 pages)	02/03/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Senator Helms])
OA/Box Number: 180000

FOLDER TITLE:

[11/11/1999-02/15/2000]

2006-1363-F
vz5673

RESTRICTION CODES

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Exchange Mail

DATE-TIME 12/1/99 2:28:56 PM
FROM Harris, Elisa D. (NONPRO)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: BWC Allegation [UNCLASSIFIED]
TO Sutphen, Mona K. (NSA)
Storey, Sharon V. (NSA)

CARBON_COPY Samore, Gary S. (NONPRO)

TEXT_BODY mona: gary and i were wondering where this issue stood. we think it is very important to close the loop with state on this as quickly as possible. thanks!!

-----Original Message-----

From: Harris,
Elisa D. (NONPRO)
Sent: Thursday, November 11, 1999 9:56 AM
To: Sutphen,
Mona K. (NSA); Storey, Sharon V. (NSA)
Cc: Samore, Gary S. (NONPRO)
Subject: RE:
BWC Allegation [UNCLASSIFIED]

mona: i dropped off a hard copy
of the attached to sharon for sandy last nite:

pls let
me know if sandy needs anything else. many thanks!!

-----Original
Message-----

From: Sutphen, Mona K. (NSA)
Sent: Monday, November
08, 1999 11:51 AM
To: Harris, Elisa D. (NONPRO); Storey, Sharon
V. (NSA)
Cc: Samore, Gary S. (NONPRO)
Subject: RE: BWC Allegation

[UNCLASSIFIED]

Elisa -

Sandy read this and writes: "I would like you to draft a strong letter of protest from me to the Secretary (copy to Holum). Their answer was non-responsive and evasive. They

rejected our protest w/out even notice (on a matter directly affecting the NSC/WH). I would like to know (1) what, if any information they have which would preclude a straightforward "no" answer; (2) why they dismissed our objection w/out notice; (3) if your friend there, who as JH knows, has personally clashed w/a member of my staff was

involved in preparing the response and (4) if there is any substantial reason I should not refer this matter to State IG."

He also cc'd Holum on this comment above, but I leave it to you and Gary to decide whether/how to communicate this to him. Call w/questions.

Mona

-----Original
Message-----

From: Harris, Elisa D. (NONPRO)

Sent: Friday, November
05, 1999 5:47 PM

To: Storey, Sharon V. (NSA); Sutphen, Mona K.
(NSA)

Cc: Samore, Gary S. (NONPRO); Harris, Elisa D. (NONPRO)

Subject: BWC

Allegation [UNCLASSIFIED]

PLEASE PASS TO SANDY ONLY:

We wanted to bring to your attention a very serious charge that has been leveled by the SFRC and how the State Department has responded to that charge.

Among the various questions for the record submitted by Senator Helms to Assistant Secretary Designate Avis Bohlen was the following:

"Is the Department aware of any actions by a White House or NSC

official

which are equivalent to conspiracy with a foreign nation, NATO ally or otherwise, to alter the interagency-coordinated position of the United States government on BWC matters? Please provide detail."

State's

draft response, sent to our office for clearance on Monday, was:

"While

on occasion there has been a lively debate within the Administration on the best way to proceed, I am confident that all participants in the process support the decisions that have been reached."

Gary

and I believed that State's draft response was inadequate, in that it left the central and very serious charge of conspiracy by the NSC staff unanswered. We requested that State preface their response with a clear "no". Mark Tavlarides in NSC/Leg agreed with us, and spoke with State/H Monday evening about the importance of setting the record straight. On Tuesday morning, State sent the response forward unchanged.

In her confirmation hearing on Tuesday, Bohlen

was asked about this issue again. We have received conflicting reports

from State/H on her response, with some indicating that she stated that this was a "misrepresentation" and others saying that she expressed

a lack of familiarity with the issue. We have asked State to send us the transcript as soon as it becomes available, but are told this could take several months. In the interim, because State rejected our proposed addition to their answer for the record, very serious charges against the NSC have been left standing.

TRANSLATED_ATTACHMENT SRBMKA11-9.doc

November 9, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: GARY SAMORE

FROM: ELISA D. HARRIS

SUBJECT: BWC Letter to Secretary Albright

At Tab I is the letter you requested we prepare (see Tab II) to Secretary Albright on the BWC allegation by SFRC and the State Department response.

As you might recall, in June, Gary and I participated in an "air clearing" meeting with John Holum and Don Mahley at which the issue of NSC staff contacts with foreign governments on BWC issues was discussed (see Tab III). During this meeting, Holum and Mahley stated repeatedly that questions had been raised by other countries about "who speaks for the US" and "who is in charge." The only specific "information" they presented, however, concerned two meetings I had had in March: one with a British official and one with Tibor Toth, the Chairman of the BWC Ad Hoc Group. I explained very clearly what had been discussed in each meeting, emphasizing that I had not proposed that the United States abandon interagency agreed positions. On the contrary, in the first meeting I had pressed the British official very hard to support the USG position on clarification visits. In the second, I had discussed the overall status of the negotiations and listened to Toth's ideas on possible endgame solutions to outstanding issues. Gary and I had hoped that these explanations had resolved the matter, but the SFRC's subsequent question made clear that this was not the case.

We have been told by someone in State/H, confidentially, that they know that Mahley is behind the questions on this issue from SFRC. Given Mahley's role in the June meeting with Holum and this new information, we have added a question to the Albright letter on whether or not Mahley has discussed the issue of NSC contacts with foreign governments with SFRC staff.

RECOMMENDATION

That you sign the letter at Tab I.

Attachments

Tab I Proposed Albright Letter

Tab II Berger Request

Tab III June Memo on BWC Meeting with State

2

OUT OF SYSTEM

TRANSLATED_ATTACHMENT SRBMKA-LETTER.doc

Dear Madeleine:

I am writing to express my deep concern over the Department's recent handling of a question for the record submitted by Senator Helms to Assistant Secretary Designate Avis Bohlen. The question concerned the conduct of the NSC staff on Biological Weapons Convention (BWC) Protocol matters. I believe that the Department's answer was non-responsive and evasive. Moreover, Department officials rejected NSC efforts to set the record straight without telling the NSC staff concerned.

The specific question asked by Senator Helms, was: "Is the Department aware of any actions by a White House or NSC official which are equivalent to conspiracy with a foreign nation, NATO ally or otherwise, to alter the interagency coordinated position of the United States government on BWC matters? Please provide detail."

State's draft response was: "While on occasion there has been a lively

debate
within the Administration on the best way to proceed, I am confident
that all
participants in the process support the decisions that have been
reached."

My staff believed, and I agree, that this answer was inadequate, in that
it left
the central and very serious charge of conspiracy by the NSC staff
unanswered.
Both the relevant NSC policy office and the NSC legislative affairs
office asked
that State preface their answer with a clear and unequivocal rejection
of the
charge. This was not done.

Senator Helms raised this issue again during Assistant Secretary
Designate
Bohlen's confirmation hearing last week, asking particularly about a
meeting
involving the British in March. My staff had discussed this meeting
and a
related meeting involving the BWC Ad Hoc Group Chairman with
John Holum and Don
Mahley, the U.S. BWC negotiator, in June. Nevertheless, we have
received
conflicting reports from those who attended the hearing about
Bohlen's response.

I would like to know the following:

1. What, if any, other information State has that would preclude a
straightforward "no" answer?
2. Why State officials dismissed the NSC's proposed addition without
informing
the NSC staff concerned?
3. Whether Donald Mahley has discussed the issue of NSC staff
contacts with
foreign governments on BWC matters with any member of the SFRC
staff and, if so,
what specifically was discussed?
4. Whether Donald Mahley was involved in preparing or clearing the
draft answer?
5. Whether there is any substantial reason why I should not refer this
matter to
the State Department Inspector General?

I would appreciate your prompt and personal attention to this matter.

Sincerely,

Samuel R. Berger
Assistant to the President
for National Security Affairs

The Honorable Madeleine Albright
Secretary of State
Washington, D.C. 20520

cc: John Holum

2

2

Exchange Mail

DATE-TIME 12/13/1999 6:59:12 PM
FROM Krass, Caroline D. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT CFE Memo [UNCLASSIFIED]
TO Witkowsky, Anne A. (DEFENSE)
CARBON_COPY Krass, Caroline D. (LEGAL)
TEXT_BODY Anne: Please see some suggested changes, which aren't legal, so you can take them or leave them. Memo to President and letter look fine. Thanks for showing me.

TRANSLATED_ATTACHMENT 8907srb_.doc

December 13, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: HANS BINNENDIJK

FROM: ANNE WITKOWSKY

SUBJECT: CFE: Letters from Senators Helms, Lott, et al

Attached at Tab I is a proposed reply to a November 4 letter from Senator Helms and a November 10 letter from Helms, Lott and ten other Senators counseling against early conclusion/signature of the adapted CFE Treaty. Recommend that you forward the memorandum for the President with the proposed response at Tab I.

We note that these letters were sent prior to the Istanbul summit. In contrast

to their tone, at a December 10 briefing for SFRC staff, Senator Helms' staff warmly praised our CFE accomplishments at Istanbul, pointing in particular to the Russian commitment to withdraw from Moldova and to partially withdraw from Georgia. Other staff there continued to voice mild reservations about POTUS signature, but most seemed to generally accept our arguments in favor of signing.

We also note that in his November 4 letter, Senator Helms complains that the White House has yet to "fulfill its obligations" pursuant to Condition (4) of the CFE Flank Document Resolution of Ratification, which relates to a situation in which the President determines that a Party has violated the Treaty in a manner that "threatens U.S. national security interests." These "obligations" include, for example, sanctions against the violating Party. Agencies agree that the Russian violation is a matter of very serious concern, but does not "threaten U.S. national security interests." We did not think it productive to get into a debate on this point, however, and have chosen not to state a position; rather the letter articulates our general concern and lays out the steps we have taken in response.

The NSC received the incoming correspondence on November 4th and 10th .

Concurrence by: Carlos Pascual, Caroline Krass, Dick Norland, and Mark Tavlarides

RECOMMENDATION

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

Attachments

Tab I Memorandum for the President
Tab A Proposed Reply

Tab B Incoming Correspondence

2

8907

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- 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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	Jonathan Elkind to Rosa Frederick. Subject: RE: DEA requests for a carveout. (6 pages)	01/27/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Senator Helms])
OA/Box Number: 180000

FOLDER TITLE:

[11/11/1999-02/15/2000]

2006-1363-F
vz5673

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
009. email	Rosa Frederick to Jonathan Elkind. Subject: RE: DEA requests for a carveout. (6 pages)	02/03/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Senator Helms])
OA/Box Number: 180000

FOLDER TITLE:

[11/11/1999-02/15/2000]

2006-1363-F

vz5673

RESTRICTION CODES

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

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Exchange Mail

DATE-TIME 02/15/2000 1:43:35 PM
FROM Segal, Jack D. (NONPRO)
CLASSIFICATION UNCLASSIFIED
SUBJECT HR1883 - Helms/Gilman Letter [UNCLASSIFIED]
TO Samore, Gary S. (NONPRO)
Lackey, Miles M. (LEGIS)
Medish, Mark C. (RUE)
Weiss, Andrew S. (RUE)
Tavlarides, Mark J. (LEGIS)
Black, Steven K. (VP)
Saunders, Richard M. (VP)
Krass, Caroline D. (LEGAL)

CARBON_COPY

TEXT_BODY Eric Newsom reports that Gilman staff's draft letter to Albright has gone to Marshall Billingsley. Sen Helms reportedly will sign it today or tomorrow and it will then go to Gilman for his signature. No word on what it says, but Eric said that if -- as is likely -- it demands "tranche-ing," MKA would respond that we cannot agree to that because the project is a national security priority. The internal State process -- digesting the letter, drafting and clearing a reply and getting MKA to focus on it -- could take a while.

Once
the letter is sprung, we may need to call a small meeting here to keep things moving. JS

Exchange Mail

DATE-TIME 02/15/2000 2:47:19 PM
FROM Tavlarides, Mark J. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: HR1883 - Helms/Gilman Letter [UNCLASSIFIED]
TO Segal, Jack D. (NONPRO)
Samore, Gary S. (NONPRO)
Lackey, Miles M. (LEGIS)
Medish, Mark C. (RUE)
Weiss, Andrew S. (RUE)
Black, Steven K. (VP)
Saunders, Richard M. (VP)
Krass, Caroline D. (LEGAL)

CARBON_COPY

TEXT_BODY The draft will call for a one time traunch. HIRC staff claim that industry will be supportive because they need committee's help on other issues.

-----Original Message-----

From: Segal, Jack D.
(NONPRO)
Sent: Tuesday, February 15, 2000 1:44 PM
To: Samore,
Gary S. (NONPRO); Lackey, Miles M. (LEGIS); Medish, Mark C. (RUE);
Weiss, Andrew S. (RUE); Tavlarides, Mark J. (LEGIS); Black, Steven
K. (VP); Saunders, Richard M. (VP); Krass, Caroline D. (LEGAL)
Subject: HR1883
- Helms/Gilman Letter [UNCLASSIFIED]

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Gilman staff's draft letter to Albright has gone to Marshall Billingsley.
Sen Helms reportedly will sign it today or tomorrow and it will
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