

THE WHITE HOUSE
1-6-00 WASHINGTON

January 6, 2001

MR. PRESIDENT:

If you approve, we will plan to
announce your decision Monday.

Lisel Loy

Joey

1-6-00

THE WHITE HOUSE
WASHINGTON

January 3, 2001

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

SAMUEL BERGER *ul for*
GENE SPERLING *ul for per TK*
CHARLES M. BRAIN *Kc for CMB*

SUBJECT:

Computer Export Control Reform

01 JAN 3 PM 01:47

*For use**copied
Berger
Sperling
BRAIN
Rodesta*Purpose

To adjust export controls on high performance computers.

Background

You have revised controls on high performance computer (HPC) exports five times since 1993 based on consensus recommendations from the Departments of Defense, Commerce, State, and Energy. These agencies continue to review developments in computer technology, and, based on their most recent analysis, have unanimously recommended further adjustments to HPC controls. The National Security Council and the National Economic Council support these recommendations.

Discussion

Since 1995, we have used a four-tiered computer export control system that distinguishes risk by country and end-user. The policy has been aimed at limiting the acquisition of computing capability by potential adversaries and countries of proliferation concern, and at ensuring the U.S. computer industry could compete in most foreign markets. To accomplish these objectives, we have controlled computer hardware by means of a performance measure called Millions of Theoretical Operations Per Second (MTOPS) and software products and technology.

Currently, no licenses are required for Tier 1 countries (friends and allies). For Tier 2 states, which present low proliferation risk, licenses are needed for systems above

cc: Vice President
Chief of Staff

45,000 MTOPS. For Tier 3 (states of higher proliferation risk), licenses are needed for exports above 20,000 MTOPS to civilian end-users and above 12,500 MTOPS for military end-users. Based on your August 2000 decision, the Tier 3 control level will change to 28,000 MTOPS for civilian and military end-users on February 26, 2001. Generally, no computer exports are permitted to Tier 4 (the terrorist-supporting countries).

Also, the 1998 National Defense Authorization Act (NDAA) requires that U.S. companies provide the USG prior notice for proposed exports of systems above a certain performance level to Tier 3. The Commerce Department then tells exporters within ten days if an export license is needed. Your August decision to change the current notice level from 12,500 MTOPS to 28,000 MTOPS will become effective in February 2001 at the end of the required congressional notification period.

Technology Developments. This control scheme made sense until recently, since we could keep pace with the growth in widespread availability of HPC hardware by adjusting controls periodically upward. In 1999, however, agencies recognized that the rapid growth in computer capabilities was outpacing the ability of our control policy to keep up. You announced in July 1999 that we would adjust controls more frequently and that we would attempt to identify a more effective control framework.

DoD Review. Since July 1999, we have examined various alternatives for controlling the export of HPC capabilities important for security and proliferation reasons. The Department of Defense led the review, which sought to address two realities of the computer hardware market: the relatively easy aggregation of single processors into multiple processor machines, and the rapid increase in interconnection capabilities that allow end-users to create large clusters of computers that can be networked to other computers at multiple destinations.

DoD's review did not identify any viable alternative control mechanisms for computer hardware that addressed these challenges. DoD has concluded, and the Departments of Commerce, State, and Energy agree, that our ability to control the acquisition of computational capabilities by controlling computer hardware is already largely ineffective, and will be increasingly so within a very short time frame.

Agencies believe, therefore, that we must adjust the focus of our controls. Continuing the current approach would create the illusion of effective security by seeking to control computer hardware that is readily available and not controllable to

problematic end-users. Moreover, continuing this approach will further handicap our industry's ability to maintain its global leadership at a time when foreign production capabilities are rapidly expanding. Maintaining U.S. industry's lead is essential if we are to continue our military dominance as weapons systems and defense strategies become increasingly dependent on high performance computing.

New Control Proposal. Given their conclusion that the current control measure MTOPS is no longer sufficiently effective and that there are no appropriate substitutes, agencies would like to remove most controls on computer hardware exports. They recognize that as a legal matter, however, the FY 1998 NDAA requires the continued use of MTOPS to control computers to Tier 3 and Tier 4 destinations. In addition, the new administration will need an opportunity to examine any major new approach. Therefore, agencies have identified short and long term measures for your consideration. Long term, agencies recommend:

- continuing controls on export of computer hardware manufacturing technology to problematic destinations, the virtual embargo on exports of computer hardware and technology to countries of concern (Iran, Iraq, etc.), and individual license review for proposed computer exports to programs and end-users identified under the Enhanced Proliferation Control Initiative;

- increasing industry and USG awareness of the strong export controls that exist on software applications for national security applications (e.g., codes for the design, development, and operation of weapon systems);

- investing in measures to protect software codes, such as anti-tampering approaches (DoD would invest \$20 million to examine and implement such measures); and

- proposing the repeal of the FY 1998 NDAA provisions that require notification and licensing of certain computer hardware exports and waiting periods for adjustments in control levels, in order to permit the eventual elimination of Tier 3 controls.

In the short term, while the new administration and Congress examine this new policy framework, agencies recommend that you again adjust controls under the existing framework to keep pace with the rapidly growing availability and thus lack of controllability of HPC hardware. They recommend the following interim measures:

1-6-66

- Effective immediately, merge the current Tier 2 into Tier 1. Computer exports to the expanded Tier 1 country group would not need an individual export license.
- Adjust the Tier 3 individual export license and NDAA notification levels from 28,000 MTOPS to 85,000 MTOPS (a level DoD has determined is easily attainable by unskilled end-users through clustering). This level would become effective sixty days after you notify Congress and would still leave in place controls on computers above the 85,000 MTOPS level so as not to render the current statutory regime inoperative.
- Move Lithuania from Tier 3 to the new Tier 1, based on improvements to its export control system and continued good cooperation on export controls.

If you approve, the change to the NDAA notice level and the movement of Lithuania to Tier 1 will become effective 60 days and 120 days, respectively, after we report your decision to Congress.

Industry Reaction. The computer industry will support these changes.

Congressional Reaction. Congress has taken no action to override your previous decisions to raise the NDAA notification level other than to commission GAO analyses of those actions.

RECOMMENDATIONS

- 1) That you approve the proposed long-term policy approach.

Approve

Disapprove

- 2) That you merge the current Tiers 1 and 2, adjust the individual export licensing level and the NDAA notification level for the Tier 3 countries from 28,000 MTOPS to 85,000 MTOPS, and move Lithuania into Tier 1.

Approve

Disapprove

Murder Call

send to cable
cc: Podesta
after you have
seen.
yes —
no —
Emily

Podesta
+1-202-456-6000

THE WHITE HOUSE
1600 Pennsylvania Ave.

To THE USHERS OFFICE

Attention: Roger Clinton

Washington DC 20500

10-01

JERRY W. BIESEL

ATTORNEY AND COUNSELOR AT LAW

6220 GASTON AVENUE

SUITE 700

DALLAS, TEXAS 75214

TELEPHONE
(214) 827-5500

June 15, 1999

TELECOPIER
(214) 827-2096

E. W. Morris
Federal Bureau of Prisons
Federal Transfer Center
Oklahoma City, Oklahoma

Re: Steven Griggs, Reg. No. 22276-044

Dear Sir:

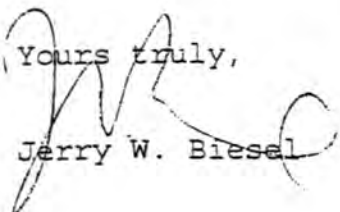
I am delighted to have an opportunity to write this letter in support of Steven Griggs. I have known Steve, his wife and kids, and his father and brothers for a long time. I have continued contact with Steve since he was sent to prison. Although I have always liked Steve personally I knew that he had made some bad decisions in the past. One of these bad decisions caused his imprisonment. I have noticed a difference in Steve since he has been in prison. I have known many people who have gone to prison and for most, it really doesn't change their attitude very much and if their attitude is changed, it is usually not for the best. Steve is different. Steve, I believe, has seen the error of his ways, has accepted responsibility for his situation and I do not believe that further incarceration would do anything for society.

Steve had asked me to contact a drug program for him to attend if he should be released. I contacted Addiction Counseling, Associates, Inc., Mrs. Ann Todd, Executive Director, and she agreed that Steve could attend her counseling classes at his expense. Mrs. Todd has the contract with the United States Probation Department (for North Texas) to do drug counseling for them and she also has a contract with the U. S. Pre-Trial Release Program (North Texas) to do their counseling and she also does about 1000 drug tests per month for these entities and others. It is an excellent organization and can be contacted to substantiate that Steve has made inquiries and plans to attend if he is released.

Steve is intelligent and he has used his time to prepare himself to make a living once he is released. Steve will have no problem finding employment if he is released. I will be glad to discuss this matter at your convenience.

If you have any questions, feel free to give me a call.

Yours truly,


Jerry W. Biesel

DELIVERY

URGENT

Mr. Walter Wiggins, Jr.
FROM: 2820 Honolulu Ave. PMD# 262
Verdugo City, California 91046
Tele. (818) 542-3100

Mr. Roger Clinton
TO: C/O USHER'S Office
The White House
1600 Penn. Ave NW
Washington DC

1-6-01

To Mr. Cabel

send to Podesta
Cabel
cc: Podesta
after you
have seen?

— yes
— no
EGT

RECEIVED

WALTER F. WIGGINS, JR.

ATTORNEY AT LAW

2820 HONOLULU AVENUE, PMB #262
VERDUGO CITY, CALIFORNIA 91046

TELEPHONE (818) 542-3604
FAX (818) 542-3603

January 2, 2001

Roger C. Clinton
C/O Usher's Office
THE WHITE HOUSE
1600 Pennsylvania Avenue
Washington, D.C. 20500

Re: Mark St. Pe'

Petition to the President of the United States
For Commutation of Sentence

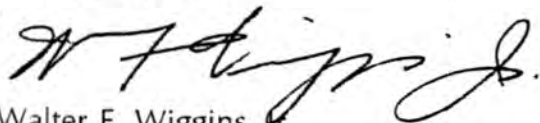
Dear Roger:

As we have discussed previously, the case of Mark St. Pe' is a sympathetic one for the reasons outlined exhaustively in the materials transmitted herewith for your immediate review and consideration. Please bring this case to the attention of your brother, Bill Clinton, the President of the United States. This is truly an opportunity for you to have a direct impact in the cause of justice for Mr. St. Pe'.

As I have advised, the original Petition for Commutation of Sentence has been forwarded to the U.S. Department of Justice, Office of the Pardon Attorney, located at 500 First Street, N.W., Fourth Floor, Washington, D.C. 20530.

Please do not hesitate to let me know if you have any questions or comments, or if there are any additional materials or documents required by you in this matter. On behalf of myself and the entire St. Pe' family, thank you sincerely for your kind attention to this important matter.

Very truly yours,



Walter F. Wiggins, Jr.

WFW/cs

1-6-01

From P
OFFICIALS
CASE

To Ricchetti Egi

Star Lineup's Winner
on Feb.

after you have
seen original
to Ricchetti
cc Podesta

- yes
- no
EG

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA
CIVIL ACTION

JOHN DOE
MARY ROE
MICHAEL POE
On behalf of themselves and all others
similarly situated,

Plaintiffs

vs.

KATHERINE HARRIS,
In her Official Capacity as Secretary of State,
Florida

ROBERT A. BUTTERWORTH,
In his Official Capacity as Attorney General
Florida

BROWARD COUNTY,

COLLIER COUNTY,

DUVAL COUNTY,

HIGHLANDS COUNTY,

HILLSBOROUGH COUNTY,

INDIAN RIVER COUNTY,

LEE COUNTY,

MARION COUNTY,

Civil Action No. _____

CLASS REPRESENTATION

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Plaintiffs, by and through their attorneys, bring this Complaint, on behalf of themselves and all other persons similarly situated, to obtain declaratory and injunctive relief, costs of suit, and attorneys' fees from the Defendants. Plaintiffs complain and allege, upon information and belief, as follows:

1. This is a class action brought by registered voters in the 15 Florida counties that use the punchcard voting system commonly referred to as the "Votomatic." The Votomatic system is inherently defective and its use routinely deprives the Plaintiffs and the Class of their constitutionally-protected right to vote and violates Florida election law. Plaintiffs bring this action pursuant to 42 U.S.C. § 1983, the Florida Declaratory Judgments Act, Fla. Stat. §§ 86.011 - 86.111, and other applicable law.

2. Of Florida's 8.5 million registered voters, over 5 million, or 59 percent, live in the 15 Florida counties using the Votomatic, making the Votomatic the most common voting device

To Ricchetti - Felt
Stanciewicz's interest in Fla.

For Ricchetti - Felt

1-6-00

VOTING
MACHINE
CPS

copied
Ricchetti
Podesta

1-6-00

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN DOE
MARY ROE
MICHAEL POE
On behalf of themselves and all others
similarly situated,

Plaintiffs

vs.

ELECTION SYSTEMS &
SOFTWARE, INC.
11208 John Galt Boulevard
Omaha, Nebraska 68137

Registered Agent: Paul C. Jessen
Suite 800
1125 S. 103rd Street
Omaha, NE 68124

SEQUOIA PACIFIC SYSTEMS
1030 North Anderson Road
Exeter, California 93221

ELECTION RESOURCES CORPORATION
415 N. McKinley Street
Little Rock, Arkansas 72205

Registered Agent: Paul A. Nolte, Jr.

Civil Action No.

CLASS ACTION COMPLAINT
FOR DECLARATORY
AND INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, by and through their attorneys, bring this Complaint, on behalf of themselves and all other persons similarly situated, to obtain declaratory and injunctive relief, costs of suit, and attorneys' fees from the Defendants. Plaintiff complain and allege, upon information and belief, as follows:

NATURE OF ACTION

1. This is a class action brought by registered voters and taxpayers nationwide in counties using the punchcard voting system commonly referred to as the "Votomatic." In the year 2000 elections, 587 [update the number] counties in 28 states used the Votomatic system for the casting of non-absentee votes in elections. Approximately 30 percent of all registered voters in the United States are registered in these counties, making the Votomatic the most common voting system in the country.

2. The Defendants are companies that have designed, marketed, advertised, promoted, manufactured, serviced, sold, and/or distributed to counties throughout the United States a broad array of services and products that are integral components to the operation of the Votomatic system. Defendants have done so and continue to do so with full knowledge and awareness that the Votomatic system has a long and notorious history of failing to perform as intended, failing to perform as they have represented it to perform, routinely frustrating the intentions of the voters, and consistently disenfranchising large numbers of voters in election after election.