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Staff Office-Individual: Counselor's Office-Schifter, Richard				
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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Richard Schifter to Samuel Berger, re: Judicial Program for Somalia (2 pages)	09/29/1993	P1/b(1)
002. memo	[Duplicate of 001] (2 pages)	09/29/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [1]

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RESTRICTION CODES

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

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

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(j).
RR. Document will be reviewed upon request.

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]

Somalia

BRITANNICA BOOK OF THE YEAR, 1993, p. 466

One place the U.S. was not reluctant to intervene was Somalia. In December, Bush sent the first of an anticipated 28,000 troops to help distribute food to that country's starving population and to prevent local warlords from hijacking relief deliveries. The effort had broad support in Congress, in part because the administration indicated that the troops would not face intense danger and would possibly be home in early 1993. Observers in Somalia, however, believed that the American presence would have to last far longer if order was to be restored and maintained.

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Somalia

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 9, 1993.

To the Editor:

Your December 6 editorial notes that when the Navy SEALs arrived in Somalia a year ago the United States started with an "original goal -- to feed starving Somalis." You then proceed with what now has become an often-heard complaint, that our policy subsequently lost focus. It is a complaint which is wholly unjustified, based as it is on a failure to distinguish between symptoms and underlying causes.

In late 1991, while serving as Assistant Secretary of State for Human Rights and Humanitarian Affairs, I became one of the early supporters of the proposal that the United Nations Security Council be asked to engage in "humanitarian intervention" in Somalia by providing military protection for food delivery, so as to prevent mass starvation. Such protection is, of course, needed only where armed force has been used to interfere with the delivery of food.

One year and more than 300,000 deaths later, U.S. troops arrived in Somalia. Some of Somalia's food problems were caused by drought, but that was not why President Bush sent 28,000 combat-ready troops. The very reason for our military effort "to feed starving Somalia," was that law and order in that country had broken down totally. Armed thugs had driven the farmers off their land. As a result of such lawlessness, the production and distribution of food had been badly disrupted.

We must assume that the United States did not send troops to Somalia merely so that the Somalis could be fed for a few months and starve to death somewhat later. From the very beginning the only sensible focus of the expedition was the long-term removal of the armed threat to Somali food production and distribution.

That threat has been removed for the time being. But the President has made it clear that we cannot remain in Somalia indefinitely, that we are pulling out by next March 31. It would be highly irresponsible for us to leave without having engaged in a serious effort to prevent a return to mass starvation. That is precisely what is being undertaken now, giving the Somalis time and a chance to put their house in order. The focus today is what it should logically have been on December 9, 1992, to help reduce the lawlessness which brought about mass starvation.



Richard Schifter
Special Assistant to the
President and Counselor

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

OFFICIAL BUSINESS

Richard Schifter

To the Editor
Wall Street Journal
World Financial Center
200 Liberty Street
New York, New York 10281

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 8, 1993

NOTE FOR TONY LAKE

What do you think of my sending Attachment A in response to Attachment B?

Dick & Clifton

cc: Don Steinberg
Jeremy Rosner

*- symptom/cause
- give Somalia a chance.*

December 7, 1993.

To the Editor:

Your December 6 editorial notes that when the Navy SEALs arrived in Somalia a year ago the United States started with an "original goal -- to feed starving Somalis." You then proceed with what now has become ~~a consistent~~ complaint, that our policy subsequently lost focus. It is a complaint which is wholly unjustified.

In late 1991, while serving as Assistant Secretary of State for Human Rights and Humanitarian Affairs, I became one of the early supporters of the proposal that the United Nations Security Council be asked to engage in "humanitarian intervention" in Somalia by providing military protection for food delivery, so as to prevent mass starvation. Such protection is, of course, needed only where armed force has been used to interfere with the delivery of food.

One year and more than 300,000 deaths later, U.S. troops arrived in Somalia. They were not needed because of drought. The very reason why President Bush sent combat troops "to feed starving Somalia," was that law and order in that country had broken down totally. Armed thugs had driven the farmers off their land. As a result of such lawlessness, the production and distribution of food had been badly disrupted. One must assume that the United States did not send 28,000 troops to Somalia merely so that the Somalis could be fed for a few months and starve to death somewhat later. From the very beginning the only sensible focus of the expedition was the long-term removal of the armed threat to Somali food production and distribution.

That threat has, in fact, been removed for the time being. But the President has made it clear that we cannot remain in Somalia indefinitely, that we are pulling out by next March 31. It would be highly irresponsible for us to leave without having engaged in a serious effort to prevent a return to mass starvation. That is precisely what is being undertaken now. The focus today is what it should logically have been on December 9, 1992.

Somalia in Retrospect

WALL STREET JOURNAL

12/6/93

If there was any doubt, Mohammed Farah Aidid's trip to Somali peace talks in Ethiopia on a U.S. plane, with a U.S. security escort, is proof that the U.S. foray into Somalia has moved far wide of its original goal—to feed starving Somalis. That effort began with the much-publicized arrival of Navy SEALs on Dec. 9 of last year. What followed is a nice case history in the way U.S. foreign policy loses focus.

To recap: In late summer and early fall of 1992, Western news outlets began heavy coverage of both the internecine warfare and famine, prominently featuring TV images of starving children. The message was, do something for Africa. In late November, President Bush committed U.S. troops to a multinational force. In early December, the U.N. approved a U.S.-led force to guarantee the distribution of food under the command of Marine Lt. Gen. Robert Johnston.

During the entire Bush portion of the mission, U.S. troops were in Somalia under U.S. command and were there solely to ensure the delivery of U.N. relief supplies, which had been bottled up in the port of Mogadishu by inter-clan fighting. President Bush accomplished that mission, though it should be noted that by not going through with early efforts to disarm the warring factions, he may have sown the seeds of troubles to come.

With food flowing again and fighting reduced to a minimum in the country, President Clinton on May 5 declared the mission in Somalia a success. Turning the mission over to U.N. commander Gen. Cevik Bir of Turkey, Mr. Clinton declared on the South Lawn of the White House before 100 veterans of the Somali operation: "Today, food is flowing, crops are growing, schools and hospitals are reopening. Though there is still much to be done if enduring peace is to prevail, one can now envision a day when Somalia will be reconstructed as a functioning civil society." This obviously was the time to get out or thoroughly rethink goals. We muddled forward.

Approximately one month later, General Aidid's forces ambushed a

unit of Pakistani peacekeepers, killing 24 and wounding 54. The U.N. put a price on Aidid's head. While unsuccessful at capturing Aidid, U.N. forces were engaging almost daily in hit-and-run battles with Aidid's forces. In early August, Mr. Clinton dispatched Army Rangers to track down and capture the rogue general. The U.S. goal was now the U.N.'s goal.

In late September, Aidid's forces began specifically probing U.S. defenses, getting in almost daily firefights that went largely unreported in the U.S. Then on Oct. 3, the Rangers got pinned down by Aidid's forces and, lacking armor and AC-130 gunship support denied to them in a policy decision by Defense Secretary Aspin, retreated with 12 dead and 78 wounded.

After the firefight, Mr. Clinton committed more troops to Somalia; at the same time, he said the U.N. warrant for Aidid wouldn't be carried out if hostilities ceased. As the U.N. withdrew the bounty for Aidid and U.S. troops ceased to patrol the streets of Mogadishu, Mr. Clinton set March 31 as the final, unconditional withdrawal date for U.S. troops. About this time, Aidid emerged to cameras in Mogadishu and was welcomed by a cheering crowd.

In early November, clan fighting increased with the discontinuation of daily U.S. patrols. The U.S. acknowledged that the streets of Mogadishu were again blockaded, much as they were when U.S. forces first arrived nearly a year ago.

Through November, Aidid's anti-U.N. rhetoric got stronger by the day. Acknowledging that he would boycott the U.N.-brokered talks and host his own in January, Aidid on Nov. 29 called for a complete U.N. withdrawal from Somalia. Last Thursday, he was flown by U.S. troops to Addis Ababa for peace negotiations.

There is always a degree of improvisation in making foreign policy. But the record suggests that the formation of U.S. policy in Somalia has involved more improvisation and less clarity about goals than is prudent for American interests.

To the Editor:

On Sept. 30 there appeared on your Op-Ed page an excerpt from my personal diary for Dec. 9, 1992, concerning the initial landing of United States forces in Somalia on that very day.

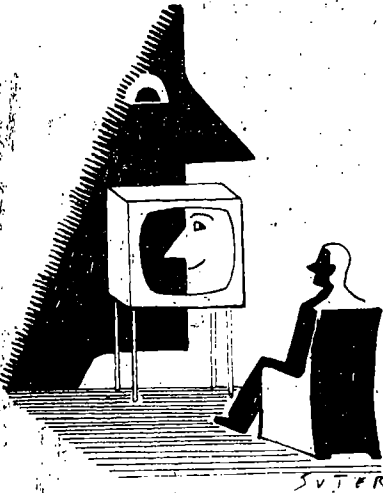
Dan Rather (for whose qualities as a person, a journalist and a television anchor man I have only highest respect) has now replied with a letter (Oct. 14), taking me to task for resorting, in what I then wrote, to hindsight, and for blaming television for the support President Bush received in launching this action without wider prior Congressional and public discussion.

I am unable to understand how reflections on the soundness of this undertaking, recorded on the very day when it was being launched, could conceivably be ascribed to "hindsight." I should have thought that was the one charge to which such reflections would clearly be immune. No one would deny, I think, that without the preceding television coverage of the situation in Somalia, the support for this action in the Congress and the public would not have been what it was. In pointing this out, I did not mean to "blame" television. Television was what it was, and was only performing its accepted tasks.

But when Mr. Rather refers to this as "giving the American people the information with which they will form their own opinions," implying this was mainly what they needed to make sound judgments about the action in Somalia, I must demur. Fleeting, disjointed, visual glimpses of reality, flickering on and off the screen, here today and gone tomorrow, are not the "information" on which sound

judgments on complicated international problems are to be formed.

Television cannot consult the rich voice of prior experience, nor can it outline probable consequences, or define alternatives, or express the nuances of the arguments pro and con. For all this, one must have recourse to the unparalleled resources of our



own English language, so greatly enriched, refined and polished over the centuries, but also so grievously neglected in American educational practices.

GEORGE KENNAN
Princeton, N.J., Oct. 19, 1993

START TIME	10 13 09:56
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PAGES	801

PHOTOCOPY PRESERVATION

MISSION CREEP?

"The Clinton Administration has permitted the purely humanitarian effort in Somalia initiated by the Bush Administration to be turned into an exercise in nation building, a totally unrealistic goal." That appears to have become the generally accepted wisdom. Former Secretary Cheney, on whose watch the landing in Somalia took place, recently offered a comment to that effect.

In December 1992, as ordered by President Bush, about 28,000 U.S. soldiers landed in Somalia. Their mission was to make it possible for food to be distributed to millions of starving Somalis. Why, pray, did it take 28,000 U.S. soldiers in battle gear as well as with armored and air support to engage in a feeding operation? Isn't the feeding of hungry people the task of organizations such as CARE, the Red Cross, or other charitable groups, which come to the scene with good will and most certainly without arms? If the U.S. military is used in mercy operations, is it not used merely to transport supplies? Why indeed did the Bush Administration decide on the use of overwhelming military force?

The answer, in case it has been forgotten, is that for months prior to the U.S. landing, relief organizations had tried their very best to cope with the problem of starvation in Somalia. They had failed because they had been prevented, by force, from discharging their function. The people who had stopped them, who had looted their supplies, had threatened and even killed relief workers, were the bands of armed thugs who had brought about the plight of Somalia in the first place, who had driven farmers off the land and had paralyzed the country's fragile economy.

Under these circumstances, President Bush had concluded correctly that if he was to respond to the strong public sentiment that the U.S. Government do something about the problem of starvation in Somalia, military force would be required. Once he had made that basic policy decision, the Pentagon and Secretary Cheney determined that it would take 28,000 U.S. soldiers, equipped to do battle, to get the job done.

The very fact that President Bush decided to use overwhelming military force to go into Somalia demonstrates that he and his Administration were fully aware of the fact that this was not an ordinary humanitarian operation, in which we simply seek to deliver food to the starving. We were not dealing with drought conditions. What was clearly understood was that the climate of lawlessness which had brought about a breakdown in food delivery and thus mass starvation had to be brought to an end. That is why it took 28,000 U.S. troops to get this humanitarian effort under way.

What did those who decided on our Somalia intervention have in mind as to our long-range purpose? To feed hungry Somalis for 90 days or 180 days or for a year and then let them starve again? Would that have been a worthy cause in which to put the lives of American soldiers at risk and expend substantial U.S. resources?

We should assume that President Bush and Secretary Cheney thought more constructively back then, that they were looking for more than a temporary reprieve for Somalia, that they wanted us to help find a solution to the problem which underlay the Somali crisis. The solution decided on by President Bush in December 1992 was to end the climate of lawlessness which had plagued Somalia since January 1991. This was the mission at the beginning. It has remained the mission ever since. What we are now seeking to do, having ended rule by marauding bands of thugs in most of the country, has been to hand off responsibility for the longer-term effort to the United Nations. That is the context in which we seek to curtail our involvement in what remains a need for a policing effort.

The mission on which we embarked in December 1992, with overwhelming public and with bipartisan Congressional support, has remained unchanged: to help Somalia attain conditions in which food production and distribution are no longer interfered with. It is appropriately a mission for the United Nations. Having done the lion's share of the work so far, we have a right to expect other members of the United Nations, particularly Africans, to assume greater responsibility. However, to prevent a recurrence of the conditions which prevailed prior to December 1992, we need to make sure that the transition takes place in an orderly manner.

PAULA J. DOBRIANSKY

September 27, 1993

Dear Dick,

Thank you for our recent lunch. It was good to see you and catch up.

As you may recall, I mentioned a gentleman who is Somali by birth, but now a naturalized US citizen. Significantly, during the US led military intervention in Somalia, Mr. Mohamed (whose papers are enclosed) was selected to serve as the Director of Radio RAJO. He was awarded a "Certificate of Appreciation" by Ambassador Oakley and Lt. General Johnston for his critical, balanced efforts in a successful public information campaign. If you are →

working on Somali-related matters, I believe that he can be of assistance. Accordingly, I've given him your office number and expect him to contact you within several weeks.

Sincerely,

Paula

P.S. Baerbel is ecstatic about having been selected as your secretary!

PHOTOCOPY PRESERVATION

ABDULLAHI OMAR MOHAMED
7606 ALLMAN DRIVE # 102
ANNANDALE, VIRGINIA 22003
(703) 256-0673

SUMMARY

Skilled private and public sector project manager, with experience in information systems and the management of development projects. Highly articulate, multilingual and skilled in negotiations with government and private business representatives of foreign countries. Experienced in goal setting and the achievement of such goals. Capable of independent action while functioning as a member of a management team.

EDUCATION

M.B.A. in Finance, University of the District of Columbia, May 1984

Graduate Diploma, Institute on Comparative Political and Economic Systems, Georgetown University, July 1983

B.A. in Business Management, University of the District of Columbia, May 1982

High School Diploma, Liceo Scientifico Italiano, Mogadishu - Somalia, July 1975

EXPERIENCE

Team Director
Mogadishu, Somalia December 1992 to February 1993

Editor and chief linguist of "RAJO" the daily Somali language UNITAF newspaper, during Operation Restore Hope. Participated in the incorporation of PSYOP themes into RAJO such as: * Highlight that UNITAF does not support or favor any faction * Reinforce that Somalia's problems can only be resolved by Somalis, that the U.N. and relief agencies can only assist in the process * Encourage displaced persons to return to their homes to harvest crops and plant fields * Highlight the redevelopment and re-establishment of Somalia's infrastructure * Highlight the agreements made by faction leaders and focus on disarmament, keeping everyone apprised of the progress. Prepared media analysis of the local papers. Coordinated the projects of 10 (ten) Somali linguist and gave assignments. Advised on the cultural context and the structural sensitivity environment of Somalia.

Director of Radio RAJO
Mogadishu, Somalia December 1992 to February 1993

Developer and overseer of the Somali language Radio format and its programming as a complement and a force multiplier for UNITAF plans during Operation Restore Hope. Intermediary between the Somali professional-intellectual community and UNITAF.

Consultant/contractor
U.S. State Department and Justice Department
Washington, D.C. 1988 - 1992

Led high level foreign delegations on official working trips to the United States, developing plans, arranging meetings with U.S. business and public sector officials. Developed agendas for meetings and resolved potential language problems in such meetings, briefings and other gatherings. Bridged on an ongoing base the cultural gaps so that the visitor's American scene and experience was more meaningful.

Director of Finance
Black Entertainment Television
Washington, D.C. 1984 - 1988

Exercised direction and control over general Accounting functions. Supervised, directed and coordinated the day to day activities of personnel. Established policies and procedures to maintain and improve the company's financial soundness. Identified requirements, conducted research, coordinated and recommended improvements. Exchanged ideas on team environment and established cooperative relationship.

LANGUAGES

Fluent in English, Italian and Somali.

PERSONAL

U.S. Citizen.
Traveled extensively in East Africa, Western Europe and the United States.

REFERENCES

Available upon request



CERTIFICATE OF APPRECIATION

Presented to

ABDULLAHI OMAR MOHAMED

In recognition for outstanding
contributions to Operation
Restore Hope and the Somali
people.

Robert B Oakley

**ROBERT B. OAKLEY
SPECIAL ENVOY TO
SOMALIA**



Robert B. Johnston

**ROBERT B. JOHNSTON
LTG, USMC
COMMANDING**



Psyops Daily Hits Streets Of Mogadishu

By Barton Gellman
Washington Post Foreign Service

MOGADISHU, Somalia, Dec. 23—At a table outside Jasiira Mini-Market, gathered to parse the sensational news in the city's new morning paper. All gun as "technicals," the newspaper banished from the plundered capital. Local and allied authorities could be responsible" for any that re-

"We very interested in the technicals it are moving out of Mogadishu," said Abdi ah. "This tells us the good news!"

Across town, in the shade of a pockmarked wall, three qat-chewing men took a dimmer view of the town's new journal.

"Ninety-five percent of it is untruth. It is king exaggeration," said Abdukadir Esse, Kalashnikov rifle across his lap and a bun of narcotic qat leaves in his pocket. "I think propaganda, yah?"

right. The newspaper, called Raja (Hope), is published by the U.S. Army's 4th Psychological Operations Group, and it is intended to make Somalis more compliant with allied humanitarian campaign.

Col. Layton Dunbar, the psyops command-presides over Raja, circulation 8,000—the capacity of his digital printers. He is also responsible Radio Raja, which broadcasts twice a day on the AM band for half an hour, and for the leaflets dropped before the first psyops arrive in each new city.

"Our forces are here to protect relief convoys. Do not interfere with them in any way! Do not block roadways! Force will be used to protect the convoys," reads the latest leaflet, which depicts American and United Nations forces shows a crowd of Somalis waving happily at trucks and helicopters.

The leaflet was a bit less successful. Constrained by the need to find a Somali speaker for top-secret information—the leaflet had to be printed before the humanitarian operation was announced—the text began with "Adoonka Ciidanka" where it should have said "Adoonka Cirfanka." Instead of "United Nations," it came out "Slave Nations."

"It's easy to find a Somali native speaker with a security clearance," Dunbar said. "We've spent up several million of that one."

All that changed with the arrival of Abdulhadi Omar Mohamed, 35, a naturalized U.S. who was born in Mogadishu and is a



Maj. Marty Stanton of 10th Mountain Brigade tells local commander to quit crossroads near Baldoa.

Washington-based financial consultant and linguist. A contract interpreter for the State Department and interpreter-translator for the Department of Justice, Mohamed got a call from Dunbar the day before the Marines hit the beach.

Within a few days he was in the ruined U.S. Embassy here, chewing on a tuna with noodles Meal Ready to Eat and functioning as cultural consultant and chief translator for all U.S. psyops.

One cultural land mine he averted was the weather report, a standard feature of psyops broadcasts.

"It's very easy for us in the States to say the weather report, but in Somalia it seems like you are going into the steps of God. How can anyone say what the weather will be?" he said. "We went into a lengthy explanation that only God can predict the future, and the weather is part of the future, but we do have scientific instruments to try to measure and this is what it is."

At Mohamad's insistence, the broadcasts also begin with a passage from Koran. One Somali song accompanies the news and then, in uncertain concordance with Islamic values, Bonnie Raitt sings, "Let's Give 'Em Something to Talk About."

"The Somali people like Western music, as long as it's kind of up-tempo," said Sgt. Robert Gwin, the radio station manager and technical guru.

The psyops campaign here is far more than public relations. American military doctrine regards the effort as a "force multiplier." be-

cause, as Sgt. Michael Sabo said, it is "always better to make them give up than kill them." The motto of the group here is *triumphus persuasionis*.

"We want to make sure the Somali people understand why we're here, and we want to make sure the Somali people cooperate with the U.S. forces and the other allied forces," Dunbar said. "We'll describe that factually and we'll also include a reminder that U.S. forces are authorized to use deadly force when they feel threatened."

Spec. Jeffrey Hood, a cartoonist, draws a daily strip featuring a young man named Celmi and his camel Maandeeq.

"I don't want to get too many human characters involved, because then I'd have to develop the relationships between them and I might make a faux pas," he said. "Originally I was going to use a donkey, but it turns out that certain clans are associated with donkeys and others aren't, and we don't want to get into that."

"Hey what is that?" the camel asks in the first cartoon of the series.

"It is a leaflet. It says the combined task force is here to protect supplies for the Somali people," Celmi replies.

"Oh, that's good. There has been enough suffering already."

"Very true."

Most Somalis interviewed seemed to like the strip. But not Abdugadir Ali, who sat with Esse chewing qat.

"Look here!" he said, outraged. "Here is the camel and here is the man. They are talking. They are saying we are like animals!"



To
OMAR MOHAMED
Thanks For A
Truly Magnificent Job
4th Psychological Operations Group
Dec 1992 - Feb 1993

paint a portrait of Franco as a man who would work against the grain of

round president Syney Sanchez set the vote for next Tuesday. Franco declined to comment on

ambassador of the government, and that's destabilizing," said Richard Foster, editor of

ate, but there are clues in his record about his political positions,

GIs Edit Daily To Tranquilize Mogadishu

By Barton Gellman
Washington Post Foreign Service

MOGADISHU, Somalia, Dec. 23—At a sidewalk table outside Jasiira Mini-Market, eight men gathered to peruse the sensational news in the city's new morning paper. All armed vehicles known as "technicals," the newspaper said, had been banished from the plundered Somali capital. Local and allied authorities "would not be responsible" for any that remained.

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Esse was right. The newspaper, called Raja (or Hope), is published by the U.S. Army's 4th Psychological Operations Group, known as "psyops," and it is intended to make Somalis more compliant with the allied humanitarian campaign.

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"Oh, that's good. There has been enough suffering already."

"Very true."

Most Somalis interviewed seemed to like the strip. But not Abdugadir Ali, who sat with Esse chewing qat.

"Look here!" he said, outraged. "Here is the camel and here is the man. They are talking. They are saying we are like animals!"

Somali native from Virginia sees ruins of his homeland

By Michael Hedges
THE WASHINGTON TIMES

MOGADISHU, Somalia — Abdulahi Omar Mohamed, 35, of Annandale, Va., but raised in a formerly elegant, now fought-over, section of this city has been enduring the trauma of seeing the ruins of his childhood.

"It is very painful," said the University of the District of Columbia graduate who is here as a civilian interpreter with the Army. "I rode from the airport to here" — the former U.S. Embassy where he is staying — "and I couldn't believe what I saw."

"My family had a villa near the presidential palace when I was younger," Mr. Mohamed said in an interview yesterday. "It is going to be painful to see where I lived."

"The central part of Mogadishu is gone," he said. "There is a part of our history and culture that is gone and can never come back."

Other things have been lost forever in Somalia's civil war.

Mr. Mohamed's wife, Amina, is also from Mogadishu. Her mother was killed by the shelling in the city a few years ago.

Mr. Mohamed left Somalia in 1976 for the United States to attend college in New Hampshire. He has returned to his homeland only once since for a visit in 1985.

"Mogadishu in 1976 was the most beautiful of cities," he said. "There were flowers and people were friendly, and you could stay out at night after the heat of the day had passed."

But by 1985, Mr. Mohamed said he could sense the coming changes.

"There were signs of what would happen when I was here in 1985," he said. "People seemed to be disintegrating. There were people with no values."

Mr. Mohamed specifically blamed the policies of deposed dictator Mohamed Said Barre for what has happened here.

"He tried to oppress the clans to take away people's identity. He unleashed all the forces that destroyed Somalia."

Something also had changed inside the Somalian character, he said, probably because of Mr. Said Barre's brutal control.

"We lost our sense of being a people, of it being our country. It became a sense of everyone out for personal gain."

When he walks the streets of Mogadishu now, Mr. Mohamed said, the local people are intrigued to see one of their own working with the U.S. Army. Invariably he is asked



In Belet Huen, an old woman waits for food-laden planes to arrive.

which clan he is from.

"I tell them I am from the American clan," he said. "I don't feel a strong clan affiliation. When I was in the States, Somalis there don't know each other's clans."

Mr. Mohamed came to the Washington area in the early 1980s. He graduated from UDC in 1982 and took a master's degree in finance in 1984. He worked as finance director for the cable television station Black Entertainment Television through 1988 and has since then run his own financial consulting business.

He has a son, Jama, 18 months, and his wife is pregnant with the couple's second child.

Despite a strong desire to be with his family, he agreed to come to Somalia as a translator with the U.S. forces.

"I wanted to come and help Somalia as much as I can," he said.

Mr. Mohamed has been working long days with the U.S. Army's Psychological Operations Unit. The Psy-Ops Unit has recently begun publishing a Somalian-language newspaper describing the actions and intentions of the U.S. forces here called "Rajo" — "Hope" — a name Mr. Mohamed helped select.

The unit also broadcasts a radio

station twice a day giving news of the coalition deployment and some light entertainment including American and Somalian music.

Mr. Mohamed translates the text of newspaper articles and radio spots into Somali. He helps select the music played and serves as a general cultural adviser for matters great and small.

"I am the cultural consultant, the managing editor of the newspaper and the director of the radio station," he laughed.

Mr. Mohamed has few misgivings about the United Nations and U.S. effort here so far.

"My personal feeling is that Ambassador [Robert] Oakley is doing a great job," he said. "There are a lot of things which he is turning around. But ultimately the solution for Somalia will come from Somalis."

"The leaders of Somalia's tomorrow are right here. But what is missing is the linkage, bringing the people together who can help," he said. "But it has to happen. A solution has to be found for those faces you see in the street."

He is distressed that the world is seeing such a devastating image of his homeland but does not dispute its accuracy.

During the interview, Mr. Mohamed seemed to indicate a desire to return to Somalia and help in the beginning efforts to reconstruct his nation. At one point, when asked where Somalia's future leaders will come from, he said, "Maybe myself."

But asked directly if he was contemplating a role here, he said: "I don't know, I don't know. I have my family waiting for me in Annandale. We have our life there."

"It has been my dream that my son would grow up and know the good Somalia," he said. "It is my dream, but since I have come here, I don't know if it is possible."

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American Heart
Association



Army Team's 'Marketing' Job Is Selling U.S. Role

By DONATELLA LORCH
Special to The New York Times

MOGADISHU, Somalia, Dec. 26 — Millions of leaflets fell from the sky, depicting an American soldier in helmet and flak jacket shaking hands with a Somali man. The caption was supposed to read "United Nations," but because of a mix-up in the vowels the message was "Slave Nation."

A great deal of time and trouble went into the leaflet, which was printed in Fort Bragg, N.C. Maj. John Markham said the only Somali with military clearance who could do the leaflet had left his homeland when he was 12, and his language skills were a bit rusty.

Major Markham said the leaflets were still being dropped since a survey indicated that many Somalis understood the error and were not offended.

The communication front of the military mission to Somalia has expanded into a 64-person team from the Army's Eighth Psychological Operations Battalion. Set up in an old clinic at the United States Embassy compound, the headquarters is complete with computers, radio equipment, mimeograph machines and grumpy troops who often spend hours a day tightly wrapping wads of tens of thousands of leaflets into Styrofoam bombs to be dropped.

A Matter of Marketing

"It's marketing," said Maj. L. K. Stevenson. "We look at how things are done here. We look at the format of the local papers and we then try to produce something real objective. We call it our strategic littering campaign."

The team's role here is very different from that of the force in the Persian Gulf war, which concentrated on deception techniques and appeals for surrender. In Somalia, the members of the team concentrate on explaining the American presence.

Since they began their operations about a month ago, psychological operations officers, who call their unit Psyops, say they have defused misunderstandings and tensions. The request they hear most often from Somalis is for American troops to disarm as many people as possible.

The team's biggest challenge seems to be finding translators. The first civilian hired was Abdulahi Omar Mohammed, a financial manager from Virginia who is also a consultant with the State and Justice Departments. He has taken on all roles from cultural consultant to chief editor for the newspaper and radio program the military has begun producing.

"I am the man of many hats," Mr.



Lee Romero/The New York Times

A Somali youth held up a misprinted leaflet from the United States Army Eighth Psychological Operations Battalion. In the Persian Gulf war, the unit

developed deception techniques and made appeals for surrender, but here the mission is to explain the American presence to Somalis.

Mohammed said "It is a difficult task. You have to be sensitive and careful because you don't want to show favoritism. This country's so thirsty and hungry for information."

Translators Are Few

Somali translators are still in very short supply. Three civilians were hired locally, and the Psyops teams acquired only four American Somalis from the 150 translators brought in by the military.

The lack of translators is felt very strongly inland. When the Americans arrived in Bardera on Christmas Eve, they did not have a single translator and could only shrug and try to explain in English that they did not understand Somali.

Loudspeaker teams without translators carry about 10 tapes with messages like "Put your gun down, we will use force if it is necessary." The tapes tell crowds to disperse and let the food

convoys through, or just inform the Somalis why the Americans are driving through their neighborhood or to stay indoors if mines are being defused.

The first issue of Hope, the newspaper, came out on Dec. 20. The mimeographed sheet carries news of military movements and any violence that breaks out and information on health.

The paper is modeled on the scores of mimeographed papers that have flourished here during the war. Initially it was distributed from jeeps and trucks, but the mob scenes have persuaded the Psyops teams to allow the Somalis to distribute it themselves.

A Poem of Welcome

On the radio station's first day, a Somali poet read a work welcoming the Americans. So far the station, which broadcasts twice a day with Somali music, has been A.M. only, but it is to be broadcast from the carrier Kittyhawk on shortwave bands so it will

reach all of Somalia, Major Markham said.

Sometimes the teams do work as basic as crowd control. When a military truck overturned on the road to Baidoa today, creating a huge traffic jam, a loudspeaker team calmed the nervous civilians who could not see what had happened.

Sometimes the teams pull out when a confrontation seems likely. In local job negotiations just outside the Bale Dogle airstrip recently, Somalis from five clans started shoving each other and demanding jobs from the military for their clansmen. Guns started appearing and the Psyops team just pulled out and told the elders they would return when everyone calmed down.

"We're the bridge between Americans and Somalis," Capt. James Bouselle said. "It's word of mouth. It's the most important form of communication. Basically the word is, we're here to help. There are no military guys to deceive. Here it's just guys with guns."

U.S.-Led Force Prepares to Enter 2 Somali Towns

MOGADISHU, Somalia, Dec. 26 (AP) — Italian, Canadian and United States troops laid final plans today to move into the remaining two towns that are the goals of their mission.

Although lawless gunmen still roam the country, Robert B. Oakley, President Bush's special envoy to Somalia, said guns were beginning to disappear.

An armored reconnaissance party leading two Italian companies left Mogadishu today and stopped 15 miles outside the town of Gailalassi, 90 miles north. The Italians are planning to move in on Sunday.

Lawlessness Continues

the feeding centers there — something the Americans have not done.

Gailalassi and Belet Uen are the seventh and eighth towns the United Nations-mandated multinational force wants to use as hubs for feeding Somalia's hungry.

American, French and Belgian troops have already secured Mogadishu, Bale Dogle, Baidoa, Kismayu, Bardera and Hoddur, virtually without a struggle. One American has died so far, the victim of a mine explosion on Wednesday.

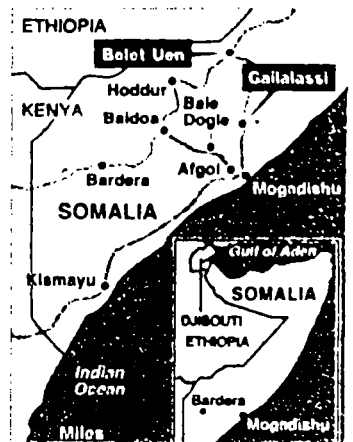
The troops were dispatched after

continues. Gunmen loot food distribution centers as soon as the foreign troops leave.

3 Gunmen Reported Hurt

Lieut. Col. Steve Ritter of the Army told reporters that a Somali gunman in a vehicle with several other people opened fire with an AK47 on marines in a convoy today near Afgoi, about 35 miles west of Mogadishu. The 12-vehicle convoy was returning from Baidoa, 120 miles northwest of Mogadishu.

The Americans returned fire, wounding at least three gunmen. None of



Painted description *Special correspondent reports from Somalia*

by Mike Barrett

The Fayetteville Observer-Times

"Of all the races of Africa, there cannot be one better to live among than the proudest, the bravest, the vainest, the most merciless, the friendliest — the Somalis," wrote Gerald Hanley in "Warriors and Strangers."

Hanley, a British Army officer who commanded Somali troops in World War II, returned to the country for a visit in the 1960s. He wrote, "I never saw a Somali who showed any fear of death, which, impressive though it sounds, carries within it the chill of pitilessness and ferocity as well."

Now, Fort Bragg soldiers are saving lives in Somalia and learning to understand the people.

Without American and United Nations troops protecting relief workers distributing food, Somali clansmen would renew their civil war. Bandits would steal. Babies would starve.

While the Somalis whose lives have been saved appreciate Americans and UN troops, the killers and thieves resent the visitors.

Being a Good Samaritan in Somalia is not without sacrifice. Some American military and civilians in Operation Restore Hope have paid with their lives, killed by land mines and sniper bullets.

Some have been injured in accidents. Some have fallen ill with a souvenir they did not want — Malaria.

Soldiers arriving in Somalia are quickly introduced to a new world. When their airplane door opens at Mogadishu International Airport, the sun hits them in the face. Then the heat.

Beyond the runway, ships lie at anchor in the gleaming blue Indian Ocean. As the soldiers walk across the concourse to a run-down terminal, sand bites their faces.

The terminal teems with helmeted soldiers and Marines in desert camouflage uniforms. There are Pakistani troops. Humvees and trucks rumble back and forth.

The people here are thin, very thin. When they hear oncoming trucks, they turn to look and then scatter out of the way. Many smile and wave. Teen-agers and children call out. A few throw rocks.

The days pass with hurried trips between airport, seaport and military

Special

From page 1A

locations on the south side of the city. Members of Fort Bragg's 327th Signal Battalion, Airborne, stand guard duty, ride shotgun on convoys and prepare for deployment around the country.

At night there is gunfire and at dawn the Moslem call to prayer.

Maj. Juan Loya, a chaplain from Fort Drum, N. Y., at Mogadishu, said that some wish they could have more

contact with the Somali people. But they understand why they must stick to their jobs and let relief workers distribute the food.

With a tradition of roaming the land and clashing with one another, about half of the Somalis are nomads and members of clans, and sub-clans, which have looked down upon the quieter life of farming.

Yet, the country can support its people with proper agricultural cultivation, according to Abdulahai

Omar Mohamed, an Army adviser who is a Somali-born U.S. citizen from Washington, D.C.

Of the clan wars, Mr. Mohamed said, "Except for the warlords, most of the people are fed up. They just want a secure environment to rebuild their country."

The 327th Sig. Bn.'s members of Company C went to such locations as Beli Dogle, Baidoa and Kismayu to provide communications support. Company C Acting 1st Sgt. Delmar

Glenn observed that people in the countryside were more pleasant and friendly than some of those in Mogadishu.

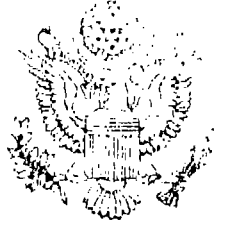
At Beli Dogle, one American civilian and also a Vietnam veteran, said, "The young kids riding shotguns on the convoys in Mogadishu and around the country are the real heroes in this operation.

"These kids are like rock. They came to protect, not kill."

FAX

UNITED STATES SENATOR • CONNECTICUT

Joseph I. Lieberman



FAX TO: SANDY BERGER / ^{AMB.} RICHARD SCHIFTER

OFFICE: NSC

PHONE: 395-5778

DATE: OCT 15 TIME: 4:10

PAGES (INCLUDING THIS): 4 *file*

SUBJECT: SEN. LIEBERMAN'S SOMALIA FLOOR STATEMENT

Thanks for your help (your early September suggestion opened piece). The senator worked over all our drafts quite carefully. Best wishes.

FROM: John Lueck, CA for Defense & Foreign Affairs
224-8787

United States Senate • Washington, D.C. 20510-4601 • (202) 224-4041 FAX (202) 224-9130

PHOTOCOPY PRESERVATION

ing superpower called into question: we won the cold war, and we demonstrated the effectiveness of our fighting forces for all the world to see during Operation Desert Storm. I cannot understand how anyone could risk the lives of American servicepeople based on an irrational fear of how it might look to outsiders.

We should end America's involvement in Somalia and learn an important lesson: when the formulation and execution of foreign and military policy founders; it costs American lives.

When we send troops into harm's way, they should go with a specific mission, clearly defined goals based on sound principles, and unequivocal military support from the administration. That has not happened in Somalia. Even worse, I see no sign of it happening any time soon.

Therefore, I feel compelled to support the amendment of my distinguished colleague from Arizona, Senator MCCAIN. It recognizes that the time has come to bring our troops home, and does so in a way that guarantees that the safety of our forces is the top priority.

Mr. ROCKEFELLER. Mr. President, I want to express my support for the amendment offered by my senior colleague, Senator BYRD, the Majority Leader, Senator MITCHELL, the Republican Leader, Senator DOLE, and others. I think we all owe a debt to Senator BYRD for the leadership he has shown in defining this issue for the Senate and the United States as a whole. The simple question he has raised before this body is this: what is America doing in Somalia; how do we get the job done and then get our troops home?

This resolution states very clearly what America's policy should be in Somalia. It makes it clear that American troops should have the means necessary to defend themselves and American citizens, that our forces should not leave until all missing service people are accounted for and prisoners released and that we should encourage the United Nations and other countries to assume a greater share of the burden of finding a peaceful settlement to the crisis in Somalia.

The resolution also makes it clear that almost all American troops will be removed from Somalia no later than March 31, 1994, unless an extension is requested by the President and authorized by Congress, and that while there such troops will be under U.S. command, not that of the United Nations.

It is deeply disturbing to see the way the situation in Somalia, and in Mogadishu specifically, has evolved. America first sent troops to Somalia to feed its starving people, and in that mission we have been extremely successful. Thousands of lives have been saved due to the heroism, dedication, and abilities of our service people. However from the beginning, no long-term solution to the situation which precipitated the crisis had put forward.

and since the United Nations was given control in May of this year, the situation has quickly deteriorated.

Quite simply, the United Nations lost its way, particularly in shifting its emphasis from humanitarian relief, for which it was properly equipped and managed, to military action that has emphasized the capture of General Aided.

President Clinton inherited a tinder box, and while fires have been lit that have tragically cost American lives, the resolution we are now considering should help damp those flames, and with the proper attention and care, their eventual extinction.

I agree that we must work to get our American forces out of Somalia as quickly as possible. However, what we cannot do is cut and run. A precipitous pull-out would destabilize the region, and send a dangerous signal to the whole world. To run in the wake of an attack would give a green light to terrorists and violent dictators around the world to attack our troops, our embassies and our citizens. What has happened in Haiti over the past few days may be an example of that.

This debate raises again one of the central dilemmas of American foreign policy in this century—reconciling the conflict between our desire to do the "right" thing internationally and the reality that our efforts are often unwelcome and invariably more expensive than expected.

It is perhaps a tribute to the basic good-heartedness of Americans that our first response to tragedy, whether it is the natural disaster of flood, earthquake, or famine, or the self-inflicted wounds of political unrest or civil war, is to help alleviate the suffering and restore order.

Sometimes we conclude the need for help calls for more than money or food. It requires an American presence. Once there we often find the situation is more complicated than the pictures of starving children, mourning widows, or devastated homes we see on television. And when the cost of our help begins to be measured in American lives, our open hearts begin to close.

That's where we find ourselves in Somalia, and these are the issues we have struggled with as we have watched the tragic events in Bosnia. This debate is about America's response to adversity, and the signal we send about American strength and commitment in the wake of setback. However, this debate will not have a lasting impact if we cannot also use it to lay down some principles for future cases. Let me suggest some principles we ought to consider as we are confronted with these situations and with public demands for action in the future.

First, we should not limit our analysis to what we see in the media. Human suffering is a terrible thing, and television brings it to us nightly in its most graphic forms. But those pictures should not be the basis for

our policy. They force us to act, and desire, but not necessarily.

Second, we must evaluate American involvement can be practically accomplished. Though our intentions may be emotional, our actions must be practical.

Third, we should thoroughly prepare for all contingencies, including the worst case. Murphy's Law operates internationally just as it does here at home. It is clear from Somalia that we were not well-prepared for all possibilities, and we have suffered the consequences.

Fourth, we should not be seduced by multilateralism. Multilateral approaches, particularly under U.S. auspices, are attractive because they spread responsibility and create the appearance of unity. However, as we are discovering painfully, these appearances can be facades. In the end, it is the President as Commander in Chief who is responsible for American actions, and he cannot pass that responsibility on to others.

Finally, we should look to the long term. American intervention may make us all feel better, but that is not what foreign policy is about. It is about protecting the U.S. national interest over the long term. In some situations, that will inevitably require, to say, as we have said so far, respect to Bosnia, that there is something we can contribute without paying a greater cost.

As in all activities in which competition engages, both at home and abroad, we must look realistically at the situation is, what our desired outcome and what we can do to accomplish it. I came to this debate with an open mind. The facts and painful realities have been laid out on the table. What I do not like what I see when I look at the crisis in Somalia, I think that the resolution is the best response to a very serious situation.

For the long term, we will continue to have the opportunity, if not the ability, of looking at the world as a tinder boxes ready to erupt and engulf entire regions if not continents, and our actions in that context. The cold-war world lacks the simplicity of its predecessor. It is not going to end in one apocalyptic night; it threatens to shatter into a thousand pieces over a thousand nights. We must remain the world's leader and not deny that responsibility; this situation reminds us of the difficulties we face in performing our role in a changing world.

Mr. LIEBERMAN. Mr. President, since late in 1991, the American people and all of us in the Congress have watched events in the ravaged Somalia with great empathy and suffering of the people there. Our concern over the path that was taken. We are now clearly at the crossroads of American interest and commitment; we must be sure we move through the dilemma with great care for the

of our choices will be profound for the people of Somalia, America, and the world.

The history behind Somalia's current crisis is troubling. Had we the ability to turn back the clock, perhaps we could have prevented the starvation of hundreds of thousands with more prudent actions by the world community 20 years ago when cold war competition led to the influx of arms which today enables the local warlords to punish their own people and confront the United States and U.N. forces in Somalia. But we cannot change what has already occurred. We must recognize that today's involvement by the United States and the United Nations stems most directly from the disruption of food production and distribution caused by the conflicts of rival warlords in the wake of the collapse of a negotiated truce in November 1991. The suffering which fell upon the people of Somalia was not an act of God brought on by drought or environmental disaster; it was an act of men driven by greed and the desire for power with no regard for their fellow Somalis.

By the end of 1992, nearly 7 percent of Somalia's population had starved to death. Human suffering and mass starvation resulting from dislocation caused by war, unfortunately, have been encountered too many times in human history. But the conditions of Somalia in 1991 and 1992 were unusual. People were starving simply because warring tribal leaders and marauding thugs were preventing food from being produced and distributed. The Somalia Government collapsed and lawlessness prevailed. There were no police; no courts; no law; no order.

These conditions made the situation uniquely suited for consideration by the U.N. Security Council. The country lacked any semblance of national government and, with the end of the cold war, no major external power had a political or economic stake there. Thus, when the Security Council in early 1992 began to deal with the issue, it faced a humanitarian problem in its purest form. No one argued that it was necessary to await an appeal from the government involved, because there was no government. Because non-governmental humanitarian relief organizations were unable to perform the tasks which they had set themselves unless they received protection from the bandits and warlord militias, the U.N. decided it was essential to provide such protection. In April 1992 the Security Council arranged for 800 soldiers to be sent to Somalia and by September 1992 troops from Pakistan answered the call and began arriving. But the United Nations had underestimated the task which these soldiers faced; they were too few in number and inadequately equipped to provide the needed military shield for the distribution of food. Mass starvation continued through the summer and fall of 1992 with nearly 1 million Somalis dying each day.

These were the circumstances then which caused President Bush in December 1992 to send United States troops into Somalia, to lead an international force authorized by the Security Council under Chapter VII of the U.N. Charter. Not all Americans agree with President Bush's decision to use U.S. military forces to respond to this humanitarian disaster. Reasonable and proper questions were asked about what American national interests were at stake in Somalia to warrant risking any American lives there. In an era of increasing chaos and decreasing American military capability, some asked if the United States could afford to respond to tugs of the heart by following a policy of global benevolence when national interests were not threatened. These questions require thoughtful consideration as events in Somalia go on and future humanitarian challenges loom on the horizon. It is clear that what propelled President Bush and most Americans to want to enter Somalia had little to do with traditional definitions of national interest and much to do with a powerful determination not to stand by and watch a million of our fellow human beings to starve to death.

Within a matter of weeks after the introduction of United States forces in Somalia, sufficient security was established for the distribution of food throughout the country. As order was restored, the problem of mass starvation was brought to an end. United States forces in Somalia recognized that disarming all of the armed bands in the country would be an almost impossible task and so they insisted only that armed vehicles be garaged; the hope was that intimidation alone would restore order.

In most parts of Somalia this policy worked. Tens of thousands of Somali farmers have returned to their farms and the 1993 crop is expected to meet most local food requirements. Some order has been restored to areas of the country in which about 85 percent of the people of Somalia live. Further, efforts are underway to reconstitute government from the ground up by bringing all elements of Somali society into a process which had been dominated by the warlords since 1991 when the old government fell. This so-called nation-building is being tried not just for the fun of it, but because it is the best way to avoid a return to the factional conflict and mass starvation that brought us into Somalia.

Early this year, however, it became evident that one of the warlords, Mohammed Farrah Aidid, was not willing to give up the power he had attained through his ruthless and criminal acts. He refused to participate in any meaningful truce negotiations and, in fact, continued to seek to disrupt the efforts of U.N. forces by criminal and terrorist attacks in his home territory of south Mogadishu. Aidid seems

Mogadishu of about 1 billion. He has between 5,000 and 10,000 supporters throughout the country. Using classic terrorist tactics and exploiting women, children, and other innocent civilians as cover and unwitting implementers of his violence, Aidid has defied U.N. efforts to bring law, order, and sanity to Mogadishu. Aidid's ability to evade capture and to continue to act against U.N. forces has won him more followers as the local David who has taken on the mighty U.N. Goliath.

From the beginning of the United Nations involvement, most planners recognized that the humanitarian mission could succeed only if some semblance of law and order were restored although I doubt that most of the American people, let alone most Members of Congress, fully understood this. It was an ironic result of the early success at bringing order and feeding the masses that we came to believe this task would be easily accomplished, a viable government would rise up to take over the U.S. and U.N. forces, and all U.N. forces would be able to go home. Because our motivation was to end the suffering and address the humanitarian concerns which had cost some 300,000 Somalis their lives, we allowed ourselves to believe that we would have the support of all elements in Somalia and that we could achieve our noble goals without cost to American and other U.N. forces. The events of recent days which led to the deaths of 21 Americans and 9 Malaysians and the capture of one American have reminded us of the harsh reality that our involvement in Somalia—no matter how noble—is not cost free. It is critical to understand that the accomplishment of our humanitarian goals always involved risk to our military personnel; otherwise the Red Cross and not the U.S. Armed Forces could have handled this assignment.

And so we find ourselves at a crossroads. In the days and years ahead, and in the debate which will continue in this body, we must attempt to find ways to balance our vital national interests with the pull to do "good things" around the world—whether in Somalia, Haiti, Bosnia, or any of the myriad of other repositories of chaos and suffering which will flare up in the years ahead.

In the near term, we must trust our heads and not the ache in our hearts which comes from despair over the pictures we have seen so recently on our TV screens. Were we to withdraw our forces in short order, as some thoughtful and concerned Americans are proposing, there would be profound implications for Americans currently serving their country abroad and for young Americans who might be deployed at some future time to protect American interests. We must not allow power hungry warlords, or rogue bandits to believe that the way to change the human policy is to do as they wish.

dictators, fold up our tents, and head for home. A policy of immediate withdrawal from Somalia dishonors the memories of those humanitarian heroes who have died there to save millions of lives and puts at risk the lives of all future American servicemen and women. We must not let our desire for immediate relief from this dilemma to jeopardize our ability to act responsibly and safely in the future. We must not make foreign policy by the latest pictures on our television screens, for those pictures will surely change as they have in this crisis. We must steer our course by a more steady understanding and upholding of America's principles and interests.

We must consider what will happen both to Somalia and to the U.N. effort there if we pull out precipitously. Even some of those who advocate rapid withdrawal seem to agree that chaos, starvation, and suffering will return unless there is a quick political settlement which is very unlikely. The situation in rural areas beyond Mogadishu, where conditions have improved greatly and the beginnings of a viable government is struggling to grow, will likely revert to its pre-1993 state with deprivation and starvation returning. The impact on other U.N. forces would be significant. What country which currently has troops as part of the U.N. coalition in Somalia, will remain if the United States abandons hope for the situation and withdraws our forces? Whether we like or not, we are now in a position in Somalia and elsewhere where we must act like the superpower we are. As President Clinton said last week, we went into Somalia for the right reason, and must get out in the right way.

Thus, I support the Presidents' decision of last week to reinforce our troops in Somalia so that we can make an orderly and reasonable departure from this troubled land. I am heartened that the administration believes it can finish the tasks it has laid out for itself in a reasonable time period. But I am distressed that we risk setting a dangerous precedent by proclaiming a firm departure date. Such deadlines, if their use were to become commonplace, would enable opponents of U.S. policy simply to hide their time and wait us out. The President said on October 7th that our task was to give "Somalia a reasonable chance" of finding a political solution to its problems, and he was right.

The debate which the Congress and the public are now engaged in is a critical one for all of us. It will help chart the future course of U.S. foreign policy. I have listened with great care to the wise and thoughtful remarks of my colleagues and I share their desire to find reasonable answers to the questions which underlie this debate and our future involvement in global crises: What are U.S. national interests in this changed world? What is it we want the U.N. to be able to do in situations like Somalia? What are the

U.N.'s capability to act effectively? Can the United States help so that the U.N.'s chances of succeeding are even better in the next crisis? What innovative solutions might be considered to establish ready, available, and adequately trained and equipped forces for situations which might require them? How can the United Nations fund and manage its resources most effectively and efficiently?

As I watched the horrifying pictures of dead United States soldiers being dragged through the streets of Mogadishu, I felt fury that our efforts to protect and feed the starving people of Somalia were being rewarded with such barbarity. Yet I also recalled what President Kennedy said in challenging a generation of Americans to service:

For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each of us " . . . our success or failure . . ." will be measured by the answers to four questions: " . . . were we truly men of courage . . . of judgment . . . of integrity . . . of dedication?"

When the high court of history writes the chapter on these tumultuous closing years of the twentieth century, what do we want it to say about the path the United States chose when it reached this crossroads on Somalia, with no clear road signs to follow? Through calm and reasoned discussion and debate, and thoughtful policy, not reflexive panic, we must determine the path which best protects our national interests and values without forcing us to spill our blood and resources in endless and fruitless quests. If we fail these contemporary tests of courage, judgment, integrity, and dedication, it will not just be the people of Somalia who will suffer. All of us will, as well.

I will therefore vote for the Byrd amendment and against the McCain amendment. Those votes best express the views I have stated here.

~~Mr. BOND. Mr. President, the situation in Somalia has reached a critical stage. Last month, the Senate told the President that we wanted an explanation of his policy in Somalia and that we wanted him to seek our approval. And last week's events underscored the need for the President immediately to take those actions.~~

Finally, last week, the President came before the American people and provided a rationale for why we are in Somalia—why we didn't get out when we finished what we went there to do, which was to keep people from dying of starvation.

He deserves credit for finally coming forward and explaining his position—although it is tragic that it took the deaths of 19 American soldiers and intense pressure from Congress to force him to focus on Somalia.

And, although I am pleased the President finally addressed Somalia, I do not believe he gave an adequate explanation of policy. For example, he did not address the issue of why he

changed the mission in Somalia out explaining either to Congress or the American people why he went so, and he failed to explain what turned over both policymaking and command of our troops to the United Nations.

Not only did he fail to explain the reason for turning over control of the United Nations, but when it became apparent that the American people rejected U.N. control, he attempted to sidestep responsibility for his own decision by criticizing U.N. decisionmaking.

I suspect the reason that the President has not been forthcoming in his policy in Somalia is because he doesn't really have one. In fact, I believe that the President and his advisors were intent on focusing on health care and other politically expedient domestic issues, that they essentially ignored the minor issue of Somalia; and even believed that they could pawn it off on the United Nations and make Boutros Boutros-Ghali's problem.

The disarray in the President's Somalia policy is further illustrated this week as we have seen the administration begin to pursue a new Administration under which he is trying to off his Somali problem onto neighboring countries—an idea which has no merit, but which appears to have come out of nowhere in the past few days.

In fact, after having read the report which he sent to Congress yesterday, I am even more convinced that the President's so-called Somalia policy was thrown together over the week. It goes on at length, for example, on the need to allow a 6-month period for diplomatic efforts to work. But there have been no serious ongoing diplomatic efforts for the past 6 months since we pulled out the bulk of our troops—there were no efforts last week. The fact is, the President considered the past 6 months when he has been working to get our troops out. Instead of working to get our troops out, he turned over the command to the United Nations and left them.

I have to admit that I am troubled by the issue before us today. On the one hand, I believe the President made a fundamental mistake earlier in the year when he changed the mission of our forces in Somalia from humanitarian relief, to removing the existing warlords and installing a new government. On the other hand, I have to admit that under our President Clinton, Commander in Chief, and we should try to support him in any possible in military and foreign matters. It won't do us any good otherwise.

When President Bush sent our forces to Somalia last year, it was for an honorable reason—to feed the people; to end the famine; to bring a measure of innocent life to that day.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 21, 1993

NOTE TO: DICK CLARKE

FROM: DICK SCHIFTER *MS*

I recently had a visit from Omar Mohamed, a U.S. citizen of Somali origin. He was recommended by Paula Dobriansky. He left the attached letter with me indicating that Somalis may not be recruited for professional work with UNOSOM, even if they are no longer citizens of Somalia. Is this so because of the clan problem?

Attachment
As stated



UNOSOM
UNITED NATIONS OPERATION IN SOMALIA

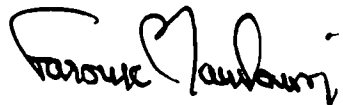
1 August 1993

Dear Mr. Mohamed,

In answer to your letter of July 10 1993, please be informed that we had sent your name to the Office of the Human Resources Management (OHRM) at headquarters requesting that you be recruited for service with UNOSOM. When I was in New York in June, I was informed that Somalis can only be employed as local staff even when they have another citizenship.

I have appealed to the acting Director of OHRM seeking an exception to this rule for your benefit and some of your colleagues. To this date, I have not been informed by New York whether this will be possible or not.

Sincerely,


Farouk Mawlawi
Spokesman/Director
of Public Affairs

Mr. A. Omar Mohamed
7606 Allman Dr. #102
Annandale, VA 22003

For the Record:

SOMALIA PROJECT: 10/20/93 Telephone Call to Rick Inderfurth

I spoke to Rick Inderfurth about the judicial project. He said that recent developments have prevented him from focusing on the issue. He agreed, however, that it would be wise to go forward with our effort. He will look into it in the near future. (Mike Sheehan, whom I also tried to reach, is out of town today.)

SOMALIA PROJECT: 10/20/93 Telephone Call to Judge Jones

I called Judge Jones to explain to him why there has been no progress lately. He said he understood and would stand by to hear from us again.

NATIONAL SECURITY COUNCIL

October 15, 1993

FOR: TONY LAKE

Please look at the attached proposed
op-ed on Somalia.

A handwritten signature in black ink, appearing to read "Dick".

Dick Schifter

cc: Sandy Berger
Jeremy Rosner
Dick Clarke
Don Steinberg

MISSION CREEP?

"The Clinton Administration has permitted the purely humanitarian effort in Somalia initiated by the Bush Administration to be turned into an exercise in nation building, a totally unrealistic goal." That appears to have become the generally accepted wisdom. Former Secretary Cheney, on whose watch the landing in Somalia took place, recently offered a comment to that effect.

On December , 1992, as ordered by President Bush, about 25,000 U.S. soldiers landed in Somalia. Their mission was to make it possible for food to be distributed to millions of starving Somalis. Why, pray, did it take 25,000 U.S. soldiers in battle gear as well as armor and air support to engage in a feeding operation? Isn't the feeding of hungry people the task of organizations such as CARE, the Red Cross, or other charitable groups, which come to the scene with good will and most certainly without arms? If the U.S. military is used in mercy operations, is it not used merely to transport supplies? Why indeed did the Bush Administration decide on the use of overwhelming military force?

The answer, in case it has been forgotten, is that for months prior to the U.S. landing, relief organizations had tried their very best to cope with the problem of starvation in Somalia. They had failed because they had been prevented, by force, from discharging their function. The people who had stopped them, who had looted their supplies, had threatened and even killed relief workers, were the bands of armed thugs who had brought about the plight of Somalia in the first place, who had driven farmers off the land and had paralyzed the country's fragile economy.

Under these circumstances, President Bush had concluded correctly that if he was to respond to the strong public sentiment that the U.S. Government do something about the problem of starvation in Somalia, military force would be required. Once he had made that basic policy decision, the Pentagon and Secretary Cheney determined that it would take 25,000 U.S. soldiers, equipped to do battle, to get the job done.

The very fact that President Bush decided to use overwhelming military force to go into Somalia demonstrates that he and his Administration were fully aware of the fact that this was not an ordinary humanitarian operation, in which we simply seek to deliver food to the starving. We were not dealing with drought conditions. What was clearly understood was that the climate of lawlessness which had brought about a breakdown in food delivery and thus mass starvation had to be brought to an end. That is why it took 25,000 U.S. troops to get this humanitarian effort under way.

What did those who decided on our Somalia intervention have in mind as to our long-range purpose? To feed hungry

Somalis for 90 days or 180 days or for a year and then let them starve again? Would that have been a worthy cause in which to put the lives of American soldiers at risk and expend substantial U.S. resources?

We should assume that President Bush and Secretary Cheney thought more constructively back then, that they were looking for more than a temporary reprieve for Somalia, that they wanted us to help find a solution to the problem which underlay the Somali crisis. The solution decided on by President Bush in December 1992 was to end the climate of lawlessness which had plagued Somalia since January 1991. This was the mission at the beginning. It has remained the mission ever since. What we are now seeking to do, having ended rule by marauding bands of thugs in most of the country, has been to hand off responsibility for the longer-term effort to the United Nations. That is the context in which we seek to curtail our involvement in what remains a need for a policing effort.

The mission on which we embarked in December 1992, with overwhelming public and with bipartisan Congressional support, has remained unchanged: to help Somalia attain conditions in which food production and distribution are no longer interfered with. It is appropriately a mission for the United Nations. Having done the lion's share of the work so far, we have a right to expect other members of the United Nations, particularly Africans, to assume greater responsibility. However, to prevent a recurrence of the conditions which prevailed prior to December 1992, we need to make sure that the transition takes place in an orderly manner.

bcc: Sean Darragh
Don Steinberg
Jeremy Rosner

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

October 4, 1993

Dear Judge Jones:

I am so very pleased that we are moving our proposed program on Somalia along.

On the attached sheet I have extracted the operational paragraphs of the memorandum which has been approved by the Deputy National Security Adviser. It is in keeping with the understanding which you and I reached. As I mentioned to you, the next step is to work out the necessary bureaucratic arrangement to allow you to be reimbursed for your expenses and to make it possible for you to retain a staff assistant. The person who will take responsibility for arrangements with the UN is Michael Sheehan, who is on the staff of the United States Mission to the United Nations in New York. He has been to Somalia and is well familiar with the conditions there.

I hope to meet you soon and look forward to this opportunity of our working together.

With all good wishes,

Sincerely,



Richard Schifter
Special Assistant to the
President and Counselor

Attachment:

Extract from Memorandum of September 29, 1993, concerning
Judicial Program for Somalia

The Honorable Nathaniel Jones
Judge of the U.S. Court of Appeals,
Sixth Circuit
432 U.S. Court House
Cincinnati, Ohio 45202

Extract from Memorandum of September 29, 1993, Concerning
Judicial Program for Somalia

(U) Now that Judge Jones has agreed, in principle, to serve as adviser to Admiral Howe on the re-creation of a Somali judiciary, we need to spell out in detail how we believe he should function. (Admiral Howe told me that he is very much interested in getting this kind of help.) Below is an outline of my recommendations of the role to be played by Judge Jones.

(U) UNOSOM has created a Justice Division, headed by a Nigerian UN civil servant. The Division has a Police branch, a Judicial branch, and a Prison department. The Judicial branch is headed by a Ghanaian-American lawyer.

(U) The objective of the Judicial branch is to re-establish in Somalia a functioning court system, which fairly and impartially administers justice. The tasks of the Judicial branch include (a) creation of a system for the selection of judges, (b) repairing and maintaining court buildings, (c) providing supporting staff and equipment for the courts, (d) reviewing Somalia's criminal and civil codes and practices and, if appropriate, recommend amendments or changes to bring them into line with international standards, and (e) provide in-service training programs for all personnel.

(U) The role of Judge Jones, as Special Advisor on Judicial Affairs to the UN Special Envoy, would be to make recommendations to the Envoy, for his consideration, so as to enable him to guide the work of the Judicial branch as to (1) overall policy, (2) staffing, and (3) the allocation and expenditure of funds. The Special Advisor and his staff will not have any direct operating responsibilities. Their role will, as the name implies, be purely advisory and their advice will be channeled directly to the Special Envoy.

(U) Judge Jones, who is an active Federal judge, will not draw a salary as Advisor. He wants, understandably, to separate his work as Special Advisor from his judicial function. He says that there is unused space in his courthouse, which GSA could release for an office. He would like to place a staff assistant there. I assume we can arrange for the staff assistant and the office overhead to be paid out of the AID grant for the project.

(U) In addition to his advisory role, Judge Jones will look to the U.S. bench, bar, law schools, and court personnel for candidates for positions in Somalia, as well as for volunteer help. (I have been in touch with Sandy d'Alemberte, former President of the ABA, former Dean Clinton Bamberger of Catholic University Law School, and Ed Brodsky of the College of Trial Lawyers, all of whom are willing to be of help.) It is understood that the Somali court system should be staffed principally by qualified Somalis, secondarily by other qualified personnel from sub-Saharan Africa, and, finally, by others only if qualified personnel cannot be found in the first two categories.

WHITE HOUSE
SITUATION ROOM

PRECEDENCE: IMMEDIATE
PRIORITY
ROUTINE

RELEASER: _____
DTG: _____

MESSAGE NO. _____	CLASSIFICATION _____	PAGES <u>11</u>
FROM <u>Amb. Richard Schifter</u>	<u>202/395-4773</u>	<u>391A</u>
<small>(Name)</small>	<small>(Phone Number)</small>	<small>(Room No.)</small>
MESSAGE DESCRIPTION	<u>Judicial Program for Somalia</u>	
LOCATION	DELIVER TO	
<u>USUN NY</u>	<u>Michael Sheehan</u> <u>212/415-4016</u>	
	<u>(Amb. Inderfurth's Office)</u>	

REMARKS:

~~UNCLASSIFIED WITH
CONFIDENTIAL ATTACHMENT~~


NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 4, 1993

Dear Michael:

Enclosed herewith is a copy of the approved memorandum concerning the judicial program for Somalia. I have told Judge Jones that he can now expect to hear from you. Let us see whether we can get started in record time. Do let me know what it is that I can do to help matters along.

Sincerely,



Richard Schifter
Special Assistant to the
President and Counselor

Attachment

Copy of Memorandum dated September 29, 1993,
Concerning Judicial Program for Somalia

Mr. Michael Sheehan
U.S. Mission to the United Nations
FAX 212/415-4177

~~UNCLASSIFIED WITH
CONFIDENTIAL ATTACHMENT~~

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Richard Schifter to Samuel Berger, re: Judicial Program for Somalia (2 pages)	09/29/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [1]

2012-0659-F
ke4103

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]

Biographical Data

THE HONORABLE NATHANIEL R. JONES United States Circuit Judge

Judge Jones was born in Youngstown, Ohio on May 13, 1926, to Lillian and Nathaniel B. Jones. He attended the public schools there. After service in the United States Air Force in World War II, he was educated at Youngstown State University, receiving his A.B. in 1951 and his LL.B. in 1956 (converted to J.D. in 1970). He was admitted to the Ohio Bar in 1957.

While an undergraduate and law student, Judge Jones worked as a reporter. At the age of 20 he became editor of the Buckeye Review Newspaper and managed the Dickerson Printing Company. From 1956 to 1959, he was Executive Director of the Fair Employment Practices Commission of the City of Youngstown and the Mayor's Human Relations Commission. During this period, he was a member of the Mahoning County Welfare Advisory Board. A year after entering the private practice of law, Attorney General Robert Kennedy appointed him as an Assistant United States Attorney for the Northern District of Ohio at Cleveland. He held that position until being appointed in 1967 to serve as Assistant General Counsel to President Johnson's National Advisory Commission on Civil Disorders, also known as the Kerner Commission. This group made a study of the causes of the urban riots of the Sixties. Following the work of the Kerner Commission, Judge Jones returned to Youngstown to practice law as part of the law firm of Goldberg and Jones.

In 1969, the distinguished civil rights leader, Roy Wilkins, executive director of the National Association for the Advancement of Colored People, with whom Judge Jones had been associated in his work on the Kerner Commission, invited him to New York to assume the responsibility as general counsel of the NAACP. He held the position for a decade, from 1969 to 1979. He became the fourth chief counsel for that organization since its founding in 1909.

As National General Counsel, Judge Jones supervised the legal staff and programs of the organization that had chapters in 1,700 cities of the fifty states. In addition to serving as legal advisor to the various departments within the organization and to local branches, he directed all litigation in which the NAACP engaged.

In his capacity as General Counsel, Judge Jones coordinated the attack against northern school segregation and twice argued in the United States Supreme Court the Detroit school case, Bradley v. Milliken, 418 U.S. 717 (1974). In addition, in 1979 he had the responsibility for successfully organizing the presentation to the United States Supreme Court in the cases of Dayton Board of Education, et al. v. Brinkman, et al., 433 U.S. 406 (1977) and Columbus Board of Education, et al. v. Penick, et al., 443 U.S. 449 (1979). During Judge Jones' tenure as NAACP General Counsel, he directed the national response to the attacks against affirmative action, led an inquiry into discrimination against black servicemen in the military, and supervised the NAACP's defense in the Mississippi Boycott case, that led to a landmark Supreme Court decision that declared the right of individuals and organizations to engage in protests under the First Amendment.

On May 17, 1979, at a White House ceremony, President Carter announced his intention to appoint Nathaniel Jones to the United States Court of Appeals for the Sixth Circuit. After confirmation, he took his oath of office on October 15, 1979.

In addition to his judicial duties, Judge Jones participates in a variety of activities, including those related to legal education. He is adjunct professor at the University of Cincinnati College of Law, instructor in the trial advocacy program at the Harvard Law School and adjunct professor at the Criminal Law Institute of Atlanta University. He is currently serving as a member on the Board of Visitors at the College of Law, University of Cincinnati; the Indiana University School of Law and the Salmon P. Chase College of Law of Northern Kentucky State University.

He is a former member of the Board of Visitors at Case Western Reserve University Law School in Cleveland. He also is currently serving as a member of the Board of Governors of Nova University Law Center. Other activities include lecturing and judging moot court competitions at the following institutions: Harvard Law School, Yale Law School, Marshall Law School of Cleveland State University, Thurgood Marshall College of Law, Antioch College School of Law, Georgetown Law Center, University of Dayton, Ohio State University, Capitol University Law School, Columbia University Law School, New York University, Boston University Law School, Boston College's Law School and many others.

In 1985 Judge Jones traveled to South Africa on behalf of the Lawyers' Committee for Civil Rights Under Law, where he was a legal observer at a treason trial of 16 blacks. While on that mission, he was arrested for violation of apartheid laws. Returning to South Africa the following year, he lectured at a symposium held for thirty South African judges. In November, 1986, Judge Jones was part of a four-person team that went to the Soviet Union to meet with Soviet officials and Jewish Refuseniks, in connection with human rights. In June of 1987, he chaired a conference in Washington on "Children, The Law and Repression in South Africa." In June of 1989, Judge Jones travelled to Namibia as part of a visiting delegation to monitor the election process that would lead to the independence of Namibia.

Judge Jones has received numerous honors and awards including honorary degrees from Youngstown State University in 1970, Syracuse University in 1972, University of Akron School of Law in 1988, Indiana University School of Law-Indianapolis in 1990, Lesley College in 1991, William Mitchell College of Law in 1993 and Nova University in 1993. The National Bar Association conferred its Equal Justice Award in 1978.

Other activities of Judge Jones include the following:

Co-Chairman - The Roundtable - the aim of which is to broaden the involvement of minorities in the legal profession. Sponsored by the Cincinnati Bar Association and The Black Lawyers Association of Cincinnati.

Chairman, 1987 - Brotherhood National Conference of Christians and Jews, Cincinnati Region. Member - Board of Directors, Black Jewish Coalition.

On May 19, 1987, Judge Jones presented a paper at a Columbia Law School - NAACP Legal Defense Fund symposium on "Blacks and the Bicentennial of the Constitution."

Member - Committee on Code of Conduct of the Judicial Conference of the United States

Member - Advisory Committee of the Urban Morgan International Human Rights Institute

Member - Board of Governors, Nova University

Member - Board of Trustees, Thomas More College

Member - Board of Visitors, Northern Kentucky University

Master - Potter Stewart American Inns of Court

Trustee - Interrights, USA, an international human rights organization

Trustee - National Conference of Christians & Jews

Former President - Alpha Delta Boule', Sigma Pi Phi Fraternity

Member - Kappa Alpha Psi Fraternity

Member - Gothic Lodge #22 King Solomon Consistory No. 20

Mason, 33rd Degree - United Supreme Council

Member - Black Lawyers Association of Cincinnati

Member - Cincinnati Bar Association

Member - Committee, ABA Committee on Law Schools Accreditation

Coordinator - Death Penalty Task Force U.S. Court of Appeals for the Sixth Circuit

Member, University Club

Founding Director, Metropolitan Club

Judge Jones, along with his lecturing, has authored numerous articles and papers including "Yearning to Breathe Free," a report of the South African treason

trial; "Federal Power As Used to Protect Minority Rights," published in the Brigham Young L. Rev. 815 (1987); "Strategies for Completing the Job of Social Desegregation," 19 Howard L.J. 82 (1975); "Is 'Brown' Obsolete?," 3 Integrated Educ. (1976); "School and Divergent Perspectives: Changing Civil Rights Through Law - Can It Be Done?," American Sociological Association (1977); "Metropolitan Desegregation: Where Are the Courts Heading?," Urban Rev. (1978); "Equal Protection Clause," Sw. L. Rev. Symposium (1979); "'Brown' -- 25 Years Later," Crisis Mag. (1979); "The Desegregation of Urban Schools Thirty Years After Brown," 55 Univ. Colo. L. Rev. 515 (1984); "The 1964 Civil Rights Act, Twenty Years and Beyond." 18 Suffolk Univ. L. Rev. 613 (1984); "The Justification For Race-Conscious Remedies", Harvard Journal of Law & Public Policy 71 (1986); "Remarks on the Bicentennial of The U.S. Constitution, The Harvard Blackletter Journal 12 (1988); "Why Be A Minority Professor Of Law", St. Louis Univ. Public L. Rev. 431 (1991); "Milliken v. Bradley: Brown's Troubled Journey North, Fordham L. Rev. 49 (1992); "The Bill of Rights - Then and Now - An Ever Present Challenge, Ohio Northern Univ. L. Rev. 499 (1992); Keynote Address, NBLSA Midwest Region, 2nd Annual Midwest Recruitment and Retention Conference: Focus on Retention -- Strategies That Work, Northern Illinois Univ. L. Rev. 262 (1992).

Throughout Judge Jones' professional life he has served on a number of committees and special bodies. He was Co-Chairman of the Task Force on Administration of Military Justice, Department of Defense, 1972-1973, Trustee of the Lawyers Committee for Civil Rights, 1975-1979, and a former member of the Task Force on Veterans' Benefits. He was also a charter member of the Youngstown Area Development Corporation, and holds membership in the Elks, the Masons, the Urban League and a Life Member of the NAACP.

He was a member of the American Bar Association and from 1969-1979 served as Co-chairman of the Constitutional Rights Committee, and the ABA Criminal Section, 1971-1973. Jones is also a member of the Federal Bar Association, the National Bar Association where he was Chairman of the Civil Rights Section in 1976, the American Arbitration Association, the Ohio State Bar Association, the Mahoning County Bar Association, the Houston Law Club and Kappa Alpha Psi. He is listed in "Who's Who in America" and "Who's Who in Black America."

Married to the former Lillian Hawthorne, they are the parents of four children, three of whom are lawyers, and one who is an Atlanta businessman.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

September 24, 1993

CHAMBERS OF
GILBERT S. MERRITT
CHIEF JUDGE
SUITE 303 CUSTOMS HOUSE
701 BROADWAY
NASHVILLE, TENNESSEE 37203

The Honorable Nathaniel R. Jones
United States Court of Appeals
432 U.S.P.O. & Courthouse
Cincinnati, Ohio 45202

Dear Judge Jones:

I have your letter of September 23, 1993 asking for my opinion and judgment respecting your service as UN Advisor for the Somali Court System. You would assist the United Nations and the government of the United States, at the request of the President through Ambassador Richard Schifter, in establishing and strengthening the Somali court system.

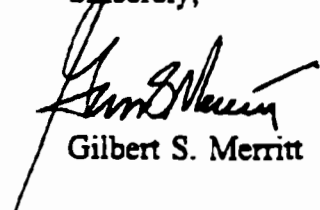
I see no objection to your service in this capacity. It is obviously a great opportunity to sponsor and help put in place the rule of law in Somali. You are to be commended for your many services in the past in helping to strengthen the rule of law in other countries in Africa. I fully understand why the President and the Secretary General of the United Nations would want you to serve in this capacity. I can think of no one who could offer them better advice and counsel.

The canons of judicial ethics encourage judges to undertake activities to strengthen the rule of law around the world. Many judges have undertaken such activities. The Judicial Conference of the United States recently established a permanent International Judicial Relations Committee for the very purpose of encouraging judges to engage in activities which strengthen the rule of law and strengthen the court systems in foreign lands. Our country, through the state department, and often in cooperation with the American Bar Association, is sending judges to many places in the world, especially Russia and other former Soviet states, to help them in achieving this same type of objective. As chairman of that committee of the Judicial Conference, I am aware of many such activities carried on by judges - although your responsibilities may be more far reaching and more difficult.

The April 25, 1991 letter from the Committee on Codes of Judicial Conduct of the Judicial Conference of the United States, a letter signed by the committee chairman Walter Stapelton, certainly serves as a precedent for your engaging in such public service in conjunction with the United Nations upon the request of the government of the United States. This precedent appears to be directly in point.

I not only approve of your request but would encourage you to undertake such an assignment. Let me know if we can be helpful in making your life easier so that you can carry out your responsibilities more effectively.

Sincerely,



Gilbert S. Merritt

mss

cc: James Higgins

FAX FROM

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

DATE: September 24, 1993

TO: Ambassador Richard Schifter
National Security Council

FROM: **Nathaniel R. Jones**
United States Court of Appeals
for the Sixth Circuit
Room 432, USPO & Courthouse Bldg.
Cincinnati, OH 45202
(513) 684-2921 (telephone number)
(513) 684-3427 (fax machine number)

Number of pages: 4 (this number includes cover sheet)

Message:

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
OHIO · MICHIGAN · KENTUCKY · TENNESSEE

CHAMBERS OF
NATHANIEL R. JONES
CIRCUIT JUDGE
432 U. S. POST OFFICE & COURTHOUSE
CINCINNATI, OHIO 45202-3988

September 24, 1993

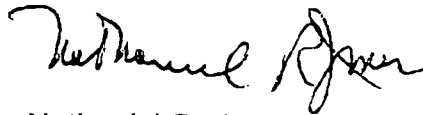
Ambassador Richard Schifter
Special Assistant to the
President and Counselor
National Security Council
Washington, D.C. 20506

Dear Ambassador Schifter:

I am transmitting to you for your information, a summary of an Advisory Opinion issued by the Codes of Conduct Committee of the Judicial Conference of the United States. It bears rather directly on the matter we have been discussing.

Chief Judge Merritt has been apprised of this Opinion and I expect to receive a letter of approval from him within a few days. As soon as it is received I will advise you.

Sincerely yours,



Nathaniel R. Jones

NRJ:mlc
Enclosure

COMMITTEE ON CODES OF CONDUCT
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
FEDERAL BUILDING, LOCKBOX 33
644 KING STREET
WILMINGTON, DELAWARE 19801

JUDGE R. LANIER ANDERSON, III
JUDGE FRANKLIN S. BILLINGS, JR.
JUDGE JOHN P. FULLAN
MAGISTRATE HENRY L. JONES, JR.
JUDGE JOHN B. JONES
JUDGE NATHANIEL R. JONES
JUDGE ROBERT C. JONES
JUDGE HENRY A. POLITZ
JUDGE DAVID SAN
JUDGE ROBERT M. TAKASUGI
JUDGE JOSEPH L. TAURO
JUDGE PATRICIA M. WALO
JUDGE MIRAM H. WARD
JUDGE JAMES B. ZAGEL

JUDGE WALTER K. STAPLETON
CHAIRMAN

April 25, 1991

TELEPHONE
COM: (302) 573-6165
FYS: 487-6165

R. TOWNSEND ROBINSON
COUNSEL
FYS: 633-5987

RECEIVED

APR 29 1991

NATHANIEL R. JONES
Circuit Judge

Honorable Louis H. Pollak
United States District Court
16613 United States Courthouse
Independence Mall West
Philadelphia, PA 19106-1723

Re: Docket No. 781

Dear Judge Pollak:

You inquire whether a judge may serve as a member of the Working Group on Detention of the United Nations Human Rights Commission. If appointed, you would serve as one of five members. You would be the member selected from a particular set of nations--Canada, United States, and the nations of Western Europe. You would not, however, be a representative of your country or any of the other countries. You would serve the United Nations. You would accept no compensation for your services but would receive travel expenses. You would be nominated for this post by the United States, but the selection would be made by the United Nations. Your nomination does not mean you would, in fact, be selected.

The Working Group reports to the United Nations Human Rights Commission and also to the General Assembly on complaints of violations of those provisions of the Universal Declaration of Human Rights that relate to unlawful detention (i.e., for political reasons or without due process). The Working Group will have occasion to engage in on-site fact finding though it will do so infrequently. Members of the Working Group would appear before the Human Rights Commission to explain the Working Group's reports.

Honorable Louis H. Pollak
April 25, 1991
Page Two

Canon 5G states:

A judge should not accept appointment to a committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice, unless appointment of a judge is required by Act of Congress. A judge should not, in any event, accept such an appointment if the judge's governmental duties would interfere with the performance of judicial duties or tend to undermine the public confidence in the integrity, impartiality or independence of the judiciary.

The Committee believes this is the appropriate Canon to apply in your case although we do not believe our analysis would be materially different if we applied Canon 4C. The United Nations may not, in a technical sense, be a government, but it is more analogous to a government than to a private organization. Your appointment to the Working Group would come only as a result of your nomination by our government.

Given that the mission of the Working Group is to hold up against the model standard of the U.N. Declaration, the current workings of legal systems, and the administration of justice in various nations around the world, the subject matter addressed by the Working Group would appear to concern improvement of the law, the legal system, or the administration of justice. So the initial requirements of Canon 5G are satisfied in our opinion.

One further requirement of Canon 5G is that the appointment not interfere with judicial duties. We have no way of knowing whether or not this will occur because we do not know how much of your time will be consumed by Working Group activities or when that time will have to be spent with the Working Group. Nothing you have reported to us, however, suggests that the responsibilities of members of the Working Group are incompatible with your judicial responsibilities.

The remaining requirement of Canon 5G is that the appointment not tend to undermine the public confidence in the integrity, impartiality or independence of the judiciary. We have, in the past, expressed concern over participation by judges in a

Honorable Louis H. Pollak
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Page Three

private group's efforts to ameliorate unlawful detention. We have found that a judge may not write letters to foreign governments protesting unlawful detention of a specific person if the letter identifies its author as a judge. In that case we believe (1) the judge might contravene a statute prohibiting citizens from corresponding to foreign governments without the authority of the United States (18 U.S.C. 953) and, in so doing, contravene Canon 2A as well ("A judge should ... comply with the law."); (2) the judge would lend the prestige of his office to advance the private interest of a specific person (the detainee) and thus contravene Canon 2B; and (3) the judge would incur an unavoidable risk that his actions would contravene Canon 7 which prohibits political activity.

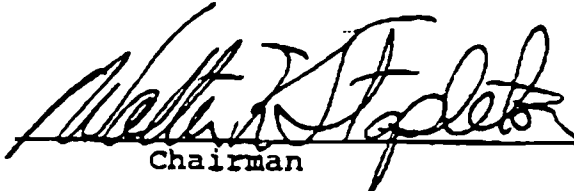
Your case is different. Your nomination by the United States avoids the problem of communicating with foreign governments without the authority of the United States. We assume you will speak to the Commission and the Assembly not as a judge but as a Working Group member. Indeed, use of the title "United States District Judge" with respect to Working Group activities would be inappropriate. We further assume the Working Group will ordinarily address the problem of unlawful detention in a context that is broader than a plea or demand for the release of specific individuals. Moreover, if such a plea or demand for release is made on occasion, we assume it will be in the name of the United Nations or the Commission and not in the name of the individual members of the Working Group. Finally, you will be able to reach your conclusions about matters of unlawful detention on the basis of your own fact-finding, not solely upon the representations of one group that such detention is occurring.

Since the purpose of the Working Group is to improve legal systems and the administration of justice around the world, its activities will be "political" in one sense of that word. Canon 7A(3), however, provides that activities directed to the improvement of the law, the legal system, and the administration of justice are not foreclosed by the general prohibition against engaging in political activity. While we can conceive of the Working Group becoming involved in matters so controversial that your involvement could jeopardize your effectiveness as a judge at home, we think those instances should be rare and that in the unlikely event that such a situation should develop, you would have sufficient warning to permit your withdrawal without injury to your effectiveness as a judge.

Honorable Louis H. Pollak
April 25, 1991
Page Four

The Committee therefore sees no reason why the Canons would be contravened by your appointment as a member of the Working Group. You must, however, consider, now and throughout any service on the Working Group, whether the time you devote to the Working Group will interfere with the performance of judicial duties and whether the activities of the Working group would impair your effectiveness as a judge.

For the Committee


Chairman

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. memo	[Duplicate of 001] (2 pages)	09/29/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [1]

2012-0659-F
kc4103

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]

Biographical Data

THE HONORABLE NATHANIEL R. JONES United States Circuit Judge

Judge Jones was born in Youngstown, Ohio on May 13, 1926, to Lillian and Nathaniel B. Jones. He attended the public schools there. After service in the United States Air Force in World War II, he was educated at Youngstown State University, receiving his A.B. in 1951 and his LL.B. in 1956 (converted to J.D. in 1970). He was admitted to the Ohio Bar in 1957.

While an undergraduate and law student, Judge Jones worked as a reporter. At the age of 20 he became editor of the Buckeye Review Newspaper and managed the Dickerson Printing Company. From 1956 to 1959, he was Executive Director of the Fair Employment Practices Commission of the City of Youngstown and the Mayor's Human Relations Commission. During this period, he was a member of the Mahoning County Welfare Advisory Board. A year after entering the private practice of law, Attorney General Robert Kennedy appointed him as an Assistant United States Attorney for the Northern District of Ohio at Cleveland. He held that position until being appointed in 1967 to serve as Assistant General Counsel to President Johnson's National Advisory Commission on Civil Disorders, also known as the Kerner Commission. This group made a study of the causes of the urban riots of the Sixties. Following the work of the Kerner Commission, Judge Jones returned to Youngstown to practice law as part of the law firm of Goldberg and Jones.

In 1969, the distinguished civil rights leader, Roy Wilkins, executive director of the National Association for the Advancement of Colored People, with whom Judge Jones had been associated in his work on the Kerner Commission, invited him to New York to assume the responsibility as general counsel of the NAACP. He held the position for a decade, from 1969 to 1979. He became the fourth chief counsel for that organization since its founding in 1909.

As National General Counsel, Judge Jones supervised the legal staff and programs of the organization that had chapters in 1,700 cities of the fifty states. In addition to serving as legal advisor to the various departments within the organization and to local branches, he directed all litigation in which the NAACP engaged.

In his capacity as General Counsel, Judge Jones coordinated the attack against northern school segregation and twice argued in the United States Supreme Court the Detroit school case, Bradley v. Milliken, 418 U.S. 717 (1974). In addition, in 1979 he had the responsibility for successfully organizing the presentation to the United States Supreme Court in the cases of Dayton Board of Education, et al. v. Brinkman, et al., 433 U.S. 406 (1977) and Columbus Board of Education, et al. v. Penick, et al., 443 U.S. 449 (1979). During Judge Jones' tenure as NAACP General Counsel, he directed the national response to the attacks against affirmative action, led an inquiry into discrimination against black servicemen in the military, and supervised the NAACP's defense in the Mississippi Boycott case, that led to a landmark Supreme Court decision that declared the right of individuals and organizations to engage in protests under the First Amendment.

On May 17, 1979, at a White House ceremony, President Carter announced his intention to appoint Nathaniel Jones to the United States Court of Appeals for the Sixth Circuit. After confirmation, he took his oath of office on October 15, 1979.

In addition to his judicial duties, Judge Jones participates in a variety of activities, including those related to legal education. He is adjunct professor at the University of Cincinnati College of Law, instructor in the trial advocacy program at the Harvard Law School and adjunct professor at the Criminal Law Institute of Atlanta University. He is currently serving as a member on the Board of Visitors at the College of Law, University of Cincinnati; the Indiana University School of Law and the Salmon P. Chase College of Law of Northern Kentucky State University.

He is a former member of the Board of Visitors at Case Western Reserve University Law School in Cleveland. He also is currently serving as a member of the Board of Governors of Nova University Law Center. Other activities include lecturing and judging moot court competitions at the following institutions: Harvard Law School, Yale Law School, Marshall Law School of Cleveland State University, Thurgood Marshall College of Law, Antioch College School of Law, Georgetown Law Center, University of Dayton, Ohio State University, Capitol University Law School, Columbia University Law School, New York University, Boston University Law School, Boston College's Law School and many others.

In 1985 Judge Jones traveled to South Africa on behalf of the Lawyers' Committee for Civil Rights Under Law, where he was a legal observer at a treason trial of 16 blacks. While on that mission, he was arrested for violation of apartheid laws. Returning to South Africa the following year, he lectured at a symposium held for thirty South African judges. In November, 1986, Judge Jones was part of a four-person team that went to the Soviet Union to meet with Soviet officials and Jewish Refuseniks, in connection with human rights. In June of 1987, he chaired a conference in Washington on "Children, The Law and Repression in South Africa." In June of 1989, Judge Jones travelled to Namibia as part of a visiting delegation to monitor the election process that would lead to the independence of Namibia.

Judge Jones has received numerous honors and awards including honorary degrees from Youngstown State University in 1970, Syracuse University in 1972, University of Akron School of Law in 1988, Indiana University School of Law-Indianapolis in 1990, Lesley College in 1991, William Mitchell College of Law in 1993 and Nova University in 1993. The National Bar Association conferred its Equal Justice Award in 1978.

Other activities of Judge Jones include the following:

Co-Chairman - The Roundtable - the aim of which is to broaden the involvement of minorities in the legal profession. Sponsored by the Cincinnati Bar Association and The Black Lawyers Association of Cincinnati.

Chairman, 1987 - Brotherhood National Conference of Christians and Jews, Cincinnati Region. Member - Board of Directors, Black Jewish Coalition.

On May 19, 1987, Judge Jones presented a paper at a Columbia Law School - NAACP Legal Defense Fund symposium on "Blacks and the Bicentennial of the Constitution."

Member - Committee on Code of Conduct of the Judicial Conference of the United States

Member - Advisory Committee of the Urban Morgan International Human Rights Institute

Member - Board of Governors, Nova University

Member - Board of Trustees, Thomas More College

Member - Board of Visitors, Northern Kentucky University

Master - Potter Stewart American Inns of Court

Trustee - Interrights, USA, an international human rights organization

Trustee - National Conference of Christians & Jews

Former President - Alpha Delta Boule', Sigma Pi Phi Fraternity

Member - Kappa Alpha Psi Fraternity

Member - Gothic Lodge #22 King Solomon Consistory No. 20

Mason, 33rd Degree - United Supreme Council

Member - Black Lawyers Association of Cincinnati

Member - Cincinnati Bar Association

Member - Committee, ABA Committee on Law Schools Accreditation

Coordinator - Death Penalty Task Force U.S. Court of Appeals for the Sixth Circuit

Member, University Club

Founding Director, Metropolitan Club

Judge Jones, along with his lecturing, has authored numerous articles and papers including "Yearning to Breathe Free," a report of the South African treason

trial; "Federal Power As Used to Protect Minority Rights," published in the Brigham Young L. Rev. 815 (1987); "Strategies for Completing the Job of Social Desegregation," 19 Howard L.J. 82 (1975); "Is 'Brown' Obsolete?," 3 Integrated Educ. (1976); "School and Divergent Perspectives: Changing Civil Rights Through Law -- Can It Be Done?," American Sociological Association (1977); "Metropolitan Desegregation: Where Are the Courts Heading?," Urban Rev. (1978); "Equal Protection Clause," Sw. L. Rev. Symposium (1979); "'Brown' -- 25 Years Later," Crisis Mag. (1979); "The Desegregation of Urban Schools Thirty Years After Brown," 55 Univ. Colo. L. Rev. 515 (1984); "The 1964 Civil Rights Act, Twenty Years and Beyond." 18 Suffolk Univ. L. Rev. 613 (1984); "The Justification For Race-Conscious Remedies", Harvard Journal of Law & Public Policy 71 (1986); "Remarks on the Bicentennial of The U.S. Constitution, The Harvard Blackletter Journal 12 (1988); "Why Be A Minority Professor Of Law", St. Louis Univ. Public L. Rev. 431 (1991); Milliken v. Bradley: Brown's Troubled Journey North, Fordham L. Rev. 49 (1992); "The Bill of Rights -- Then and Now -- An Ever Present Challenge, Ohio Northern Univ. L. Rev. 499 (1992); Keynote Address, NBLSA Midwest Region, 2nd Annual Midwest Recruitment and Retention Conference: Focus on Retention -- Strategies That Work, Northern Illinois Univ. L. Rev. 262 (1992).

Throughout Judge Jones' professional life he has served on a number of committees and special bodies. He was Co-Chairman of the Task Force on Administration of Military Justice, Department of Defense, 1972-1973, Trustee of the Lawyers Committee for Civil Rights, 1975-1979, and a former member of the Task Force on Veterans' Benefits. He was also a charter member of the Youngstown Area Development Corporation, and holds membership in the Elks, the Masons, the Urban League and a Life Member of the NAACP.

He was a member of the American Bar Association and from 1969-1979 served as Co-chairman of the Constitutional Rights Committee, and the ABA Criminal Section, 1971-1973. Jones is also a member of the Federal Bar Association, the National Bar Association where he was Chairman of the Civil Rights Section in 1976, the American Arbitration Association, the Ohio State Bar Association, the Mahoning County Bar Association, the Houston Law Club and Kappa Alpha Psi. He is listed in "Who's Who in America" and "Who's Who in Black America."

Married to the former Lillian Hawthorne, they are the parents of four children, three of whom are lawyers, and one who is an Atlanta businessman.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

September 24, 1993

CHAMBERS OF
GILBERT S. HERRITT
CHIEF JUDGE
SUITE 303 CUSTOMS HOUSE
701 BROADWAY
NASHVILLE, TENNESSEE 37203

The Honorable Nathaniel R. Jones
United States Court of Appeals
432 U.S.P.O. & Courthouse
Cincinnati, Ohio 45202

Dear Judge Jones:

I have your letter of September 23, 1993 asking for my opinion and judgment respecting your service as UN Advisor for the Somali Court System. You would assist the United Nations and the government of the United States, at the request of the President through Ambassador Richard Schifter, in establishing and strengthening the Somali court system.

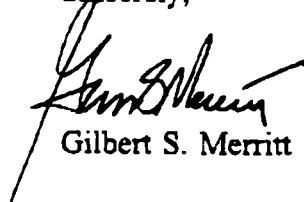
I see no objection to your service in this capacity. It is obviously a great opportunity to sponsor and help put in place the rule of law in Somali. You are to be commended for your many services in the past in helping to strengthen the rule of law in other countries in Africa. I fully understand why the President and the Secretary General of the United Nations would want you to serve in this capacity. I can think of no one who could offer them better advice and counsel.

The canons of judicial ethics encourage judges to undertake activities to strengthen the rule of law around the world. Many judges have undertaken such activities. The Judicial Conference of the United States recently established a permanent International Judicial Relations Committee for the very purpose of encouraging judges to engage in activities which strengthen the rule of law and strengthen the court systems in foreign lands. Our country, through the state department, and often in cooperation with the American Bar Association, is sending judges to many places in the world, especially Russia and other former Soviet states, to help them in achieving this same type of objective. As chairman of that committee of the Judicial Conference, I am aware of many such activities carried on by judges - although your responsibilities may be more far reaching and more difficult.

The April 25, 1991 letter from the Committee on Codes of Judicial Conduct of the Judicial Conference of the United States, a letter signed by the committee chairman Walter Stapelton, certainly serves as a precedent for your engaging in such public service in conjunction with the United Nations upon the request of the government of the United States. This precedent appears to be directly in point.

I not only approve of your request but would encourage you to undertake such an assignment. Let me know if we can be helpful in making your life easier so that you can carry out your responsibilities more effectively.

Sincerely,



Gilbert S. Merritt

mss

cc: James Higgins

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
OHIO · MICHIGAN · KENTUCKY · TENNESSEE

CHAMBERS OF
NATHANIEL R. JONES
CIRCUIT JUDGE
432 U. S. POST OFFICE & COURTHOUSE
CINCINNATI, OHIO 45202-3988

September 28, 1993

Ambassador Richard Schifter
Special Assistant to the
President and Counselor
National Security Council
Washington, D.C. 20506

Dear Ambassador Schifter:

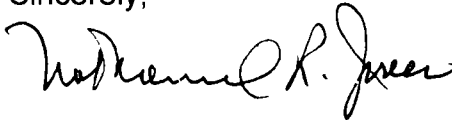
I was pleased that we had an opportunity to further discuss the Somalia undertaking.

For your information, I pass along the letter received today from Chief Judge Gilbert S. Merritt. As you will see, he strongly endorses my assuming this responsibility.

Also attached are a few pages from a brochure of the Urban Morgan Institute for Human Rights. You may wish to peruse the names of members of the advisory bodies associated with the Institute for the purpose of determining the appropriateness of a designation. There are a few names missing, including Ken Blackwell's.

While I was out this afternoon, Bill Sykes called. We shall speak in the morning.

Sincerely,



Nathaniel R. Jones

NRJ:mlc
Attachments

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

September 24, 1993

CHAMBERS OF
GILBERT S. MERRITT
CHIEF JUDGE
SUITE 303 CUSTOMS HOUSE
701 BROADWAY
NASHVILLE, TENNESSEE 37203

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United States Court of Appeals
432 U.S.P.O. & Courthouse
Cincinnati, Ohio 45202

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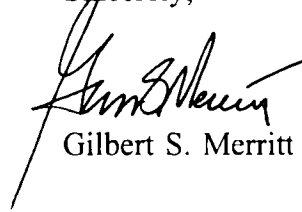
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I not only approve of your request but would encourage you to undertake such an assignment. Let me know if we can be helpful in making your life easier so that you can carry out your responsibilities more effectively.

Sincerely,

A handwritten signature in black ink, appearing to read "Gilbert S. Merritt". The signature is fluid and cursive, with a long, sweeping underline that extends to the left and then curves back under the name.

Gilbert S. Merritt

mss

cc: James Higgins

The notion of human rights finds grounding in principles dating back to Greek philosophy and various world religions. Other well-known landmarks were the Magna Carta in 1215 and the Bill of Rights in 1689 in England. Yet it was not until the Age of Enlightenment that persons were regarded as being endowed by nature with inalienable fundamental rights that could be invoked against their respective governments and that must be safeguarded by those governments. The Bill of Rights incorporated into the American Constitution in 1791 and the famous French Declaration of the Rights of Man and of the Citizen of 1789 contained for the first time a principled and systematic presentation of human rights in the sense of fundamental freedoms. Since then, virtually every nation's laws contain legal guarantees for human rights.

Nevertheless, it only has been since the end of World War II that the legal protection of individuals by their respective governments has been made an obligation under international law. There were some antecedents, for instance, in the areas of anti-slave trade treaties, humanitarian law applicable in armed conflicts, labor conventions, and the League of Nations mandate system, protection of minorities in various post-World War I treaties, and humanitarian intervention; but the United Nations Charter in 1945 marks the first explicit entry of human rights into international law. With the adoption of the Universal Declaration of Human Rights on December 10, 1948, by the United Nations General Assembly—often referred to as the international Magna Carta—a new and significant body of law developed at the universal and regional levels. Treaties relating to such topics as genocide, racial and gender discrimination, refugees, rights of children, civil and political rights and economic, social and cultural rights have been promulgated over the past 45

years, and attention to human rights continues to be a major agenda item before the international community. The Council of Europe, the Organization of African Unity and the Organization of American States are three key regional organizations that have established bodies and procedures for the promotion and protection of human rights.

Responding to the growing importance of this body of law, courses in international human rights are now offered at the major American law schools, and the legal literature in this area has grown rapidly. It is with this background that the University of Cincinnati College of Law established in 1979 the first endowed institute at an American law school devoted to the study of international human rights law. The Urban Morgan Institute for Human Rights was made possible by a generous grant by William J. Butler, Trustee of the Urban Morgan Educational Fund. Mr. Butler is a distinguished member of the New York Bar who has been active in human rights causes for many years.

The establishment of the Institute gives recognition to the fact that the primary movers, both in terms of sources of new ideas and strategies for implementation, in the international human rights field are private organizations acting in domestic and transnational arenas. In that the majority of the developing law in this field represents limitations upon the actions of governments, it is understandable that the record of governments often has been checkered in its observance and promotion of the rights guaranteed. Such a reality underscores the critical need for private efforts such as the Urban Morgan Institute for Human Rights to take the lead in the promotion and protection of human rights, particularly as it relates to the education of tomorrow's leaders.

The College of Law of the University of Cincinnati

The College of Law of the University of Cincinnati is one of the oldest continuously operating law schools in the United States. It stems from the Cincinnati Law School which was founded in 1833 by John C. Wright, Timothy Walker, and Edward King. In 1835 the Cincinnati Law School was incorporated with the Cincinnati College and was from that time conducted under the name of the Law School of the Cincinnati College.

In 1896 a number of distinguished members of the Cincinnati Bar, among them William Howard Taft, organized the Law Department of the University of Cincinnati, with Taft as its Dean. In 1918, a union between the Law Department of the University and the Law School of the Cincinnati College was effected. In its halls have taught and studied many who became great leaders of our country. Illustrative of this is the fact that simultaneously three sections of the Federal government were headed by graduates of the College of Law: Chief Justice of the United States, William Howard Taft; Vice President of the United States and President of the United States Senate, Charles G. Dawes; and Speaker of the House of Representatives, Nicholas Longworth. Out of the long and honorable service of the College has grown a grand tradition.

The College of Law recently completed an exciting development plan whereby it dramatically improved its physical facility and enlarged its faculty while remaining a relatively small law school with a student body of 400. The new facility has dedicated space for the Institute, including a seminar and conference room, carrels for the Fellows, and for the Morgan Collection, a designated room in the library as well as offices for the *Human Rights Quarterly* and the Institute's clinical program. These excellent facilities were made possible through a generous grant by William J. Butler, Trustee of the Urban Morgan Educational Fund. The additional faculty

Distinguished Visitors Program

Over one hundred of the world's leading human rights scholars, activists, and decisionmakers have conducted seminars at the Institute. Recent visitors include Renee Epelbaum, founder of the Mothers of the Plaza de Mayo; Dr. Clyde Snow, a forensic anthropologist involved in the search for the disappeared in Argentina; Professor Kevin Boyle, former Director of Article 19 in London; Nigel Rodley, Legal Adviser of Amnesty International; Toine van Dongen, Member of the U.N. Working Group on Disappearances; Thole Majodina, a civil rights lawyer in South Africa; Dr. Marjorie Agosin of Wellesley College; and Bertie Ramcharan of the United Nations.

Scholars-in-Residence

From time-to-time the Institute provides research facilities to visiting scholars. Recently, Professor Koshi Yamazaki, Faculty of Law, Kagawa University, Japan spent a year in residence.

Director

The Director of the Urban Morgan Institute is Professor Bert B. Lockwood, Jr. Professor Lockwood joined the faculty in December 1979 from American University, where he was Associate Dean of the law school. Prior to that experience, Professor Lockwood held a number of positions in the international law field, including Assistant Director and Senior Fellow of the Center for International Studies at New York University Law School, Executive Director of the Procedural Aspects of International Law Institute and Program Director of the World Peace Through Law Institute

Professor Lockwood is Editor-in-Chief of the *Human Rights Quarterly*; Series Editor, *Pennsylvania Studies in Human Rights*; and Editor-in-Chief, *Amnesty International USA Legal Support Network Newsletter*. He is a member of the Human Rights Committee of the International Law Association, American Branch; the Advisory Board and Domestic Litigation Committee of the International Human Rights Law Group; the American Bar Association Subcommittee on the Teaching of International Human Rights Law; the Litigation Committee of the South Africa Project of the Lawyers Committee for Civil Rights Under Law; the Advisory Council of the Procedural Aspects of International Law Institute; the Advisory Council of the Canadian Foundation on Human Rights; the International Advisory Board of the Netherlands Institute for Human Rights; Advisory Board of the U.S. Institute for Human Rights; the Consultative Council of the Lawyers Committee on Nuclear Policy; the Human Rights Advocacy Group of the American Society of International Law; Executive Committee of the International Law Section of the American Association of Law Schools; the Board of Directors of the Hebrew Union College and University of Cincinnati Center for the Study of Professional Ethics; Coordinator, Group 86, Amnesty International; and Chair of the Committee on Human Rights and Investments at the University of Cincinnati.

Professor Lockwood received his formal education at St. Lawrence University, B.A.; Syracuse University, J.D.; and the University of Virginia, LL.M.

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