

THE WHITE HOUSE

21 December 2000

THE PRESIDENT HAS SEEN
12-27-00

Copied
Melinda
Podesta

Dear Mr. President,

I hope you enjoy these pictures of another President from long ago. I believe that (thanks to you) all of us will forever feel connected to this House and all its occupants.

Merry Christmas to you!

Melinda

Love them
Thanks
Trin

PHOTOCOPY
WJC HANDWRITING

THE WHITE HOUSE
12-29-00

Preventive Medicine Research Institute

A non-profit public benefit institute dedicated to research, education, and service

Dean Ornish, M.D.
Founder and President, Preventive Medicine Research Institute
Clinical Professor of Medicine, University of California, San Francisco
900 Bridgeway, Suite 1
Sausalito, California 94965
phone: 415/332-2525 x222; FAX: 415/332-5730
e-mail: DeanOrnish@aol.com

*fin
a: nicam*

December 26, 2000

TO: President Bill Clinton

FROM: Dean Ornish, M.D. *Dean*

Really great seeing you last week at The White House and to see Quincy and the others receiving their medals from you and Hillary. You made some great choices. Also, Molly and I were so thrilled to introduce you both to baby Lucas. Enclosed are two photos you may enjoy. Lucas may love these photos the way you value the photo of you and President Kennedy. (*We* certainly do.) Thank you so much. Also, we treasure the framed letter from you and Hillary welcoming Lucas into the world, just as we cherish our friendship.

On another note, I read in *The New York Times* that you are considering a pardon for Michael Milken. I have known Mike since 1984 when he gave one of the earliest grants in support of my research proving, for the first time, that heart disease is reversible by changing diet and lifestyle. He doesn't have heart disease, so his motivations were purely altruistic. In 1996, he made the first grant in support of our study to see if prostate cancer is reversible by changing diet and lifestyle. He has become such an authority in the field that any time someone has been interested in supporting my prostate cancer research, they almost always call Mike first for his assessment.

I have attended his annual CapCURE scientific meetings each year since 1996, and it is truly remarkable what he has accomplished in bringing together the top researchers from all over the world and encouraging them to work collaboratively and inclusively. He has lobbied effectively to increase the budgets for the NIH, NCI, and DOD cancer research efforts and also raised tens of millions of dollars for prostate cancer research in private funds via CapCURE. I do not know of anyone who has done more to advance the field. Also, I have attended his annual education awards to outstanding teachers, which have been quite moving.

Despite his accomplishments and philanthropy, Mike's number-one priority has always been his family. No one asked me to contact you, but I imagine a pardon would mean so much to him and his family—not to exonerate or to excuse what happened in the past, but as a new beginning. It may be helpful in furthering his many humanitarian efforts. To me, the real measure of a man is what he does with his life *after* he's made mistakes—and if ever anyone has embodied redemption, it's Michael Milken. He is an extraordinary human being. "To err is human, to forgive, divine."

Molly joins me in sending our love and best wishes to you and Hillary for a holiday season and a new year filled with love and joy. We hold you dear in our hearts and hope to see you soon.

PHOTOCOPY
WJC HANDWRITING

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M. Cabe
Podestq*

*Copied
M. Cabe
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JF1200 039 NNN1 71.23

12/22/00

DOUGLAS J. BAND

THE PRESIDENT HAS SEEN
12-27-00

✓
Dear Mr. President,

Thank you for the beautiful sweater. I like it very much and as always, it was very thoughtful of you to think of me.

Best wishes for a healthy and happy holiday season to you and your family.

Doug

PHOTOCOPY
WJC HANDWRITING

Mr. President

Mr. President

THE PRESIDENT HAS SEEN

12-27-00

DMW GREER

2025 Broadway 24k New York City 10023

ph/fx: 212.799.2570

oem copy
Maria
This is crazy
Pls try to help,
Andrew. I need
need reply -
RC

14 November 2000

Dear Mr. President,

Original
Send to

Five years ago when my pla
English Actor, Andrew Hall
respected in the London th
beautiful spirit, he is th
Although marriage is not y
way a couple; committed to a supportive and loving relationship which we
pray will last a lifetime.

Maria after
you have
seen.

London's West End,
in love. Universally
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I've ever known.
, we are in every other

Three years ago this month Andrew was approved for a Green Card based on
his extraordinary ability as an Actor and Singer. A classic "leading
man", he's starred in Phantom of the Opera, Carousel and Jesus Christ
Superstar to name just three of many. (I've attached all of the pertinent
documents to familiarize you with him). Unfortunately, he was
subsequently denied his Immigrant Visa in the embassy interview because
of a (now hotly contested) 1996 INS ruling which disallowed the
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Have you ever been arrested or convicted for an offense or crime
involving **moral turpitude** or a violation related to a **controlled
substance**; or been arrested or convicted for two or more offenses for
which the aggregate sentence to **confinement** was **five years or more**;
or been a **controlled substance trafficker**; or are you seeking entry
to engage in **criminal or immoral activities**?

copied
Echaveste
lobasta

THE PRESIDENT HAS SEEN

12-27-00

DMW GREER

2025 Broadway 24k New York City 10023

ph/fx: 212.799.2570

Maria
This is crazy
Pls try to help,
Andrew. I need
need reply -
RC

14 November 2000

Dear Mr. President,

Five years ago when my play, *burning blue*, was on London's West End, English Actor, Andrew Halliday, and I met and fell in love. Universally respected in the London theatre community for his talent and his beautiful spirit, he is the most remarkable person I've ever known. Although marriage is not yet a legal option for us, we are in every other way a couple; committed to a supportive and loving relationship which we pray will last a lifetime.

Three years ago this month Andrew was approved for a Green Card based on his extraordinary ability as an Actor and Singer. A classic "leading man", he's starred in *Phantom of the Opera*, *Carousel* and *Jesus Christ Superstar* to name just three of many. (I've attached all of the pertinent documents to familiarize you with him). Unfortunately, he was subsequently denied his Immigrant Visa in the embassy interview because of a (now hotly contested) 1996 INS ruling which disallowed the Interviewing Officer from ignoring a petty offense on Andrew's British National Identification Document.

Briefly: While a 22 year old honours student at Guildford School of Acting, Andrew worked at a travel company to put himself through school. On three occasions over the course of 12 days, he naively agreed to procure theatre tickets for classmates with the promise that they would repay the company once they received allowances from their parents. The monies never materialized, Andrew rightfully took the rap and was called to Petty Sessional Court, where he was fined the equivalent of \$150 and reprimanded by the Judge who admonished him for being so dangerously gullible. A Court Clerk reassured Andrew that, assuming he had no more infractions, the petty offense would disappear from his record after a couple of years. From 1992 until 1997, when Andrew was approved for his Immigrant Visa, he traveled to America several times and on every occasion understandably answered "no" to the following confusing and misleading question on the visa waiver form which resulted in the INS accusing him of "multiple misrepresentations at port of entry".

Have you ever been arrested or convicted for an offense or crime involving **moral turpitude** or a violation related to a **controlled substance**; or been arrested or convicted for two or more offenses for which the aggregate sentence to **confinement** was **five years or more**; or been a **controlled substance trafficker**; or are you seeking entry to engage in **criminal or immoral activities**?

copied
Echaveste
Roberta

Although Andrew may travel back and forth between New York and London and is allowed (in theory) to work with a job specific visa, he is unable to work on the New York stage (the very thing for which he received his 'extraordinary ability' immigrant visa) because the Actor's Equity union requires Green Cards from all alien actors. This means he can only audition for film and television projects for which temporary 'project specific' visas are required. But here's the catch: In actual practice Casting Directors and Producers rarely hire actors who require a temporary visa which takes weeks -- often months-- of effort and expense to secure. After three years and literally dozens of auditions this repeated rejection based on his not having a permanent visa has very nearly destroyed his confidence and career.

After thousands of dollars, five lawyers, three letters of appeal to the INS (through two Congressmen and one Senator) and unrelenting heartache we are still being told Andrew is a 'criminal'-- that this is a lifetime exclusion -- because he trusted his classmates and made a youthful misjudgement. What happened to proportionality and compassion?

Now 43, I'm a former Naval Aviator, an emerging Playwright, and a steadfast supporter of yours and Mrs. Clinton's. My career and my heart are here in America but without a Green Card, my spouse cannot make a living here which is placing a huge emotional and financial burden on our relationship and makes the viability of staying together and starting a family (we hope to adopt) uncertain at best.

Mr. President, I can only imagine how full your plate is at this juncture in your life and dare to add anything else to it but, given the uncertain political climate, the prospect of a male couple in our situation getting any consideration after January 20th seems highly improbable.

The INS is trying to force me to choose between my relationship and my country. I can't do that.

We have nowhere else to turn. Please help us.

Respectfully yours,


David Greer

ENCLOSURES

1. Letters of Endorsement for Andrew's Immigrant Visa (5 of 12)
2. Immigrant Visa (Green Card) Approval Notice (7 October 1997)
3. Embassy Denial Notice (26 November 1997)
4. National Identification Service Document
5. Petty Sessional Court Record (7 September 1990)
6. National Public Radio Excerpt (11 August 2000)
7. Photo and Professional Biography

C A M E R O N



M A C K I N T O S H
L I M I T E D
NUMBER ONE, BEDFORD SQUARE
LONDON W C 1 B 3 R A
TELEPHONE 1917 1 937 8600
FAX 1917 1 436 2089

Immigration & Naturalisation Service
PO Box 10140
Laguna Nueval,
CA 92607-0140

25 February, 1997

To whom it May Concern

I am writing in support of ANDREW HALLIDAY's application to work in the United States.

I have known Mr Halliday's work since he first came into the profession after training at Drama School. I have seen him develop as an artist from his early work in the ensemble rising to the status of a principal player. He has played leading roles in my productions of CATS and PHANTOM OF THE OPERA and has always been conspicuous both for his undoubted talent and his professionalism.

The qualities he exhibits as a performer are sufficiently rare, both in this country and in the US. to make him a valuable asset to either territory and I would wish to heartily support his application.

Yours sincerely

CAMERON MACKINTOSH

Harold Prince

• 10 ROCKEFELLER PLAZA •

SUITE 1009

NEW YORK, N. Y. 10020

Telephone
(212) 399-0900
Facsimile
(212) 974-2676

February 6, 1997

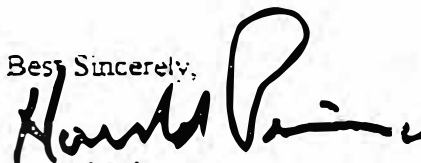
Immigration & Naturalization Service
PO Box 10140
Laguna Niguel, CA 92607-0140

To Whom it May Concern:

This letter is in enthusiastic support of Andrew Halliday's application for a visa to work in the United States. Mr. Halliday played the romantic lead in my production of PHANTOM OF THE OPERA first in Edinburgh, Scotland, and then at Her Majesty's Theatre in London. He is one of the most talented and effective to have played that role. He possesses a beautiful singing voice, is an excellent actor, has stature, and very romantic looks. These are qualities quite rare in musical theater and it is my feeling that he would be a very busy man were he permitted to work in our country.

I hope to hear that his application has been confirmed.

Best Sincerely,


Harold Prince



WARNER BROS.

4000 Warner Boulevard
Burbank, California 91522
(818) 954-6000

March 13th 1997

Immigration and Naturalization Service
P.O. Box 10140
Laguna Niguel, CA 92607-0140

Re: Andrew Halliday

Dear Immigration Examiner,

I am a film director. Among others, I have directed *DYING YOUNG* (Julia Roberts), *THE LOST BOYS* (Jason Patric), *FALLING DOWN* (Michael Douglas), *THE CLIENT* (Susan Sarandon and Tommy Lee Jones), *BATMAN FOREVER* (Nicole Kidman) *A TIME TO KILL* (Matthew McConaughey and Sandra Bullock).

I first became acquainted with Mr. Halliday when I was in London for the premiere of *BATMAN FOREVER* and he was the romantic lead in *PHANTOM of the OPERA*.

There can be no doubt that Mr. Halliday is an actor of tremendous ability. He has worked non-stop for the past six years garnering lead roles and great critical acclaim in the worlds' top musicals and dramas. He is one of the most sought after actors in the U.K. and Europe and I'm excited at the prospect of being able to work with him on future projects in the U.S.

In the ever more internationally competitive arena of film production there is enormous demand for the few multi-talented actor/singers such as Mr. Halliday. I strongly support the approval of his Green Card Application so that I might have the opportunity to make use of his unique abilities in America.

Sincerely yours,



Joel Schumacher

SCOTT RUDIN
PRODUCTIONS
120 WEST 45TH STREET
101 FLOOR
NEW YORK, NY 10036
212-454-4600

February 18, 1997

Immigration and Naturalization Service
PO Box 10140
Laguna Niguel, CA 92607-0140

Dear Immigration Examiner,

I am the Vice President of Development at Scott Rudin Productions, arguably one of the most successful in the industry. Our recent productions include *The First Wives Club*, *Ransom*, *Marvin's Room*, *Mother*, *Clueless*, *Nobody's Fool*, and *Sister Act*. We are also prolific Broadway producers, and count among our credits: *A Funny Thing Happened on the Way to the Forum*, *Skylight*, and *Indiscretions*.

I am responsible for identifying and acquiring new properties to develop for film and stage. I am also instrumental in casting decisions, and always on the lookout for actors whom I think would be appropriate for our projects.

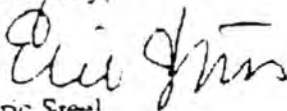
Andrew Halliday is one of those.

I recently became acquainted with Mr. Halliday after seeing the raw footage of *Dance to the Rhythm of the Night*. Mr. Halliday's performance as a manipulative nightclub singer is simply stunning.

To find new actors of this ability is always exciting and quite uncommon. On top of that, his singing voice is exceptional. I am hoping we will be able to consider Mr. Halliday for one of the leads in an upcoming musical film we have in development, and that he will help make it a success.

I look forward to Andrew Halliday's petition for a green card being approved as soon as possible. Thank you in advance for your consideration.

Sincerely,


Eric Steel
Vice President

ES/bc

Johnson-Liff Casting Associates Ltd.

Geoffrey Johnson
Vincent G. Liff

Suite 1400, 1501 Broadway, New York, N.Y. 10036 (212) 391-2680

7 February 1997

Immigration & Naturalization Service
Post Office Box 10140
Laguna Niguel
California 92607-0140

To Whom It May Concern:

Johnson-Liff Casting Associates Ltd. has been recognized as one of the preeminent casting organizations for the past twenty years. As a founding partner of the firm, in that time I have cast actors in literally hundreds of stage, film, and television productions. We have been instrumental in finding the ideal performer for the many roles we have been hired to cast. Some of these recognizable names include Julie Andrews and Liza Minnelli ("Victor/Victoria"), Whoopi Goldberg and Nathan Lane ("A Funny Thing Happened On The Way To The Forum"), Sting ("The Threepenny Opera"), Nell Carter ("Ain't Misbehavin'"), Michael Crawford ("Phantom Of The Opera"), Glenn Close and Diana Carroll ("Sunset Boulevard"), Maggie Smith ("Night And Day," "Sister Act," "Bette And Lovage"), Jennifer Holliday ("Dreamgirls"), Jane Seymour ("Amadeus"), Faye Dunaway ("Curse Of The Aching Heart"), Meryl Streep ("The Holocaust"), Jack Lemmon ("A Sense Of Humor"), Alec Baldwin ("Loot"), Bernadette Peters ("Song And Dance"), Joan Collins ("Private Lives"), Dustin Hoffman ("The Merchant Of Venice"), etc. We have also cast non-star productions of "Cats," "Les Miserables," "Miss Saigon," etc.

My job is to recognize and recruit actors/singers/dancers with exceptional abilities. I became familiar with ANDREW HALLIDAY when visiting London's West End on several occasions in 1995 and 1996 for the purpose of finding young new talent. Seeing ANDREW perform in the English productions of "Phantom Of The Opera" and "City Of Angels," it was immediately apparent to me that Mr. Halliday is an extraordinary performer.

A consummate singer, actor, and dancer, ANDREW's winning sophisticated quality puts him in a category of dashing leading men rarely seen in this era. We are continually casting new and existing Broadway musicals and plays, several of which he is ideal for but unfortunately we are

(continued)

Page 2

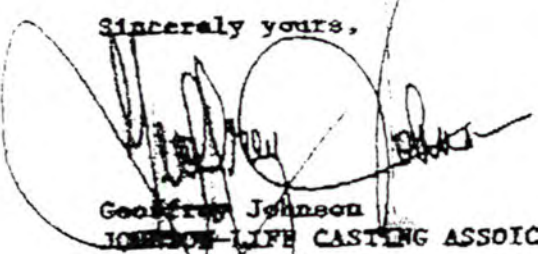
Johnson-Liff Casting Associates

unable to cast him because of Actors Equity strict restrictions regarding actors without permanent visas.

It is apparent that ANDREW has a huge stage and film career ahead of him and I can only hope that I will be able to avail myself of his abilities as soon as possible.

Thank you for your kind attention to this important matter.

Sincerely yours,



Geoffrey Johnson

JOHNSON-LIFF CASTING ASSOCIATES LTD.

Notice of Action

RECEIPT NUMBER EAT-91-157-3741	CASE TYPE IMMIGRANT PETITION FOR ALIEN WORKER
THE UNITED STATES OF AMERICA	

NOTICE DATE October 7, 1997	PAGE 1 of 1	BENEFICIARY HALLIDAY, ANDREW W.
ANDREW W. HALLIDAY 36 QUEENSWOOD COURT KINGS AVENUE LONDON ENGLAND SW4 8EB UNITED KINGDOM		Notice Type: Approval Notice Section: Alien of Extraordinary Ability, Sec.203(b)(1)(A) Consulate: LONDON

Courtesy Copy: Original sent to: WRIGHT ESQ, CHRISTOPHER M.

This courtesy notice is to advise you of action taken on this case. The official notice has been mailed to the attorney or representative indicated above. Any relevant documentation included in the notice was also mailed as part of the official notice.

The above petition has been approved. We have sent it to the Department of State National Visa Center (NVC), 32 Rochester Avenue, Portsmouth, NH 03801-2909. NVC processes all approved immigrant visa petitions that need consular action. It also determines which consular post is the appropriate consulate to complete visa processing. The NVC will then forward the approved petition to that consulate.

This completes all INS action on this petition. If you have any questions about visa issuance, please contact the NVC directly. The telephone number to NVC is (603) 334-0700.

The NVC will contact the person for whom you are petitioning concerning further immigrant visa processing steps.

This courtesy copy may not be used in lieu of official notification to demonstrate the filing or processing action taken on this case.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (714) 360-2769



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SHOW: All Things Considered

DATE: August 11, 2000

NOAH ADAMS, host:

It's NPR's ALL THINGS CONSIDERED. I'm Noah Adams.

The Immigration and Naturalization Service is getting ready to change its guidelines for deporting criminal aliens. Four years ago, Congress passed a sweeping immigration law that led to the deportation of thousands of people who had been convicted of minor crimes. The INS has executed the law to the letter, but now the INS is doing a quiet, but official, about-face. It's preparing to send out guidelines that allow immigration officers to relax their enforcement. NPR's Barbara Bradley has a report.

BARBARA BRADLEY reporting:

The quandary for the INS boils down to this: When do you adhere to the letter of the law and when do you bend it? For example, in the case of Debra Aaron(ph), should a youthful mistake follow her her entire life? Or can the INS decide to look the other way? In 1976, Aaron was a 20-year-old university student sharing a home in London with several other students. On August 12th, at 7 AM, the police arrived at their home with a search warrant. The police were looking for drugs, and they found them, 54 grams of hashish in a small pouch. Aaron said the drugs belonged to her boyfriend, but her lawyer advised her to avoid a trial, plead guilty and to pay the equivalent of a \$15 fine. That's what she did.

Ms. DEBRA AARON: I went straight downstairs, paid the 10 pounds, and I thought, right, that's the end of it, it's over. And little did I know it had only just begun.

BRADLEY: The next year, she met and married an American. She tried to get permanent residency in the United States, but because of her drug conviction, she couldn't. Finally, in 1993, the INS granted Aaron humanitarian parole. At this point, she was living in California with her husband and three children, all US citizens. Every year, the INS granted parole again which allowed her to stay and work at a non-profit hunger organization. But in 1997, an INS officer in Los Angeles told her the law had changed.

Ms. AARON: And he said, 'I'm very sorry,' you know, 'this is extraordinary. I know it must seem very harsh, but this is what the law says and we can't do anything about it. We're not going to chase you out of the country, but if you do reapply when this particular parole runs out next year, you won't be granted it again.'

BRADLEY: The next year when Aaron applied for an extension, the INS ordered her deported. Ben Johnson(ph), an immigration lawyer, says the 1996 law has created thousands of stories like this. It made most drug crimes and any offense with more than a one-year sentence grounds for deportation, even shoplifting, theft or forging a check. Johnson says it doesn't matter when the crime was committed, nor does it matter whether the person has been rehabilitated. The law treats every immigrant the same.

Mr. BEN JOHNSON (Immigration Lawyer): They may be veterans. They may have large families in the United States. They may be owners of businesses. They may be significant contributors to the US economy or to the society or community where they live. And simple formulaic responses to 'You did this; therefore, you will be deported,' ignores the whole process of proportionality. It's absolutely mechanical.

BRADLEY: Republican Congressman Lamar Smith, who chairs the House Subcommittee on Immigration, says it's not the law that's mechanical, it's the INS. He says the law lets the INS choose whether to target a shoplifter or a murderer, but the agency hasn't used good judgment.

Congressman LAMAR SMITH (Chair, House Subcommittee on Immigration): A number of members of Congress, including me, have written letters saying, 'You have the power to exercise prosecutorial discretion. Prosecutorial discretion and parole authority is all there for a reason. Why don't you take advantage of it? Why don't you exercise that discretion or grant that parole to the cases that cry out for it?'

BRADLEY: The INS says it had no choice, given the language and the tone of the 1996 law.

Mr. CHUCK DEMORE (INS District Director, San Francisco): The message to the officers was, 'This is the law. This is the way we want it to be applied. Now apply it.'

BRADLEY: Chuck Demore(ph) is the INS district director in San Francisco. He says many times the INS doesn't learn about the mitigating factors until it's too late because the law often requires a snap judgment.

Mr. DEMORE: For example, the alien was convicted of statutory rape. We might find out well after the fact that he was 18, she was 17 and he subsequently married the woman and now they have a United States citizen child and it's seven years later. And now coming in at our airport, we determine that they're subject to removal or exclusion based on this criminal conviction.

BRADLEY: They get put into deportation proceedings and then, he says, the INS feels obligated to continue. Others believe the INS is just deflecting criticism for its unyielding policies.

But now, after years of bad publicity, the INS is telling its officers they're allowed to look the other way. In the next few months, the agency will send new guidelines to all its regional offices telling officers they can, and often should, choose not to deport someone. INS general counsel Beau Cooper(ph) says it's an attempt to set a tone among the district offices which he says are known for their independence and tendency to enforce the law as they see fit.

Mr. BEAU COOPER (INS General Counsel): What we're trying to do is to put out a set of principles to help draw the boundaries within which those local decisions will be made.

BRADLEY: He says that could apply to a person with an old crime, a minor one, someone who's not a threat to the community.

Mr. COOPER: Those are the kinds of things that might lead you to say, 'I don't think it's necessary to enforce the rules against this person.'

BRADLEY: This may not sound revolutionary, but the fact is the INS has taken years to write guidelines like these just as remarkable as the attitude of Republicans on Capitol Hill. Congressman Bill McCollum, for example, was a driving force behind the 1996 law. Now he says maybe Congress didn't realize what it was doing.

Congressman BILL McCOLLUM: I think the obvious took place, and that is that you began to see cases come to various congressmen's offices which had very great humanitarian need. We have private immigration bills; that's what they're there for. It is just more difficult, and it's an extraordinarily lengthy process to take every one of these hardship cases and try to deal with it on a case-by-case basis.

BRADLEY: McCollum is the author of one of several bills intended to soften the '96 law.

Still, most of these bills don't address what immigrant advocates consider a huge defect in the '96 law, the role of immigration judges. In the old days, an immigration judge could weigh the good and the bad; but the new law stripped judges of all their discretion in criminal cases. Debra Aaron, the British woman with a 24-year-old conviction, knows that firsthand. She says during her deportation proceeding last year, she grew rather upset with the mechanical application of the law. Finally, the exasperated immigration judge silenced her.

Ms. AARON: And he said, 'Mrs. Aaron, I am trying to help you here. I am trying to find a way for you to stay with your family,' but that is how he said it. He was looking for any way he could to enable me to stay here. But basically, there wasn't one; there just wasn't one.

BRADLEY: Joe Vale(ph) agrees. Vale served as an immigration judge before and after the '96 law. A major reason he resigned is because he could not rule in favor of immigrants with compelling stories.

Judge JOE VALE: In all likelihood, they are going to be deported and they are not coming back anytime soon. And while that may look like a good thing on paper to individuals who enacted that law, when you have to deal firsthand, it is extremely harsh and oftentimes results in very unjust results.

BRADLEY: As for Debra Aaron, her case is being considered by the top immigration court. In the meantime, her father in Britain has fallen seriously ill. The INS says if she goes to visit him, she will not be allowed back into the United States. Barbara Bradley, NPR News, Washington.

ANDREW HALLIDAY

HEIGHT 6'

EYES GREEN

HAIR BROWN

FILM

THE FADING PICTURE

Avery Jones

Daedre Kaehler

TELEVISION

DANCE TO THE MUSIC OF TIME

Johnny Falton

Film 4

EASTENDERS

Jamie Mason

BBC

FREDDIE STARR

Charles

Carlton TV

KISS ME KATE

Jake Hudson

Carlton TV

THE BILL

Peter Myers

Thames TV

THEATER

THE HEIRESS

Morris Townsend

Salisbury Playhouse

A MIDSUMMER NIGHTS DREAM

Lysander

(we) Regents Park Open Air

KILLING RASPUTIN

Dimitri Romanov

(off we) Bridewell Theatre

UNDISCOVERED COUNTRY

Gustl Wahl

Yvonne Arnaud,
Guildford

HEY MR. PRODUCER

Munkustrap (cats)

(we) Lyceum Theatre

PHANTOM OF THE OPERA

Raoul

(we) Her Majestys Th.

CITY OF ANGELS

Stein

(we) Prince Of Wales Th.

JESUS CHRIST SUPERSTAR

Jesus

Origo Arena,
Stockholm
Chichester Festival Th.

DIVORCE ME DARLING

Tony Brockhurst

FOLLIES

Young Ben

Haymarket, Leicester

CAROUSEL

Billy Bigelow

Haymarket, Leicester

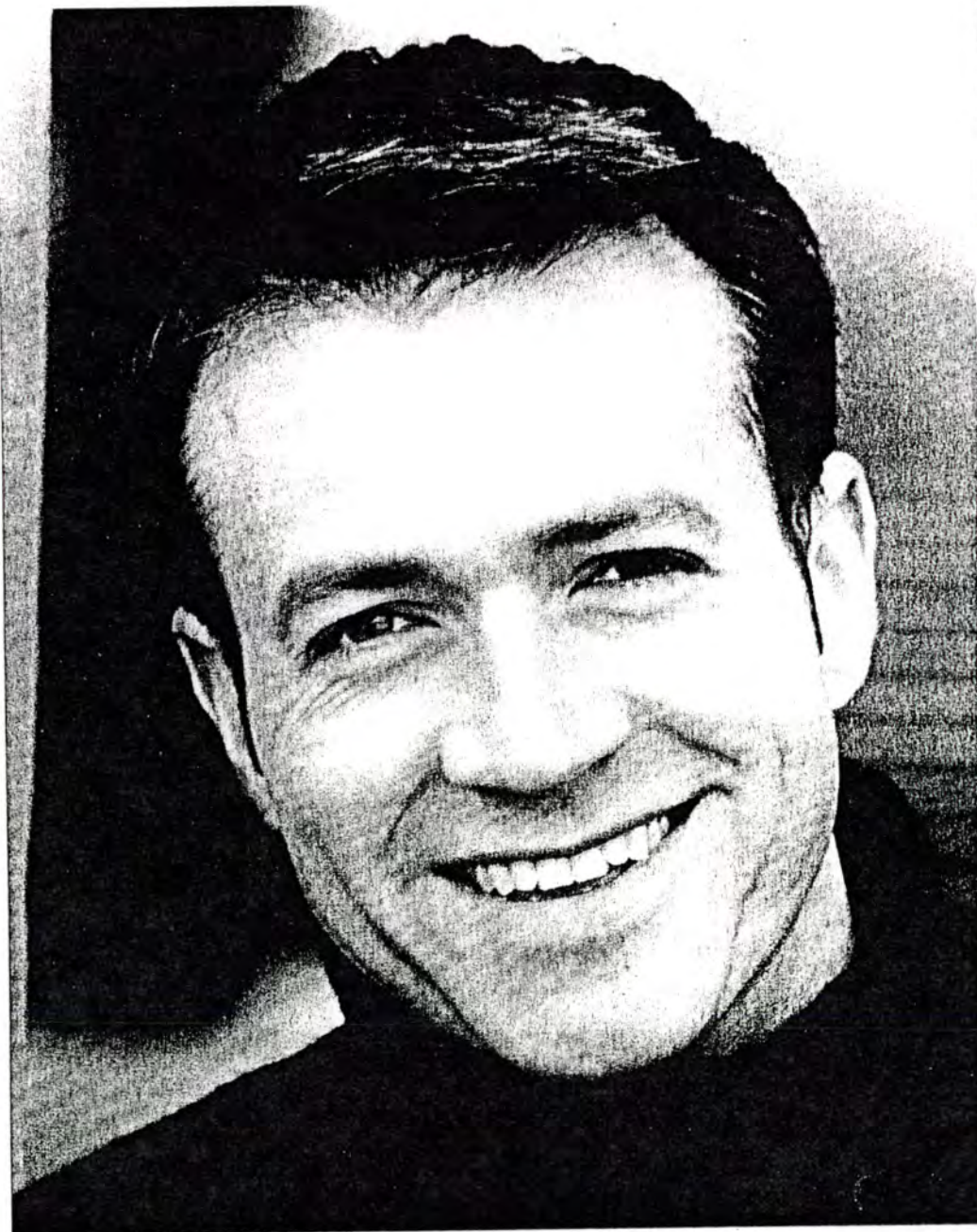
CHESS

The Arbiter

1st National Tour

TRAINING: Guildhall School Of Drama (87 - 90)
Awarded Acting & Singing Graduation Awards

THOMAS HARDING JONES MANAGEMENT
405 East 54th Street #111 New York City 10016
Contact: T. Harding Jones 212-758-9093



HURST LAW OFFICES
 213 WOODBINE
 HOT SPRINGS, ARKANSAS 71901
 (501) 623-2565-Telephone
 (501) 623-9391-Facsimile

THE PRESIDENT HAS SEEN
 1-2-1

Q. BYRUM HURST, JR.
 Attorney at Law

T. CLAY JANSKE
 Attorney at Law

TYLAR C. M. TAPP, III
 Attorney at Law

TAMRA BARRETT
 Attorney at Law

Friday, December 22, 2000

The Honorable William Jefferson Clinton
 President of the United States
 The White House
 c/o Nancy V. Hernreich
 VIA FAX: (202)456-6703

Sandy
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already done
Be

Dear Mr. President:

I know that at this time you are considering the annual renewal decision and report on the national emergency in regard to Libya that was created on January 7, 1986 by Executive Order 12543. I have had an opportunity to study the recent actions of Libya to comply with the requirements of the United Nations and United States.

I wanted to personally discuss these issues with you, as I know that you have worked extremely hard on improving relationships with many countries that the previous administrations may have labeled as pariahs of the world community. Many things of the past have tended to cloud an objective review of the present situation and the actions that Libya has taken to regain acceptance in the world community. Your efforts working towards peace in the middle east has given hope to the Libyan people that they can have a productive dialogue with the United States in reference to the areas of concern that our government has had.

I believe that Libya has demonstrated by concrete actions a commitment to meet the requirements that have been established by the United Nations Security Council Resolutions and United States Policy. Libya's full compliance with the United Nations Security Council Resolutions was recognized by the report of Secretary-General Kofi A. Annan to the Security Council on June 30, 1999. Furthermore, the State Department has recognized in testimony before the Congress, that Libya has reduced its support for terrorism and not recently been implicated in any terrorist acts. In fact the State Department has even stated that Libya's expelling of terrorist groups has even subjected Libya to terrorist threats.

I recognize that your decision and report is due is a matter of days. I am in Washington today in hopes that I might be able to briefly speak personally with you. This would help to assure Libya that their actions have not be in vain. I look forward to hearing from you.

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PHOTOCOPY
 WJC HANDWRITING

Sincerely,

Q. Byrum Hurst, Jr.
 Q. Byrum Hurst, Jr.



**Ronald E. Neumann, Deputy Assistant Secretary
Bureau of Near Eastern Affairs**

Testimony Before the Senate Foreign Relations Committee
Subcommittee for Near Eastern and South Asian Affairs
Washington, DC, May 4, 2000

U.S. Policy Toward Libya

I appreciate the invitation to speak to you on current U.S. policy toward Libya and welcome the opportunity to address a topic of interest to many members. We have achieved significant success in meeting long-established goals, but this is a continuing story whose ending is as yet unclear.

U.S. policy and policy goals vis-a-vis Libya have remained consistent through three Administrations. Our goals have been to end Libyan support for terrorism, prevent Tripoli's ability to obtain weapons of mass destruction, and contain Qadhafi's regional ambitions. Since Lockerbie, we have added additional aims, including bringing the persons responsible to justice. I would like to discuss current developments in the context of U.S. policy goals and unilateral and multilateral efforts on behalf of these goals, and consider what remains to be done.

Prior to the Qadhafi regime, we enjoyed a generally warm relationship with the Libyans and pursued policies centered on our interests in operations at Wheelus Air Force Base with its 4,600 Americans the considerable U.S. oil interests, and other key issues.

After Qadhafi's 1969 coup, the relationship quickly soured. Concerns about Libya's foreign policies came to dominate our policymaking. Chief among these concerns are state sponsorship of terrorism, support for groups violently opposed to Israel and the Peace Process, preventing of Tripoli's efforts to obtain weapons of mass destruction, and unhelpful activities in neighboring African states. Since that time, the U.S. policy agenda toward Libya has been focused on these concerns.

Although our commercial relationship with Libya flourished throughout the 1970s, the political relationship deteriorated, marked by confrontation and by intermittent reconciliation attempts on both sides. In the 1980s, we ended the longstanding commercial relationship and rejected any possibility of reconciliation so long as Libya pursued its policies of concern. We imposed sanctions piece-by-piece in response to Libyan support for terrorism, beginning with the disapproval of all further military sales to Libya and the designation of Libya as a state sponsor of terrorism in 1979. We ultimately imposed comprehensive sanctions on all commercial and financial transactions with Libya under an executive order in 1986. The unilateral sanctions regime against Libya has remained one of the most comprehensive.

Also, in 1986, we identified Libya as responsible for the La Belle Disco bombing, and in retaliation bombed select military and terrorist-related targets in Tripoli and Benghazi. Our judgment on Libyan responsibility for the bombing was recently given additional credibility by new testimony in the Berlin trial of the La Belle bombing suspects.

In the wake of the La Belle bombing, our European allies finally began to coordinate efforts against Libya. The EU resolved to reduce Libyan diplomatic presence abroad, embargo arms sales to Libya, and encourage policy and security cooperation against Libyan support for terrorism.

We obtained UN Security Council support against Libya for its sponsorship of terrorism following evidence of Libyan involvement in the tragic 1988 Pan Am 103 and 1989 UTA 772 bombings. In 1992 and 1993, the Security Council passed a series of resolutions calling on Libya to surrender the suspects, accept responsibility for the actions of its officials, pay appropriate compensation, disclose all it knew of the crime and cooperate with the criminal investigation, cease all forms of terrorist action and assistance to terrorist groups, and prove its renunciation of terrorism by concrete actions. The Security Council imposed civil aviation, financial, and diplomatic sanctions against Libya.

Carefully targeted, UN sanctions against Libya were for many years one of the most successful multilateral sanctions regimes. Rigorously observed sanctions succeeded in isolating Libya and limiting its access to dollars and other hard currencies for almost a decade. However, 2 years ago, support for the international sanctions began to fade. Deliberate violations by some states were increasing. We found little support to upgrade or even maintain the international sanctions.

For 10 years, the United States made every effort to bring the perpetrators of the terrorist bombing of Pan Am 103 to justice. Libya's surrender of the Pan Am 103 suspects came as a result of our intensive efforts to bring them to trial. Beginning in the fall of 1997, along with the British and the Dutch, we developed a detailed plan for a trial before a Scottish court seated in the Netherlands. After we unveiled the plan in August 1998, the UN Security Council unanimously endorsed the initiative and again urged Libya to surrender the suspects. International opinion welcomed this proposal, Libya finally turned over the suspects, under the terms we had laid out. The U.S. engaged in no negotiations and placed no restrictions on the prosecutors' freedom to follow the evidence. The Scottish trial in the Netherlands will be a genuine criminal proceeding, conforming with the rules and traditions of Scottish jurisprudence, and the prosecution will follow the evidence wherever it leads. Since the Libyan suspects' surrender, they have awaited trial in a Scottish jail in the Netherlands. The trial began yesterday and is expected to take some time.

Over time, faced with UN and U.S. sanctions, as well as the attendant political isolation, Libya has reduced its support for terrorism and sought to distance itself from terrorist groups. As reported in *Patterns of Global Terrorism* for the last 2 years, Libya has not been implicated in any international terrorist act for several years and has taken important steps.

Libya has expelled the Abu Nidal Organization, uprooting its infrastructure and seeking to eliminate any ANO presence in Libya. It has cooperated with other intelligence services in the region to deport remaining ANO members from Libya. Ironically, the ANO has publicly threatened terrorist retaliation against Libya.

In addition to withdrawing its support from Palestinian groups that oppose the peace process, Libya has thrown its support to Chairman Arafat and the Palestinian Authority. The Libyan Government has told all Palestinians that the Palestinian Authority is the only

address for their concerns. Given Libya's status as one of the original Arab radical states, this support for the Palestinian Authority represents an historic policy shift toward peace that we should all welcome.

In the last year, Libya has imposed visa restrictions to limit the ability of terrorists to enter its territory as a haven.

Libya has also cooperated with Egypt, Jordan, and Yemen against terrorist groups. In the context of the Arab League Interior Ministers' agreement to cooperate on counterterrorism, we have seen the extradition of a number of suspected terrorists between Libya and Jordan and Libya and Yemen.

While we recognize positive steps Libya has taken, a number of issues remain on which Libya must act. One key question is what else remains for Libya to do on terrorism to show that the break is permanent and not just opportunistic. Libya should comply with the UN Security Council Resolutions, including payment of appropriate compensation, acceptance of responsibility for the actions of its officials, renunciation of and an end to support for terrorism, and cooperation with the Pan Am 103 investigation and trial. In October 1999, Libya allowed the Scottish investigators to travel to Libya and obtain access to requested witnesses and documents. We will insist that any similar, future requests be granted and that Libyan witnesses be able to testify in The Netherlands unimpeded. Such Libyan cooperation is an explicit UN Security Council requirement before UN sanctions are lifted. It is also a concrete way for Libya to demonstrate that it has changed its policy, not just its rhetoric, on terrorism.

has done

We want to see Libya sever all remaining ties with and support for terrorist groups. That would include terminating all contacts, travel on Libyan soil, and financial assistance. We also seek clear and concrete Libyan support for the peace process, including the underlying principles of the Madrid process. Such steps would be a concrete, definitive way for Libya to demonstrate its abandonment of violent opposition to the peace process and cessation of its support for opponents of peace. In this regard, we are closely watching Libya's talks with the EU and possible participation with Israel and the Palestinian Authority in the Barcelona Process. Looking to the future, we would like Libya to join and comply with certain international antiterrorism conventions, which it has indicated a willingness to do.

We remain concerned about Libyan programs to develop weapons of mass destruction (WMD) and missile delivery systems. British authorities at London's Gatwick Airport recently intercepted Scud missile parts interdicted at Gatwick bound for Libya. We seek to prevent Libya's efforts to acquire WMD and delivery systems and encourage other countries to do the same. Multilateral efforts to contain these Libyan programs have, thus far, achieved substantial success. We would like to see Libya join the Chemical Weapons Convention and comply with the CWC and the Biological Weapons Convention. These actions would signal its seriousness of purpose and be an important, concrete step toward more responsible behavior.

Libya's recent record on intervention outside its borders is less clear and requires close attention. Libya continues to be deeply engaged in Africa, including Sierra Leone, Congo, Ethiopia-Eritrea, and Sudan. We want to see it play a constructive role. For example, Libya has joined with Egypt to push for a negotiated resolution of the longstanding

conflict in Sudan. We support the mediation efforts led by East African states under the Inter-Governmental Authority on Development, because its Declaration of Principles spells out the key issues which must be resolved for achievement of a just, lasting settlement. At same time, we have stepped up effort to cooperate with Egypt in the search for peace, as a single, unified process stands the best chance of achieving a settlement in Sudan. However, given the long history of dangerous intervention by Libya outside its borders as well as more recent reports of providing arms throughout the region, we will continue to take steps to ensure that Libya seeks to resolve, rather than aggravate, regional conflicts.

There has been intense press speculation and some Congressional interest about possible changes to travel-related restrictions for Libya. In March, the Secretary authorized a consular trip to Libya for the specific, limited purpose of assessing whether there continues to be an "imminent danger" to U.S. travelers. An "imminent danger" was the factual, legal basis for imposing a restriction on the use of an U.S. passport for travel to, in, or through Libya in 1981. Based on all reports, we believed it was appropriate to assess the situation on the ground for ourselves. The Department is still reviewing the trip findings as well as other relevant information, including reports from European diplomats, our Protecting Power, and travelers to Libya. Speculation about the outcome of this review would be premature; however, knowing of your interest in the matter, we will continue to stay in close contact with you on this issue.

On our key concerns--terrorism, opposition to Middle East peace, and regional intervention--Libya no longer poses the threat it once did. On WMD and missiles, our efforts to impede Libya's programs have had substantial success. That said, we must continue to watch Libya closely and will maintain pressure until all of these concerns are fully addressed. Our goal continues to be to deter Libyan policies of concern. An improved bilateral relationship is not, in itself, an end. We will oppose lifting UN sanctions against Libya until we are satisfied that Libya has met all the relevant UN Security Council requirements. The provisions of the Iran and Libya Sanctions Act regarding investment in Libya's petroleum sector will continue to be considered until, as the statute prescribes, the President has determined and certified to Congress that the UNSCR requirements have been met. Also until that time, we expect to maintain core unilateral economic sanctions prohibiting U.S.-Libyan business. *has done*

Again I would like to thank you, Mr. Chairman, for this opportunity to appear in front of the Subcommittee on these important issues, and would welcome the opportunity to address any specific questions you might have.

[end of document]

S/1999/726
30 June 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL SUBMITTED PURSUANT TO

PARAGRAPH 16 OF SECURITY COUNCIL RESOLUTION 883 (1993)
AND PARAGRAPH 8 OF RESOLUTION 1192 (1998)

>I. INTRODUCTION

1. On 27 August 1998, the Security Council adopted resolution 1192 (1998). In paragraph 8 of the resolution, the Council decided that the measures set forth in its resolutions 748 (1992) and 883 (1993) should be suspended immediately if the Secretary-General reported to the Council that the two Libyan nationals accused of the bombing of Pan Am flight 103 had arrived in the Netherlands for the purpose of trial before the Scottish court sitting in the Netherlands and that the Libyan Government had satisfied the the French judicial authorities with regard to the bombing of UTA flight 772.
2. In the same resolution, the Security Council reaffirmed the provisions of paragraph 16 of its resolution 883 (1993), in which the Council, inter alia, expressed its readiness, following the suspension of the measures, to review the measures with a view to lifting them immediately upon fully compliance by the Libyan Arab Jamahiriya with the requests and decisions in resolutions 731 (1992) and 748 (1992). The Secretary-General was requested, within 90 days of such suspension, to report to the Council on Libya's compliance with the remaining provisions of its resolutions 731 (1992) and 748 (1992).
3. In a letter dated 5 April 1999 (S/1999/378), I informed the Security Council that the requirements of paragraph 8 of Security Council resolution 1192 (1998) had been met. Upon receipt of my letter and in accordance with resolution 1192 (1998), the measures set forth in resolutions 748 (1992) and 883 (1993) were immediately suspended on 5 April 1999 at 1400 hours eastern standard time.
4. In the light of the foregoing, I submit, herewith, the present report pursuant to paragraph 16 of Security Council resolution 883 (1993) and paragraph 8 of resolution 1192 (1998) within the time period of 90 days defined by those resolutions.

II. INTERNATIONAL RESPONSE TO THE EVENTS OF 5 APRIL 1999

5. At the meeting of the Security Council held on 8 April 1999, the President of the Council made a statement on behalf of the Council (S/PRST/1999/10), welcoming my letter of 5 April 1999. The Council took note that the two persons accused of the bombing of Pan Am flight 103 had arrived in the Netherlands for the purpose of trial before the court described in paragraph 2 of resolution 1192 (1998) and that, with regard to the bombing of UTA flight 772, the French authorities had informed me that I might indicate, in reporting to the Council, that the conditions set forth in resolution 1192 (1998) had

been met, without prejudice to the other requests concerning the bombing of Pan Am flight 103.

6. The Security Council also expressed deep appreciation to me, the Governments of the Republic of South Africa and the Kingdom of Saudi Arabia and other countries for their commitment towards reaching a satisfactory conclusion relating to the matter of Pan Am flight 103. The Council further noted the role played by the League of Arab States, the Organization of the Islamic Conference, the Organization of African Unity and the Movement of Non-Aligned Countries in this regard.

7. The Security Council noted that, with my letter of 5 April 1999, the conditions set forth in paragraph 8 of resolution 1192 (1998) for the immediate suspension of the measures set forth in resolutions 748 (1992) and 883 (1993) had been fulfilled. The Council recalled that, in accordance with resolution 1192 (1998), the measures set forth in resolutions 748 (1992) and 883 (1993) had been immediately suspended upon receipt of my letter on 5 April 1999 at 1400 hours eastern standard time. The Council also noted that this development had been immediately acknowledged by the Council through a statement of the President of the Security Council to the press on the same day following consultations of the whole (press release SC/6662).

8. The Presidency of the European Union issued a statement on 5 April 1999 (S/1999/407, annex) welcoming the handover of the two persons accused, thus "bringing about the suspension of United Nations and European Union Lockerbie-related sanctions against the Libyan Arab Jamahiriya". The European Union expressed its conviction that the arrangements made for the Scottish court sitting in the Netherlands would guarantee a fair trial for the accused. It stressed that full compliance with the stipulations of all relevant Security Council resolutions would enable the Libyan Arab Jamahiriya to regain its position as a full member of the international community in the near future. The European Union felt that the suspension and, in due course, the lifting of the sanctions against the Libyan Arab Jamahiriya would open up new perspectives for the social and economic development of the country.

9. On 8 April, Tunisia, on behalf of the States members of the Council of the League of Arab States, welcomed the press statement of the President of the Security Council announcing the suspension of the "coercive measures imposed on the Libyan Arab Jamahiriya, following the substantive and practical measures taken by the Libyan Arab Jamahiriya to settle the dispute peacefully" (S/1999/397). The States members emphasized that it was important for the Security Council to adopt a resolution confirming the suspension as well as the need to lift "as soon as possible" the measures imposed on the Libyan Arab Jamahiriya, "within not more than 90 days". They invited the Security Council to call on all States that have taken measures and decisions in implementation of resolutions 748 (1992) and 883 (1993) to announce their suspension.

10. On 13 April, Uganda, on behalf of the Group of African States at the United Nations, took note of the fact that the Security Council had promptly and unanimously responded to the Libyan handover of the two accused by suspending all the measures imposed against the Libyan Arab Jamahiriya. The Group felt that the suspension should have been effected through a formal resolution of the Security Council in order to "put the matter on a sound legal basis", and requested the Security Council to consider the adoption of a resolution for the complete lifting of the sanctions imposed against the Libyan Arab Jamahiriya as a matter of urgency, taking into account that it had fully cooperated and fulfilled all the requirements of resolutions 731 (1992), 748 (1992), 883 (1993) and 1192 (1998). The Group was of the view that, since the legal process was before the Scottish court, as agreed upon by all the parties concerned, "the politicization of this legal dispute in whatever form or manner and by any one is not acceptable. The matter is sub judice and all parties should abide by the decisions of the Scottish Court sitting in the Netherlands".

11. In a letter dated 20 April 1999 addressed to me, the Permanent Representative of South Africa to the

United Nations, in his capacity as the Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, informed me that the member States of the Movement had been following with utmost interest the latest developments of the Lockerbie question. They commended the Libyan Arab Jamahiriya for the flexibility and rationalism it had demonstrated in dealing with this question from the beginning of the dispute. The Movement expressed the view that "the suspension of the sanctions should have been effected through a formal resolution of the Security Council in order to put the matter on a sound legal basis". It also felt that the Libyan Arab Jamahiriya had "fully cooperated and fulfilled all the requirements of Security Council resolutions 731 (1992), 748 (1992), 883 (1993) and 1192 (1998), including the requirements of resolution 731 (1992), to ensure that the Security Council adopts a resolution lifting completely the sanctions imposed against the Libyan Arab Jamahiriya". The Movement also expressed the view that "since the legal process is before the Scottish Court, as agreed upon by all the parties concerned, the politicization of this legal dispute in whatever form or manner and by any one is not acceptable". The matter was "sub judice" and all parties should abide by the decisions of the Scottish Court sitting in the Netherlands".

12. On 22 April, Qatar, on behalf of the Islamic Group at the United Nations, commended the Libyan Arab Jamahiriya for the flexibility and reasonableness with which it had tackled the Lockerbie issue since the dispute first began (S/1999/466). The Group expressed its view that, in addition to the press statement of 5 April 1999 and the presidential statement of 8 April 1999, the suspension of sanctions should also have been embodied in a resolution adopted by the Security Council so as to place the question in its correct legal framework. The Group requested the Council to speedily adopt a resolution definitively lifting the sanctions imposed on the Libyan Arab Jamahiriya which "has cooperated fully, has discharged all of its obligations under Council resolutions 731 (1992), 748 (1992), 883 (1993) and 1192 (1998) and has responded to the requests to which reference is made in resolution 731 (1992)". The Group expressed its view that now, since the legal process had gone before the Scottish court as agreed by all the parties concerned, "the politicization, in any form and by any party whatever, of this legal dispute would be unacceptable and that, inasmuch as the matter is sub judice, all the parties must comply with whatever verdict is reached by the Scottish court convened in the Netherlands".

III. MEASURES SET FORTH IN SECURITY COUNCIL RESOLUTIONS

731 (1992) AND 748 (1992)

13. By paragraph 3 of its resolution 731 (1992), adopted on 21 January 1992, the Security Council urged the Libyan Government to provide immediately a full and effective response to the requests of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America referred to in the last preambular paragraph of that resolution so as to contribute to the elimination of international terrorism. By paragraph 4 of the same resolution, the Council requested the Secretary-General to seek the cooperation of the Libyan Government to provide a full and effective response to those requests.

14. By paragraph 1 of its resolution 748 (1992), adopted on 31 March 1992, the Security Council reiterated that the Libyan Government must comply without any further delay with paragraph 3 of resolution 731 (1992) regarding the aforementioned requests contained in documents A/46/825-S/23306, A/46/827-S/23308 and A/46/828-S/23309. By paragraph 2 of the same resolution, the Council decided that the Libyan Government must commit itself definitively to cease all forms of terrorist action and all assistance to terrorist groups and that it must promptly, by concrete actions, demonstrate its renunciation of terrorism.

15. Document A/46/825-S/23306 contains requests made by France in connection with the judicial inquiry conducted on the attack on the UTA flight 772 that occurred on 19 September 1989 and resulted in 171 deaths. France demanded that the Libyan authorities cooperate immediately, effectively and by all means with French justice in order to help to establish responsibility for this terrorist act. **Libya** was called upon: (a) to produce all the material evidence in its possession and to facilitate access to all documents that might be useful for establishing the truth; (b) to facilitate the necessary contacts and meetings, *inter alia*, for the assembly of witnesses; and (c) to authorize the responsible Libyan officials to respond to any request made by the examining magistrate responsible for judicial information.

16. Document A/46/827-S/23308 contains requests made by the United Kingdom and the United States, in the form of a joint declaration, with regard to the bombing of Pan Am flight 103, which resulted in the loss of 270 lives. The British and United States Governments declared that the Government of **Libya** must: (a) surrender for trial all those charged with the crime and accept responsibility for the actions of Libyan officials; (b) disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers; and (c) pay appropriate compensation. Both Governments expected **Libya** to comply promptly and in full.

17. Document A/46/828-S/23309 contains a tripartite declaration of 27 November 1991 issued by the Governments of France, the United Kingdom and the United States following the investigation into the bombings of Pan Am flight 103 and UTA flight 772. In the declaration the three Governments reiterated their insistence that the Libyan Arab Jamahiriya comply with their aforementioned requests and, in addition, demanded that it commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups. The Libyan Arab Jamahiriya was requested to promptly, by concrete actions, prove its renunciation of terrorism.

IV. COMPLIANCE WITH THE REMAINING PROVISIONS

A. Requirements emanating from document A/46/825-S/23306

18. It should be noted that, in the case of UTA flight 772, France did not demand the extradition of the suspects but preferred to try them *in absentia* and to seek action from the Libyan Arab Jamahiriya if they were found guilty. On 10 March 1999, a French court in Paris convicted, *in absentia*, Abdallah Senoussi, Abdesslam Issa Shibani, Abdesslam Hamouda, Abdallah Elazrag, Ibrahim Naeli and Musbah Arbas for the 1989 bombing of UTA flight 772. France has issued international arrest warrants for the six Libyan nationals convicted of the bombing. On 31 March the French court issued 17 decisions regarding payment of indemnities to the plaintiffs.

19. On 11 March 1999, the French Ministry of Foreign Affairs issued a statement expecting that the Libyan leadership would uphold the life sentences handed down against the six Libyan nationals in accordance with pledges made, notably in a letter by the Libyan leader, Colonel Muammar Qaddafi to President Jacques Chirac dated 26 March 1996, namely to punish those found guilty and to compensate the victims. France had formally informed the Libyan Arab Jamahiriya of the verdict through diplomatic channels. On 12 April 1999, Libyan Prime Minister Mohammed al-Mangush confirmed that his country would respect its commitment to France.

20. With reference to the requests of France referred to in document A/46/825-S/23306, I already reported in my letter to the Security Council of 5 April that I had been informed by the French

authorities, through a letter dated 13 October 1998 from the Permanent Representative of France to the United Nations, that I might indicate that the conditions set forth in resolution 1192 (1998) had been met, without prejudice to the other requests concerning the bombing of Pan Am flight 103. In doing so, I also reported that, when the discussions were held in October and November 1998 between the United Nations Legal Counsel, Mr. Hans Corell, and a Libyan legal team, headed by Mr. Kamel Hassan Maghur, legal issues related to the implementation of Security Council resolution 1192 (1998) were resolved to the satisfaction of all those concerned, with the assistance, *inter alia*, of the Government of France.

21. With respect to the investigation of the bombing of UTA flight 772, I have subsequently been informed by the French authorities that the requests they had made in the documents referred to above have, on the whole, been satisfied. Furthermore, I have been informed that the French authorities expect that the Libyan Arab Jamahiriya will abide by the obligations that follow from the judgement handed down by the French court, all in accordance with the undertakings of the Libyan Government.

22. As the requirements referred to in document A/46/825-S/23306 have been met, it may be concluded that the Libyan Arab Jamahiriya has thus complied in this regard with the relevant requirements of Security Council resolutions 731 (1992) and 748 (1992).

B. Requirements emanating from documents A/46/827-S/23308

and A/46/828-S/23309

1. Cooperation with the Scottish court sitting in the Netherlands

23. With reference to the requests contained in document A/46/827-S/23308, I wish to recall that, as I reported to the Council in my letter dated 5 April 1999, upon arrival in the Netherlands of the two Libyan nationals accused in the bombing of Pan Am flight 103, as provided for in paragraph 7 of Security Council resolution 1192 (1998), they were detained by the Dutch authorities, pending their transfer for the purpose of trial before the Scottish court sitting in the Netherlands. Following the completion of the Dutch extradition procedures, they were handed over to Scottish justice officials at Camp Zeist, the seat of the Scottish court in the Netherlands.

24. Scottish procedures require that, at the initial stage of prosecution, an accused person, who is arrested, must be brought before the Sheriff for examination within 48 hours of that arrest. Therefore, on 6 April 1999, the two accused appeared before Sheriff Principal Graham Cox. When the two accused appeared on 14 April 1999 before Sheriff Cox for a second time, they were fully committed for trial, which, under Scottish law, was supposed to start within 110 days from 14 April 1999. However, on 7 June 1999, the Scottish court granted a request by defence lawyers of the two persons concerned to delay the trial for six months. A court statement indicated that "trial is scheduled to start on or before 4 February 2000".

25. Since the requests contained in document A/46/827-S/23308 relate to actions which could only be undertaken by the Libyan Arab Jamahiriya during and following the conclusion of the trial of the two persons charged with the bombing of Pan Am flight 103 by the Scottish court sitting in the Netherlands, and the trial has been postponed, it appears that, under the circumstances, Libyan Arab Jamahiriya may only be expected to provide assurances of its commitment to comply with those requirements, particularly as it regards access to witnesses, relevant documents and other material evidence. It is worth

noting, in this regard, that paragraph 2 of resolution 1192 (1998) provides that all States shall cooperate to that end and that, in particular, the Libyan Government shall ensure that any evidence or witness in the Libyan Arab Jamahiriya are, upon the request of the court promptly made available at the court sitting in the Netherlands for the purpose of the trial.

26. For that reason, I am not in a position to provide any factual information on that country's compliance with the relevant requirements. However, I would like to point out that the Libyan authorities have, indeed, provided assurances that they will cooperate with the Scottish court. Such assurances, on behalf of the Libyan authorities, were given to the United Nations Legal Counsel, Mr. Hans Corell, by Mr. Kamel Hassan Maghur, the head of the Libyan legal team, during their discussions in October and November 1998. The Libyan Arab Jamahiriya reconfirmed these assurances in a letter addressed to me by Mr. Omar Mustafa Muntasser, the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya, dated 19 March 1999 (S/1999/311). According to that letter, the Libyan Arab Jamahiriya "undertakes to cooperate with the investigation and the proceedings within the limits permitted by the law and the legislation in force in the Great Socialist People's Libyan Arab Jamahiriya".

2. Payment of compensation

27. As to the requirement concerning the payment of compensation, it appears that since the Scottish court has not yet completed its proceedings, much less found the Libyan Arab Jamahiriya responsible for the bombing, it would be contrary to the purpose of resolution 1192 (1998) to anticipate that the Libyan Arab Jamahiriya should be expected to accept responsibility and pay compensation now to the families of the Pan Am 103 victims before the trial is completed. At the same time, the Libyan Arab Jamahiriya has publicly stated on several occasions that it will comply with the conclusions of the Scottish court, whatever they may be, and if required will pay the necessary compensation. In the 19 March letter, Mr. Muntasser also emphasized that "the Libyan Arab Jamahiriya reaffirms what it stated previously with regard to compensation in the event that the suspects are found guilty and a final verdict is rendered to that effect".

28. With reference to such previous statements, I would like to bring to the attention of the Security Council the fact that, in a report of my predecessor submitted to the Security Council pursuant to paragraph 4 of Security Council resolution 731 (1992) (S/23672), the Council was informed that in the course of two meetings held between Under-Secretary-General Safronchuk with Colonel Qaddafi, the Libyan leader had pointed out that it was "premature to discuss the question of compensation, which can result only from a civil court decision. However, the Libyan Arab Jamahiriya will guarantee the payment of compensation awarded as a result of responsibility of its suspected citizens if they are unable to pay it themselves". The Libyan Arab Jamahiriya later pledged to officially undertake to pay appropriate compensation if its responsibility for the Pan Am 103 incident is established (S/23918).

3. Renunciation of terrorism

29. As noted above, paragraph 2 of Security Council resolution 748 (1992) and the tripartite declaration circulated in document A/46/828-S/23309 request that the Libyan Arab Jamahiriya commit itself definitively to cease all forms of terrorist action and all assistance to terrorist groups and that it must promptly, by concrete actions demonstrate its renunciation of terrorism. The Libyan Arab Jamahiriya

has stated, on numerous occasions, that it was opposed to terrorism in all its forms and condemned all terrorist acts. For the purpose of this report, I shall recall some of the statements by which the Libyan Arab Jamahiriya has conveyed its position to the Security Council.

30. According to a letter of the Secretary of the People's Committee of the People's Bureau for Foreign Liaison and International Cooperation, transmitted by the Permanent Representative of the Libyan Arab Jamahiriya on 14 May 1992 (S/23918), his country accepted Security Council resolution 731 (1992), with a view to strengthening the role of the United Nations in the maintenance of international peace and security and declared that it "definitively renounces all form of international terrorism of whatever origin". The Libyan Arab Jamahiriya pledged to sever relations with all groups and organizations involved in international terrorism of any kind and to affirm that there are no terrorist training camps or terrorist organizations or groups in its territory, invited a committee from the Security Council, the United Nations Secretariat or any appropriate United Nations body to investigate this matter at any time and, furthermore, pledged that it will not in any way permit its territory, its citizens or its institutions to be used directly or indirectly for the perpetration of terrorist acts. It was prepared to impose the severest penalties on anyone proved to be involved in such acts and promised to undertake to respect the national options of all States and to base its relations on mutual respect and non-intervention in internal affairs.

31. In another letter, dated 8 December 1992 (S/24961), the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya stated that his country had severed its relations with all groups and organizations suspected of involvement in acts of terrorism and did not permit its territory, its nationals or its institutions to be used for the commission, directly or indirectly, of acts of terrorism and was prepared to impose the severest penalties on anyone proved to have been involved in such acts. It also declared that there were no camps in its territory for the training of terrorists. The Libyan Arab Jamahiriya had invited the Security Council or any international body it may appoint to verify that fact on the spot and had cooperated constructively with the Government of the United Kingdom, as attested by British officials themselves, with a view to tracing those elements and organizations accused by the United Kingdom of involvement in terrorist acts.

32. In a letter dated 26 July 1994 (S/1994/900), the Secretary of the General People's Committee for Foreign Liaison and International Cooperation reaffirmed that the Libyan Arab Jamahiriya had declared, in numerous letters, its total renunciation of terrorism in all its forms and its condemnation of all acts of terrorism. Consequently, it had enacted specific measures, including the severance of contacts with all groups and factions involved in what was characterized as terrorist activities and the affirmation that there were no terrorist training camps or terrorist organizations in its territory, and had renewed its invitation to receive a technical mission to ascertain this matter, despite the absence, thus far, of any response to this objective and logical proposal. In demonstration of its good faith, the Libyan Arab Jamahiriya fully cooperated with British authorities in enhancing their capacity to counter terrorist activities and had provided all the information in its possession that might have strengthened the capacity to counter and contain terrorism. Moreover, it had announced its complete readiness to cooperate with the French authorities investigating the bombing of UTA flight 772 and had pledged to provide all possible facilities to the French examining magistrate. The Libyan Arab Jamahiriya informed the Council that contacts continued between the judicial authorities in the two countries with a view to reaching agreement on a programme to assist the French examining magistrate in completing his task.

33. At the 3864th meeting of the Security Council, held on 20 March 1998, the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya made a statement in which he pointed out that his country had "never supported terrorism but has assisted in the liberation struggle - and there is a big difference between the two" (S/PV.3864). He emphasized that his country declared its condemnation of terrorism in all its forms and manifestations in

several letters to the Secretary-General of the United Nations and the President of the Security Council, such as those contained in documents S/23396, S/24209, S/24961 and S/1994/900. The Libyan Arab Jamahiriya had repeated this declaration at various levels of responsibility and, furthermore, had called for the convening of a special session of the General Assembly to consider the question of terrorism (A/46/840). It had also announced its readiness to formulate an agreement, or bilateral or multilateral agreements, which would define the methods required to eradicate international terrorism and to enter into bilateral or multilateral talks to achieve this end (S/23672).

34. The Secretary of the General People's Committee pointed out that, in addition, his country had announced that it would never allow its territory, citizens or institutions to be used in any form to commit terrorist acts, directly or indirectly, and expressed its readiness to punish severely those proved to be involved in such acts (S/23417). He further declared that his country had no objection to inquiries inside the Libyan Arab Jamahiriya by the Secretary-General or one of his representatives in order to refute or confirm these claims, and that it committed itself to providing all facilities and information that the Secretary-General or his representative deemed necessary to uncover the truth (S/23672 and S/23417). He recalled that the Libyan Arab Jamahiriya had called on the Security Council and the Secretariat to send a committee, an envoy or envoys to ascertain the fact that it had nothing to do with terrorism (S/26500, S/26760, S/1996/73, S/1996/609, S/1997/378, S/1997/503, S/1997/518, S/1997/549, S/1997/857, S/1997/880).

35. In a statement issued on 20 November 1995 (S/1995/973), the Government of the United Kingdom confirmed that it had, on 31 October 1995, received the Libyan Government's answers to a fifth set of questions about its links with the Provisional Irish Republican Army. It was noted in the statement that there remained gaps and omissions in the information given by the Libyan Government. However, considering the Libyan disclosures in their entirety the British authorities were satisfied with them since they largely met their expectations. The British Government acknowledged that the Libyan readiness to answer its questions was a positive step towards the implementation of the relevant Security Council resolutions, in particular towards the renunciation of terrorism, a path, it was hoped, the Libyan Arab Jamahiriya will continue to follow. The United States Government has stated that the Libyan Arab Jamahiriya has not however taken similar steps with regard to its support for other terrorist organizations.

36. With respect to the requirements of resolution 748 (1992), I have also been informed by the Government of France that it considered recent acts by the Libyan authorities to be indicative of the Libyan Government's renunciation of terrorism.

V. FINAL OBSERVATIONS

37. The present report is based on a concrete mandate given to me by the Security Council, which is contained in resolutions 731 (1992), 748 (1992), 883 (1993), with their cross-reference to the requests of the Governments of France, the United Kingdom and the United States, as indicated in documents A/46/825-S/23306, A/46/827-S/23308 and A/46/828-S/23309, and resolution 1192 (1998). I am aware and recognizant of political and legal developments on a national level related to the bombing of UTA flight 772 and Pan Am flight 103 in the three countries concerned. However, this report does not provide a total and comprehensive view of all the events and developments related to the aforementioned tragic events but rather a specific and, thus, limited picture in line with the Security Council's mandate.

38. By its resolution 883 (1993), the Security Council requested me to report on compliance by the

Libyan Arab Jamahiriya with the remaining provisions of its resolutions 731 (1992) and 748 (1992). The findings of the present report, which are contained in section IV, speak for themselves and there is no need for me to summarize them once more in the final observations.

39. As I pointed out in my 5 April letter to the Security Council, the arrival of the two persons accused in the Netherlands for the purpose of trial by the Scottish court and the subsequent immediate suspension of measures set forth in Security Council resolutions 748 (1992) and 883 (1993) would not have been possible without the demonstration of goodwill by all the parties concerned and without their commitment to resolving all the issues related to the implementation of Security Council resolution 1192 (1998) in a satisfactory and mutually acceptable manner. I also expressed the hope that the spirit of cooperation now established will be maintained and that the start of the trial will mark the beginning of a process leading to the normalization of relations among all parties concerned for the benefit of the international community as a whole.

40. I am pleased to report that on 11 June 1999 I hosted a tripartite meeting between the Permanent Representatives of the Libyan Arab Jamahiriya, the United Kingdom and the United States in order to assist the participants in clarifying the positions of their Governments regarding the requirements of the aforementioned Security Council resolutions for the lifting of measures imposed by the Council on the Libyan Arab Jamahiriya. The participants exchanged views and ideas and agreed that there was need for a follow-up meeting. I hope that further contacts will help to develop a constructive dialogue between the parties concerned and will eventually lead to the normalization of relations among them.

[\[Back to Listing of the Secretary-General's Reports to the Security Council in 1999\]](#)

[\[Back to Listing of Security Council documents\]](#)

WHITE HOUSE STAFFING MEMORANDUM

Date: 12/13/00 ACTION / CONCURRENCE / COMMENT DUE BY: ASAPSubject: ITC Limited Exclusion Order -- Flash Memory
Flash Microcontroller Semiconductor Devices...

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	SIEWERT	☐	☒
PODESTA	☒	☐	HALL	☐	☐
ECHAVESTE		12-15-00	IE	☐	☐
RICCHETTI	Send to RM?			☐	☐
LEW	Yes			☐	☐
BAILY	no			☐	☐
BERGER			ING	☐	☐
BLUMENTHAL		Card	TT	☐	☐
BRAIN			NTANO	☒	☐
BURSON	☐	☐	UCELLI	☐	☐
CAHILL	☐	☐	VERVEER	☐	☐
EDMONDS	☐	☐		☐	☐
FRAMPTON	☐	☐		☐	☐
IBARRA	☐	☐		☐	☐
JOHNSON, B.	☐	☐		☐	☐
JOHNSON, J.	☐	☐		☐	☐
LANE	☐	☐		☐	☐

REMARKS:

Comments to Staff Secy

RESPONSE:

WHITE HOUSE STAFFING MEMORANDUM

Date: 12/13/00 ACTION / CONCURRENCE / COMMENT DUE BY: ASAPSubject: ITC Limited Exclusion Order -- Flash Memory
Flash Microcontroller Semiconductor Devices...

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	SIEWERT	☐	☒
PODESTA	☒	☐	MARSHALL	☐	☐
ECHAVESTE	☒	☐	MOORE	☐	☐
RICCHETTI	☒	☐	NASH	☐	☐
LEW	☒	☐	NOLAN	☐	☐
BAILY	☐	☐	REED	☐	☐
BERGER	☐	☐	SPERLING	☐	☐
BLUMENTHAL	☐	☐	STREETT	☐	☐
BRAIN	☐	☐	TRAMONTANO	☒	☐
BURSON	☐	☐	UCELLI	☐	☐
CAHILL	☐	☐	VERVEER	☐	☐
EDMONDS	☐	☐	_____	☐	☐
FRAMPTON	☐	☐	_____	☐	☐
IBARRA	☐	☐	_____	☐	☐
JOHNSON, B.	☐	☐	_____	☐	☐
JOHNSON, J.	☐	☐	_____	☐	☐
LANE	☐	☐	_____	☐	☐

REMARKS:

Comments to Staff Secy

RESPONSE:

Office of the Staff Secretary

12-13-00

434,136

Original given to
Exec Clerk 7474
C.

00 DEC 13 AM 7:47

THE WHITE HOUSE
WASHINGTON

December 13, 2000

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER *run for*
GENE SPERLING *GPS*

SUBJECT: Section 337 Order on EPROM, EEPROM, Flash Memory
and Flash Microcontroller Semiconductor Devices,
and Similar Products

Purpose

Decide by December 15, 2000 whether to take action in response
to a U.S. International Trade Commission (ITC) limited exclusion
order.

Background

Under the authority of Section 337 of the Tariff Act of 1930
(Act), the ITC issued a limited exclusion order in the
investigation In the Matter of Certain EPROM, EEPROM, Flash
Memory and Flash Microcontroller Semiconductor Devices, and
Products Containing the Same.

The Act provides remedies against imports of products that are
unfairly traded, including products that infringe U.S.
intellectual property rights. In this case, the ITC determined
that a limited exclusion order is appropriate to prohibit the
importation to the United States of erasable programmable read
only memory (EPROM), electrically erasable programmable read
only memory (EEPROM), flash memory, and flash microcontroller
semiconductor devices, as well as circuit boards containing such
devices, that infringe a U.S. patent held by Atmel. These
components are used in such products as DVD players and mobile
phones. The order covers the above-mentioned products
manufactured abroad by or on behalf of the Winbond corporation
of Taiwan and Sanyo of Japan for the remainder of the existing
patent term.

cc: Vice President
Chief of Staff

You have three options under the Act. First, you may refrain from taking any action, in which case ITC's orders automatically become final on December 15, 2000, the end of the 60-day review period. Second, you may notify the ITC that you explicitly approve the determination. Finally, you may disapprove the ITC's determination for "policy reasons."

ITC's decision is supported by USTR and the interagency Trade Policy Staff Committee, which determined that the products at issue are not essential to public health or welfare, there are no foreign policy or national security implications of the order, and there are ample non-infringing substitutes on the U.S. market.

We recommend that you take no action with respect to ITC's order, thereby letting it become final at the end of the 60-day review period. USTR Ambassador Barshefsky and the interagency committee concur with this recommendation. Almost all Section 337 orders have become final through the expiration of the 60-day review period without formal action on your part.

RECOMMENDATION

That you take no action, thereby allowing the Section 337 order to take effect.

Approve _____

Disapprove _____

Attachments

Tab A Memorandum from USTR Ambassador Barshefsky
 Tab B Trade Policy Staff Committee Evaluation

7474

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

MEMORANDUM FOR THE PRESIDENT

FROM: Ambassador Charlene Barshefsky 
SUBJECT: Policy Review of Section 337 Order

Issue:

You must decide by December 15, 2000, what action, if any, you will take regarding a decision by the U.S. International Trade Commission ("USITC") to issue a limited exclusion order under the authority of section 337 of the Tariff Act of 1930 in investigation number 337-TA-395, In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same. I recommend that you take no action with respect to this order, thus allowing it to become final at the end of the 60-day review period. The interagency Trade Policy Staff Committee ("TPSC") supports this recommendation.

Discussion:

Section 337 of the Tariff Act of 1930 provides remedies against imports of products that are unfairly traded, including products that infringe U.S. intellectual property rights. In this case, the USITC determined that a limited exclusion order is appropriate to prohibit the entry of erasable programmable read only memory ("EPROM"), electrically erasable programmable read only memory ("EEPROM"), flash memory, and flash microcontroller semiconductor devices, as well as circuit boards containing such devices, that infringe a U.S. patent. The USITC considered all the appropriate information in making its decision and applied the relevant statutory criteria.

Statutory Authority

You may disapprove the USITC order for policy reasons. The reasons may include the foreign policy implications of the order, as well as the effect of the order on U.S. consumers, public health and welfare, competitive conditions in the U.S. economy, and the production of like or directly competitive items in the United States.

You may also formally approve the USITC order or simply take no action with respect to it. If you approve the order, it will become final upon notification of your approval to the USITC. If you decide to take no action, the order will become final automatically upon the expiration of the 60-day review period. Almost all section 337 orders have become final through the expiration of the 60-day review period without formal action on the President's part.

Recommendation

I recommend, with the support of the TPSC agencies, that you take no action to approve or

DEC 6 12:26

disapprove the USITC limited exclusion order, thereby letting the order become final at the end of the 60-day review period.

The products at issue are not essential to the public health or welfare. There are no foreign policy or national security implications of the order, and there are ample non-infringing substitutes on the U.S. market.

Action of the Recommendation

Approve_____

Disapprove_____

More Information Required_____

TRADE POLICY STAFF COMMITTEE

Draft DOCUMENT 2000-188

SUBJECT

**SECTION 337: CERTAIN EPROM, EEPROM, FLASH MEMORY, AND
FLASH MICROCONTROLLER SEMICONDUCTOR DEVICES, AND PRODUCTS
CONTAINING SAME, ("EPROMS")**

SUBMITTED BY

Office of the U.S. Trade Representative

DATE: November 13, 2000

TRADE POLICY STAFF COMMITTEE PAPER

Section 337: In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same

ISSUE:

Whether the President should approve, disapprove, or take no action with respect to a limited exclusion order issued by the U.S. International Trade Commission ("USITC") in investigation number 337-TA-395, In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same. The President must act by December 15, 2000.

RECOMMENDATION:

The TPSC recommends that the President take no action with respect to the limited exclusion order, thus allowing the order to become final at the end of the 60-day review period on December 15, 2000.

BACKGROUND:

On October 16, 2000, the USITC referred to the President for policy review the USITC's decision to issue a limited exclusion order prohibiting the unauthorized importation into the United States of certain erasable programmable read only memory ("EPROM"), electrically erasable programmable read only memory ("EEPROM"), flash memory, and flash microcontroller semiconductor devices, as well as circuit boards containing these semiconductors, which infringe upon claims 1 or 9 of U.S. Letters Patent 4,451,903 ("the '903 patent"), owned by Atmel Corporation. The order covers the above-mentioned products manufactured abroad by or on the behalf of Winbond Electronics Corporation of Taiwan ("Winbond") and Sanyo Electric Co., Ltd. of Japan ("Sanyo"), for the remainder of the existing patent term.

The underlying investigation was initiated on March 18, 1997, pursuant to a petition filed by complainant Atmel, alleging unfair acts committed by three respondents in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337).¹ Silicon Storage Technology, Inc. ("SST") was later permitted to intervene in the investigation. Atmel's complaint alleged infringement of one or more claims of the '903 patent, as well as two other patents owned by

¹Sanyo, Winbond, and Macronix International Co., Ltd. and Macronix America, Inc. (collectively "Macronix").

Atmel. On March 19, 1998, the presiding Administrative Law Judge ("ALJ") issued an initial determination, finding that neither the respondents or the intervener SST had violated section 337, and that -- specifically -- the '903 patent was unenforceable because of waiver and implied license by legal estoppel. Upon review, however, the USITC determined *inter alia* that the '903 patent was in fact unenforceable because of failure to name a co-inventor.

After the USITC issued its opinion, Atmel filed a petition with the U.S. Patent and Trademark Office ("USPTO") to correct the inventorship of the '903 patent. USPTO issued a certification of correction accordingly on October 6, 1998. On September 8, 1998, Atmel filed a "Petition for Relief from Final Determination" with the USITC. The USITC granted the petition for the limited purpose of resolving issues arising from the USPTO's issuance of the certification of correction for the '903 patent, and remanded the investigation to the ALJ. On May 17, 2000, the ALJ found that complainant Atmel had committed "inequitable conduct" at the USPTO "in the procurement of the certificate of correction for the '903 patent," and that the inventors listed on the certificate were not even the correct inventors.² Once again, Atmel petitioned for review of this initial determination. This time, the USITC found that there is in fact a violation of section 337. The USITC *inter alia* reversed the ALJ's determinations regarding "inequitable conduct" and incorrect inventorship, and by doing so, determined that the claims regarding the '903 patent are valid.

On October 16, 2000, the USITC released its notice of issuance of the limited exclusion order prohibiting the unlicensed entry of the products at issue³ manufactured abroad by Sanyo and Winbond. It determined this to be the appropriate relief based on the fact that semi-conductors manufactured by Macronix do not infringe the '903 patent; that the products at issue represent at most two percent of the total cost of downstream products, thus downstream products should not be included in the order; that there exists a wide variety of non-infringing semi-conductors available on the market; that the named respondents account for only a small percentages of semi-conductors in general; and that neither the respondents nor SST maintains significant inventories of the infringing product to warrant a cease-and-desist order. In the limited exclusion order, the USITC also provided the U.S. Customs Service ("Customs") discretion regarding what import certification is required. The USITC also established a bond of \$0.78 per device during the Presidential review period, and determined that the public interest factors enumerated in sections 337(d) and 337(f) of the Tariff Act of 1930 do not preclude the issuance of the limited exclusion order.⁴

²USITC Notice of Final Determination and Issuance of Limited Exclusion Order, at 3.

³These products consist only of EPROM, EEPROM, flash memory, and flash microcontroller semiconductor devices, and circuit boards containing such devices.

⁴As noted earlier, there are numerous non-infringing designs for EPROMs, EEPROMs, flash memories, and flash microcontroller semi-conductor devices in the marketplace. Also, many domestic manufacturers exist to ensure continued competition and an adequate supply of these products.

PRIVATE SECTOR VIEWS:

USTR has received only two letters regarding the President's review of the USITC order. They are from Winbond, a respondent in the investigation, and SST, the intervener in the investigation. Winbond argues that the President should disapprove the limited exclusion order, or at a minimum, provide guidance to Customs to insure that the order does not disrupt legitimate trade, expend significant enforcement resources, or violate international obligations. Winbond also claims that "circuit boards" should not be covered by the order because they are themselves downstream products, and that clarification is needed to ensure that *inter alia* new, unrelated products developed by Winbond are not excluded from importation. In addition to some of Winbond's arguments, SST asserts that the '903 patent is invalid, and is therefore unenforceable. SST also claims that, since the current market demand for flash products is high, the limited exclusion order harms the public because SST's customers will not have sufficient time to locate alternative sources of supply, thus negatively affecting the holiday shopping season.⁵

PRESIDENTIAL AUTHORITY

Pursuant to section 337(j), the President has 60 days to decide whether to disapprove an USITC order for policy reasons. In making this determination, the President usually considers the effect of the order on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive items in the United States, and U.S. consumers.

The President may also approve an USITC order, or decline to take any action in the 60-day review period. Almost all section 337 orders have become final through the expiration of the 60-day review period without formal action by the President. In these cases, the USITC's determinations become final upon the expiration of the 60-day review period. The statute does not permit presidential modification of the USITC's orders.

CONCLUSION

No equitable or other policy reasons warrant disapproval of this limited exclusion order. The USITC considered all the appropriate information in making its decision and applied all relevant statutory criteria. There are no procedural irregularities or other problems to call the grant of relief into question.

⁵SST notes that the semi-conductors at issue are used in such products as DVD players, MP3 players, and mobile phones.

WHITE HOUSE STAFFING MEMORANDUM

Date: 12/13/00 ACTION / CONCURRENCE / COMMENT DUE BY: ASAPSubject: ITC Limited Exclusion Order -- Flash Memory
Flash Microcontroller Semiconductor Devices...

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	SIEWERT	☐	☒
PODESTA	☒	☐	MARSHALL	☐	☐
ECHAVESTE	☒	☐	MOORE	☐	☐
RICCHETTI	☒	☐	NASH	☐	☐
LEW	☒	☐	NOLAN	☐	☐
BAILY	☐	☐	REED	☐	☐
BERGER	☐	☐	SPERLING	☐	☐
BLUMENTHAL	☐	☐	STREETT	☐	☐
BRAIN	☐	☐	TRAMONTANO	☒	☐
BURSON	☐	☐	UCELLI	☐	☐
CAHILL	☐	☐	VERVEER	☐	☐
EDMONDS	☐	☐	_____	☐	☐
FRAMPTON	☐	☐	_____	☐	☐
IBARRA	☐	☐	_____	☐	☐
JOHNSON, B.	☐	☐	_____	☐	☐
JOHNSON, J.	☐	☐	_____	☐	☐
LANE	☐	☐	_____	☐	☐

REMARKS:

Comments to staff Secy

RESPONSE:

Office of the Staff Secretary

12-13-00

Original given to
Exec Clerk. 7474

C.

00 DEC 13 AM 7:47

THE WHITE HOUSE

WASHINGTON

December 13, 2000

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER *up for*
GENE SPERLING *GS*

SUBJECT: Section 337 Order on EPROM, EEPROM, Flash Memory
and Flash Microcontroller Semiconductor Devices,
and Similar Products

Purpose

Decide by December 15, 2000 whether to take action in response to a U.S. International Trade Commission (ITC) limited exclusion order.

Background

Under the authority of Section 337 of the Tariff Act of 1930 (Act), the ITC issued a limited exclusion order in the investigation In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same.

The Act provides remedies against imports of products that are unfairly traded, including products that infringe U.S. intellectual property rights. In this case, the ITC determined that a limited exclusion order is appropriate to prohibit the importation to the United States of erasable programmable read only memory (EPROM), electrically erasable programmable read only memory (EEPROM), flash memory, and flash microcontroller semiconductor devices, as well as circuit boards containing such devices, that infringe a U.S. patent held by Atmel. These components are used in such products as DVD players and mobile phones. The order covers the above-mentioned products manufactured abroad by or on behalf of the Winbond corporation of Taiwan and Sanyo of Japan for the remainder of the existing patent term.

cc: Vice President
Chief of Staff

You have three options under the Act. First, you may refrain from taking any action, in which case ITC's orders automatically become final on December 15, 2000, the end of the 60-day review period. Second, you may notify the ITC that you explicitly approve the determination. Finally, you may disapprove the ITC's determination for "policy reasons."

ITC's decision is supported by USTR and the interagency Trade Policy Staff Committee, which determined that the products at issue are not essential to public health or welfare, there are no foreign policy or national security implications of the order, and there are ample non-infringing substitutes on the U.S. market.

We recommend that you take no action with respect to ITC's order, thereby letting it become final at the end of the 60-day review period. USTR Ambassador Barshefsky and the interagency committee concur with this recommendation. Almost all Section 337 orders have become final through the expiration of the 60-day review period without formal action on your part.

RECOMMENDATION

That you take no action, thereby allowing the Section 337 order to take effect.

Approve _____

Disapprove _____

Attachments

Tab A Memorandum from USTR Ambassador Barshefsky
 Tab B Trade Policy Staff Committee Evaluation

7474

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

MEMORANDUM FOR THE PRESIDENT

FROM: Ambassador Charlene Barshefsky 
SUBJECT: Policy Review of Section 337 Order

Issue:

You must decide by December 15, 2000, what action, if any, you will take regarding a decision by the U.S. International Trade Commission ("USITC") to issue a limited exclusion order under the authority of section 337 of the Tariff Act of 1930 in investigation number 337-TA-395, In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same. I recommend that you take no action with respect to this order, thus allowing it to become final at the end of the 60-day review period. The interagency Trade Policy Staff Committee ("TPSC") supports this recommendation.

Discussion:

Section 337 of the Tariff Act of 1930 provides remedies against imports of products that are unfairly traded, including products that infringe U.S. intellectual property rights. In this case, the USITC determined that a limited exclusion order is appropriate to prohibit the entry of erasable programmable read only memory ("EPROM"), electrically erasable programmable read only memory ("EEPROM"), flash memory, and flash microcontroller semiconductor devices, as well as circuit boards containing such devices, that infringe a U.S. patent. The USITC considered all the appropriate information in making its decision and applied the relevant statutory criteria.

Statutory Authority

You may disapprove the USITC order for policy reasons. The reasons may include the foreign policy implications of the order, as well as the effect of the order on U.S. consumers, public health and welfare, competitive conditions in the U.S. economy, and the production of like or directly competitive items in the United States.

You may also formally approve the USITC order or simply take no action with respect to it. If you approve the order, it will become final upon notification of your approval to the USITC. If you decide to take no action, the order will become final automatically upon the expiration of the 60-day review period. Almost all section 337 orders have become final through the expiration of the 60-day review period without formal action on the President's part.

Recommendation

I recommend, with the support of the TPSC agencies, that you take no action to approve or

DEC 6 12:26

disapprove the USITC limited exclusion order, thereby letting the order become final at the end of the 60-day review period.

The products at issue are not essential to the public health or welfare. There are no foreign policy or national security implications of the order, and there are ample non-infringing substitutes on the U.S. market.

Action of the Recommendation

Approve _____

Disapprove _____

More Information Required _____

TRADE POLICY STAFF COMMITTEE

Draft DOCUMENT 2000-188

SUBJECT

SECTION 337: CERTAIN EPROM, EEPROM, FLASH MEMORY, AND
FLASH MICROCONTROLLER, SEMICONDUCTOR DEVICES, AND PRODUCTS
CONTAINING SAME, ("EPROMS")

SUBMITTED BY

Office of the U.S. Trade Representative

DATE: November 13, 2000

TRADE POLICY STAFF COMMITTEE PAPER

Section 337: In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same

ISSUE:

Whether the President should approve, disapprove, or take no action with respect to a limited exclusion order issued by the U.S. International Trade Commission ("USITC") in investigation number 337-TA-395, In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same. The President must act by December 15, 2000.

RECOMMENDATION:

The TPSC recommends that the President take no action^d with respect to the limited exclusion order, thus allowing the order to become final at the end of the 60-day review period on December 15, 2000.

BACKGROUND:

On October 16, 2000, the USITC referred to the President for policy review the USITC's decision to issue a limited exclusion order prohibiting the unauthorized importation into the United States of certain erasable programmable read only memory ("EPROM"), electrically erasable programmable read only memory ("EEPROM"), flash memory, and flash microcontroller semiconductor devices, as well as circuit boards containing these semiconductors, which infringe upon claims 1 or 9 of U.S. Letters Patent 4,451,903 ("the '903 patent"), owned by Atmel Corporation. The order covers the above-mentioned products manufactured abroad by or on the behalf of Winbond Electronics Corporation of Taiwan ("Winbond") and Sanyo Electric Co., Ltd. of Japan ("Sanyo"), for the remainder of the existing patent term.

The underlying investigation was initiated on March 18, 1997, pursuant to a petition filed by complainant Atmel, alleging unfair acts committed by three respondents in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337).¹ Silicon Storage Technology, Inc. ("SST") was later permitted to intervene in the investigation. Atmel's complaint alleged infringement of one or more claims of the '903 patent, as well as two other patents owned by

¹Sanyo, Winbond, and Macronix International Co., Ltd. and Macronix America, Inc. (collectively "Macronix").

Atmel. On March 19, 1998, the presiding Administrative Law Judge ("ALJ") issued an initial determination, finding that neither the respondents or the intervener SST had violated section 337, and that -- specifically -- the '903 patent was unenforceable because of waiver and implied license by legal estoppel. Upon review, however, the USITC determined *inter alia* that the '903 patent was in fact unenforceable because of failure to name a co-inventor.

After the USITC issued its opinion, Atmel filed a petition with the U.S. Patent and Trademark Office ("USPTO") to correct the inventorship of the '903 patent. USPTO issued a certification of correction accordingly on October 6, 1998. On September 8, 1998, Atmel filed a "Petition for Relief from Final Determination" with the USITC. The USITC granted the petition for the limited purpose of resolving issues arising from the USPTO's issuance of the certification of correction for the '903 patent, and remanded the investigation to the ALJ. On May 17, 2000, the ALJ found that complainant Atmel had committed "inequitable conduct" at the USPTO "in the procurement of the certificate of correction for the '903 patent," and that the inventors listed on the certificate were not even the correct inventors.² Once again, Atmel petitioned for review of this initial determination. This time, the USITC found that there is in fact a violation of section 337. The USITC *inter alia* reversed the ALJ's determinations regarding "inequitable conduct" and incorrect inventorship, and by doing so, determined that the claims regarding the '903 patent are valid.

On October 16, 2000, the USITC released its notice of issuance of the limited exclusion order prohibiting the unlicensed entry of the products at issue³ manufactured abroad by Sanyo and Winbond. It determined this to be the appropriate relief based on the fact that semi-conductors manufactured by Macronix do not infringe the '903 patent; that the products at issue represent at most two percent of the total cost of downstream products, thus downstream products should not be included in the order; that there exists a wide variety of non-infringing semi-conductors available on the market; that the named respondents account for only a small percentages of semi-conductors in general; and that neither the respondents nor SST maintains significant inventories of the infringing product to warrant a cease-and-desist order. In the limited exclusion order, the USITC also provided the U.S. Customs Service ("Customs") discretion regarding what import certification is required. The USITC also established a bond of \$0.78 per device during the Presidential review period, and determined that the public interest factors enumerated in sections 337(d) and 337(f) of the Tariff Act of 1930 do not preclude the issuance of the limited exclusion order.⁴

²USITC Notice of Final Determination and Issuance of Limited Exclusion Order, at 3.

³These products consist only of EPROM, EEPROM, flash memory, and flash microcontroller semiconductor devices, and circuit boards containing such devices.

⁴As noted earlier, there are numerous non-infringing designs for EPROMs, EEPROMs, flash memories, and flash microcontroller semi-conductor devices in the marketplace. Also, many domestic manufacturers exist to ensure continued competition and an adequate supply of these products.

PRIVATE SECTOR VIEWS:

USTR has received only two letters regarding the President's review of the USITC order. They are from Winbond, a respondent in the investigation, and SST, the intervener in the investigation. Winbond argues that the President should disapprove the limited exclusion order, or at a minimum, provide guidance to Customs to insure that the order does not disrupt legitimate trade, expend significant enforcement resources, or violate international obligations. Winbond also claims that "circuit boards" should not be covered by the order because they are themselves downstream products, and that clarification is needed to ensure that *inter alia* new, unrelated products developed by Winbond are not excluded from importation. In addition to some of Winbond's arguments, SST asserts that the '903 patent is invalid, and is therefore unenforceable. SST also claims that, since the current market demand for flash products is high, the limited exclusion order harms the public because SST's customers will not have sufficient time to locate alternative sources of supply, thus negatively affecting the holiday shopping season.⁵

PRESIDENTIAL AUTHORITY

Pursuant to section 337(j), the President has 60 days to decide whether to disapprove an USITC order for policy reasons. In making this determination, the President usually considers the effect of the order on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive items in the United States, and U.S. consumers.

The President may also approve an USITC order, or decline to take any action in the 60-day review period. Almost all section 337 orders have become final through the expiration of the 60-day review period without formal action by the President. In these cases, the USITC's determinations become final upon the expiration of the 60-day review period. The statute does not permit presidential modification of the USITC's orders.

CONCLUSION

No equitable or other policy reasons warrant disapproval of this limited exclusion order. The USITC considered all the appropriate information in making its decision and applied all relevant statutory criteria. There are no procedural irregularities or other problems to call the grant of relief into question.

⁵SST notes that the semi-conductors at issue are used in such products as DVD players, MP3 players, and mobile phones.

WHITE HOUSE STAFFING MEMORANDUM

Date: 12/13/00 ACTION / CONCURRENCE / COMMENT DUE BY: ASAPSubject: ITC Limited Exclusion Order -- Flash Memory
Flash Microcontroller Semiconductor Devices...

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	SIEWERT	☐	☒
PODESTA	☒	☐	MARSHALL	☐	☐
ECHAVESTE	☒	☐	MOORE	☐	☐
RICCHETTI	☒	☐	NASH	☐	☐
LEW	☒	☐	NOLAN	☐	☐
BAILY	☐	☐	REED	☐	☐
BERGER	☐	☐	SPERLING	☐	☐
BLUMENTHAL	☐	☐	STREETT	☐	☐
BRAIN	☐	☐	TRAMONTANO	☒	☐
BURSON	☐	☐	UCELLI	☐	☐
CAHILL	☐	☐	VERVEER	☐	☐
EDMONDS	☐	☐	_____	☐	☐
FRAMPTON	☐	☐	_____	☐	☐
IBARRA	☐	☐	_____	☐	☐
JOHNSON, B.	☐	☐	_____	☐	☐
JOHNSON, J.	☐	☐	_____	☐	☐
LANE	☐	☐	_____	☐	☐

REMARKS:

Comments to Staff Secy

RESPONSE:

Office of the Staff Secretary

12-13-00

Original given to
Exec Clerk. 7474

C.

00 DEC 13 AM 7:47

THE WHITE HOUSE

WASHINGTON

December 13, 2000

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER *for*
GENE SPERLING *GS*

SUBJECT: Section 337 Order on EPROM, EEPROM, Flash Memory
and Flash Microcontroller Semiconductor Devices,
and Similar Products

Purpose

Decide by December 15, 2000 whether to take action in response to a U.S. International Trade Commission (ITC) limited exclusion order.

Background

Under the authority of Section 337 of the Tariff Act of 1930 (Act), the ITC issued a limited exclusion order in the investigation In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same.

The Act provides remedies against imports of products that are unfairly traded, including products that infringe U.S. intellectual property rights. In this case, the ITC determined that a limited exclusion order is appropriate to prohibit the importation to the United States of erasable programmable read only memory (EPROM), electrically erasable programmable read only memory (EEPROM), flash memory, and flash microcontroller semiconductor devices, as well as circuit boards containing such devices, that infringe a U.S. patent held by Atmel. These components are used in such products as DVD players and mobile phones. The order covers the above-mentioned products manufactured abroad by or on behalf of the Winbond corporation of Taiwan and Sanyo of Japan for the remainder of the existing patent term.

cc: Vice President
Chief of Staff

You have three options under the Act. First, you may refrain from taking any action, in which case ITC's orders automatically become final on December 15, 2000, the end of the 60-day review period. Second, you may notify the ITC that you explicitly approve the determination. Finally, you may disapprove the ITC's determination for "policy reasons."

ITC's decision is supported by USTR and the interagency Trade Policy Staff Committee, which determined that the products at issue are not essential to public health or welfare, there are no foreign policy or national security implications of the order, and there are ample non-infringing substitutes on the U.S. market.

We recommend that you take no action with respect to ITC's order, thereby letting it become final at the end of the 60-day review period. USTR Ambassador Barshefsky and the interagency committee concur with this recommendation. Almost all Section 337 orders have become final through the expiration of the 60-day review period without formal action on your part.

RECOMMENDATION

That you take no action, thereby allowing the Section 337 order to take effect.

Approve _____

Disapprove _____

Attachments

Tab A Memorandum from USTR Ambassador Barshefsky
Tab B Trade Policy Staff Committee Evaluation

OK

7474

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

MEMORANDUM FOR THE PRESIDENT

FROM: Ambassador Charlene Barshefsky 
SUBJECT: Policy Review of Section 337 Order

Issue:

You must decide by December 15, 2000, what action, if any, you will take regarding a decision by the U.S. International Trade Commission ("USITC") to issue a limited exclusion order under the authority of section 337 of the Tariff Act of 1930 in investigation number 337-TA-395, In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same. I recommend that you take no action with respect to this order, thus allowing it to become final at the end of the 60-day review period. The interagency Trade Policy Staff Committee ("TPSC") supports this recommendation.

Discussion:

Section 337 of the Tariff Act of 1930 provides remedies against imports of products that are unfairly traded, including products that infringe U.S. intellectual property rights. In this case, the USITC determined that a limited exclusion order is appropriate to prohibit the entry of erasable programmable read only memory ("EPROM"), electrically erasable programmable read only memory ("EEPROM"), flash memory, and flash microcontroller semiconductor devices, as well as circuit boards containing such devices, that infringe a U.S. patent. The USITC considered all the appropriate information in making its decision and applied the relevant statutory criteria.

Statutory Authority

You may disapprove the USITC order for policy reasons. The reasons may include the foreign policy implications of the order, as well as the effect of the order on U.S. consumers, public health and welfare, competitive conditions in the U.S. economy, and the production of like or directly competitive items in the United States.

You may also formally approve the USITC order or simply take no action with respect to it. If you approve the order, it will become final upon notification of your approval to the USITC. If you decide to take no action, the order will become final automatically upon the expiration of the 60-day review period. Almost all section 337 orders have become final through the expiration of the 60-day review period without formal action on the President's part.

Recommendation

I recommend, with the support of the TPSC agencies, that you take no action to approve or

DEC 6 12:26

disapprove the USITC limited exclusion order, thereby letting the order become final at the end of the 60-day review period.

The products at issue are not essential to the public health or welfare. There are no foreign policy or national security implications of the order, and there are ample non-infringing substitutes on the U.S. market.

Action of the Recommendation

Approve _____

Disapprove _____

More Information Required _____

See,
These two items
have POTUS writing
on them
Please file.
EB

TRADE POLICY STAFF COMMITTEE

Draft DOCUMENT 2000-188

SUBJECT

SECTION 337: CERTAIN EPROM, EEPROM, FLASH MEMORY, AND
FLASH MICROCONTROLLER SEMICONDUCTOR DEVICES, AND PRODUCTS
CONTAINING SAME, ("EPROMS")

SUBMITTED BY

Office of the U.S. Trade Representative

DATE: November 13, 2000

TRADE POLICY STAFF COMMITTEE PAPER

Section 337: In the Matter of Certain EPROM, EEPROM, Flash Memory and Flash Microcontroller Semiconductor Devices, and Products Containing the Same

ISSUE:

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RECOMMENDATION:

The TPSC recommends that the President take no action with respect to the limited exclusion order, thus allowing the order to become final at the end of the 60-day review period on December 15, 2000.

BACKGROUND:

On October 16, 2000, the USITC referred to the President for policy review the USITC's decision to issue a limited exclusion order prohibiting the unauthorized importation into the United States of certain erasable programmable read only memory ("EPROM"), electrically erasable programmable read only memory ("EEPROM"), flash memory, and flash microcontroller semiconductor devices, as well as circuit boards containing these semiconductors, which infringe upon claims 1 or 9 of U.S. Letters Patent 4,451,903 ("the '903 patent"), owned by Atmel Corporation. The order covers the above-mentioned products manufactured abroad by or on the behalf of Winbond Electronics Corporation of Taiwan ("Winbond") and Sanyo Electric Co., Ltd. of Japan ("Sanyo"), for the remainder of the existing patent term.

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²USITC Notice of Final Determination and Issuance of Limited Exclusion Order, at 3.

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PRESIDENTIAL AUTHORITY

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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2286
 CONNECTION TEL 53174
 CONNECTION ID
 ST. TIME 12/13 17:09
 USAGE T 02'43
 PGS. SENT 9
 RESULT OK

Document No. _____

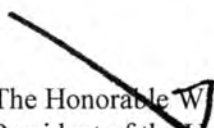
WHITE HOUSE STAFFING MEMORANDUM

Date: 12/13/00 ACTION / CONCURRENCE / COMMENT DUE BY: ASAPSubject: ITC Limited Exclusion Order -- Flash Memory,
Flash Microcontroller Semiconductor Devices...

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	SIEWERT	☐	☒
PODESTA	☒	☐	MARSHALL	☐	☐
ECHAVESTE	☒	☐	MOORE	☐	☐
RICCHETTI	☒	☐	NASH	☐	☐
LEW	☒	☐	NOLAN	☐	☐
BAILY	☐	☐	REED	☐	☐
BERGER	☐	☐	SPERLING	☐	☐
BLUMENTHAL	☐	☐	STREETT	☐	☐
BRAIN	☐	☐	TRAMONTANO	☒	☐
BURSON	☐	☐	UCELLI	☐	☐
CAHILL	☐	☐	VERVEER	☐	☐
EDMONDS	☐	☐	_____	☐	☐
FRAMPTON	☐	☐	_____	☐	☐
IBARRA	☐	☐	_____	☐	☐
JOHNSON	☐	☐	_____	☐	☐

PAUL R. CAREY

December 19, 2000


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

Dear Mr. President:

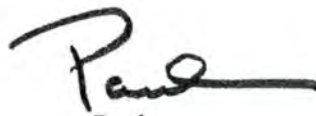
It was such a tremendous honor for my father and I to accompany you on your trip to Ireland. Not only for the privilege of being with you, but for the true joy of being there as father and son.

Ireland has special meaning for my family because it was where my mother decided we would all go on our last trip before she died in 1974. It was during that trip we decided as a family that my father would leave Congress and run for Governor. Thank you for helping us to relive some of the most blissful memories we have.

The people of Ireland could not have hoped for a greater gift than the courage and friendship you have shown them as President. It was a wonderful sight to behold as they showed you their gratitude last week.

Please accept the enclosed gifts as a small token of our appreciation. Merry Christmas to the Clinton family from all of the Careys.

Fondly,


Paul

PHOTOCOPY
WJC HANDWRITING

1.4.01

Carolyn -

Can you
send speech?

13

1-4-00

~~Send to Cohen~~

~~Letter already
written, no
include remarks
attach remarks~~

only

Yes _____

No _____

List

5285286

EB 12/28/00

Richard E. Zerner
5045 Cartagena Drive
Toledo, Ohio 43623
(419) 885-5655

01 JAN 4 PM 3:52

12/19/2000

President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Clinton,

I am writing to thank you for the beautiful tribute you gave in memory of my cousin Chuck Ruff, on Saturday. Chuck's Mother, Maggie, and my Mother, are sisters, and my wife, Nancy, my daughter, Loryn, and I were fortunate to be in attendance at the National Cathedral on Saturday to hear your remarks.

I know how proud Chuck was to be able to work for and with you, as he told us many times. I too am proud to have been able to call you my President these past 8 years, and I thank you for all you did for America. I was fortunate to work for your re-election, doing so as Attorney and Special Counsel for Lee Fisher, your Ohio Campaign Manager for re-election.

Our daughter, Loryn, was sworn in as a member of the Maryland bar 3 days before Chuck's memorial service, and I know she is proud to follow in Chuck's footsteps. Again, thank you for all you have done for America and for your kind words for Chuck. I would be honored if you found the time to respond to this letter and wish you and Senator Clinton and Hillary a happy and healthy new year!

Very truly yours,
Richard E. Zerner
Richard E. Zerner

Handwritten notes:
Send
Ruff
Loryn
by 6/10

Richard E. Zerner thanks you for the beautiful tribute you gave in memory of his cousin Chuck Ruff. He knows how proud Chuck was to be able to work for and with you. Thanks for all you did for America. His daughter was sworn in as a member of the Maryland bar 3 days before Chuck's memorial service, and she is proud to follow in his footsteps. CC: Betty

—
Dec. 8, 2000

Lisel -
to show the
President
today?

- Dr
12/4

Okay

HOLD
ON
ORDENZA
FOR
FURTHERING
REPLY
from DC
(10) 12-4-66

MARGARET CARSON

28 November 66
Dear Mr President
I am the mother
of Charles Ruff. I am
sorry & feel I can't
Washington in time to see
you at the Ruff house.

I hope to pay my
respects to you at the
Memorial service.

Yours respectfully
Margaret Carson

Redone

THE WHITE HOUSE
WASHINGTON

December 15, 2000

Griffin Mathew Popescu
6 Azalea Circle
Newtown, Pennsylvania 18940

Dear Griffin:

I am delighted to congratulate you on the wonderful occasion of your birth on December 12th. Your arrival is a cause for great celebration to all those who love you.

You are blessed to be born during this exciting time. The 21st century will hold bright promise and opportunity for you and your generation. I wish for you a long and happy life, with days filled with lessons to learn, people to love, dreams to fulfill, and an abiding hope that will see you safely from success to success.

Welcome, and happy birthday!

Sincerely,

Barack Clinton

PHOTOCOPY
WJC HANDWRITING

Markie

Dear Bill ~

This thank you is long overdue, but I just wanted to tell you what a transforming experience our visit to the White House was. You and Hillary gave our family a glimpse of the pinnacle of America as well as the generosity of your family that we will never forget and will ever be grateful for.

The day after I got home I went to a game store and found these card games that

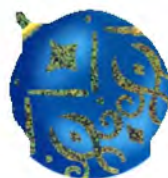
might be of interest to you. One is a version of 'Oh Hell' with an added element, the other, Euchre is another bidding-trumping game you might like. You may not want to play either one with me, as my brilliance in Opwords might well be intimidating to you.

But then again, I know how competitive you are and my stellar showing might just propel you on.

Okay, so I may not have actually played one round without your help, but as we have recently learned it's the final count at the designated deadline that matters. Hence, I declare myself the winner. Once again, thank you from my heart for all you gave us (me) both personally and globally.
Love, Markie

Mr. President





Dear Clinton,

THE PRESIDENT HAS SEEN

12.6.00

From us to you,

& from Buster to Buddy,

Merry Christmas!

"Betch" KATrick Pat Zeke
Buster
the Crews of Austin

Decorate your holidays with happiness. Decorate your holidays with happiness.



The Clintons

PHOTOCOPY
WJC HANDWRITING



PHOTOCOPY
WJC HANDWRITING

12-27-00

RM?

yet

00 DEC 27 PM 11:21

Dear Mr. President Clinton,

Merry Christmas

Happy New Year 2001

I know from the history of my family
that it is not easy to be in politics

But you were one of the best
Presidents of the United States
of America. With best wishes
and great respect Milena Stambolyska
12-27-00

H 437 Ag00



ИЗКУСТВОТО УПЕ



Date 12/11/00

To: Meredith Cabe
Michelle Aronowitz

From: The Staff Secretary

Any comment?

OK
re
MA
12.11.00

ALR
DID THIS HAPPEN
OK IF NOT
TO LATE
12.23.00

staff to
M. Cabe
M. Aronowitz.
counsel's
office
any cmt?
12.11.

Carol -
Ltr for Rachel
12/26

12-27- spoke to
Rachel; they
did calendar
w/o proc; so
issue is OBE
OK OBM



White House Task Force on
Waste Prevention and Recycling
1200 Pennsylvania Ave, NW
Mail Code 1600S
Washington, DC 20460

Telephone: 202-564-1297 Fax: 202-564-1393

Fax Transmission Form

00 DEC 11 AM 11:02

Date: December 11, 2000

To: Debbie Burdum FAX #: 202-456-2215

From: Rachel Eckert Telephone #: 202-564-0188
Pages to follow: 0

Message: We are requesting permission to use the President's signature in an America Recycles Day calendar we are printing for Federal Employees. We want to include the Nov. 15 proclamation signed by President Clinton this year, with his signature and seal. I'll be in today until 5:30 PM. I look forward to hearing from you. Thank you,
Rachel Eckert

THE WHITE HOUSE

WASHINGTON

Date 2/11/00

To: Meredith Cabe
Michelle Aronowitz

From: The Staff Secretary

Any comment?



White House Task Force on
Waste Prevention and Recycling
1200 Pennsylvania Ave, NW
Mail Code 1600S
Washington, DC 20460

Telephone: 202-564-1297 Fax: 202-564-1393

Fax Transmission Form

'00 DEC 11 AM 11:02

Date: December 11, 2000

To: Debbie Burdum

FAX #: 202-456-2215

From: Rachel Eckert Telephone #: 202-564-0188

Pages to follow: 0

Message: We are requesting permission to use the President's signature in an America Recycles Day calendar we are printing for Federal Employees. We want to include the Nov. 15 proclamation signed by President Clinton this year, with his signature and seal. I'll be in today until 5:30 PM. I look forward to hearing from you. Thank you, Rachel Eckert

Resource Holdings Ltd.

20 Madison Avenue

Fourth Floor

New York, New York 10022

Telephone 212 980-3883

Facsimile 212 935-3851

12-27-00

Who decides?

6.

December 18, 2000

Hon. William J. Clinton
THE WHITE HOUSE
Washington, DC

Dear Mr. President:

12-28-00

Sent to ORN; NH
ended this about 2
weeks ago. POTUS
has already sent letter.
tr

00 DEC 27 PM 11:19

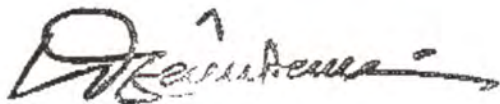
I much appreciated your letter of September 28.

I hope you will not think me ungrateful if I ask if you might possibly send me the same text but handwritten. With the previous President a typed letter arrived, but he then rewrote it by hand. What is unique about my collection is that fact that all the letters are handwritten including such rare ones as William Henry Harrison and James Garfield.

I know how many things are crowding your schedule at this time, but I would be very grateful if you could find time to do this for me.

With best wishes,

Sincerely,



Douglass Campbell
Senior Vice President

Carol

?



AFP-ui Mideast-Israel-poll
Story: e0124

THE PRESIDENT HAS

12-27-00

Time: 2000 12/27 07:30 GMT

Ref:

Narrow majority of Israelis oppose Clinton peace proposals:
poll

cc: John P.

JERUSALEM, Dec 27 (AFP) - A narrow majority of Israelis are opposed to the compromise outlined by US President Bill Clinton to end the 52-year conflict between the Jewish state and the Palestinians, according to an opinion poll published Wednesday.

The poll, in the Jerusalem Post, showed that 52 percent of those surveyed oppose the plan, while 38 percent are in favor and 10 percent expressed no opinion.

The Smith Research Center poll, which surveyed 501 people, has a margin of error of 4.5 percentage points.

On whether the Palestinians would accept the deal, 51 percent said yes, 29 percent said no and 20 percent expressed no opinion.

Clinton's proposals reportedly involve Israel turning over control of Arab neighborhoods in occupied East Jerusalem to the Palestinians along with the al-Aqsa mosque compound, known to Jews as the Temple Mount.

The Western Wall, the holiest site in Judaism, would remain under Israeli sovereignty, according to media reports.

There would be no right of return to Israel for the some 3.7 million refugees made homeless after the creation of the Jewish state in 1948, with only a small number allowed back to Israel for family reunification.

Israel would withdraw from 95 percent of the West Bank and 100 percent of the Gaza Strip, territories it has occupied along with east Jerusalem since the 1967 Arab-Israeli war.

Currently, the Palestinians have full or partial control over 40 percent of the West Bank and some 60 percent of the Gaza Strip.

Israelis are set to go to the polls on February 6 to elect a new premier.

Caretaker Prime Minister Ehud Barak, who set the ball rolling for elections with a surprise resignation, has said the vote should serve as a referendum on peace.

chw/al/sst

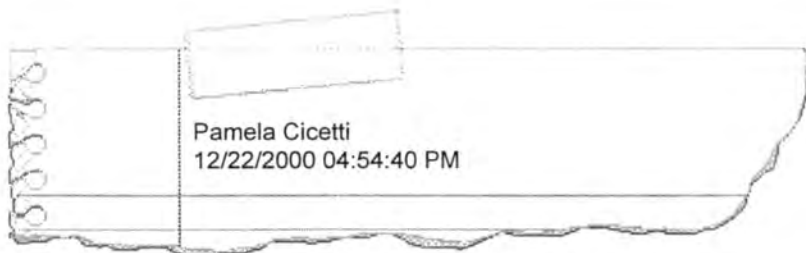
AFP

cc. 29, 2000

ING

THE PRESIDENT HAS SEEN

12-27-00



Record Type: Record

To: Betty W. Currie/WHO/EOP@EOP

cc:

Subject: ARCHIE!!!

----- Forwarded by Pamela Cicetti/OPD/EOP on 12/22/2000 04:54 PM -----



Missy Kincaid <mkincaid@uark.edu>

12/22/2000 04:57:51 PM

Please respond to mkincaid@comp.uark.edu

Record Type: Record

To: Pamela Cicetti/OPD/EOP

cc:

Subject: ARCHIE!!!

A big hooray for POTUS pardoning Archie Schaffer. This was high on my Christmas list. Please pass along thanks!

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

From: Pamela_Cicetti@opd.eop.gov [mailto:Pamela_Cicetti@opd.eop.gov]

Sent: Monday, November 20, 2000 1:27 PM

To: mkincaid@comp.uark.edu

Subject: hey

Hey Missy, I got your phone message which I passed on to HRC. Hope all is well with you, Bill and Emory. I thought of Diane on her birthday and with HRC's victory. I saw Jim on election night, but only to say hello. She would be on cloud nine right now. Love to all. Stay in touch. No idea what I'm going to do. Love, Pam

PHOTOCOPY
WJC HANDWRITING

12/27/00

Do you need to
discuss with
Nancy?

NO; Peter signed
today Card

THE PRESIDENT HAS SEEN

12-27-00

SILVER CREEK CONWAY

915 OAK STREET, SUITE 101
CONWAY, AR 72032

See (see)

501-450-9108 PHONE
888-522-6335 TOLL FREE
501-327-4654 FAX

FACSIMILE TRANSMITTAL SHEET

TO: PRESIDENT BILL CLINTON FAX NUMBER:

COMPANY: BRUCE LINDSEY DATE: 12-22-00

FROM: HAL HUNNICUTT PAGES:

RE: H.R. 5640

BILL IS THE MFD. HSG. BILL - IT HAS ALL OF LAZIO'S
BULLSHIT, GUTTED FROM THE BILL. IT'S NOW CONTRA.

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

PLEASE SIGN IT BEFORE 12/25! JAMES LEE

NOTES/COMMENTS:

IS VERY FAMILIAR WITH IT. IT'S BEEN @ WHITE
HOUSE SINCE NOON FRIDAY, THE 15TH. PLEASE
SIGN IT.

*Thanks
Hal*

ITS BEEN A GREAT YEAR!



PHOTOCOPY
WJC HANDWRITING

THE PRESIDENT HAS SEEN
12-27-00

copied
Ricketts
Podesta



NORTHERN CHEROKEE NATION
OF MISSOURI AND ARKANSAS

578 E. 7 HWY. CLINTON, MO 64735
660-885-7779 FAX 660-885-4257

Principal Chief Grey Owl Griggs

Ricketts
We are in need to know
recognition on the tribe
we can/should question and whether
to go - JSC

10/5/2000

TO: Roger Clinton

From: Chief GREY OWL Griggs

DEAR ROGER -

AFTER TALKING WITH DALEY McDaniel
today he suggested I send you some
information concerning recognition.

Here's a copy of a newsletter from NARF
showing President Reagan giving FED. recognition
for the Alabama-Coushatta tribe.

We desperately need your help and
deeply appreciate all you can do.

Chief Grey Owl Griggs

PHOTOCOPY
WJC HANDWRITING



202-863-8002
fax: 202-863-8082
Cell: 202-258-5858
wtitelman@aol.com

William A.K. Titelman
Chair
Convention Affairs

Democratic National Committee
430 South Capitol Street, S.E. ★ Washington, D.C., 20003
www.democrats.org

THE PRESIDENT WAS SEEN

12-29-00

Marta Metroplex

Thomas Philip Stout

President - CEO

Railroad & Transit Construction - Rehabilitation - Maintenance

1024 Route 519, Eighty Four, PA 15330
Tel 724-225-6155 Toll Free 888-627-8287 Fax 724-228-8113
Cell 412-445-5487 E-Mail tpstout@martatrack.com

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THE PRESIDENT WAS SEEN

12.29.00