

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. letter	To Carl Finerson from Melanne Verveer re: Florida (1 page)	08/28/1998	Personal Misfile
001b. fax	To Melanne Verveer from Carl Finerson re: Florida (2 pages)	n.d.	Personal Misfile

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
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FOLDER TITLE:

Melanne Verveer's Mail - 1998 - F

2013-0534-S

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RESTRICTION CODES

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

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

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RR. Document will be reviewed upon request.

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- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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THE WHITE HOUSE
WASHINGTON

January 4, 1999

William D. Fugazy
NECO
555 Madison Ave.
12th Floor
New York, NY 10022

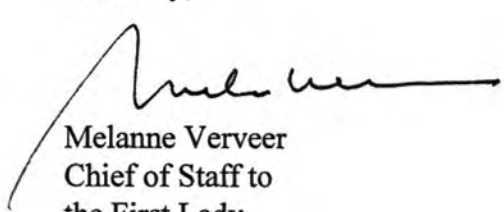
Dear Mr. Fugazy:

Thank you so much for your letter and accompanying materials reiterating the invitation to the First Lady to accept the Ellis Island Medal of Honor.

While we are unsure of what Mrs. Clinton's schedule is, we will let you know before too long if she will be able to accept your invitation.

Best wishes.

Sincerely,



Melanne Verveer
Chief of Staff to
the First Lady

Erie -

pls give me

2 copies

this in return

December 29, 1998

William D. Fugazy
NECO
555 Madison Ave.
12th Floor
New York, NY 10022

Dear Mr. Fugazy:

Thank you so much for your letter ~~with the materials~~ *and accompanying material*
~~and~~ reiterating the invitation to the First Lady to accept the
Ellis Island Medal of Honor.

We will let you know before too long if
While we are unsure of what Mrs. Clinton's schedule is
now, we have forwarded your request to Patti Solis-Doyle,
Director of Scheduling for the First Lady, and she will be in
touch with you.

Best wishes.

Sincerely,

Melanne Verveer
Chief of Staff to
the First Lady

*Mrs. Clinton
will be able
to accept
your
invitation*



National Ethnic Coalition of Organizations Foundation, Inc.

December 6, 1998

Ms. Melanne Verveer
Assistant to the President and
Chief of Staff to the First Lady
The White House
Washington, DC 20500

Dear Ms. Verveer:

I enjoyed meeting you and the First Lady again at our private reception for the Board of Directors of the Police Athletic League. It was a great day, and we are so proud that the First Lady honored us with her presence.

As I discussed with the First Lady and yourself, we have been attempting to schedule a date for the First Lady to accept our Ellis Island Medal of Honor. I enclose our program from last year's event as well as that of the previous year when the President made a videotape to receive his Medal. We normally do not like to present the Medal of Honor other than at the actual event on Ellis Island, and we enclose a tape of last year's event so that you can see the grandeur and majesty of this moving ceremony.

Originally, Lee Iacocca and myself were responsible for redeveloping and restructuring Ellis Island and the Statue of Liberty. At that time, we decided to go to Congress to get permission to award the Medal of Honor to prominent American citizens who have distinguished themselves and their ethnic heritage in our country.

Today, it is probably one of the most prestigious ceremonies in the country. Six United States Presidents, numerous Senators and Congressmen, as well as many of the most prominent civic and business leaders in the country have received the award. Each year the recipients are listed in the Congressional Record.

You may also be interested to know that this past November, we commenced our first gala dinner in Washington. We hope this will become an annual event. This year several Medal recipients whom we call "The Legends" were honored at a very beautiful ceremony. As you can see from the program, "The Legends" were especially outstanding U.S. citizens as were the special tribute speakers.

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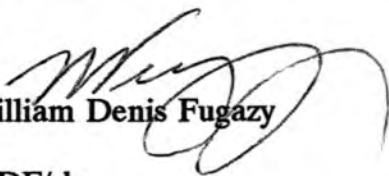
Web Site <http://www.neco.org>

We would be honored to have the First Lady accept the Ellis Island Medal at the event on Saturday, May 8th this coming year, and we would be thrilled to have her address the distinguished assemblage. This event is widely televised and would give the First Lady the opportunity to express her thoughts on how this great country was built with the contributions of so many different ethnic groups as well as the continuing need for racial understanding and tolerance today.

I would appreciate hearing from you and your thoughts on the possibility of the First Lady attending our ceremony this coming year. Our representative in Washington is Robert Blancato, whom I believe you know. I am sure he could fill you in on quality of the events, as he has attended them all.

Best wishes, and I hope to hear from you shortly.

Sincerely yours,



William Denis Fugazy

WDF/sb

cc: Mr. Bob Blancato

Encl.



National Ethnic Coalition of Organizations Foundation, Inc.

December 6, 1998

Ms. Melanne Verveer
Assistant to the President and
Chief of Staff to the First Lady
The White House
Washington, DC 20500

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Page 2

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I would appreciate hearing from you and your thoughts on the possibility of the First Lady attending our ceremony this coming year. Our representative in Washington is Robert Blancato, whom I believe you know. I am sure he could fill you in on quality of the events, as he has attended them all.

Best wishes, and I hope to hear from you shortly.

Sincerely yours,



William Denis Fugazy

WDF/sb

cc: Mr. Bob Blancato

Encl.

THE WHITE HOUSE
WASHINGTON

June 4, 1998

Dr. Amitai Etzioni
Director
Institute for Communitarian Policy Studies
George Washington University
2130 H St., NW
Suite 714 J
Washington, DC 20052

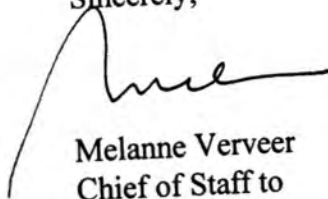
Dear Dr. Etzioni:

Thank you for your letter and the "The Rules of Engagement" articles. I have shared them with my colleagues.

As to your proposal for an event to promote issues relating to "civility", I cannot say at this time when it will be possible, but we will take your idea under advisement.

Best wishes in your important work.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Melanne', with a long, sweeping horizontal line extending to the right.

Melanne Verveer
Chief of Staff to
the First Lady



INSTITUTE FOR COMMUNITARIAN POLICY STUDIES

May 8, 1998

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AMITAI ETZIONI

ASSOCIATE DIRECTOR
PATRICK GLYNN

Ms. Melanne Verveer
Assistant to the President
Chief of Staff
Office of the First Lady
Old Executive Office Building
Washington, DC 20501

Dear Melanne:

I was delighted to read that the First Lady is speaking up on behalf of civility. Several of us developed "rules of engagements" that specify how civil conversations are to take place. These are not meant to be enforceable by law, but help focus the discussion on what is expected by the public and the media from those who are to be called civil. Not demonizing the other is a case in point. So is -- not pushing the hot buttons, the most emotional spots of those we disagree with. Discussing these rules has another merit: It helps keep the conversation about civility going.

Among those who have written about these "rules" recently are Deborah Tannen (in her new book *The Argument Culture*), James Hunter, at the University of Virginia, and myself (enclosed). I wonder if the issue would be served by some kind of event, maybe in which these authors would participate, and would allow the First Lady to further flag her ideas?

Best,

Amitai Etzioni

Enclosure

The New Golden Rule,
pp. 104-106

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worst, culture wars lead to violence (as we witnessed during the bombing of abortion clinics in the United States), and even war.

James Hunter states:

Culture wars always precede shooting wars... Indeed, the last time this country "debated" the issues of human life, personhood, liberty, and the rights of citizenship all together, the result was the bloodiest war ever to take place on this continent, the Civil War.³⁵

Given such a sharp contrast between reason and passion, deliberations and culture wars, amicable resolutions and emotional confrontations, I am not surprised that even those who have weak individualistic inclinations tend to favor the deliberative model. As I see it, this discussion, like others cited earlier, suffers from the curse of relying on dichotomies. The indisputable sociological fact is that deliberations of the relatively pure kind favored by individualists are almost impossible to achieve or even to approximate under most circumstances. The examination of actual processes of sorting out values to guide a society, or even a small community, shows that they are rather different from those assumed by the deliberative model.³⁶ It might be argued that deliberation should still be upheld as the morally superior form, but it is so removed from sociological reality that, as its implied assumptions are routinely and roundly violated, the result is alienation rather than political engagement. Above all, there is virtue in another, more communitarian approach that I refer to as "values talk," the processes through which moral dialogues are advanced.

VALUES TALKS:

THE PROCESSES OF MORAL DIALOGUES

Moral dialogues are communications about value, about the normative standing of one suggested course as compared to another. They have "procedures" all of their own.

One procedure often used in moral dialogues is the *appeal to an overarching value* shared by the various parties to the sorting-out process. Robert Goodin is, in effect, applying this rule when he seeks to pave the road for a community that must sort out a course between the rights of nonsmokers and those of smokers.³⁷ At first, this may seem to be a typical clash between two values: the rights of one group versus those of another. However, Goodin points out that both groups are committed

to the value that one's liberty does not allow one person to violate the "space" of the other. In familiar terms, my right to extend my arm stops when my fist reaches your nose (actually, quite a bit before that). Goodin points out that because nonsmokers in their nonsmoking do not penetrate the space of smokers, while smokers do violate nonsmokers' space, nonsmoker rights should take priority. When such arguments, which employ an overarching value to help sort out conflicts between two or more subordinate level values, are used, we witness one procedure used by communities in sorting out their values, in determining the normative guidance to their policy making and endorsement.

Overarching values are also used to argue that certain specific policies should be rejected or embraced. Members of communities frequently argue that a certain measure under consideration is not compatible with a free society, a self-respecting society, or a caring people. These, as a rule, are not technical arguments; there is often little evidence that if the community adopts a given measure, liberty will be seriously endangered, and so on. Actually, the argument is that if the community proceeds in a given manner, such action will be incompatible with an important value it seeks to uphold. (For a fine example of such an exercise, see Stephen Carter's book *Integrity*.³⁸) I suggest that an empirical examination of successfully completed moral dialogues will show that, often, they draw on such superordinate values to deal with conflicting moral claims.

Another step often taken is to bring a third value into play when two diverge or clash. For instance, those who seek to restore the coalition of the 1960s between African Americans and Jews argue that both groups share a commitment to liberal causes. An attempt to create an interfaith coalition pointed to the shared commitment to religion as the participants struggled to develop a joint statement.³⁹

In effect, most of the considerations ethics brings to bear involve the relative merit of various values rather than conflicts between good and evil. Values talk does not occur when members of a community declare their values; for example, labeling oneself "pro-life" or "pro-choice." Values contain an accounting. And those can be examined and challenged, for instance, by such arguments as: These values are inconsistent with other values you hold; or these values lead to a normative conclusion you "could not possibly seek."

Still other relevant procedures entail *values education, persuasion, and leadership* (in which those who do not share in a given value are con-

vinced to embrace it). These are not examined here because they are well-known. It should, though, be noted that they all are open to abuse.

These three procedures share a sociological element; in each, a person is able to change the values or preferences of others. This ability to change other people's values is particularly alien to individualistic thinking and, in effect, threatens individualistic paradigms to the extent that their various advocates have gone a long way to try to deny the significance of values education, persuasion, and leadership. For instance, neoclassical economists (who draw on an individualist paradigm) argue that advertising is informative rather than persuasive⁴⁰, systematically skip an examination of the way children are educated and thus the way their values are formed, and ignore the role of leadership in deeply affecting people. This may seem strange until one realizes that libertarians must minimize, if not ignore, this sociological element if they are to maintain their primary focus on autonomy. If people are subject to various forms of value changes that are externally driven, one must deal with the societal formations that cause these changes, rather than assume that the course individuals follow reflects their deliberations and choices. Actually, all these procedures are often applied by communities as they sort out values.

RULES OF ENGAGEMENT FOR VALUES TALK

To protect values talks from deteriorating into culture wars (and to keep them communitarian), rules of engagement can be, and are being, applied. They basically reflect the tenet that one should act on the recognition that the conflicting parties are members of one and the same community; hence, they should fight, as the saying goes, with one hand tied behind their back.

One specific rule is that the contesting parties should not "demonize" one another, that they should refrain from depicting the other side's values as completely negative, as when they are characterized as "satanic,"⁴¹ reflecting the anti-Christ, or treasonous. For instance, after the GOP won the 1994 elections in a landslide, Newt Gingrich, the ebullient new speaker of the House, referred to his side being supported by "God-fearing" Americans faced with an opposition of "Godless" people.⁴² (Even academic discussions are reported to have become "too vituperative."⁴³)

Another rule of moral dialogues is *not to affront the deepest moral commitments of the other groups*. The assumption is that each group is com-

mitted to some particular values that are sacrosanct to it, values which must be particularly respected by others; as well as some dark moments in its history upon which members prefer not to dwell. Thus, to confront a German with the horror of the Holocaust whenever one discusses a specific normative difference, or to tell Jews that it did not happen, undermines values talk. Self-restraint in these matters thus enhances the processes that underlie moral dialogues.⁴⁴

Mary Ann Glendon makes a strong case that *using less of the language of rights and more of that of needs, wants, and interests* would make dialogues more conducive to truly shared resolutions. As Glendon puts it, "in its simplest American form, the language of rights is the language of no compromise. The winner takes all and the loser has to get out of town. The conversation is over."⁴⁵

Another important rule is to *leave some issues out of the debate*, both to narrow the area of contest and to be able to draw on existing shared foundations. This is one reason Americans have been careful not to reconvene a constitutional assembly and have made it rather difficult to amend the Constitution.

Liberal individualists stress the importance of keeping ultimate values (especially religious ones) out of deliberations (to keep them "thin" and limited to public matters) to ensure that people will enter them with an open mind.⁴⁶ When this valid observation is pushed too far, it leads liberals to join dialogues without strong commitments—only to be reasonable, constructive, and to find a compromise. When they face others who have strong substantive convictions, the result is illustrated by the kind of dialogues President Clinton engaged in during the first two years of his administration. He gave up half of his agenda before the give-and-take started, and was quick to fold much of the rest—all to be reasonable. To call attention to the difference between joining a dialogue with strong positions along with the willingness to listen and respond to others, versus joining it mainly out of a commitment to a good process, I will refer to a "dialogue of convictions" versus a "dialogue of proceduralists." For moral dialogues to take hold, to gain traction so to speak, they must be those of convictions, not of proceduralists.

Additional rules are provided by James Hunter:

First, those who claim the right to dissent should assume the responsibility to debate . . . Second, those who claim the right to criticize should assume the responsibility to comprehend . . . Third, those who claim the right to influence should accept the responsibility not to inflame . . .

THE WHITE HOUSE
WASHINGTON

May 4, 1998

The Honorable Wendell H. Ford
173A Senate Russell Building
Washington, DC 20510

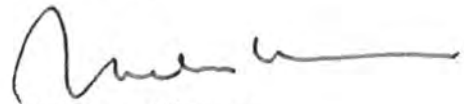
Dear Senator Ford:

On behalf of the First Lady, thank you very much for your letter and invitation from the Democratic Women's Club of Kentucky to deliver the keynote address to the 71st Annual Convention in October.

Regrettably, the First Lady will be unable to attend as she is scheduled to be out of the country during that time. She sends her best wishes for a successful event.

Best wishes.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Melanne Verveer', with a long horizontal flourish extending to the right.

Melanne Verveer
Chief of Staff to
the First Lady

THE WHITE HOUSE
WASHINGTON

May 4, 1998

Ms. Mary Byrum
President
Democratic Women's Club of Kentucky
10077 St. Route 138
Slaughters, KY 42456

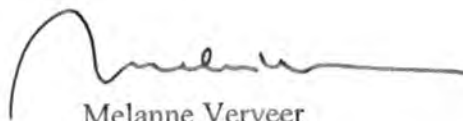
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Melanne Verveer
Chief of Staff to
the First Lady

SENATOR WENDELL H. FORD
WASHINGTON, D.C. 20510

(R)
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born

April 28, 1998

Dear Mrs. Clinton:

I am writing today to encourage your acceptance of an invitation, a copy of which is enclosed, to attend the 1998 Convention of the Democratic Woman's Club of Kentucky.

I know that there are many demands on your time, but I do hope that you will be able to fit this event into your schedule. As you will note, this year's convention will take place in my hometown of Owensboro, and it would mean a great deal to me personally if you were able to be the keynote speaker.

Please do not hesitate to call upon me if I may be of assistance in facilitating this request. Your consideration of the invitation is greatly appreciated.

Warmest regards.

Sincerely,

Wendell

Mrs. Hillary Rodham Clinton
First Lady
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Enclosure



Democratic Woman's Club of Kentucky

April 21, 1998

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President

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10 Parke Drive
Richmond, KY 40475
(H) 606-623-8672

BETTY RIMAS

First Member-at-Large

509 Spring Crest Drive
Somerset, Kentucky 42503
(H) 606-678-9668

MARY HUBBARD

Second Member-at-Large

1674 State Route 139
Marion, KY 42064
(H) 502-667-7375

PATRICIA HAWKINS

Corresponding Secretary

4025 Earlington Road
Madisonville, Kentucky 42431
(H) 502-821-5674

ALICE McDONALD

Parliamentarian

6510 Gunpowder Lane
Prospect, Kentucky 40059
(H) 502-228-8240

First Lady Hillary Clinton,
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mrs. Clinton,

As loyal supporters of the President and you, the Democratic Woman's Club of Kentucky would be greatly honored if you would accept our invitation to be the key note speaker at our 71st Annual Convention. This is a critical election year for Democrats, especially Kentucky Democrats. We must elect a Democrat to replace our beloved Wendell Ford in the United States Senate.

Our 1998 convention will be held in Owensboro, KY, the home of Senator Ford. The convention is a three day affair, October 1st, 2d and 3rd. We would appreciate it if you could attend our banquet Friday evening, October 2nd. and speak to the Democratic Women of Kentucky. Your participation in this convention would provide a huge inspiration to the women of Kentucky.

We will be glad to meet any of your needs or provide additional information as requested.

Sincerely,

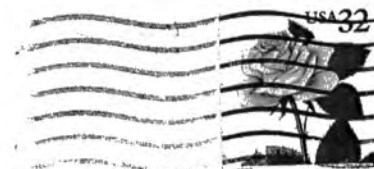
Mary Byrum, President
Democratic Women's Club of Kentucky

CF:

Senator Wendell Ford
Audrey Haynes, Director White House Office for Women's Initiative and Out Reach
Ron McCloud, Chairman of the Kentucky Democratic Party

Women working together make the difference

SENATOR WENDELL H. FORD
WASHINGTON, D.C. 20510



Mrs. Hillary Rodham Clinton
First Lady
The White House
1600 Pennsylvania Avenue.
Washington, D.C. 20500

Attn: Melanne Verveer

20500-0003



THE WHITE HOUSE
WASHINGTON

April 30, 1998

Ms. Carol Fitting
President
AAUW, San Jose Branch
1011 Camino Ramon
San Jose, CA 95125-4302

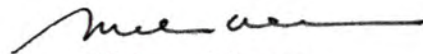
Dear Ms. Fitting:

Thank you very much for your letter and invitation to the First Lady to speak at the appreciation breakfast for Mayor Susan Hammer on January 14, 1999.

We have forwarded to your request to the First Lady's scheduling office and they will be in touch with you once a decision has been made.

Best wishes.

Sincerely,



Melanne Verveer
Chief of Staff to
the First Lady

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AAUW, SAN JOSE BRANCH

Carol Jean Fitting
President
1011 Camino Ramon
San Jose, CA 95125-4302
E-mail: CaroljeanF@aol.com

Telephone 408-275-8718
Fax 408-947-0804

April 21, 1998
Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500
Attention: Melanee Verveer

Dear Ms. Clinton:

The San Jose Branch of the American Association of University Women, in conjunction with The Junior League, Inc., and the League of Women Voters, is planning to honor the outgoing Mayor of San Jose, Susan Hammer, with an appreciation breakfast.

We would like you to be our guest and speak on the topic of health, if this can be arranged. We have tentatively set the date for Thursday, January 14, 1999, but can adjust the date for your convenience, if necessary.

Please contact Barbara Cassin, Chair, at 408-238-3054, or 5490 Cribari Bend, San Jose, CA 95135-1304. Thank you very much.

Sincerely,

Carol Fitting

Carol Fitting, President
AAUW, San Jose Branch

January 23, 1998

Mr. Bernard J. Freitag
President
The German Society of Pennsylvania
611 Spring Garden Street
Philadelphia, PA 19123

Dear Mr. Freitag:

Thank you very much for your letter and invitation to
the First Lady to attend the Philadelphia concert of The St.
Thomas Boys Choir on February 15, 1998. *Regrettably*

We have forwarded your request to Patti Solis Doyle,
Director of Scheduling for the First Lady, and she will be in
touch with you. *just regret*

Best wishes.

Sincerely,

Melanne Verveer
Chief of Staff of
the First Lady

The



German Society of Pennsylvania

Founded in Philadelphia on December 26, 1764, for the Purpose of "Contributing to the Relief of Distressed Germans in Pennsylvania"

611 Spring Garden Street, Philadelphia, Pennsylvania 19123

January 10, 1998

Mrs. Hilary R. Clinton
The White House
Washington, DC 20502

Dear Mrs. Clinton,

When we last met in your receiving line at the White House reception after the Christmas Peace Pageant on December 4th, I little suspected that I would have the happy occasion to be in touch with you so soon again.

I am writing because I have learned that you have tentatively scheduled to attend the Philadelphia concert of THE ST. THOMAS BOYS CHOIR of Leipzig, Germany, which The German Society of Pennsylvania is co-sponsoring with the Bach Festival of Philadelphia.

It is wonderful news that you may be able to join with us on this exceptional evening for both the pre-concert reception honoring distinguished guests and for the concert itself.

As you probably know, what makes the Philadelphia concert unique is the fact that The St. Thomas Boys Choir will also sing with the combined choirs of The Shipley School and Philadelphia's Central High School.

In the accompanying newsletter of The German Society of Pennsylvania you will find an article about The St. Thomas Boys Choir which briefly covers the 750-year history of this renowned group.

As President of The German Society of Pennsylvania it is my sincere hope that your tentative schedule will become firm and that we may have the joy of greeting you here in Philadelphia on February 15th.

Mit freundlichen Grüßen!

Bernard J. Freitag
President

The official registration and financial information of the German Society of Pennsylvania may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.

THE WHITE HOUSE
WASHINGTON

January 15, 1998

Ms. Patricia A. Forde
Director of Entrepreneurial Studies
Pine Manor College
400 Heath Street
Chestnut Hill, MA 02167

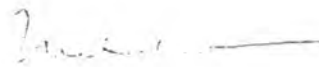
Dear Ms. Forde:

Thank you very much for your letter and invitation to the First Lady to participate in the Women's Enterprise Initiative's Forum later this month.

Regrettably, the First Lady is unable to attend due to schedule conflicts, but sends her best wishes for a successful event.

Thanks and best wishes.

Sincerely,



Melanne Verveer
Chief of Staff to
the First Lady

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Regier

January 13, 1998

Ms. Melanne Verrear, Chief of Staff
Office of the First Lady
Executive Office Building Room 100
Washington, D.C. 20500

Dear Ms. Verrear,

I am writing at the suggestion of Hume Abedin to request the First Lady's participation in the Women's Enterprise Initiative (*WEI*). *WEI* is a collaborative effort between the City of Newton Economic and Community Development Departments, Pine Manor College, and New England Women Business Owners (*NEWBO*).

The *WEI* was launched in April of 1997 and was a terrific success. The *WEI* is a forum providing women entrepreneurs an opportunity to present their business plan to the public and to get feedback from a panel of experts and the general audience. We had invited Mrs. Clinton to join us for the debut, but she was unavailable. Although we were disappointed that she was not able to be with us, we did appreciate her gracious letter of support.

Our third Forum is scheduled for Thursday, January 22 at Newton Free Public Library in Newton, Massachusetts and we would like to extend a warm invitation to the First Lady. We did speak with your Office last week with hopes that her travel schedule would allow a stopover. I was instructed by Hume Abedin to fax a letter to you. The evening will begin with networking (6:00 p.m. to 6:30 p.m.) followed by the forum. The order of events for the forum follows:

Welcome - Patricia A. Forde, Director of Entrepreneurial Studies, Pine Manor College
Program Overview, Introduction of Panelists - Judy George Moderator and CEO Domain
Introduce *Wei* Alumnae Julia Shanks, "Interactive Cuisine" (Presenter from Second Forum)
Introduce first presenter, Wendy Perlman and Tammy Lamenzo "Successful Start-ups"
Moderate dialogue between presenter, panelists, and audience - Judy George
Introduce second presenter, Ellen Barden "Grace Technology"
Closing - Elizabeth Brown, Past President of *NEWBO* (New England Women Business Owners)

I have enclosed some information for your review and look forward to talking with you on this matter. I can be reached at (617) 731-7051. Thank you in advance for your consideration. We truly do appreciate your support!

Sincerely yours,



Patricia A. Forde SPHR
Director of Entrepreneurial Studies
Assistant Professor of Management

THE WHITE HOUSE
WASHINGTON

January 12, 1998

Mr. Giorgio Furioso
Furisos Development Corporation
1601 Buchanan Street, NW
Washington, DC 20011

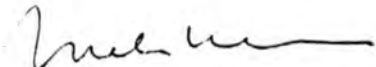
Dear Mr. Furioso:

Thank you very much for your letter and invitation to the First Lady to contribute a letter expressing her support for the arts downtown.

Regrettably, we are not able to accommodate your personal request.

Thanks and best wishes in your work.

Sincerely,



Melanne Verveer
Chief of Staff to
the First Lady



Giorgio FuriOSO
FuriOSO Development Corporation
1601 Buchanan Street, NW
Washington, DC 20011

Ms. Melanne Verveer
Chief of Staff to the First Lady
The White House
Washington, DC 20500

Dear Ms. Verveer:

I am a developer living and working in Washington, DC. I specialize in art related projects. Currently, I am assembling a response to a request for proposals (RFP) from the GSA for the downtown complex under its stewardship which includes the Le Droit and Atlas buildings. The Le Droit Atlas, which I will call the project, is located directly south of the Portrait Gallery and has a 66 year history of arts use, including artists' studios and galleries. Should I be awarded the right to develop the Le Droit Atlas, I would like to continue having an arts component in the complex. I believe strongly in the value of a vibrant arts community to the successful revitalization of inner cities.

To my knowledge, I am the only arts developer in the city. I will be proposing to restore these landmark buildings; to create housing, some arts retail, as well as a fine arts component on this site.

I understand that Mrs. Clinton is a strong supporter of the arts and that, in fact, she met last month at the White House with representatives from the Federal City Council and some other groups including the Washington Performing Arts Society and the Downtown Arts District team. I understand that during this meeting she affirmed her continuing support for the efforts being made by groups such as these to preserve and promote the arts in downtown Washington, DC.

I could really use Mrs. Clinton's help. If she would write a letter which I could include in my proposal packet, reaffirming her support for the arts downtown, it would be a tremendous contribution to this cause. Or if, perhaps, such a letter already exists, she might direct a copy my way.

Understand that I am not asking specifically for an endorsement of my project, although that would be welcomed, but only a general statement of her support for the arts in downtown.

The deadline for the RFP for the LaDroit Atlas is January 9th, 1998. I know that this is a busy time of year for all of us, but I would be so grateful for a letter of support from Mrs. Clinton in this matter. If there are any question, or if further information is needed, please contact me at 202 882-4846.

Thank you for your consideration.

Yours truly,


Giorgio FuriOSO

Fax cover sheet

To: Office of Chief of Staff to First Lady

Ms. Melanne Verveer

456-6244

From: Giorgio Furioso

Phone#..... 202 882-4846

Fax#..... 202 882-7960

Date Jan. 7, 1998

Number of sheets (including cover) 2

THE WHITE HOUSE
WASHINGTON

February 23, 1998

Mr. Bruce Merlin Fried
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, DC 20037-1128

Dear Bruce:

Congratulations on your new position at Shaw, Pittman,
Potts & Trowbridge. I wish you all the best as you face your
new challenges.

Best wishes.

Sincerely,



Melanne Verveer
Chief of Staff to
the First Lady

SHAW PITTMAN
POTTS & TROWBRIDGE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

is pleased to announce

the expansion of its Health Care Law Practice
with the addition of

Bruce Merlin Fried

as partner in its
Washington, D.C. office.

Mr. Fried, former Director of the Center for Health Plans and Providers and Director of the Office of Managed Care at the Health Care Financing Administration, will counsel and represent organizations with regard to federal health care programs and policies, fraud and abuse and compliance, technology applications in the health care sector, transactions involving health care organizations and international health care activities.

SHAW PITTMAN
POTTS & TROWBRIDGE

Washington, D.C.
New York
Virginia
202.663.8006
FAX 202.663.8007
bruce.fried@shawpittman.com
www.shawpittman.com

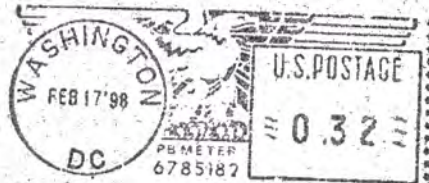
SHAW PITTMAN
POTTS & TROWBRIDGE

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2300 N Street, N.W.
Washington, D.C. 20037-1128
202.663.8000

1675 Broadway
New York, New York 10019-5820
212.603.6800

1501 Farm Credit Drive
McLean, Virginia 22102-5000
703.790.7900



Melanie Verveer
Chief of Staff
Office of the First Lady
The White House
1600 Pennsylvania Ave.
Washington, DC 20500



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POTTS & TROWBRIDGE

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2300 N Street, N.W., Washington, D.C. 20037-1128

PHOTOCOPY
PRESERVATION

THE WHITE HOUSE
WASHINGTON

July 1, 1998

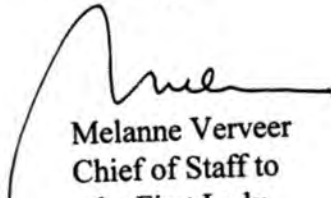
Judge Bohdan A. Futey
United States Court of Federal Claims
717 Madison Place, NW
Washington, DC 20005

Dear Bohdan:

Thank you very much for your thoughtful note and for the articles on the Ukrainian Constitution and Constitutional Court. I am pleased to have the materials.

I too enjoyed our conversation at the Ambassador's residence and hope there is an opportunity for us to work together on our common cause. Best wishes and thanks for all you do.

Sincerely,



Melanne Verveer
Chief of Staff to
the First Lady

*together
on
our
cause*

July 1, 1998

Judge Bohdan A. Futey
United States Court of Federal Claims
717 Madison Place, NW
Washington, DC 20005

Dear Judge Futey: *Bohdan:*

Thank you very much for your thoughtful note and for the articles on the Ukrainian Constitution and Constitutional Court. I am looking forward to reading the materials.

pleased to hear
I too enjoyed our conversation at the Ambassador's residence and hope there is an opportunity for us to meet again *work together*
~~in the future.~~ Best wishes. *& Thanks for all you do. on our*

Sincerely,

*Common
Cause*

Melanne Verveer
Chief of Staff to
the First Lady

United States Court of Federal Claims
717 MADISON PLACE, N.W.
WASHINGTON, DC 20005

JUDGE BOHDAN A. FUTEY

June 16, 1997

Dear Melanee,

It was good talking to you again during the dinner at
Ambassador Shcherbak's residence.

I hope the enclosed articles on Ukraine's Constitution and
Constitutional Court will be helpful and informative.

Greetings to your husband.

With best regards,



PARKER SCHOOL OF
FOREIGN AND COMPARATIVE LAW

C O L U M B I A U N I V E R S I T Y

The
Parker School
Journal of
East European Law

1996 / Vol. 3 No. 3

[This article was published in the East European Constitutional Review: Bohdan A. Futey, Comments on the Constitution of Ukraine, 5 E. EUR. CONST. REV. No 2-3, pp. 29-34. We gratefully acknowledge the EECR for permission to reprint this article.]

With the adoption of the Constitution of Ukraine by the Verkhovna Rada, Ukraine has established its fundamental law, further established its statehood, and provided a fitting tribute for the fifth anniversary of Ukraine's independence. While the Constitution merits commentary on its treatment of individual rights, the establishment of separate and co-equal branches of government, and the organization of the judiciary, it is important to emphasize that the Constitution demonstrates Ukraine's move toward a democratic system based on the rule of law and toward a free market economy; a move that began with the Act of Declaration of Ukraine's Independence of August 24, 1991, and was affirmed by 90% of Ukraine's population in a nationwide vote held on December 1, 1991.

Individual Rights

It is also important to note that the constitutional process in Ukraine underlined the tension that exists between attempts to forget the past while at the same time preserving the social ideals that the past system never fulfilled. It is obvious that the drafters were inclined to obtain, and provide for the Ukrainian people, guarantees of political freedoms and liberties they never before possessed. At the same time, however, they appeared to be leery of the radical social change that has come with the demise of the Soviet Union. Some illustrations of rights in the Constitution that were suppressed during the Soviet years include: the right to freely travel in and outside Ukraine (Art. 33), the right to privacy of correspondence and telephone

conversations (Art. 31), the right of association (Art. 36), the right to defend one's life (Art. 27), the right to the access of government information about oneself (Art. 32), freedom from censorship (Art. 34), freedom from being used in medical or scientific experiments (Art. 28), and freedom from torture and inhumane treatment (Art. 28). All of these protections are illustrative of the Ukrainian people's legitimate fear of a reemergence of a Soviet-style regime. On the other hand, the Constitution illustrates the fear (and lack of confidence in a capitalist system) that Ukrainians seem to have about a radical socio-economic change that might result in abandoning the social aspects of a socialist/communist system. Some examples include provisions that guarantee employment (Art. 43), the right to housing (Art. 47), rest and leisure (Art. 45), and to a clean environment (Art. 50).

In articulating individual rights, the Constitution includes both negative and positive rights. Negative rights protect against government interference by limiting the role of government. They establish basic private rights and personal freedoms, such as freedom of speech, press, religion, and assembly. Negative rights are enforceable under the rule of law. A court may declare a policy or enactment of the government improper or illegal. Positive rights require the government to do something for the benefit of the individual. They are, however, practically unenforceable. Examples of positive rights in Ukraine's Constitution include the right to a job, the right to housing, and the right to "satisfactory living standards." A Constitution which gives rights that cannot be enforced would not be considered a serious legal document. Therefore, the presence of positive rights in the Constitution may curtail protections which stem from negative rights. One solution would have been to place these positive rights in the Preamble or Declaration of Purpose, where they would have been viewed as goals for which the nation strives. The Constitution attempts to solve this problem by rephrasing some of the positive rights. For example, Article 43

guarantees "the right to have the possibility to earn a living" rather than the broad "right to work" guaranteed in earlier drafts. This limits the state's obligation to creating the conditions necessary to exercise this right. Similarly, Article 47, concerning the right to housing, indicates that the state will establish "conditions under which every citizen can build, buy, or rent" housing. Furthermore, for citizens "who need social protection," the state will provide housing. In these situations, however, the courts need not require the government to provide a particular job or house to a particular person.

In response to the intense discussions on economic reforms, the Constitution also addresses property rights. The aim is to introduce a free market economy as a foundation for the economic policy of the nation. The desire for a free market system requires a change from the old command-administrative system. The cornerstone for this change is the principle of private ownership of property in its fullest meaning. Without private property there cannot be a free market economy. The Constitution guarantees all types of ownership of property, including private ownership of land (Arts. 14, 41).

Unfortunately, many of the protections guaranteed by these rights have been curtailed with "claw back" provisions — where, on one hand, the Constitution purports to ensure a particular right but, on the other hand, certain qualifications nullify that protection. Article 157, for example, states as a general proposition that the Constitution may not be changed to restrict rights and freedoms. In addition, Article 22 provides that constitutional rights and freedoms may not be abolished. Article 41 initially echoes this idea by stating that the right of private property is inviolable. The Article continues, however, to note that the right of private property is "granted on the basis and within the limits determined by law." Thus, a simple majority of the

Verkhovna Rada could enact a statute that alters constitutional property rights. This would allow the Verkhovna Rada to circumvent the two-thirds majority needed to amend the Constitution, as well as the prohibition on limiting rights as expressed in Article 157. Other rights subject to limitations by statute include the right to intellectual property (Art. 41, 54) and the right to strike (Art. 44). Article 35 allows for the freedom of conscience and religion to be limited by law, although such limitations are restricted to protecting the public order, health, and morality or the rights and freedoms of other people.

Another example of a claw back provision appears in Article 34, which initially guarantees the right to free thought, speech, and expression. The final paragraph in that Article lists the circumstances in which these freedoms may be limited: (1) when interests of national security are involved; (2) in matters of territorial integrity or the public order with the purpose of preventing disturbances or crimes; (3) to protect the health of the population; (4) to protect the reputation or rights of other people; (5) to prevent the announcement of information received confidentially; or (6) to support the authority and impartiality of justice. With so many exceptions, especially when stated in general terms, the government would be able to limit any speech. Only time will tell as to the status of these rights.

On a positive note, the drafters are to be commended for establishing an Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights, to whom every person may appeal for the protection of his or her rights (Art. 55).

Separation and Equality of the Branches of Government

In order to establish a system based on the separation of powers, a Constitution must establish branches of government that are

not only separate but also co-equal. In order to ensure the co-equality of the separate branches, a Constitution must provide each branch with a series of checks and balances over the other branches. Ukraine's Constitution espouses the principle of separation of powers in Article 6, which establishes the legislative, executive, and judicial branches.

There are indications that a political consensus developed among drafters to establish a Presidential Republic. While this may have been understood among the drafters, the Constitution does not fully reflect this meaning. In a Presidential Republic, the President is designated as the head of the executive branch as well as head of state. While Article 102 establishes the President as the head of state and the guarantor of compliance with the Constitution, Article 113 declares that the Cabinet of Ministers is the highest body of executive power. On the other hand, the President appoints the Prime Minister, a member of the Cabinet, with the consent of the Verkhovna Rada (Art. 106, cl. 9). The President also affirms the other Cabinet members, upon the submission of the Prime Minister (Art. 106, cl. 10). Moreover, the President has the power to discharge the Cabinet members. Thus, while the President may in fact be the head of the executive branch, there is no express indication of such in the Constitution.

Another instance where the President's executive power is somewhat nebulous concerns the Office of the Procurator. Early drafts gave the Procurator broad executive powers yet also guaranteed that the office would be independent from the legislative, executive, and judicial branches of government. While the Constitution still addresses the Procurator's Office in its own chapter, separate from the chapter dealing with the executive branch, the Constitution includes provisions which effectively place

the Procurator within that branch. The consent of the Verkhovna Rada is not required for the dismissal, only for the appointment. Besides authorizing the Procurator to direct state prosecution in court and to oversee the legality of investigative bodies, Article 121 limits the Procurator's power to oversee the observance of laws to situations involving the enforcement of court decisions on criminal cases, whereas the President has broader oversight over state sovereignty, territorial integrity, compliance with the Constitution, and human rights and freedoms (Art. 102). By imposing these restrictions, the Constitution has properly removed the unchecked power of the Procurator's Office that had been abused in the past. Unfortunately, until the Verkhovna Rada enacts a statute under these new provisions governing the Procurator's Office, the Procurator continues to perform under the "old system," and Ukrainians risk suffering from the abuses that accompany that system (Chapt. XV, para. 9). The Verkhovna Rada would do well to draft this new legislation as soon as possible.

In addition to being vague regarding powers that the President should have, the Constitution simultaneously grants the President powers that more properly belong in the legislative branch. Article 106, clause 14, gives the President the power to create and "liquidate" ministries. Further, while Article 106, clause 9, requires the President to seek the consent of the Verkhovna Rada in appointing the Prime Minister, the President does not need the Rada's consent in appointing other ministers in the Cabinet (Art. 106, cl. 10). The only limitation on the President in appointing Cabinet members is that the Prime Minister submits the candidates to the President. Giving the Verkhovna Rada a voice (a check) in the appointment process for at least one-half of the Cabinet of Ministers would have gone far in reducing the risk of

governmental authority becoming too concentrated in a single branch, thereby strengthening the concept of co-equal branches and allowing for a better system of checks and balances.

Organization of the Judiciary

Certain provisions addressing the judiciary raise questions as to the co-equality of that branch, as well as other issues. Article 125 establishes the Supreme Court of Ukraine as the highest judicial body, with other courts, as established under principles of territoriality and specialization, falling under the Supreme Court's authority. The drafters are to be commended for this improvement over the old Soviet system of courts. Despite this partial unification, however, the Constitution maintains a distinction between the Constitutional Court and courts of general jurisdiction. This division implicates somewhat the doctrine of separation of powers because the courts of general jurisdiction lack the tools necessary to act as a separate and co-equal branch of government. The Supreme Court and lower courts of general jurisdiction cannot interpret laws nor declare laws and acts unconstitutional. By assigning that authority to the Constitutional Court, the Constitution skews the principle of checks and balances in favor of the other two branches. One way to resolve this problem under the proposed system is for the Constitutional Court to be considered as the real judicial branch. While it might be preferable to establish a completely unified judicial system, as exists in the United States, it is important to note that the system established in Ukraine's Constitution is still a great improvement over prior suggestions, such as the three-tiered judicial system (composed of a Supreme Court, a Constitutional Court, and a Higher Arbitration Court) that Ukrainians had in the past. Furthermore, one must keep in mind that, despite this potential

problem, the newly established judicial system does not represent a rejection of democratic ideals. Ukraine is simply not moving toward the particular system chosen by the United States. Rather, Ukraine is choosing a different option, one prevailing in some European countries, to achieve the same goals.

The main problem with this judicial system is that it may not be implemented promptly. The transitional provisions in the Constitution allow for the existing judicial system to perform for up to five years (Chapt. XV, para. 12). Hopefully, government officials will once again exhibit the ability to reconcile their differences, as they did in ratifying this Constitution, and establish the new judicial system in a timely manner. Another transitional problem arises by placing the power to interpret statutes solely within the Constitutional Court. Because the Court has not yet been formed, the Verkhovna Rada temporarily has the power in the new Constitution to interpret its own statutes (Chapt. XV, para. 6). Thus, until the Constitutional Court is established, which could take as long as three months, various members of Parliament may exercise the authority of all three branches of government.¹

In addressing courts of general jurisdiction, the Constitution establishes the qualifications for judges in terms of age, experience, residency, and language. Article 127 stipulates that a judicial candidate must be a citizen at least 25 years old with high legal education and three years of experience working in the sphere of law. Furthermore, the candidate must have resided in Ukraine for 10 years and speak the state language. Newly appointed judges serve a five-year term, after which they may be appointed for life (Art. 126, 128). For Constitutional Court judges, the Constitution requires candidates to be at least 40 years-of-age, have 10 years of experience, speak the

state language, and have resided in Ukraine for 20 years (Art. 148).

As for the appointment of judges to courts of general jurisdiction, the Constitution authorizes the President to appoint judges for their initial five-year term (Art. 128). The Verkhovna Rada has the power to elect judges for life thereafter (Art. 85, cl. 25; Art. 128). To assist in the appointment process, the Constitution establishes the Supreme Council of Justice. This council is composed of members of all branches of government and is charged with the "submission of a proposal regarding the appointment" of judges (Art. 131). The Constitution does not detail to whom this proposal should be submitted. Moreover, it is unclear whether this proposal affects the President's appointment, the Verkhovna Rada's appointment, or both. The Council is composed of 20 members. The Verkhovna Rada, the President, The Congress of Judges, the Congress of Advocates, the Congress of Representatives of High Legal Schools and Scientific Institutions appoint three members each. In addition, the All-Ukrainian Conference of Representatives of Prosecutor's offices personnel appoints two members. Further, due to their positions in government, the Chairman of the Supreme Court, the Minister of Justice, and the Procurator General serve as members. It is noteworthy that the Minister of Justice and the Procurator General are Presidential appointees. Thus, when combined with the three other members appointed by the President, it follows that the President's views will be well represented in this Council.

Concerning the Constitutional Court judges, the Constitution calls for 18 judges, with the President, the Verkhovna Rada, and the Congress of Judges of Ukraine each appointing 6. Unfortunately, the Constitution does not state how many judges must agree in

order to constitute a binding decision. Is a simple majority needed? A two-thirds majority? If a simple majority is needed, what happens if there is a tie? In the United States, when the judges are evenly split, the lower court's decision stands. The Constitution, however, does not establish a court below the Constitutional Court. Proponents of a court with an even number of judges suggested that the Chairman's vote would carry more weight and allow his or her side to prevail, but this idea has not been clearly articulated in the Constitution, nor does it comport with democratic principles.²

Another problem is the judges' objectivity. The Constitution provides for judicial immunity from unpopular decisions, which should enhance the judge's ability to render impartial opinions (Art. 126, 149). Other provisions, however, hinder the appearance of independence and impartiality. For instance, judges on the Constitutional Court serve a nine year term with no right to reappointment (Art. 148). As a result, relatively young judges face the prospect finding of future employment and, with that in mind, might favor one party over another. Further, the Constitution fails to guarantee the non-reduction of judicial salaries. In order to reinforce the public's confidence in the judicial system, it is important to guarantee judges' independence in making decisions by eliminating pressures from the other two branches and by securing their lifetime tenure and non-reducible salaries. These deficiencies in the Constitution may instead create the appearance of impropriety in the public's mind.

The Constitution also introduces the peoples' direct participation in the judicial system through juries (Art. 124). Article 127 also addresses juries, but it is unclear from this provision whether the jurors will act as lay judges, as found in European systems; or as jurors in the United States,

who make findings of fact, as well as determine guilt in criminal cases and liability in civil cases. Furthermore, the Constitution does not mention whether one has a right to a jury in civil and criminal cases or only in criminal cases. In the United States, this concern was addressed in the Bill of Rights, where the Sixth Amendment to the Constitution guarantees the right to a jury in all criminal prosecutions; and the Seventh Amendment preserves the right to a jury in suits at common law "where the value in controversy shall exceed twenty dollars." Twenty dollars was worth much more in 1791, when this amendment was ratified; nevertheless, this amount has never been raised. If the drafters of Ukraine's Constitution allow the details of the right to a jury to be determined by future statutes, such provisions may not have the intended impact, especially when Ukraine does not have a well developed concept of the jury system due to its history. A similar problem arises in Article 59, which articulates the right to legal assistance yet does not specify whether this right applies to civil cases as well as criminal cases.

Regarding access to the Constitutional Court, it is noteworthy that former drafts allowed citizens to bring complaints themselves. They can no longer do so under Article 150 of the ratified Constitution. To make up for this change, Article 55 of the Constitution gives persons the right to appeal to the courts and the Authorized Representative on Human Rights for enforcement of their rights. Article 55 also allows persons to appeal to the United Nations or the Council of Europe, although it is unclear how those organizations could enforce rights under the Ukrainian Constitution. Under Article 150, only certain enumerated entities may certify issues before the Constitutional Court: the President, the Verkhovna Rada of Ukraine, the Supreme Court, the

Authorized Representative on Human Rights, or the Verkhovna Rada of the Autonomous Republic of Crimea. Older drafts also allowed the Procurator General to raise matters before the Constitutional Court. Given the Procurator's proper placement under executive authority, it is no longer necessary for the Procurator to have access to this Court because the President already has the authority to raise constitutional issues.

Further, the Constitution declares that the State will compensate for moral and material damages resulting from unconstitutional acts (Art. 62, 152). While this represents a noble goal on the drafters' part, such a provision has the potential to be abused and risks placing a great strain on the Treasury. For example, this provision would allow criminal defendants, who have been found not guilty because of a violation of their rights, to sue the government for moral damages. In the United States, the government would be justified in pursuing a criminal case as long as there is an initial determination by a judge or prosecutor, or an indictment by a grand jury, that there was probable cause to believe an offense had been committed and that the defendant had committed the offense. The Fifth Amendment requires a grand jury indictment for the prosecution of all federal crimes. Therefore, a criminal defendant who prevails at trial generally cannot turn around and sue the government. In the United States, some state programs compensate individuals for damages due to unconstitutional acts. There are no provisions, however, for compensation of moral damages. Punitive or exemplary damages may be allowed in lawsuits between private parties, but problems may arise if the amounts of such awards are not limited.

While not everyone is pleased with every provision of this fundamental law of Ukraine, it is important to remember that

the Constitutions of most democracies are the result of compromises between various factions. Regardless, the adoption of the Constitution was an historic moment. By working together to ratify this Constitution, the members of Parliament have responded to Ukrainians' desire to emphasize their sovereignty. A specific example of this desire is demonstrated by the Constitution's references to symbolism. Article 20 establishes the State Flag, Emblem, Anthem, and capital city. Furthermore, Article 10 declares that the State (official) language is Ukrainian. Ordinarily, Constitutions do not contain references such as these. The drafters, however, realized the importance of establishing these symbols of sovereignty given Ukraine's experiences in the past. Nevertheless, the Constitution guarantees the development of ethnic minorities' culture and language (Art. 10, 54).

In reaching a political consensus and adopting a Constitution based on democratic principles, the members of Parliament have sent a message to the world and have cemented Ukraine's place among other democratic societies. As in previous instances, such as reaching an accord on the Constitutional Agreement in 1995, Parliament and the President have solved their differences in a diplomatic and civilized manner rather than through the use of force, thereby emphasizing the democratic nature of the Ukrainian people.

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the Conference of Judges, six were appointed by the President and only four were elected by the Verkhovna Rada. Paragraph 4 in Section IV (Final and Transitional Provisions) of the law, states: "The Constitutional Court of Ukraine begins to accept constitutional appeals and constitutional petitions for consideration starting January 1, 1997."

2. *Id.*

Court
1. The Law of the Constitution of Ukraine was adopted by the Verkhovna Rada on October 16, 1996. Sixteen of the 18 judges are presently on the Constitutional Court. Six were elected by

THE HARRIMAN REVIEW



THE PERILS OF PERESTROIKA

THE CONSTITUTIONAL COURT
OF UKRAINE

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Comments on the Law on the Constitutional Court of Ukraine

Judge Bohdan A. Futey

The Constitution of Ukraine (the Constitution), adopted by the Verkhovna Rada of Ukraine, the Ukrainian parliament, on June 28, 1996,¹ establishes the Constitutional Court of Ukraine as an integral part of the Ukrainian judicial branch. In addition to generally setting forth the role and structure of the Ukrainian judiciary, the Constitution outlines the entities that administer judicial proceedings, the Constitutional Court and the courts of general jurisdiction. Specifically, Chapter XII of the Constitution provides the basic framework for the Constitutional Court, describing its role, structure, jurisdiction, and authority. Chapter XII also delineates standing to bring matters before the Constitutional Court. Importantly, the final provision of Chapter XII states that the organization and functioning of the Constitutional Court, as well as the procedure by which it shall consider cases, is to be determined by law. Thus, the Constitution left many matters regarding the judiciary to further enabling legislation.²

Regarding the Constitutional Court, such legislation was enacted on October 16, 1996, when the Verkhovna Rada adopted the Law of Ukraine on the Constitutional Court of Ukraine (the Law on the Constitutional Court). In general, the Law on the Constitutional Court sets forth the fundamentals of the Constitutional Court, constitutional procedure, peculiarities of constitutional proceedings, and certain final and transitional provisions. Although these arrangements generally follow those discussed in the Constitution, it appears that the Law on the Constitutional Court may make additions to the constitutional provisions on the Constitutional Court. Of greater import, however, is the fact that there may exist a potential for certain inconsistencies between the Constitution and the Law on the

Constitutional Court. These areas of concern must be addressed and clarified before the Constitutional Court can establish the credibility and confidence necessary to effectively dispense justice. The need for such clarification is especially compelling now that the Constitutional Court has begun accepting constitutional appeals and constitutional petitions for consideration.³

The Constitution of Ukraine

Any discussion of the relationship between the fundamental law of the land and the Constitutional Court must first begin with Article 6 of the Constitution. Article 6 provides for a separation of state power among the legislative, executive, and judicial branches of the Ukrainian governmental structure. Although this basic structure is similar to that of the United States, differences exist in the organization of the judiciary in the two countries. Most notably, the Ukrainian judiciary is not unified in the same manner as the American judiciary. Specifically, the organizational structure of the Ukrainian judiciary separates judicial functions among the courts of general jurisdiction on the one hand, and the Constitutional Court on the other. Thus, the Ukrainian judicial structure more closely follows the system prevailing in some European countries, Germany and France, for example. In any event, it is clear that Ukraine's newly established judicial structure represents a great improvement over the prior system, which had used the law for the sole purpose of control over and enforcement of the government's decisions.

The role of the new Ukrainian judiciary is generally set out in Article 124 of the Constitution. Article 124 establishes that justice in Ukraine is

1 For a general discussion on the Constitution, see Bohdan A. Futey, "Comments on the Constitution of Ukraine," 5 *E. Eur. Const. Rev.* 29 (Spring/Summer 1996), reprinted in 3 *Parker Sch. J. E. Eur. L.* 363 (1996).

2 See Constitution of Ukraine, Chapter 15, § 6 (stating that the Constitutional Court is to be formed within three months of the adoption of the Constitution); Chapter 15, § 12 (requiring the formation of the new court system to occur in no more than five years).

3 Pursuant to section IV(4) of the Law on the Constitutional Court, the Constitutional Court began accepting constitutional appeals and constitutional petitions on January 1, 1997.

exercised entirely by the courts, which have jurisdiction over all legal relations that appear in the state. In addition, Article 124 provides that the people directly participate in administering justice through peoples' assessors and juries.⁴ As previously noted, judicial proceedings are administered by both the courts of general jurisdiction and the Constitutional Court. In accordance with Article 125, the system of courts of general jurisdiction is built upon principles of territoriality and specialization.⁵ These courts of general jurisdiction fall under the authority of the Supreme Court of Ukraine, which is the highest judicial body in the system of courts of general jurisdiction. Appropriate higher courts are at the apex of specialized courts, with appeal to the Supreme Court.

Despite this constitutional provision for a unified system of courts of general jurisdiction, the Constitution, in fact, prevents a truly unified Ukrainian judiciary by establishing clear divisions between the courts of general jurisdiction and the Constitutional Court. This lack of unity becomes apparent when the jurisdiction of the courts of general jurisdiction is compared with that of the Constitutional Court. Specifically, Article 147 of the Constitution assigns authority to interpret laws and declare laws or acts unconstitutional exclusively to the Constitutional Court. Without such authority, the courts of general jurisdiction lack the tools necessary to act as a separate and co-equal branch within the Ukrainian governmental structure. In reality, therefore, the Constitutional Court, which is the sole body with "judicial review" authority, is the only real "judicial power" in Ukraine, at least in the American understanding of that concept. Thus, the Constitutional Court effectively represents the true judicial branch of Ukraine.⁶

Article 8 of the Constitution guarantees the right of direct "appeal"⁷ to court, based upon the Constitution, for the defense of constitutional rights and freedoms. Article 55 of the Constitution also advances this concept by stating that the rights and

freedoms of every person are protected by the court. The same article further provides a general description of the notion of standing as it relates to the protection of these rights and freedoms, granting every person the right to "appeal" to the courts the actions or inactions of bodies of state power, bodies of local self-government, and public officials and servants. In addition, every person is guaranteed the right to "appeal" for the protection of his/her rights to the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights (Human Rights Representative).⁸ Persons also may "appeal" to the United Nations or the Council of Europe, although it is unclear how those organizations could enforce rights under the Ukrainian Constitution.

Whereas Article 55 generally discusses the concept of standing, especially as it applies to the courts of general jurisdiction, Article 150 of the Constitution more clearly defines the concept of standing before the Constitutional Court as it relates to the Constitutional Court's jurisdiction. Despite the apparently broad standing principles set out in Article 55, Article 150 explains that only certain enumerated entities may request the Constitutional Court's resolution of issues on the constitutionality of laws and other legal acts of the Verkhovna Rada of Ukraine, legal acts of the President of Ukraine, legal acts of the Cabinet of Ministers of Ukraine, and legal acts by the Verkhovna Rada of the Autonomous Republic of Crimea. These entities include: the President of Ukraine; no less than 45 People's Deputies of Ukraine (Deputies)⁹; the Supreme Court of Ukraine; the Authorized Representative on Human Rights of the Verkhovna Rada of Ukraine; or the Verkhovna Rada of the Autonomous Republic of Crimea. Article 150 places no such limitation upon the persons who may request official interpretations of the Constitution and laws of Ukraine. The Constitution provides that the decisions of the Constitutional Court shall be binding throughout the territory of Ukraine. With regard to

4 The Constitution does not, however, define peoples' assessors or the jury concept. Perhaps such explanation will be provided in future legislation.

5 The new court system of Ukraine envisions the creation of specialized courts separated into separate judicial divisions. See Viktor Shishkin, "Problems and Prospective Solutions for Establishing a Judiciary in Ukraine," 3 *Parkes Sch. J. E. Eur. L.* 32, 34 (1996). At the apex of each respective division will be a high court, including: the High Criminal Court; the High Civil Court; the High Commercial Court (High Court of Economics); the High Administrative Court; the High Military Court; the High Intellectual Property Court; etc.

6 The separate nature of the courts of general jurisdiction and the Constitutional Court is further highlighted by Article 31 of the Law on the Constitutional Court, which provides that the Constitutional Court is to be financed as a separate line item in the State Budget of Ukraine, i.e., separate from the courts of general jurisdiction.

7 Quotation marks are used to denote that the Constitution's general use of the term "appeal" is not to be confused with the specific definition given to the term "constitutional appeal" in the Law on the Constitutional Court.

8 The Human Rights Representative has not yet been appointed by the Verkhovna Rada.

9 Deputies are members of the Verkhovna Rada.

the structure of the Constitutional Court, the Constitution calls for a Court comprised of 18 judges, with the President, the Verkhovna Rada, and the Congress of Judges of Ukraine each appointing 6 judges to the Constitutional Court.¹⁰ The Constitution states that a judge of the Constitutional Court may "only" be a citizen of Ukraine, who: (1) is not less than 40 years of age at the time of his/her appointment; (2) possesses a higher legal education and at least 10 years of professional experience; (3) has resided in Ukraine for the previous 20 years; and (4) speaks the state language. Judges of the Constitutional Court are appointed for 9 years with no right to reappointment. After appointment, the judges of the Constitutional Court, at a special plenary meeting, elect a Chairman to serve a single three-year term.

One concern raised by these provisions is the matter of the judges' objectivity. The Constitution provides that judges are immune from prosecution for their decisions, which should enhance their ability to render impartial decisions. The attainment of such impartiality is, however, threatened by other provisions, such as the finite term of appointment. As a result of this term limit, some judges might face the prospect of seeking future employment and, with that in mind, may favor one resolution over another. Further, the Constitution fails to guarantee the non-reduction of judges' salaries, again leaving the door open for concerns regarding a judge's objectivity and independence. Such deficiencies in the Constitution may create the appearance of impropriety in the public's mind and should be addressed.

Although these concerns are not allayed in the Law on the Constitutional Court, other organizational provisions, as well as provisions regarding standing before the Constitutional Court and the Constitutional Court's jurisdiction, are elucidated in the Law on the Constitutional Court. Moreover, while the Law on the Constitutional Court generally follows and clearly seeks to advance the basic principles set out for the Constitutional Court in the Constitution, the Law on the Constitutional Court appears, at times, to diverge somewhat from that foundation. Any such differences, however, are not insurmountable, nor should they prevent the Constitutional Court from effectively serving the important role intended for it by the Constitution.

The Law on the Constitutional Court of Ukraine

At the outset, the Law on the Constitutional Court makes clear, in Article 1, that the Constitutional Court is the sole body vested with constitutional jurisdiction in Ukraine. In explaining this jurisdictional authority, Article 13 of the Law on the Constitutional Court provides that the Constitutional Court shall consider issues that fall within any of four designated areas: (1) the constitutionality of laws and other legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, acts of the Cabinet Ministers of Ukraine, and legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea (Article 13, ¶ 1); (2) correspondence to the Constitution of Ukraine of actual international treaties of Ukraine or international treaties submitted to the Verkhovna Rada of Ukraine for confirmation (Article 13, ¶ 2); (3) adherence to the constitutional procedure of investigation and consideration of a case on the dismissal of the President of Ukraine from this position in the order of impeachment, within the limits set forth in Articles 111 and 151 of the Constitution of Ukraine (Article 13, ¶ 3); and (4) official interpretation of the Constitution and laws of Ukraine (Article 13, ¶ 4).

The Constitutional Court's jurisdiction, however, is even broader because, in addition to its authority set out in Article 13, the Constitutional Court is granted authority to consider certain matters *sua sponte* pursuant to Article 61 of the Law on the Constitutional Court. Article 61 provides that, if, during the process of consideration of a case on constitutional appeal or constitutional petition, the Constitutional Court finds a discrepancy between the Constitution and a legal act that is not involved in the present proceeding but which has an effect on the adoption of a decision or provision of a conclusion, the Constitutional Court shall adopt a decision regarding the unconstitutionality of such other legal acts, or particular portions thereof.

Despite this apparent extension of the Constitutional Court's jurisdiction, however, the Law on the Constitutional Court also specifically excludes certain areas from the reach of the Constitutional Court. Indeed, Article 14 of the Law on the Constitutional Court states that the authority of the Con-

¹⁰ At present, 17 judges have been appointed to the Constitutional Court, with one judge to be appointed by the Verkhovna Rada. For purposes of accuracy, it also should be noted that, pursuant to Articles 7 and 8 of the Law on the Constitutional Court, both the Verkhovna Rada and the Congress of Judges appoint judges to the Constitutional Court by secret vote (election).

stitutional Court does not include jurisdiction over: (1) issues regarding the legality of acts of bodies of state power¹¹; (2) issues regarding the legality of acts of bodies of power of the Autonomous Republic of Crimea; (3) issues regarding the legality of acts of bodies of local self-government; and (4) issues under the authority of the courts of general jurisdiction.

The Law on the Constitutional Court's inclusion of these limitations not only highlights the distinction between the system of courts of general jurisdiction and the Constitutional Court, but also makes clear that the Constitutional Court is the only body with true judicial review authority in Ukraine. In employing this judicial review authority, the Constitutional Court, pursuant to Article 15, may adopt a decision declaring a legal act unconstitutional if it finds that: (1) the legal act does not correspond to the Constitution; (2) the manner in which the legal act was considered, adopted, or came into force violated the procedures set out in the Constitution; or (3) the relevant body utilized an excess of constitutional power in adopting the legal act. Article 61 provides that the Constitutional Court may consider a legal act unconstitutional entirely or in part.

At this point, it should be noted that the Law on the Constitutional Court, in Articles 61 and 62, draws a distinction between the Constitutional Court adopting decisions and the Constitutional Court providing conclusions. Under the Law on the Constitutional Court, the Constitutional Court adopts decisions regarding issues within the Constitutional Court's Article 13, ¶ 1 jurisdiction. By contrast, the Constitutional Court provides conclusions on issues within the areas of jurisdiction provided for in Article 13, ¶¶ 2 through 4. Article 69 emphasizes that decisions and conclusions of the Constitutional Court are equally binding, which raises a question as to why this distinction is even necessary.

Article 13, ¶ 1

Subjects with standing to file constitutional appeals regarding the adoption of decisions by the Constitutional Court in cases set forth in Article 13(1) are enumerated in Article 40 of the Law on the Constitutional Court. These subjects include:

(1) the President of Ukraine; (2) at least 45 Deputies of Ukraine; (3) the Supreme Court of Ukraine; (4) the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights; and (5) the Verkhovna Rada of the Autonomous Republic of Crimea. This list is the same as that set out in Article 150 of the Constitution. It is important to note that neither the Constitution nor the Law on the Constitutional Court permits private citizens to bring constitutional appeals directly before the Constitutional Court pursuant to Article 13, ¶ 1.

Proceedings envisaged in Article 13, ¶ 1 are broadly set out in Chapters 9 and 10 of the Law on the Constitutional Court. Initially, Article 71 reiterates the principles regarding the submission of constitutional appeals previously discussed in Article 13, ¶ 1 and Article 40. Article 75 expressly defines the reasons for a constitutional appeal as follows: "The reason for a constitutional appeal is the existence of divergence regarding the authority of constitutional bodies of the state power of Ukraine, bodies of power of the Autonomous Republic of Crimea and bodies of local self-government, if one of the subjects of the constitutional appeal, envisaged in Article 40 of this Law, believes that legal acts, mentioned in [Article 13, ¶ 1] of this Law, which set forth the authority of the aforementioned bodies, does not correspond to the Constitution of Ukraine." Importantly, it should be noted that Article 75 mentions for the first time, in the context of Article 13, ¶ 1, bodies of local self-government. It is therefore unclear whether the Constitutional Court actually has jurisdiction to hear challenges to the constitutionality of acts of bodies of local self-government.

Once a case questioning the constitutionality of an act of a body of power is brought before the Constitutional Court, Article 72 requires the Constitutional Court to involve the participation of the body whose act is being challenged. In imposing this requirement, the Law on the Constitutional Court seeks to insure fair representation in its proceedings. Similarly, Article 76, guarantees any of the subjects listed in Article 40, the right to participate in each stage of a constitutional proceeding, if it is deemed that a decision of the Constitutional Court might affect the extent of that subject's authority. In this respect, Article 76 resembles

¹¹ By using the term "legality" in this article, the drafters of the Law on the Constitutional Court are clearly drawing a distinction between the Constitutional Court's authority to determine the constitutionality of a legal act and the Constitutional Court's lack of authority to resolve questions involving alleged illegal acts by the bodies of state power. Such jurisdiction over so-called "criminal behavior" lies with the courts of general jurisdiction.

what would be described as a permissive intervenor clause in the American legal system.

After consideration of the case, the Constitutional Court shall adopt decisions regarding the constitutionality of the challenged act. Under Article 73, if the Constitutional Court finds an act, or a particular provision thereof, to be unconstitutional, the Constitutional Court shall declare the act or provision void. The act or provision shall lose its force from the date of adoption of the Constitutional Court's decision. Pursuant to Article 74, if the Constitutional Court declares an act unconstitutional, the Constitutional Court may notify the courts of general jurisdiction of the prejudicialness of its decision regarding any suits in those courts that involve matters relating to the unconstitutional act.

Following this discussion of procedures regarding the process of bringing and deciding suits involving the Constitutional Court's Article 13, ¶ 1 jurisdiction, Chapter 12 more specifically addresses the peculiarities of proceedings involving the correspondence of provisions of legal acts mentioned in Article 13, ¶ 1 to the constitutional principles and norms regarding human and citizen rights and freedoms. Article 82 lists several reasons for submitting requests to initiate proceedings before the Constitutional Court regarding the correspondence of norms of acting legislation to the principles and norms of the Constitution concerning human and citizen rights and freedoms. Such reasons include: (1) the existence of disputed issues concerning the constitutionality of adopted and promulgated laws and other legal acts; (2) the raising of questions regarding the constitutionality of legal acts discovered during the judicial process of the courts of general jurisdiction; and (3) the raising of disputes regarding the constitutionality of legal acts revealed by bodies of the state executive power in the process of their implementation and by the Human Rights Representative in the process of his/her activity. One item that is left unclear, however, is the question of who has standing to make such requests. Because Chapter 12 deals exclusively with acts covered under Article 13, ¶ 1 of the Law on the Constitutional Court, it may be presumed that only subjects with standing to file constitutional appeals pursuant to Article 40 can make such requests.

With respect to issues regarding the constitutionality of a norm of law that arise in the process

of general jurisdiction mentioned in Article 82, Article 83 requires proceedings on the case before the court of general jurisdiction to be stayed, constitutional proceedings on the case initiated, and the consideration of the case by the Constitutional Court begun without postponement. Unfortunately, the Law on the Constitutional Court once again fails to state the procedure by which, or by whom, such a case is to be presented to the Constitutional Court. Moreover, Article 83 gives no indication of how, or even if, the stay of the case will be lifted should the Constitutional Court find no inconsistency between the challenged act and the Constitution.¹² In addition, this stay provision may open the door for persons without standing to bring, *de facto*, constitutional appeals before the Constitutional Court in circumvention of the standing limitations set out in Article 40. More specifically, if such a person wishes to question the constitutionality of a particular act, that person can simply file a suit involving that act with a court of general jurisdiction with the hope that, during the judicial process, questions regarding the acts constitutionality will be raised, staying the judicial process and requiring presentation of those questions to the Constitutional Court for decision.

Chapter 13 addresses the peculiarities of legal proceedings regarding the constitutionality of legal acts that contradictorily regulate the order of realization of constitutional rights and freedoms of citizens and individuals. Article 84 provides that the subject of constitutional proceedings in cases regarding the constitutionality of norms of laws that contradictorily regulate the order of realization of constitutional human rights and freedoms of citizens and individuals is to resolve disputed issues of constitutionality of norms of two or more laws or acts of international law, which are considered binding throughout the territory of Ukraine and which stipulate different procedures of realization of one and the same constitutional right or freedom, thereby significantly preventing opportunities for their usage. In accordance with Article 85, such proceedings shall be initiated upon the initiative of a subject with the right to file a constitutional appeal as set out in Article 40. Thus, it appears that the bringing of appeals regarding constitutional human rights is not limited to the Human Rights

12 The Constitutional Court would benefit from the adoption of its own rules regarding the acceptance of cases from courts of general jurisdiction, as well as the manner in which such cases, if required, will be remanded to courts of general jurisdiction.

Representative as might have been presumed under Article 55 of the Constitution.

Article 13, ¶ 2

Proceedings on cases envisaged by Article 13, ¶ 2, i.e., correspondence to the Constitution of Ukraine of actual international treaties of Ukraine or international treaties submitted to the Verkhovna Rada of Ukraine for confirmation, are discussed in Chapter 14.¹³ Under Articles 41(2) and 87, only the President of Ukraine or the Cabinet of Ministers of Ukraine have standing to bring constitutional appeals before the Constitutional Court for the consideration of issues regarding the constitutionality of actual international treaties. After considering such a case, the Constitutional Court shall provide conclusions regarding the constitutionality of the actual international treaty at issue. If the Constitutional Court concludes that the actual international treaty does not correspond to the Constitution, the court shall, in the same proceeding, resolve issues involving the constitutionality of the treaty, or particular provisions thereof.

Likewise, issues regarding the constitutionality of international treaties to be submitted to the Verkhovna Rada for confirmation shall be considered by the Constitutional Court upon submission of a constitutional appeal either by the President or the Cabinet of Ministers, pursuant to Articles 41(2) and 88. Article 88 further declares that the initiation of such proceedings stays the Verkhovna Rada's consideration of the treaty for confirmation.¹⁴

Finally, Article 89 provides that, upon the submission of a constitutional appeal by any of the subjects set forth in Article 40, the Constitutional Court shall consider issues regarding the constitutionality of legal acts of the Verkhovna Rada, the President, or the Cabinet of Ministers on the coming of international treaties into legal force in Ukraine. By allowing any of the subjects listed in Article 40 to bring such challenges to the constitutionality of legal acts related to the approval of an international treaty, the Law on the Constitutional Court essentially expands standing to challenge the constitutionality of an international treaty beyond the President and Cabinet of Ministers. This expansion is made clear by the provision in Article 89 that

states, during the consideration of a case regarding the constitutionality of the legal act, the Constitutional Court shall simultaneously provide a conclusion regarding the constitutionality of an international treaty of Ukraine that came into legal force pursuant to the legal act at issue. By challenging a related legal act, a subject who otherwise could not challenge the constitutionality of a treaty therefore may still force the Constitutional Court to provide such a conclusion. Thus, while Article 89, on its face, discusses only legal acts surrounding treaties, Article 89, in practice, would appear to extend to the validity of the treaty itself.

Article 13, ¶ 3

Proceedings on cases envisaged by Article 13, ¶ 3 are set out in Chapter 15 of the Law on the Constitutional Court, which provides that the reason for the initiation of the constitutional proceedings is the constitutional appeal of the Verkhovna Rada requesting the provision of a conclusion regarding adherence to the constitutional procedures for the impeachment of the President. Standing to bring such an appeal is limited to the Verkhovna Rada. After such a case is brought, the Constitutional Court shall provide a conclusion regarding adherence to the impeachment process set out in Article 111, ¶ 6 of the Constitution.¹⁵

Article 13, ¶ 4

Chapter 16 of the Law on the Constitutional Court, Article 93 in particular, discusses proceedings in cases envisaged by Article 13, ¶ 4, and states that the reason for a constitutional appeal concerning an official interpretation of the Constitution and laws of Ukraine is a practical necessity in understanding, or explanation, or official interpretation of provisions of the Constitution and laws of Ukraine. The Constitutional Court shall notify the subjects who filed the constitutional appeal within ten days of initiating proceedings on the appeal. The subjects with the right to file such an appeal, enumerated in Article 41(4), include: (1) the President of Ukraine; (2) at least forty-five Deputies; (3) the Human Rights Representative; (4) the Supreme Court; (5) the Cabinet of Ministers; (6) other bodies of state power; (7) the Verkhovna Rada of the

¹³ The term "actual international treaties" refers to treaties previously confirmed by the Verkhovna Rada.

¹⁴ As with the stay of proceedings before courts of general jurisdiction provided for in Article 83, the Law on the Constitutional Court says nothing about the process by which a stay before the Verkhovna Rada, provided for in Article 88, may be lifted.

¹⁵ Article 111, ¶ 6 of the Constitution provides that, while the Constitutional Court determines the constitutionality of the impeachment proceedings, the Supreme Court decides whether the deeds with which the President is charged have the indication of state treason or another crime.

Autonomous Republic of Crimea; and (8) bodies of local self-government.

Although only the subjects listed in Article 41(4) have the right to file a constitutional appeal requesting a blanket interpretation of a law or the Constitution, additional persons and entities may request an official interpretation by means of a constitutional petition if two specific conditions are met. Generally, Article 42 describes a constitutional petition as follows: A constitutional petition is a written application to the Constitutional Court of Ukraine regarding the necessity of an official interpretation of the Constitution of Ukraine and laws of Ukraine with the purpose of ensuring the realization or protection of constitutional rights and freedoms of person and citizen, as well as execution of the rights of a legal entity. More particularly, pursuant to Articles 43 and 94, citizens of Ukraine, foreigners, individuals without citizenship, and legal entities have the right to file constitutional petitions regarding an official interpretation of the Constitution and laws of Ukraine if such person or entity believes: (1) the presence of inconsistent implementation of provisions of the Constitution or laws of Ukraine by the courts of Ukraine and other bodies of state power; (2) has caused, or may cause, a violation of that person's or entity's constitutional rights and freedoms.

Pursuant to Article 95, if, in the process of interpreting a law, the Constitutional Court finds a provision of the law to be in conflict with the Constitution, the Constitutional Court shall, in the same proceeding, decide the issues regarding the constitutionality of the law. In adding this provision, the Law on the Constitutional Court, in effect, may permit several subjects, who would not have standing to request such a decision through the Article 13, ¶ 1 and Article 40 channels, a means by which to obtain a decision as to the constitutionality of a law.

Proceedings before the Constitutional Court

Article 46 of the Law on the Constitutional Court provides that the initiation of proceedings on a constitutional appeal or constitutional petition shall be approved by either the Constitutional Court itself or the Collegia of Judges of the Constitutional

Court (Collegia), which is established especially for this purpose by Article 47.¹⁶ Pursuant to Article 45, the Constitutional Court can refuse to initiate proceedings in the event of: (1) an absence of a right to file a constitutional appeal or constitutional petition as established by the Constitution and the Law on the Constitutional Court; (2) discrepancies between the constitutional appeal or constitutional petition and the requirements set out in the Constitution and the Law on the Constitutional Court; or (3) a lack of jurisdiction over the issues contained in the constitutional appeal or constitutional petition.

In accordance with Articles 48 and 49, the Collegia shall vote to initiate or refuse to initiate proceedings before the Constitutional Court by a majority of the votes of its members. If the Collegia votes to initiate proceedings, the Chairman of the Constitutional Court shall submit the case for consideration at a plenary meeting of the Constitutional Court. If, however, the Collegia decides not to initiate proceedings, the Secretary of the Collegia shall submit materials to the Chairman of the Constitutional Court for consideration of the case at a meeting of the Constitutional Court. Under Article 50, in the event that the Collegia votes against initiating proceedings, a meeting of the Constitutional Court shall consider whether proceedings should be initiated. If a meeting of the Constitutional Court votes to initiate proceedings, the case shall be submitted for consideration by a plenary meeting of the Constitutional Court. If, on the other hand, a meeting of the Constitutional Court refuses to initiate proceedings regarding a case, that decision is final. Article 50 further provides that a meeting of the Constitutional Court is valid, i.e., a quorum exists, if no fewer than 11 judges participate in the meeting. In order to initiate proceedings on a case, at least 6 of these 11 judges must vote in favor of such decision.

Article 51 directs that the Constitutional Court, at its plenary meetings, shall consider cases, legal proceedings regarding which were initiated pursuant to constitutional appeals and constitutional petitions, as well as other issues as provided for under the Law on the Constitutional Court. More specifically, at its plenary meetings, the Constitutional Court shall adopt decisions on cases envisaged by Article 13, ¶ 1, and conclusions envisaged by Article 13, ¶¶ 2, 3, and 4. A plenary meeting of the Constitutional Court is valid if at least 12 judges

¹⁶ It should be noted that the Law on the Constitutional Court does not establish the number of judges that are to comprise the Collegia.

participate in the plenary meeting. Further, a decision of the Constitutional Court on the merits of a case is considered to be adopted, and a conclusion is considered to be provided, at its plenary meeting if at least 10 judges vote in favor of the decision or conclusion.

In addition to setting out the voting procedures to be followed in the adoption of decisions and provision of conclusions by the Constitutional Court, Article 63 declares that decisions and conclusions of the Constitutional Court are final and are, therefore, not subject to appeal. Pursuant to Article 68, however, the Constitutional Court, upon its own initiative, may reopen legal proceedings in a case should new circumstances appear, which had existed at the time of the Constitutional Court's initial review and determination, but were not a part of its consideration.

Conclusion

The Constitutional Court has been summoned to perform a noble but difficult task, which will have wide-ranging implications for the future of the Ukrainian judiciary. Media reports indicate that, to date, more than 1,000 constitutional petitions have been brought before the Constitutional Court. It remains to be seen whether the Constitutional Court will be able to carry such a heavy docket, especially considering that the Constitutional Court is still missing one of its 18 judges and has no lower courts to assist in the process. In addition, several constitutional appeals have been, or soon may be, filed by subjects with standing under Article 40 of the Law on the Constitutional Court. The Constitutional Court's determinations regarding several such appeals in particular will greatly impact the Constitutional Court's future role, as well as its authority, within the Ukrainian governmental structure and among the people of Ukraine.

One appeal presently before the Constitutional Court concerns the question of whether members of the Verkhovna Rada may hold more than one state position.¹⁷ Resolution of this matter will require the Constitutional Court's interpretation of

Article 78 of the Constitution, which seems to prohibit dual mandates. Second, the Constitutional Court may be called upon to decide the status of approximately 60 Deputies who were elected to the Verkhovna Rada under a prior Constitution and have not taken the oath of allegiance to the new Constitution. In this regard, the Constitutional Court may be asked to determine whether the taking of the oath is a constitutional requirement, under Article 79 of the Constitution.¹⁸

In addition to these issues, the Constitutional Court may also be faced with a constitutional question that more directly affects its own organizational structure. Specifically, after the declaration of Ukraine's independence, property previously belonging to the Communist Party was turned over to the Verkhovna Rada. This property includes the building that the Constitutional Court, by decree of the President, currently occupies. The Verkhovna Rada is currently contemplating whether to challenge this presidential decree in the Constitutional Court. If accepted for consideration, such an appeal would require the Constitutional Court to determine the constitutional validity of its own right to occupy the building. In fact, the Constitutional Court already has received an appeal concerning the ban of the Communist Party of Ukraine, as decreed by the Presidium of the Verkhovna Rada in September 1991.

Like the Verkhovna Rada, the President also has invoked his standing before the Constitutional Court in order to question the constitutionality of certain legislation passed by the Verkhovna Rada of the Autonomous Republic of Crimea. In considering this appeal, the Constitutional Court will need to decide whether the challenged legislation complies with the Constitution and laws of Ukraine.

Another issue expected to be brought before the Constitutional Court has more to do with external pressures than internal Ukrainian constitutional questions. Specifically, the Council of Europe is threatening to expel Ukraine from the Council due to Ukraine's refusal to set a moratorium on or abolish the death penalty. Because the Verkhovna Rada

17 Significantly, reports indicate that 120 of the 450 Deputies comprising the Verkhovna Rada signed the constitutional appeal requesting the Constitutional Court's decision on this matter.

18 Since the writing of this article, the Constitutional Court, on May 13, 1997, rendered decisions on both of the forementioned matters. With respect to the dual mandate issue, the Constitutional Court determined that deputies elected after June 8, 1995, the date of adoption of the Constitutional Agreement that first raised the issue, may not hold two state positions. By contrast, such dual mandates are not prohibited for deputies elected between March 27, 1994, the date of the parliamentary election in Ukraine, and June 8, 1995. Regarding the matter of the constitutional oath, the Constitutional Court held that the oath requirements of Article 79 of the Constitution do not apply to deputies elected prior to the adoption of the Constitution on June 28, 1996.

has not acted in response to these threats, it is anticipated that the President will refer the matter to the Constitutional Court for a decision as to the constitutionality of the death penalty.

The future of the Constitutional Court depends upon the credibility of the Constitutional Court and its judges. Such credibility will be either validated or refuted depending upon the manner in which these important matters are resolved, and the extent to which the Constitutional Court can avoid being pulled into the ongoing political struggle between the President and the Verkhovna Rada. It can only be hoped that the Constitutional Court will rise to

face the challenges presented and will allow the fundamental principles of the Constitution to guide it in rendering fair and well-reasoned decisions and conclusions in furtherance of Ukraine's new judicial independence.

Bohdan A. Futey is a judge of the United States Court of Federal Claims. Judge Futey is actively involved with Democratization and Rule of Law Programs in Ukraine, Russia, and other NIS countries.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. letter	To Carl Finerson from Melanne Verveer re: Florida (1 page)	08/28/1998	Personal Misfile

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 14384

FOLDER TITLE:

Melanne Verveer's Mail - 1998 - F

2013-0534-S
ry1608

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. fax	To Melanne Verveer from Carl Finerson re: Florida (2 pages)	n.d.	Personal Misfile

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 14384

FOLDER TITLE:

Melanne Verveer's Mail - 1998 - F

2013-0534-S
ry1608

RESTRICTION CODES

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

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

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

THE WHITE HOUSE
WASHINGTON

September 11, 1998

John Farquharson, FMP
President
International Food Safety Council
26 Brandywine Way
Sicklerville, New Jersey 08081

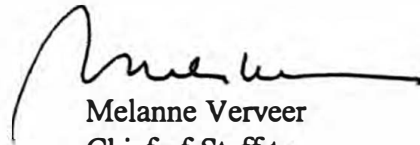
Dear Mr. Farquharson:

Thank you very much for your letter and invitation to the First Lady to speak at the International Food Safety Council's press conference on September 16, 1998.

Regrettably, Mrs. Clinton's schedule will not permit her to accept your kind invitation as the arrival ceremony for the Czech State visit will take place at the White House at the time of your convening. The First Lady conveys her very best wishes for a productive and successful event.

Best wishes, and thank you for all of the important work you do.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanne Verveer', with a long horizontal stroke extending to the right.

Melanne Verveer
Chief of Staff to
the First Lady



P. Regal State U.S.

John Farquharson, FMP - President

August 24, 1998

First Lady Hillary Rodham Clinton
The White House
Washington, DC 20500

Dear Mrs. Clinton:

The International Food Safety Council, a restaurant and foodservice industry coalition dedicated to food safety education, cordially invites you to present remarks at a news conference on Wednesday, September 16. The event is intended to highlight food safety initiatives being implemented during National Food Safety Education Month and year-round. Created by the International Food Safety Council in 1995, National Food Safety Education Month is recognized and supported in the President's Food Safety Initiative.

National Food Safety Education Month is exemplary of the cooperation between the U.S. Department of Agriculture, the U.S. Food and Drug Administration, the Centers for Disease Control and Prevention and other members of the Partnership for Food Safety Education. "Keep It Clean," the first step to preventing foodborne illness, is the theme of this year's observance.

The press conference will be held on Wednesday, September 16, at 9:30 am in the kitchen of the U.S. Senate Restaurants in the Dirksen Senate Office Building. National Food Safety Education Month Chairperson Nora Pouillon, chef/owner of the acclaimed Washington, DC restaurants Asia Nora and Restaurant Nora, will host the event on behalf of the Council, with the support and participation of the U.S. Senate Restaurants staff. In addition to remarks, the event will include demonstrations of proper steps to "Keep It Clean" in September and year-round.

Your participation in this event would re-emphasize this Administration's commitment to food safety and support of National Food Safety Education Month. We look forward to your acceptance and will follow up shortly with your staff representatives. If you or your staff have any questions about the International Food Safety Council or National Food Safety Education Month, please call me at 609-875-5958.

Sincerely,

A handwritten signature in black ink that reads "John R. Farquharson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Farquharson, FMP
President
International Food Safety Council

THE WHITE HOUSE
WASHINGTON

September 14, 1998

Al From
518 C Street, NE
Washington, DC 20002

Dear Al:

Thank you for your letter and invitation to the First Lady to attend the launch for *Blueprint: Ideas for a New Century* on September 23, 1998.

Regrettably, Mrs. Clinton's will not be able to attend the event as she will be out of town. However, she conveys her continuing appreciation for the DLC's important work and your leadership, and extends her very best wishes for the publication's success in promoting solutions to America's future challenges.

Thank you for all that you do.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanne', with a long horizontal line extending to the right.

Melanne Verveer
Chief of Staff to
the First Lady



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regret

August 13, 1998

Mrs. Hillary Rodham Clinton
The First Lady
The White House
Washington, DC 20500

Dear Hillary:

As we have discussed recently, the DLC is releasing our newest publication, *Blueprint: Ideas for a New Century*, in late September. This policy journal is part of our continuing effort to present ideas and solutions to help America meet the challenges of the new millennium.

We would be honored if you would be able to stop by the cocktail party to celebrate the launch of *Blueprint* on the evening of September 23rd. We expect approximately 200 people – including press, elected officials, and DLC supporters. The festivities will take place at Mark Penn's home in Washington, D.C.

As you know, this is a vital component to our overall mission to assure that New Democrat, Third Way politics continues past the Clinton Presidency. Your presence will send a strong message of support and we would be delighted and honored to have you as our special guest.

Thank you in advance for your consideration of this request. I sincerely hope that you will be able to join us. Jacquie Bloom will follow up with your office with details. If you have any questions or would like to discuss this in greater detail, please call me directly at (202) 546-0007.

With Regards,

Al From

THE WHITE HOUSE
WASHINGTON

October 6, 1998

Mr. Kenneth J. Fleisher
President
Golden Slipper Clubs & Charities
301 E. City Avenue, Suite 300
Bala Cynwyd, PA 1900-1781

Dear Mr. Fleisher:

Thank you for your invitation for the First Lady to accept Golden Slipper's Distinguished Service Award at the 50th anniversary celebration for the Camp, this Fall in Philadelphia.

Mrs. Clinton is deeply honored by your request. She conveys her appreciation for Golden Slipper's vital work for children and in so many areas, along with her very best wishes to you and your colleagues. It is not yet certain when Mrs. Clinton will be in Philadelphia again. But I have forwarded your invitation to Patti Solis Doyle, Director of Scheduling for the First Lady, and her office should be in touch.

Best wishes, and thank you for all you do.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanne Verveer', with a long horizontal stroke extending to the right.

Melanne Verveer
Chief of Staff to
the First Lady

Melanie

I am a friend of
Bob Farmer of longstanding

I understand from
Len Barrock that Mrs.
Clinton may be joining
the President for a fundraiser
in Philadelphia on October 2nd.

If she is able to do
another event on that date,

Golden Plover Club &
Charities is a highly
regarded philanthropic
organization, which is
celebrating the 50th
anniversary of its first class
camp for underprivileged children.

We would welcome working
closely with your office to insure
an event for excellence.

(215) 790-7820 Melal Lajin



GOLDEN SLIPPER

CLUB & CHARITIES

September 14, 1998

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Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20501

ATTENTION: Melanie Verveer

Dear Mrs. Clinton:

The Golden Slipper Club & Charities, in its 76th year of service, is one of the nation's foremost charitable organizations. Golden Slipper is dedicated, among other things, to providing a first class camping experience to underprivileged children irrespective of their race, gender, religion or nationality. In addition, throughout the school year, Golden Slipper sponsors events and programs for the campers, many of whom, as they become older, return as counselors and eventually choose to join Golden Slipper as a member.

Golden Slipper is proud to celebrate the 50th anniversary of the Camp. Since the first encampment in 1949, we have given over 25,000 children an invaluable opportunity which would not otherwise have been available. Golden Slipper is also known for our 240-bed nursing home, for humanitarian assistance to those in critical need and our college scholarship program, among other community service endeavors.

For the inauguration of the Camp's 50th anniversary celebration, our Program Committee has unanimously recommended that, at a dinner in your honor in Philadelphia, you be presented with our Distinguished Service Award for your exemplary efforts on behalf of our nation's children. As part of the



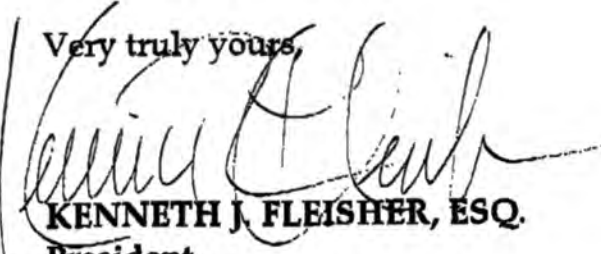
Hillary Rodham Clinton
September 14, 1998

Page 2

dinner program, we would have our campers present to extend their greetings to you. In the past, Golden Slipper has honored President Truman, Martin Luther King, Jr., Justice Ruth Bader Ginsburg, Robert F. Kennedy, Jehan El Sadat, Elie Wiesel, C. Everett Koop, Cokie Roberts, Leontyne Price, Isaac Bashevis Singer, Bob Hope, Frank Sinatra and numerous Nobel Prize laureates, among others.

Should you accept, we would like to schedule this dinner in your honor in Philadelphia this Fall. Kindly have your office contact Malcolm Lazin, Esquire, our program chair, at (215) 790-7820 as to your availability. We are most appreciative of your remarkable and distinguished service to our children and to our nation.

Very truly yours,



KENNETH J. FLEISHER, ESQ.
President

KJF/dr

cc: Ronald Rubin
Malcolm Lazin, Esquire

Malcolm Lazim
307 Delancey Street
Philadelphia, PA 19106



Personal

Melanie Venveer
Chief of Staff
Office of the First Lady
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20501

20501/0001



THE WHITE HOUSE
WASHINGTON

October 15, 1998

Ms. Barbara Ferris
President
International Women's Democracy Center
1730 Rhode Island Avenue, NW #715
Washington, DC 20036

Dear Barbara:

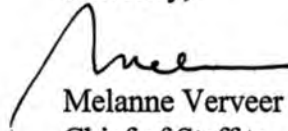
On behalf of the First Lady, thank you for your thoughtful letter.

As you know, Theresa Loar is the Director of the President's Interagency Council on Women at the Department of State, and I suggest that you contact her to express future participation in a Vital Voices Conference.

US Dept of State
2201 C Street, NW #2906
Washington, DC 20520
Tel. (202) 647-6227

Congratulations on your commitment and continued support.

Sincerely,



Melanne Verveer
Chief of Staff to
the First Lady



International Women's Democracy Center

1730 Rhode Island Avenue, NW #715, Washington, DC 20036 USA Telephone: 202-530-0563 Fax: 202-530-0564

*P
refer to
Theresa*

September 18, 1998

Hillary Rodham Clinton
The White House
Washington, DC 20500

Dear Hillary:

Thank you for your very powerful, focused and inspirational leadership to improve the lives of women worldwide. The honor of hearing you speak at Waterfront Hall and working with the women of Northern Ireland two weeks ago has laid the foundation for numerous projects that IWDC will do in partnership with the Ulster People's College in Belfast. Last summer at the Vital Voices Conference in Vienna when we spoke, I thanked you for putting women's issues worldwide on the front burner and you told me that they would never be on the back burner again!

Having worked with women worldwide for over 2 decades (most recently as the Women in Development Director for Peace Corps), your leadership, your unfaltering commitment to equity and the depth of your faith has changed the lives of women around the world for the better. Thank you.

As a long time member of your fan club, I am ready to help you with your initiative to increase Americans understanding of the importance of foreign aid by reaching out across the country to demonstrate the local - global connections in our lives.

You are a wonderful gift to those of us who have committed our lives to equity and I just wanted you to know that I appreciate you every day.

Sincerely,

Barbara Ferris
Barbara Ferris
President

*I really loved you in the
next Vital Voices in Hungary,
Uganda, Thailand &
wherever - !
TKS.*



International Women's Democracy Center

1730 Rhode Island Avenue, NW #715, Washington, DC 20036 USA Telephone: 202-530-0563 Fax: 202-530-0564

September 8, 1998

Bronagh A. Hinds
Director
The Ulster People's College
30 Adelaide Park
Belfast BT96FY
Ireland

F41 - ~~_____~~
Follow up to Vital
Voices by IWDC

Dear Bronagh:

Our meeting at Vital Voices was meant to happen -- and that it was at such an extraordinary time in your history was quite powerful. I saw you on TV last night on the news and you were sitting in a room dominated by men where both Gerry Adams and David Trimble were speaking about implementing the Good Friday Agreement. As long as Northern Ireland remains visible here in the US, I believe that we can partner and facilitate some very successful programs around NGO leadership over the next few years and find the resources to do so.

Before I left Belfast, I spoke to a couple of folks about our project ideas and inquired about funding. There was a lot of interest and these folks said that they would make sure our project idea gets into the right hands. What we need is a two page concept paper on each of the projects. Below are my thoughts on the three different projects that we talked about -- please change titles, add/subtract/elaborate so that they are exactly what you envisioned for the NGO women leaders that you are working with. Also, I took the liberty of expanding on your idea to come and look at New Community Corporation and added a group of 25 women leaders and plans to visit franchises and other businesses with the hopes that one of the companies that provided financial support to VV in Ireland would support an exchange program to spur economic development--this is the one that I wanted to talk to you about in more detail. It was just a thought and I would like to hear your thoughts on the idea. As I will begin to travel again in October and November, I'm happy to get things moving sooner rather than later.

Advocacy/Lobbyists Mentors Program -- To establish a mentoring program for 100 NGO leaders with US based lobbyists (both state and federal level) over three years to train them in lobbying/advocacy skills and information/internet technology. This program is designed to ensure transparency with government and would train leaders how to effectively engage and lobby elected officials and how to advocate for their issues; how to understand the whole legislative/assembly process of the new government by employing techniques in legislative procedure, the internet and information technology; and how to work in concert with legislators on issues of mutual interest and concern. The Lobbyist Mentors program would provide a wide range of experiential skill training to participants in Ireland focusing on strategic organizing combined with institution building and in the United States where industry leaders in both the federal and state levels would be engaged in the mentoring program. The Ireland component will be facilitated at The Ulster People's College in Belfast and the US component will be facilitated by the International Women's Democracy Center in Washington, DC. The program design team will meet in Belfast in the Fall of 1998 to plan the program, set criteria for selection of participants and design the three year project.

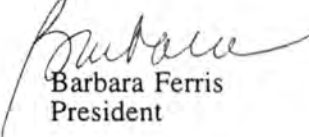
The Challenges of Co-existence -- This project will bring women leaders from Cyprus (both Greek & Turkish) and the Middle East (Palestinian & Israeli) to Northern Ireland for

intensive seminars focusing on social, political and economic development strategies for peaceful co-existence. Facilitated in partnership with The Ulster People's College and the International Women's Democracy Center, this project is designed to illustrate 'best practices' around the opportunities and strategies to strengthen civil society in communities where very strong religious, political and ethnic differences exist.

Economic Development Opportunities - This program is designed to create and expand business opportunities for NGO leaders and businesswomen through international exchange and information opportunities. The program will bring a group of women leaders to the US to meet with industry and business leaders to learn about all aspects of successful enterprises, franchises and corporations community. Specific emphasis will be on how non-profit organizations have created wealth for their organizations through collaborative efforts with community development corporations, partnerships with corporations, building and operating small, medium and large scale businesses; and innovative ventures with the business community.

Again, please fill in the blanks on the above projects and I look forward to talking with you on Thursday. I will be in the office Thursday morning until 1pm which is 6pm your time. I'm very much looking forward to working with you and your team.

Sincerely,



Barbara Ferris
President



International Women's Democracy Center

The International Women's Democracy Center was established to strengthen women's global leadership through training, education, research, and networking in all facets of democracy to women worldwide in order to ensure their full participation in citizenship and governance, particularly the political processes within their own countries. IWDC is unique in its commitment to train women worldwide how to run for elected office and how to access communications technology. IWDC facilitates training workshops on campaign management and advocacy, research on women's political leadership and networking for women leaders as they succeed in public service.

Working in partnership with non-governmental organizations (NGOs) and established community leaders around the world, IWDC provides the necessary tools and skills to women leaders to increase their participation in local, state, and national politics, policy and decision-making.

The workshops are facilitated in partnership with local NGOs and experienced trainers model the workshop according to the existing system of government. Conducted in local language, workshops focus on leadership, advocacy, how to run for elected office, and how to manage campaigns combined with telecommunications training with an emphasis on using e-mail and accessing the Internet.

IWDC was founded by Barbara Ferris who has twenty years of senior policy and program design experience in over 100 countries with an emphasis on economic development, equity and management.

If your organization is interested in establishing a partnership to facilitate workshops on campaign management or running for elected office, please contact us at:

IWDC
PO Box 32243, Wash. DC 20007 USA
Phone: 202-530-0563
Fax: 202-530-0564

International Women's Democracy Center

I want to transform my commitment to women's global leadership into active support through training and education.

I enclose my gift of: _____
\$5,000 _____ \$1,000 _____ \$500 _____ \$250 _____ \$100 _____ \$50 _____ Other _____

NAME (please print) _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____ COUNTRY _____

International Women's Democracy Center is a nonprofit 501(c)(3) tax-exempt organization.

IWDC, P.O. Box 32243, Washington, D.C. 20007 USA

PHOTOCOPY
PRESERVATION

THE WHITE HOUSE
WASHINGTON

October 16, 1998

Elise Fiber Smith, President
Ritu R. Sharma, Executive Director
Women's EDGE
1424 K Street, NW
Suite 700
Washington, DC 20005

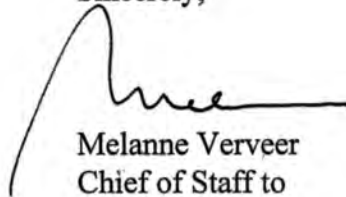
Dear Elise and Ritu:

Congratulations on the launching of EDGE.

The economic development and global equality of women is a topic of great importance to the First Lady, and we applaud your efforts to increase public awareness and education about this critical issue.

Very best wishes, and keep us apprised of your activities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanne', with a long horizontal stroke extending to the right.

Melanne Verveer
Chief of Staff to
the First Lady



September 22, 1998

Ms. Melanne Verveer
Office of the First Lady
OEOB Room 100
Washington, DC 20500

Dear Melanne:

We are very pleased to announce the formal launching of Women's EDGE, The Coalition for Women's Economic Development and Global Equality. Women's EDGE is a new national coalition of international development and domestic women's organizations that promotes gender issues in foreign assistance and trade policy.

Our goal is to educate thousands of Americans on the impact development and trade policies and programs have on the daily lives of women, both here in United States and overseas. Since June of 1997 we have also been providing opportunities for women's voices and opinions to be heard on trade and development policies.

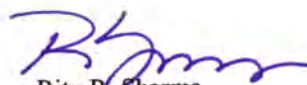
We have all been aware that there is not a large national constituency of women involved in these issues. Our intent is to reverse this situation working in partnership with many stakeholders, particularly domestic women's organizations. Our founders have put a framework in place to activate a broad coalition of women who are committed to the importance of America's leadership in international cooperation and trade, and who bring a special focus on the role women play in achieving strong equitable societies and sustainable development. With over 700 women across the U.S. already participating in Women's EDGE, we are poised to expand this constituency exponentially as we enter the new millenium.

We have enclosed, for your information, a copy of the press release announcing our incorporation and a recent action bulletin in support of foreign aid that Women's EDGE sent to our U.S. network.

We look forward to working with you in the months ahead on our common goals.

Warm regards,


Elise Fiber Smith
President


Ritu R. Sharma
Executive Director

Enclosures



FOR IMMEDIATE RELEASE
June 24, 1998

Contact: Elise Fiber Smith
(202) 362-6234
Ritu Sharma
(202) 637-6215

WOMEN ORGANIZE TO SUPPORT U.S. OVERSEAS PROGRAMS

WASHINGTON, D.C. – While Congress is once again gearing up to slash already beleaguered international aid programs, the Coalition for Women's Economic Development and Global Equality (Women's EDGE) was officially launched today in the nation's capital to educate the public and policy makers about the continued importance of aid to women in poor countries.

As more and more American women are informed about the successes of U.S. programs in saving women's lives and helping women become economically and socially empowered, Women's EDGE hopes that it will become more difficult for Congress to turn its back on the world's poorest women and their families.

Incorporated as a 501(c)(3) non-profit membership organization, Women's EDGE promotes economic, political and social policies that empower women globally and improve the conditions that impact their lives. The Coalition's goals are to increase the United States' investment in international programs for women and girls and to promote a dialogue with policy makers and the general public on global economic issues that are changing women's lives.

"American women are the largest untapped resource to support international aid programs, particularly programs for women and girls in poor countries," said Elise Fiber Smith, President of Women's EDGE. "More than 7,000 Americans attended the 1995 U.N. Women's Conference in Beijing, China. The enthusiasm of these women and men demonstrates America's clear interest in acting on international women's issues."

Public opinion polling data also show that women more often express support for U.S. humanitarian and social programs in poor countries. Women's EDGE will help translate this caring into concrete action. Already, more than 800 American women are part of the Women's EDGE network.

(over)

Women's EDGE will also engage policy makers and the general public in examining the effects of U.S. international economic policies on women's daily lives. Today, the increasing flows of private investment into many developing countries have overtaken international aid as the largest source of foreign capital. The implications of this trend for women's economic development are significant. For example, export processing zones (special areas where products are manufactured exclusively for export) are increasingly being established by governments to attract foreign investment. These zones are an important source of employment for women, but some have also been criticized for their low wages and poor working conditions.

Ultimately, the development of poor countries is an extremely complex process in which aid and trade both play important roles. "Foreign investors rarely pay for childhood immunizations, girls' education or health services for women, but without these programs, investors won't have a healthy, educated workforce to hire," says Ritu Sharma, Executive Director of Women's EDGE. "International development assistance, foreign investment and trade go hand in hand. And in order to provide the most benefits to people, both must work towards the same goal -- sustainable economic development for all."

Women's EDGE grew out of the Coalition for Women in Development (established in 1976), which catalyzed action on international development and women's issues. To start its work, Women's EDGE has received generous assistance from a variety of organizations active internationally including the Academy for Educational Development, CARE, Partners of the Americas, Save the Children, the Citizens Network for Foreign Affairs, Lutheran World Relief, Christian Children's Fund and the Center for Development and Population Activities (CEDPA). Founding members of EDGE also include InterAction, the International Center for Research on Women, Oxfam U.S., the Association for Women in Development, the Institute for Development Research, Africare, PACT, and Winrock International.

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Women's EDGE Action Alert

June 30, 1998

Congress Threatens Deep Cuts to International Aid Programs (Again!) Women Around the World Will Suffer Call or Write Congress Today

You have probably seen this headline before. Between 1995 and 1996, Congress cut aid to poor countries by more than \$500 million dollars (about 25 percent). This year, Congress is again planning to cut international aid programs by at least \$200-300 million and possibly by as much as \$1.2 billion from last year's level. Your call or letter can help prevent these cuts.

U.S. aid helps women and girls around the world receive a basic education, access life-saving health care services for themselves and their families, start a small business with a micro-enterprise loan, learn about their human rights and participate in their nations' democracies.

This year, two people in Congress, Representative Bob Livingston (R-LA) and Senator Ted Stevens (R-AK) in their roles as powerful Appropriations Committee Chairmen, are proposing deep cuts for already weakened international development programs.

Your call can truly make a difference. Few Members of Congress hear from constituents like you about international aid programs. Even as few as ten phone calls, faxes, e-mails or letters tells a Congressman (or woman) that they must be careful about cutting international assistance.

What You Can Do In Five Minutes or Less

1. Call **Representative Bob Livingston** at (202) 225-3015 and **Senator Ted Stevens** at (202) 224-3004 and urge them not to cut international programs any further.
2. Call, e-mail or write your **Member of Congress and Senators** and tell them that you oppose any further cuts in international development and humanitarian assistance. You can use the sample letter (over) or write your own.

CALL: 202-225-3121 and ask for your Congressional Representative and Senators. *If you need assistance finding out who they are, call the EDGE office at 202-637-6215.*

E-MAIL: Representatives' e-mail addresses can be located on the Internet at www.house.gov
Senators' e-mail addresses can be located at www.senate.gov

WRITE: Representative _____
House of Representatives
Washington, DC 20515

Senator _____
United States Senate
Washington, DC 20510 (OVER)

Sample Letter

Dear Representative/Senator _____:

I am writing you today to express my strong opposition to any cuts to U.S. international aid programs. I support U.S. involvement in the developing world through aid programs that help people help themselves, especially programs for women and girls.

Around the world, U.S. assistance is helping women educate their daughters, access life-saving health care services for themselves and their families, start their own businesses with micro-loans and participate in their countries' democracies.

For a nation that has so much prosperity, I believe it is imperative that the United States assist the people of developing countries. It is also in our own economic and national security interests to invest in development -- aid plays an important role in expanding free markets and democracy.

I urge you to oppose any reductions in international aid. Thank you.

Sincerely,

Please send a copy of your letter or e-mail to the Women's EDGE office, thank you!

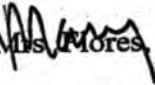
Women's EDGE, 1424 K Street, NW, Suite 700, Washington, DC, 20005

Tel: 202-637-6215 Fax: 202-628-3306 E-mail: womensedge@igc.org

THE WHITE HOUSE
WASHINGTON

November 6, 1998

Sra. Mary de Flores
Primera Dama de la Nación
President's Residence
Tegucigalpa, Honduras

Dear Mrs.  Flores,

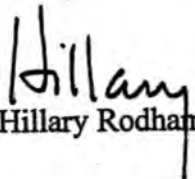
The President and I, and all Americans, extend our thoughts and prayers to you and the people of Honduras as you cope with the aftermath of Hurricane Mitch. We also want to support you and President Flores in any way that we can as you try to bring your country back from the ravages of the storm.

In response to your specific request, I am pleased to report that a U.S. Army Corps of Engineers emergency assessment began on November 5. The assessment will cover water supplies, dams and transportation networks, including bridges. The results of the assessment will provide vital information so that we can begin to help Hondurans reestablish the country's infrastructure. We are already mobilizing specialized units in anticipation of rapid deployment to Honduras as precise requirements (e.g. bridge span lengths, etc.) are identified. Ambassador Creagan will be sharing with you the results of the engineers' assessment as soon as it is completed.

I was pleased to learn that the U.S. military was able to assist you and President Flores when you were caught in the storm. I understand from Ambassador Creagan that your military members at Soto Cano have also been heavily engaged in relief efforts and have secured hundreds of people. Still, we know that more needs to be done. We are fully committed to expanding our relief efforts. We have just announced immediate assistance of \$40 million from the Agency for International Development, in addition to providing supplies and services from the Department of Defense and food aid from the Department of Agriculture.

I hope I will be able to see you when I stop in Honduras on November 16. Until then, our thoughts and prayers are with you in this very difficult time.

Sincerely,


Hillary Rodham Clinton