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Thursday, October 28, 1999

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October 28, 1999

MR. PRESIDENT:

10-28-99

We forwarded the attached letter to Sandy, and NSC is working with Commerce, State, and DOD to resolve the commodity jurisdiction dispute that Secretary Daley raises. If the agency principals cannot resolve the issue, it would then come to you for a decision, pursuant to 1996 resolution guidelines on export licensing jurisdiction.

Podesta

Sean Maloney

Lisel Loy

sound like

Bill's right

but look into it

BC

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Podesta



THE SECRETARY OF COMMERCE

Washington, D.C. 20230

OCT 14 1999

The President
The White House
Washington, D.C. 20500

10-28-99

Dear Mr. President:

In 1996, as part of your decision to restructure dual-use export controls, you established guidelines to resolve disputes between the Department's of Commerce and State over export licensing jurisdiction. These guidelines, based on long-standing practice, allow Commerce to request your review of a decision by State Department officials that an item should be treated as a munition for export control purposes.

I am writing to appeal a recent decision by State Department officials to treat a commercial item as a munition. The item in question is an infrared camera, the Ultra 6000, manufactured by FLIR Systems, Inc. I do not agree with this decision and ask that you review it.

The Ultra 6000 uses heat emissions to "see" in the dark. It combines infrared technology and a color video camera to deliver high-resolution imagery. The camera is designed by FLIR for the commercial market, and there have been no sales to the military. This camera is not, as the State Department's regulations would require in order to treat it as a munition for export control purposes, specifically designed or modified for military application, nor has the United States ever proposed to its allies that this class of items be controlled as a munition. This class of items was previously licensed by Commerce, and the interagency licensing procedures established under Executive Order 12981 provide adequate protection for national security.

Department of Defense officials state that the Ultra 6000, which utilizes a forward looking infrared imager with high stabilization, provides militarily significant targeting capabilities. State officials then decided that since the camera could be used by the military it should be on the Munitions List, noting that it is used by paramilitary forces (e.g., the police) and news gathering agencies. However, I do not believe the facts support this decision. Military forces do not use this system. The fact that the camera can theoretically have both commercial and military applications is precisely what makes it "dual-use." Dual-use items belong on the Commerce Control List.

In a prior case involving night vision Generation III equipment not designed for military use, and used for boating and hunting, Defense officials argued that those items needed to be treated as munitions, and the State Department agreed over the Commerce Department's objection. However, I believe the current case is very different. It is a lower order of technology than Generation III; it is a technology produced in other countries; and it is a technology that the rest of the world considers commercial. It is hard to understand why, if it was safe to treat this camera as a commercial item in 1992, when all agencies agreed to transfer it to the Commerce Control List, it is now too dangerous to continue that treatment.

The President
Page 2

Since thermal imaging systems first came to be used for commercial applications in the 1960s, several advances have led to new commercial applications. The use of focal plane array cameras like the Ultra 6000 is relatively new, but represents an advance in technology that will open the market to new commercial uses and customers. It is another example, like encryption or jet engines, of products migrating from military to civil use. We want to encourage this migration, not strangle it. I ask that you review the State Department decision regarding the FLIR Ultra 6000. I see no national security rationale for moving FLIR cameras back to the Munitions List.

Respectfully,


William M. Daley

cc: The Honorable Madeleine K. Albright
The Honorable William S. Cohen
The Honorable Samuel R. Berger

Sawyer

Are we doing this?
This was for memo -

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Berger

Podesta

10-28-99

U.S. to Aid Iraqi Opposition To Develop a Military Cadre

By STEVEN LEE MYERS

WASHINGTON, Oct. 27 — The Administration has authorized the first direct military training for opponents of President Saddam Hussein of Iraq, senior officials said today.

Starting next week, four Iraqi rebel leaders, including two former officers in Iraq's armed forces, will attend a 10-day training course at the Air Force's special-operations headquarters in Florida, where American officials will school them on how to organize a military in an emerging state. Other courses are being prepared.

The Administration has also approved its first contribution of surplus Pentagon equipment intended to help foster the overthrow of President Hussein, offering the main Iraqi opposition groups \$2 million worth of office supplies.

While the initial assistance is modest — and, the officials emphasized, “nonlethal” — it reflects the sharp shift in policy toward overt support of what amounts to an insurgency against Mr. Hussein's Government. In that sense, it recalls American support in the 1980's for the contra rebels in Nicaragua and for the mujahedeen guerrillas who resisted the Soviet invasion of Afghanistan.

The training and equipment, which includes computers, fax machines and file cabinets, represent the first portion of \$97 million in aid authorized by Congress last year to bolster the fractious groups intent on deposing President Hussein.

“The notion here is to help people associated with the opposition to think about a plan for the country after Saddam Hussein,” a military official who has worked closely with the Iraqi opposition said today.

Ever since four days of American and British air strikes against Iraq last December, the Administration has openly stepped up contacts with

Representative Benjamin A. Gilman of New York, the Republican chairman of the House International Relations Committee, today accused the Administration of having “a lethargic approach” and called for more significant assistance.

“I can't imagine that Saddam Hussein would be worried about being overthrown by Iraqi exiles trained in civil affairs brandishing fax machines,” Mr. Gilman said.

Iraqi opposition leaders, however, strongly welcomed the support. Dr. Salah A. Shaikhly, a spokesman for the Iraqi National Congress, a coalition of exiles, said the equipment and training would be “vital to our work in Iraq.”

“‘Nonlethal’ doesn't mean not useful inside Iraq,” he said in an interview today in Washington.

Administration and military officials said they hoped this first installment would strengthen the credibility of the opposition.

The Administration made its decision on the eve of a large gathering of opposition groups in New York City this weekend. They are looking to the gathering as a chance to forge a unified front against President Hussein, something that has been sorely lacking because of infighting among his many opponents.

“The United States Government wants to hear from a unified Iraqi popular leadership just how it can proceed to support the people of Iraq in promoting the change of regime, as it is the right of you, the Iraqi people, to do,” the Under Secretary

of State for Political Affairs, Thomas R. Pickering, wrote to the leaders of seven opposition groups on Monday.

The aid comes during a troubling period in the Administration's handling of Iraq. There have been no inspections of Iraq's reported nuclear, chemical and biological weapons programs since the Government expelled United Nations inspectors 15 months ago, leading to the punitive attacks in December. And while the Administration says Mr. Hussein remains isolated, diplomatic efforts to set up a new inspection system, as called for under the terms of the cease-fire that ended the gulf war in 1991, have foundered.

Senior Pentagon officials also fear that Iraq has quietly rebuilt much of what American and British warplanes destroyed in December, including missile factories. And while American and British jets patrolling no-flight zones over Iraq regularly attack Iraqi air-defense sites, including a strike today against missile sites in northern Iraq, those attacks have not put an end to President Hussein's defiance nor eroded his grip on power.

In the absence of significant diplomatic progress, the main focus of Administration policy on Iraq has become fomenting opposition inside and outside the country.

The first military training will take place at Hurlburt Field, near Pensacola, where the four Iraqis will attend a regular Air Force course for officers from Arab and Central Asian countries. Officials emphasized that the course does not include combat training.

The Administration and Iraqi opposition groups declined to identify the four Iraqis. “They are going to go back into Iraq,” Dr. Shaikhly said. “We don't want Saddam Hussein to know who they are.”

The four include a former captain and a former major in the Iraqi armed forces who defected after the gulf war and took part in the failed uprisings that followed. The other two also took part in those uprisings and are now civilian members of opposition groups.

While the Pentagon provides training to scores of officers from around the world, it is highly unusual to offer courses to people who are not backed by sovereign governments. The officials said they expected to offer space to more Iraqis in other Pentagon courses.

They also said they are considering additional equipment, including communications gear. While the Central Intelligence Agency has provided covert support to Iraqi dissidents in the past, this is the first overt military assistance.

Administration officials said they had not ruled out providing weapons, but they said they want to move slowly to be sure that Mr. Hussein's opponents build a viable foundation before attempting a military challenge.

“We have not ruled out future lethal assistance,” the State Department's spokesman, James P. Rubin, said today. “But at this time we believe that providing such assistance would do more harm to the Iraqi opposition than to the regime.”

The wariness reflects the history of infighting among the opposition groups, which include Kurdish factions in northern Iraq, Shiite rebels in southern Iraq and exile groups like the Iraqi National Congress, which is based in London.

While the groups share the objective of overthrowing Mr. Hussein, they have been torn by their own rivalries. What unity did exist collapsed completely in 1996, when Iraqi forces pushed into northern Iraq on behalf of one Kurdish faction, the Kurdistan Democratic Party, fighting another, the Patriotic Union of Kurdistan. That operation also allowed President Hussein's forces to crush a cell of dissidents supported by the C.I.A.

Administration officials said they welcomed the groups' progress in renewing the common cause.

“They started near zero,” a senior Administration official said. “A year ago there were only the remnants of the Iraqi National Congress, and those remnants could not and would not meet with each other. They've come a long way from that point.”

A class for 4 Iraqis, plus fax machines and file cabinets.

Iraqi opposition leaders. So far, those efforts appear to have had little impact on dissent inside Iraq, and officials at the Pentagon, in particular, remain deeply skeptical of the viability of Mr. Hussein's opponents.

The Administration, however, has been under increasing pressure from Republicans and even some Democrats in Congress to do more to support the opposition with equipment and possibly arms.



THE PRESIDENT HAS SEEN

*See
How to respond?
Is any of this possible
R*

October 28, 1999

The Honorable William Jefferson Clinton
President of the United States of America
The White House
Washington, D.C. 20500

THE PRESIDENT HAS SEEN
10-28-99

National Office
930 East 50th Street
Chicago, IL 60615
Phone: 773-373-3366
Fax: 773-373-3571

Washington, DC Bureau
1002 Wisconsin Ave., NW
Washington, DC 20007
Phone: 202-333-5270
Fax: 202-728-1192

New York Bureau
330 West 42nd St.
Suite 1511
New York, NY 10036
Phone: 212-425-7874
Fax: 212-968-1412

Los Angeles Bureau
12021 Wilshire Blvd.
Suite 700
Los Angeles, CA 90025
Phone: 310-889-1111
Fax: 310-471-1453

Detroit Bureau
First National Building
660 Woodward Ave.
Suite 1433
Detroit, MI 48226
Phone: 313-963-9005
Fax: 313-963-9012

Dear President Clinton:

I pressed hard for a Financial Services Modernization bill that took a strong stand on the Community Reinvestment Act (CRA). When it became clear that the final bill would assure that CRA remains vital and relevant in the new financial landscape, I was quick to praise it and I still do.

However, when I look at some of the finer details of the bill, I believe that changes are still needed to address the ominous language of the "sunshine" provisions. While I support the notion that community organizations should be held accountable, I believe the detailed reporting language will cast a pall over CRA by local community groups. Additionally, I am concerned that the real reason for these provisions is to collect the necessary data for future attacks on CRA. These provisions implicitly support the premise that community groups are engaged in extortion and fraud regarding CRA. These reporting and penalties will have a chilling effect on groups' efforts to highlight weaknesses in bank performance as well as their efforts to forge partnerships with lenders.

I believe that in addition to the significant changes already made, two modest additional changes are necessary to restore equilibrium to CRA. These changes would in no way adversely affect the bill; and they should be supported by the banking industry.

First, under the CRA Sunshine Requirements, I would like to see the proposed new Sec. 48 (c)(3) of the FDI Act eliminated. The information requested under these reporting requirements is too

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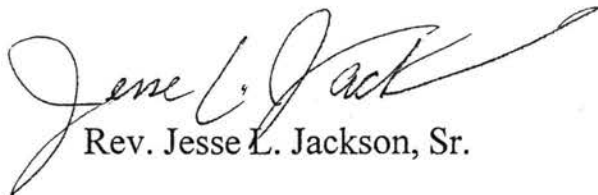
highly detailed and burdensome, particularly for small community groups who do not maintain information in this format.

Second, efforts were made in the legislative drafting to narrow the scope of activity defined as a "CRA agreement," limiting it to activity relating to bank applications and examinations. I believe that the proposed new Sec. 48 (e)(1)(B)(ii) should eliminate references to individuals and organizations that have "discussed or otherwise contacted the institution" concerning CRA. These phrases cast an extremely broad net and would cover situations where a bank – even one with no application pending or a scheduled CRA exam – approached a community group about establishing a partnership that might be counted as part of its CRA record. Without a change, community groups will rightly fear that even the slightest criticism of bank performance will ensnare them in a federal regulatory review.

Lastly, I understand that several privacy groups are unhappy with the bill. While some progress has been made, more needs to be done.

We are in the final throes of this process, and I need your support for these changes to the bill. I believe that with these adjustments we can create a stronger piece of legislation that serves both the financial industry and their local community partners.

Sincerely,

A handwritten signature in cursive script, reading "Jesse L. Jackson, Sr.", written in dark ink. The signature is fluid and stylized, with a long, sweeping underline that extends to the right.

Rev. Jesse L. Jackson, Sr.

Sandy
What's the deal with?

THE PRESIDENT HAS SEEN

10-28-99

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10-28-99

Berlin Journal Germans Are Balking at U.S. Embassy Blueprint

By ROGER COHEN

BERLIN, Oct. 27 — The opening of the 1,000th McDonald's restaurant in Germany this month was supposed to be a festive occasion, a moment to toast German-American friendship. Instead, it illustrated the growing strains in this pivotal relationship.

Eberhard Diepgen, the Mayor of Berlin, rose to speak and, spotting John Kornblum, the American Ambassador, decided to taunt him over stalled American plans to build a new embassy on the central Pariser Platz, next to the Brandenburg Gate.

"Ah, I see the American Ambassador is here," said Mr. Diepgen. "Perhaps he should just go ahead and build a McDonald's restaurant on the Pariser Platz instead of a United States Embassy."

Mr. Kornblum was outraged. For several weeks now, he has been hearing of comments by Mr. Diepgen to the effect that the United States is treating Germany like a "banana republic" in talks over the new embassy, whose construction has been delayed by a dispute over how large a buffer zone it requires for security.

The dispute has had its soap-opera elements, but it is now clear that its backdrop is serious. A decade after the end of the cold war, Germany is becoming extremely sensitive about the scale of the American presence here and about any suggestion of domineering American attitudes.

"There is some anger over the American desire to organize the Pariser Platz, a sense that this is still a reflex of the former occupying powers in Berlin," said Peter Strieder, chairman of the Social Democrats in the reborn German capital. "And our position is: no, now we are sovereign."

In fact, the United States, whose diplomatic staff is now scattered in various buildings including the former mission to East Germany, has been trying to show restraint over the embassy argument, despite a vigorous feeling that a city protected for decades by American troops should find a way to give American diplomats a secure new home.

"We've been wanting to keep this low key, but we keep getting these diatribes in the press about arrogant Americans trying to close down Berlin's front room," Mr. Kornblum said. "All we did was defend this place for 40 years."

Obligated to function without its planned embassy, the United States has also faced a string of complaints — over the 59,000 American troops left in this country (down from close to 190,000 at the end of the cold war), over an important communications

complex near Munich, and over spies.

The common theme has been a new German sensitivity to the huge American presence in Germany, which grew out of the country's postwar position at the center of the cold war. Perhaps no other European country has been so profoundly shaped by American power and cul-

ture, as those 1,000 McDonald's restaurants suggest.

Michael Steiner, the chief diplomatic adviser to Chancellor Gerhard Schröder, denied that a Germany now freed of its postwar tutelage had begun to push back against the weight of the American presence, although he acknowledged that the embassy issue was delicate.

"This can only be solved with tact on both sides, and I think the United States is aware that its interests are best served when it uses its superpower status in the right proportions," he said.

Construction of the new \$150 million embassy was supposed to start this fall, but those plans have been scrapped. American officials blame Mr. Diepgen for showing scant flexibility in trying to adapt to new security requirements that emerged after the bombing of the American Embassies in Kenya and Tanzania last year.

The United States has formally requested a buffer zone of 30 meters, or about 33 yards; the city government has responded by saying it cannot grant more than 22 meters — about 24 yards — without altering the alignment of streets with the nearby Brandenburg Gate and Reichstag and so changing an important urban perspective.

The German view — that Washington wants to turn part of the Tiergarten into a buffer zone, organize the traffic flow in the Brandenburg Gate area and generally make a mess of the heart of Berlin — has been amply aired through leaks to the Berlin press. A visit by Berlin city planners to Washington in September did nothing to clear the air.

Behind all the angry words, it seems clear the real issue is political. American officials say that there is room for some compromise on the buffer zone, but Mr. Diepgen, a Christian Democrat, evidently senses that standing up to the power that ran a large part of Berlin for

many postwar years now plays well with his constituency.

Other recent signs of German restiveness include complaints about American soldiers in Germany over such issues as their tax status and plans to drop supply contracts with German companies in favor of American concerns, American officials said.

Regular German demands that a major United States radar and communications complex at Bad Aibling, near Munich, should be shut down or curtailed now that the cold war is over have also caused strains.

In addition, the United States was irked by the leaking to the German press of an affair that the two countries had agreed to handle discreetly: the withdrawal earlier this year of three C.I.A. agents in Munich who were running a safe house for Russian defectors.

"The leak comes back to the same recurrent issue — a German desire to assert the country's sovereignty after the Nazi cataclysm and the years as cold-war battleground," said one American official.

The new embassy, on land where the Berlin wall once stood and where the United States had its mission before World War II, was supposed to be an important symbol of German unification, of the Western victory in the cold war, and of America's central place in the fashioning of the postwar German republic.

The absence of an American Embassy, in an area where the other powers that ran Berlin — Britain, France and Russia — all have their missions, obviously carries an altogether different message.

"We are aware that this is the historic place of the American Embassy, and we want to see it on the Pariser Platz," said Michael-Andreas Butz, a spokesman for Mr. Diepgen. "But we simply cannot allow the United States to help itself to a slice of the Tiergarten."

The New York Times

THURSDAY, OCTOBER 28, 1999

10777 Westheimer, Suite 916, Houston, Texas 77042
houstonwestchamber.org

Houston West Chamber of Commerce

'99 OCT 28 AM 8:37

Fax

To: Honorable President William Clinton	From: Carolyn Wright, President/CEO
Fax: 202/456-2461	Pages:
Phone 202/456-1414	Date:
Re:	CC:
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle	

I respectfully submit the following letter. Detailed and Back up materials will follow in overnight mail.

10-28-99
Send to Burkhardt?

Yes ☒

No ☐



October 27, 1999

The Honorable William J. Clinton
President of the United States
The White House
Washington, D. C.

Dear President Clinton:

Several months ago, I wrote requesting your assistance in securing visit visas for the husband and four year old son of Angela Hu Yan, an executive with Shanghai Airlines International Tours in Houston, Texas. Ms. Yan has been partnering with our chamber of commerce, economic development organizations and the City of Houston through Mayor Lee, P. Brown. Together, we are developing international business opportunities for small and medium-sized Houston-area businesses. We conducted an International Business Expo in January, 1999 and have had monthly trade missions to China since May, 1999. Our second International Expo is scheduled for February 16, 2000 with U. S. Secretary of Commerce Dailey having been ask to be the keynote speaker. Plans are plans being made now for an Asia/Houston High-Technology Business Conference in the Fall of next year in Houston.

Ms. Yan's husband Liu Guo Ming and son Liu Chang have been denied visas to visit her by our Consulate officials in Shanghai. We did not understand why they could not travel to Houston especially since the husband already holds visas to Australia, Belgium, Canada, France, Germany, Poland and Russia among other countries. Consequently, we asked our Houston-area and Texas members of Congress to assist us in helping this family secure visas so they could see each other in Houston. Unfortunately, after several congressional inquiries into this matter, there was retaliation against the husband and son by our officials in Shanghai when they reapplied for visit visas during the Summer. Their requests were again denied.

Barbara Cummings, Director, Office of Public and Diplomatic Liaison, Visa Services, wrote me in August in response to my previous letter to you. She indicated that she would look into the matter regarding the visa denials and afterwards discuss the matter with me. I have just received another letter from Ms. Cummings indicating that the Consulate officials in Shanghai are now questioning the bona fides of Ms. Angela Hu Yan's I-1 petition and seeking revocation of it through the INS. This is clear retaliation against this family because we were trying to help them through our elected officials.

I want you to know that we consider this matter to now be a human rights violation against this family by our own officials in the Consulate in Shanghai! This needs your immediate attention to stop this retaliation. I implore you to please intervene and make this right. It is wrong and must be corrected.

Respectfully yours,

Carolyn S. Wright

Carolyn S. Wright
President and CEO

Enclosures will follow in overnight delivery.

Cc: The Honorable Phil Gramm
The Honorable Kay Bailey Hutchison
The Honorable Bill Archer
The Honorable Ken Bentsen
The Honorable Sheila Jackson Lee
The Honorable Lee P. Brown
Ms. Barbara Cummings

The Voice for Business

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The Westlake Club
Valco Instruments Company, Inc.
Virtual Consulting
West Houston Medical Center



United States Department of State

Washington, D.C. 20520

October 13, 1999

Ms. Carolyn S. Wright
President/CEO
Houston West Chamber of Commerce
10777 Westheimer, Suite 916
Houston, Texas 77042

Dear Ms. Wright:

This is in regard to the letter I sent to you on August 20 concerning the denied L-2 visas for Liu Guo Ming and Liu Chang.

Our consulate in Shanghai has informed my office that they are forwarding a request for an advisory opinion to our legal office questioning the bona fides of Ms. Angela Hu Yan's L-1 petition and seeking revocation of the petition through the Immigration and Naturalization Service (INS). If the Advisory Opinions Division concurs, the case will be returned to INS and Ms. Yan will be notified of the Service's intent to revoke. If Ms. Yan or her attorney wish, they may then make arguments directly to INS against the revocation.

I hope this information has been helpful. Please feel free to contact my office if you have further questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Cummings", written over a horizontal line.

Barbara Cummings
Director
Office of Public and Diplomatic Liaison
Visa Services



United States Department of State

Washington, D.C. 20520

Date: 10-15-99

BENEFICIARY(IES) NAME(S): Liu Guo Ming and Liu Cheng
PREFERENCE CATEGORY: _____ PRIORITY DATE: _____
FOREIGN STATE OF CHARGEABILITY: China

Dear Correspondent:

This informal method of reply has been adopted in an effort to answer quickly your recently received correspondence of July 29, 1999. Please read carefully the paragraph(s) checked below. You may disregard any unchecked paragraphs.

_____ The information in your letter falls under the jurisdiction of the Immigration and Naturalization Service (INS), Department of Justice, rather than the Department of State. Once an alien has been admitted to the U.S., his/her status falls under the jurisdiction of INS. You can write to the INS at 425 I. St., NW, Washington, DC 20536, or check the INS website at [HTTP://WWW.INS.USDOJ.GOV](http://www.ins.usdoj.gov).

_____ The information in your letter was not specific enough to permit us to advise you on this matter. If you could provide us the applicant(s) full name(s), date(s) and place(s) of birth, date(s) of application and a copy of the I-797, Notice of Action, from the Immigration and Naturalization Service, we would be happy to look further into the matter. The above information may be sent to Visa Services, U.S. Department of State, Washington, DC 20522-0106 or faxed to 202-663-3899.

☒ The Visa Office has no detailed information regarding this case. In an effort to obtain the most accurate response to your inquiry, we are forwarding a copy of your correspondence to the U.S. Embassy/Consulate in Shanghai for review. We have asked that upon completion of the review, the post respond directly to you. The request will be sent through the diplomatic pouch and may take four to six weeks to reach its destination, depending on the volume of correspondence and the limited number of pouch deliveries.

_____ Visa numbers are not presently available in this category and it is not possible to determine when visa numbers will become available. You may be assured, however, that the beneficiary will be notified by the National Visa Center (NVC) or the U.S. Embassy or Consulate abroad as soon as numbers are available and further consideration can be given to the application. In the meantime, you may keep abreast of changes in immigrant number availability on (202) 663-1541, where a recorded message provides the latest information. The current issue of the *Visa Bulletin* is also available at [HTTP://TRAVEL.STATE.GOV](http://travel.state.gov). At the present time, visa numbers in your interested category are available for persons who have a priority date earlier than _____.

Visa Services
Public Inquiries Division

THE PRESIDENT HAS SEEN
10-28-99

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University.

Wahid said his first priority is economic recovery, his second territorial integrity. To handle the first challenge, he appointed Kwik Kian Gie, an ethnic Chinese, as senior economics minister.

Kwik will be the conduit to the International Monetary Fund and foreign investors, whose funds are badly needed in Indonesia. He was an early critic of tough demands placed on Indonesia by the IMF in exchange for putting together a \$43 billion international rescue package, but has softened his opposition and has agreed to work with the international agency to restore investor confidence and political stability.

His appointment also is significant because the country's ethnic Chinese, who fled Indonesia in droves after being targeted in riots last year, have parked an estimated \$5 billion offshore. One of his top priorities will be to persuade them to return home with their funds.

In another conciliatory gesture, Wahid said he had accepted the offer of East Timor's independence leader, Jose Alexandre "Xanana" Gusmao, to visit the Indonesian capital, Jakarta, for high-level talks. East Timor residents voted in August to secede from Indonesia, which invaded the former Portuguese colony in 1975 and annexed it the following year.

"I will meet him at the airport," Wahid said. Gusmao, jailed by Suharto for rebellion, was freed by Habibie.

Property Disputes Plague Postwar Kosovo

By Paul Watson
Los Angeles Times

PRISTINA, Yugoslavia A stark warning scratched into the black paint of a broken security door awaits anyone who tries to evict Bekim Arifi and his family again.

Their own home, a two-room farmhouse on a Kosovo hilltop several miles from here, was burned by Serbian gunmen last spring, so the Arifis became squatters in a middle-class Serbian family's apartment in this provincial capital.

The terse notice on the metal door is written in Albanian, starting with the letters UCK, the Albanian-language initials of the former Kosovo Liberation Army. In case that message isn't clear enough, it adds: "Do not touch."

Those words appeared sometime after Bina Djukic locked the door and hurried down the stairs four months ago, in the panic that struck Serbs as their security forces retreated from Kosovo.

She is among an estimated 170,000 people, mostly Serbs, who fled the southern province of Serbia Yugoslavia's main republic after NATO-led peacekeeping troops arrived in June and ethnic Albanians began attacking Serbs, Gypsies and ethnic Albanian "collaborators."

NATO intervened in Kosovo's civil war on the side of multiethnic democracy, and now a poorly equipped and understaffed United Nations civilian administration is trying to build such a system atop Kosovo's ruins.

Besides moral suasion, and the power of decree, the best weapon that chief U.N. civilian administrator Bernard Kouchner is likely to have is the justice system that his officials are still working to set up.

Leopold von Carlowitz, an aristocratic German lawyer, is working to create a tribunal that will try to resolve the thousands of property disputes born of the war to control Kosovo.

He has no illusions about the many and complex problems involved or about how dangerous Kosovo will be if disputes over who owns various pieces of it are left to fester.

"We all know that only with a sound solution of the property situation in this country will we have lasting peace here," von Carlowitz said in an interview. "There is no question about that."

One of Djukic's neighbors, Dragica Grubanovic, also fled Kosovo and knows the ethnic Albanian man who took over her apartment only by his voice. She has called him several times, hoping he would agree to buy it, but he has refused. He has since stopped answering the phone.

Grubanovic, the former director of legal affairs for Serbia's state-run radio station in Pristina, would be happy to forget Kosovo and stay in Belgrade, the capital of Serbia and Yugoslavia.

She has found an ethnic Albanian man in Belgrade interested in buying her three-bedroom apartment. But like other potential buyers, he wants the current occupants evicted first. And after what the Serbs did in Kosovo, ethnic Albanians are in no hurry to give up their new homes.

"They think that the apartments were given to them by 'their state' and that we Serbs have nothing to ask for, since they won (the war)," Grubanovic said.

It was after ethnic Albanian thugs began pounding on Serbs' doors and threatening trouble if they didn't leave that Djukic took her family to her father's home in the Pristina suburb of Kosovo Polje, hoping things would improve.

A few days later, Djukic's father visited the British troops' command post across from his house, and an officer assigned two soldiers to escort him back to his daughter's home, in Pristina's Sunny Hill district.

They found the security door pried open and the inside door's lock and handle smashed off. About a dozen ethnic Albanians had taken over the home.

"The Brits gave my father 30 minutes to take out our personal possessions," Djukic said in Belgrade, where she is now a refugee in her own country. "The Albanian men told them my father had nothing to do with the place and that the apartment had been given to them by 'the army.'"

New occupant Arifi, 22, denies despite the initials on the door that he served in the guerrilla Kosovo Liberation Army, which fought a separatist war against the Serbs. Among those sharing the apartment is Arifi's brother Agim, 20, who says he wasn't a KLA member either.

Bedrie, Arifi's wife, and his younger sisters, Naile, 11, and Elhame, 17, also moved into the Djukic apartment after returning from Albania, where they were refugees after Serbs expelled them from Kosovo during the NATO bombing.

Arifi claims that Djukic's father said to keep the place when he came with the two British soldiers to collect the family's belongings everything except a beautiful cabinet with glass doors that stands empty in the living room.

"We insisted on keeping that," Arifi said through a translator.

U.N. staff have drafted a regulation that would create an independent Housing and Property Claims Tribunal to settle disputes over such strictly private, noncommercial property.

The tribunal would have two foreign members and one local member. These three individuals would have the power to make legally binding decisions, but U.N. staff also would work to get disputes settled out of court for instance, by finding people new homes.

Kouchner, Kosovo's top administrator, needs approval from U.N. headquarters in New York before he can sign the regulation to create the tribunal, and U.N. experts are only beginning to sort through "incredibly complicated," sometimes conflicting regulations and traditions to decide which ones the tribunal would respect.

"This is very dangerous territory on which we're moving," von Carlowitz cautioned.

Djukic knows the risks all too well. She was the deputy public prosecutor in Pristina's Serb-run courts, and she has watched the endless cycle of revenge claim members of her own family.

Djukic and her husband, a bank economist, fled Kosovo after packing what little they could into a Yugo already crammed with their three children, ages 9, 16 and 18.

Although they had to jettison many things, the Djukics made sure that they took the title to their apartment and the receipt for all the payments they had made before officially acquiring it from her husband's bank Jan. 29, 1993.

Djukic has called Arifi several times and tried to persuade him to buy the apartment, which is now worth about \$45,000. But Arifi insists that he is penniless, yet he has refused to move out and allow Djukic to sell her home to someone else.

In late September, Djukic joined a convoy of Serbs in two buses and 15 cars, which was escorted into Kosovo by Belgi-

troops. Most of the Serbs wanted to file property complaints with the U.N. police in Pristina, Djukic said.

The convoy stopped at Kosovo Polje, a mainly Serbian enclave, and Djukic said she couldn't convince an ethnic Albanian friend to risk driving her into Pristina.

She waited in the suburb for eight days, during which three Serbs died in a grenade attack on a market and another was killed at a local school. Finally, she gave up and caught a Belgrade-bound train, which an ethnic Albanian mob stoned as it left.

"My father is 67 years old and has three children. We all grew up in that Kosovo Polje house," Djukic said. "Now he is trapped there, all alone with a dog and parrot. If he leaves, he knows the house will be looted right away."

About 12 miles south, beside a chestnut tree on a hilltop in the village of Llabjan, the Arifis' small house is already a burned-out ruin, and everything they owned is gone.

That is why the Arifis hope the Serbs who left Kosovo a land Serbs have fought for centuries to defend as the cradle of their Orthodox culture never return.

"We wouldn't like to lay our eyes on them again ever," said Bedrie, Arifi's wife. "They killed kids in their mothers' laps."

Then her brother-in-law jumped in: "If they come back, there will be trouble."

Real Issue: Israeli, Palestinian Nationalism

By Shibley Telhami

Special to the Los Angeles Times

Jordan's King Abdullah visited Washington this month amid reports that Jordan is willing to permanently settle Palestinian refugees on its soil, adding to widespread fears in the region, especially in Lebanon, that a U.S.-led campaign is under way to settle refugees in host states. On the Palestinian side, many are insisting on the return of refugees to their original homes in Israel. Neither option has a serious chance of success, for the issue at hand is not merely the humanitarian task of settling refugees. It is also a question of Jewish and Palestinian nationalism.

Israelis and Palestinians have nationalist red lines that no leader can cross: No Israeli government can accept the massive return of Palestinians into Israel in a way that threatens the Jewish majority, and no Palestinian leader can sign an agreement that does not grant a future Palestinian state in the West Bank and Gaza the right to accept as citizens any willing Palestinian refugees. The sooner the negotiations address the space between these lines, the better.

The core of the Oslo accords was not their messy and problematic terms, but the mutual recognition expressed in short letters exchanged by Palestinian leader Yasser Arafat and Israeli Prime Minister Yitzhak Rabin, in which Rabin responded to Arafat's pledge that "the PLO recognizes the right of Israel to exist in peace and security" with a message that "the government of Israel has decided to recognize the PLO as the representative of the Palestinian people." For majorities on both sides, this recognition was the basis of hope.

For many Israelis, the hope emanated from the prospect of a solution that protected Israel's Jewish character. For many Palestinians, the Israeli recognition of the "Palestinian people" contrasted with reference to their problem as one of refugees, or as a problem of "Arab residents of Judea, Samaria and Gaza," as previous Israeli leaders had framed it. It raised hopes of establishing a state in the West Bank and Gaza to embody Palestinian nationalism and accommodate homeless refugees. It is this hope that made it possible for many Palestinians to forgo the drive to return to their original homes in Israel. These core Israeli and Palestinian aspirations define the boundaries of what is possible.

In addition to the question of monetary compensation for lost property, the negotiations should thus focus primarily on two areas within these boundaries: creation of resettlement "options" for refugees not wishing to move to a Palestinian state (not all Zionists want to move to Israel) and assurance that the population movement to the Palestinian state will be orderly.

The first task must be based on the principle that there be no forced settlement of Palestinians. Arab states, European states and the United States could establish quotas for granting citizenship

options to Palestinians not wishing to move to a future Palestine. Poor states such as Jordan, which has been unique in offering citizenship to Palestinians since 1948, will need international financial backing for resettling refugee-camp residents. Citizenship quotas will have to be coordinated so as not to affect Lebanon, where the addition of new citizens could alter the delicate demographic distribution. The second task requires international coordination and Israeli-Palestinian cooperation to determine the annual absorption capacity in the first several years of statehood.

A pragmatic resolution of the refugee issue will not please every Palestinian and Israeli. Not all who will reject the necessarily limited accord will be "fanatical." Yet most Israelis and Palestinians probably will go along. Given the September deadline that the parties have set for reaching an agreement, the sooner they focus on what is doable, the greater the chance that they will reach a practical accord.

END

THE PRESIDENT HAS SEEN

10-28-99

Gail Powers
10435 Lindley Avenue, #152
Northridge, CA 91326-3456

*cc Bruce
Reed*
Serious reply

October 24, 1999

The President of The United States
Mr. William Jefferson Clinton
The White House
Washington, D.C.

*Copied
Reed
Podesta
Burkhardt (for
reply)*

Dear Mr. President:

I enclose this letter to you on behalf of my son, Nathan, and all other children who are victims of gun violence.

Today was Mitzvah Day at the North Valley Jewish Community Center. On the way home from the Center, Nathan told me that we should, "tell the President to tell the gun guys to close their stores so they can't shoot anybody anymore". If only such a solution were realistic.

I'm sure that this letter may seem "cute" to you or perhaps even a put-on by his mother. I assure you he says these words, his own words, with the utmost sincerity and all the conviction his five-year old heart possesses. He writes this letter to you because you are the "boss" of our wonderful country. And the boss is in charge, right?

I implore you to continue to fight the good fight for common sense gun legislation.

10/28/99

Sincerely yours,

Gail Powers
Gail Powers

*After you have seen,
we will send to
Burkhardt for reply -*

Nathan Lawrence Powers
10435 Lindley Avenue, #152
Northridge, CA 91326-3456

October 24, 1999

The President of The United States
Mr. William Jefferson Clinton
The White House
Washington, D.C.

Dear Mr. President:

Will you please tell the guys that sell real guns to close their stores
so the bad guys can't get a gun.

Thank you,

Nathan Powers

Nathan Powers

Age 5

Living victim of the North Valley Jewish Community Center Shooting
August 10, 1999

THE PRESIDENT HAS SEEN

10-28-99

→ Schwartz

* Math 23 1-12

T. Edwards
To Special Writing
File -
Bc



THE UNDER SECRETARY OF THE NAVY
WASHINGTON

27 October 1999

The President
The White House
Washington, DC 20500

Dear Mr. President:

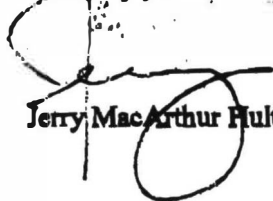
I understand you may attend Senator Chafee's funeral this Saturday. Since the Senator was both a strong defense advocate, former Secretary of the Navy, and Marine Corps veteran of WWII and Korea, Richard Danzig and I will both be there, also.

I had lunch with Walter Anderson, Editor of Parade Magazine, today and he mentioned a conversation he had with Jim Brady this morning that, assuming you attend the funeral, might be worthy of inclusion in your eulogy for Senator Chafee.

Simply put it is that Senator Chafee was Jim Brady's Marine Corps commanding officer when Brady was a young man; and that Jim Brady—in a most heart-felt way—attributed major positive impact on his own life due to Senator Chafee's personal leadership.

I am sure that Jim Brady would pass on to you a richer version of his story, should you be interested.

Sincerely yours,


Jerry MacArthur Hultin

copied
Edmonds
Podesta

99 OCT 27 PM 7:33

THE WHITE HOUSE

WASHINGTON

October 27, 1999

THE PRESIDENT HAS SEEN

10-28-99

MEMORANDUM FOR THE PRESIDENT

FROM: STEPHANIE STREETT
LAURA GRAHAM

RE: Greece Down Time

CC: JOHN PODESTA
STEVE RICCHETTI
DOUG SOSNIK
SAMUEL BERGER
MELANNE VERVEER
PATTI SOLIS-DOYLE
NANCY HERNREICH

copied
Streett
Graham
Podesta
Verveer

Greece Overview

You depart Washington on the afternoon of Friday, November 12th, arriving in Athens the following morning. You will meet with President Stephanopolous and Prime Minister Simitis before making an address. You then have approximately 4 hours of down time before attending the State Dinner. You remain overnight in Athens and on the morning of Sunday, November 14th, you will participate in a message event yet to be determined. You then have the remainder of the day down to spend as you choose.

Down Time Options

You and the First Lady have time on the afternoon of November 13th and November 14th to tour the cultural areas of Athens, including the Acropolis and Agora Market. On November 14th, you have the option to travel by helicopter to an archeological site outside of Athens. We visited numerous sites including; Delphi, Corinth, Mycenae, Nauplion and Nemea. All offer the chance to visit some of the country's renowned cultural areas, as well as greet people outside the city limits. We recommend Delphi because of it's strong historical and cultural connection, vast amount of ruins and natural beauty. Corinth or Mycenae would be good alternatives to Delphi, but do not offer as much. Since the First Lady has visited Delphi before and is likely to accompany you on any cultural visit, please let us know your preference.

Which archeological site would you prefer to travel to on November 14th?

Delphi_____

Corinth_____

Mycenae_____

ask her
her choice
if she wants to
go with the 1st
or

THE WHITE HOUSE

WASHINGTON

October 28, 1999

THE PRESIDENT HAS SEEN

10-28-99

MR. PRESIDENT:

Barry McCaffrey wrote to request your support for Fall 1999 emergency supplemental funding for Colombia. We forwarded his letter to Jack and Sandy, both of whom have serious concerns about his proposal. Memos from Jack and Sandy are attached.

Podesta
Sandy

Sean Maloney *SM*
Lisel Loy *LL*

W. H. Rumsfeld

*Copied:
Podesta
Berger*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'99 OCT 28 PM 1:48

THE DIRECTOR

October 28, 1999

THE PRESIDENT HAS SEEN

10-28-99

MEMORANDUM FOR THE PRESIDENT

FROM: Jacob J. Lew

SUBJECT: McCaffrey note on additional Colombia funding

Everyone agrees that the situation in Colombia is serious and will require additional resources in the future.

John Podesta, Sandy Berger and I have discussed the Colombian funding issues. We fear that if you send a supplemental now, it would seriously endanger our ability to achieve your other foreign policy funding objectives.

State, ONDCP, USAID and DoD have done some good conceptual work on an integrated "Plan Colombia", but as of now we have neither a well-tuned proposal nor a means to pay for one. State's draft would cost more than \$750 million in FY 2000 and over \$3 billion over three years, for which we have no identified offsets. It needs considerably more work to become a well-designed, balanced and paid-for program.

The State effort can be helpful if we have to respond to a Congressional proposal in the current negotiations; but thus far they have passed every opportunity to make one. It will also shape thinking on the FY 2001 budget and on a possible supplemental next spring. However, given the sensitive negotiations with the Congress over international affairs funding issues in FY 2000, such as UN arrears, Kosovo, debt relief and the Wye River accords, this fall would be an inopportune time to submit a unpaid-for supplemental for counterdrug efforts in Colombia.

Barry McCaffrey has already said in an unauthorized public statement that the Administration will soon request an emergency FY 2000 supplemental of \$1-2 billion. He is urging you immediately to propose the State Department's draft as an emergency supplemental. I have serious concerns with this.

THE WHITE HOUSE

WASHINGTON

October 25, 1999

MEMORANDUM FOR THE PRESIDENT

FROM:

SAMUEL BERGER 

SUBJECT:

BARRY MCCAFFREY CORRESPONDENCE OF 10/22/99

Barry is writing to make the case that you request additional counternarcotics funding for Colombia this year. While he does not cite a specific amount for such a request, he describes the need for "large scale, long term assistance" and he has several times publicly this fall called for an emergency request of between one and two billion dollars.

There is widespread interagency agreement on the importance of increasing significantly our assistance to Colombia over the coming years. Barry's staff has participated in numerous meetings that have been considering and refining a Colombia request. However, those meetings specifically have examined various timeframes for requesting additional funding, ranging from a budget amendment this fall, to increasing our FY2001 request for Colombia, to keeping open the possibility of asking for additional funds in an FY2000 spring supplemental.

All involved in those meetings understand that (1) because Congress did not include any increase for Colombia in its foreign ops conference report, we have no budgetary room to make the request without having it come directly from other parts of the foreign ops budget which are already underfunded and, as a result, (2) the current state of budget negotiations most likely will preclude us for making any kind of request this fall.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D. C. 20503

Responsible

October 22, 1999

'99 OCT 22 PM 6:14

Dear Mr. President:

The purpose of this letter is to ask your support for a Fall 1999 Emergency Supplemental funding for counterdrug efforts in Colombia and the Andean Region. Under Secretary of State Thomas Pickering has led an interagency effort to create a viable funding plan that could be used as the basis for an Emergency Supplemental proposal. Believe it is essential that the Pickering initiative succeed. Without large-scale, long-term assistance to Colombia now we will lose all meaningful ability to limit the production of cocaine and highly pure Colombian heroin being shipped to the United States. This constitutes a threat to our national security and an emergency that merits immediate action.

Colombia is the focus of our international supply reduction strategy because eighty percent of the cocaine that enters the United States originates in or passes through Colombia and Colombian heroin is widely available in the US, especially along the East Coast. In spite of robust cooperative efforts to combat drug production in Colombia, drug production there has skyrocketed over the last three years. Coca and opium poppies are grown in vast remote areas largely controlled by heavily-armed guerrillas whose presence makes eradication and other law enforcement activities impossible. So long as that situation continues there is almost no limit to the amount of illegal drugs that can be produced in Colombia. The increases in Colombian coca and cocaine production will undo the progress we have made in the Andean Region over the last three years, and more drugs will make it to the streets of the United States. Our current level of effort in and support to Colombia will not reverse or even slow down this trend.

For the last several months the United States has very publicly engaged the Government of Colombia on the creation of a Colombian national strategy to deal with drug production and other threats to their democracy. President Pastrana discussed "Plan Colombia" with you during your meeting with him in New York last month. Failure to provide support now will be perceived as abandoning an ally and will have a negative impact on many US national interests.

- **Drug production will continue to expand and more drugs will be shipped to the US.** Drug traffickers will get the message that the US is not serious about helping Colombia mount efforts against the heart of illegal drug operations.
- **US credibility will suffer, and dashed GoC expectations will damage bilateral relations.** This may make the GoC less likely to cooperate in other areas such as extradition.
- **Human rights violations will likely increase.** The outlaw groups, fueled by proceeds from the drug trade, will continue to grow bigger and stronger, while the ill-supported members of the police and military will become more desperate and demoralized because they lack the necessary resources to defend the population and democratic institutions.

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

- **The risk of Colombian military disaster will increase.** Deployment of inadequately-trained and -equipped security forces on counterdrug missions risks military defeat, which would further demoralize the troops and weaken the Government of Colombia.
- **Displaced persons, refugees, massive migration, capital flight and brain drain will accelerate.**
- **Loss of confidence in the government and its ability to provide security will cause continued structural harm to the Colombian economy.**
- **President Pastrana will be damaged politically.** The guerrillas will perceive a lack of support for the GoC, both domestically and internationally, and will have less incentive to negotiate seriously. The Colombian public will lose confidence in President Pastrana's ability to manage the affairs of the government.
- **Perceptions of a weak Government of Colombia will add to regional instability.** Colombia's neighbors, perceiving that the GoC cannot address the guerrilla and paramilitary actions in the frontier regions, have militarized their borders and may be tempted to engage in pre-emptive action.

Mr. President, drug abuse kills 52,000 Americans and costs our society \$110 billion each year. We have the opportunity to attack the center of gravity of drug production in our hemisphere while at the same time supporting a beleaguered democratic ally, promoting respect for human rights, and encouraging trade and investment. It is in our national interest to provide substantial support now. If we were to wait until the Spring or the next budget cycle to respond to this emergency, the aid would not arrive for more than a year from now, which may be too late to help the Government of Colombia. The narcotraffickers and the illegal armed groups that reap enormous profits from the drug trade would have had ample time to expand their operations and control over territory.

The drug situation in Colombia has changed dramatically over the last three years. Increases in US counterdrug support to the GoC have not been able to keep pace with explosive trafficker expansion. The current cost of an adequate response has outgrown the existing budget authorities and will only get more expensive as time goes on. Therefore, believe that the best course of action would be for the Administration to work with Congress to create an Emergency Supplemental funding package to address this crisis before the end of this Congressional session. The Pickering initiative provides an excellent starting point. Look forward to working with you and others in the Administration on this vital issue.

Respectfully,


Barry R. McCaffrey
Director

1/12
Would welcome an opportunity to discuss this issue with you. We need a Supplemental to support the Andean Counter Drug Strategy.

THE WHITE HOUSE
WASHINGTON

DATE: 10/28/99

NOTE FOR: **SECRETARY DALEY**

The President has reviewed the attached, and it is forwarded to you for your:

Information ☒

Action ☐

Thank you.

Staff Secretary
(x6-2702)

cc:

THE WHITE HOUSE

WASHINGTON

October 28, 1999

The Honorable C. Michael Armstrong
Chairman
The President's Export Council
Washington, D.C. 20230

Dear Michael:

Secretary Daley forwarded your letters regarding the WTO Ministerial, international tax issues, and encryption exports. I was glad to get them, and I have sent them to Gene Sperling for careful review.

Thanks so much for your leadership. I appreciate your commitment and all of the good work of the PEC.

Best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", is written below the word "Sincerely,".



National Office
930 East 50th Street
Chicago, IL 60615
Phone: 773-373-3386
Fax: 773-373-3571

Washington, DC Bureau
1002 Wisconsin Ave., NW
Washington, DC 20007
Phone: 202-333-5270
Fax: 202-728-1192

New York Bureau
330 West 42nd St.
Suite 1511
New York, NY 10036
Phone: 212-425-7874
Fax: 212-968-1412

Los Angeles Bureau
12021 Wilshire Blvd.
Suite 700
Los Angeles, CA 90025
Phone: 310-889-1111
Fax: 310-471-1453

Detroit Bureau
First National Building
680 Woodward Ave.
Suite 1433
Detroit, MI 48226
Phone: 313-963-9005
Fax: 313-963-9012

October 28, 1999

The Honorable William Jefferson Clinton
President of the United States of America
The White House
Washington, D.C. 20500

Dear President Clinton:

I pressed hard for a Financial Services Modernization bill that took a strong stand on the Community Reinvestment Act (CRA). When it became clear that the final bill would assure that CRA remains vital and relevant in the new financial landscape, I was quick to praise it and I still do.

However, when I look at some of the finer details of the bill, I believe that changes are still needed to address the ominous language of the "sunshine" provisions. While I support the notion that community organizations should be held accountable, I believe the detailed reporting language will cast a pall over CRA by local community groups. Additionally, I am concerned that the real reason for these provisions is to collect the necessary data for future attacks on CRA. These provisions implicitly support the premise that community groups are engaged in extortion and fraud regarding CRA. These reporting and penalties will have a chilling effect on groups' efforts to highlight weaknesses in bank performance as well as their efforts to forge partnerships with lenders.

I believe that in addition to the significant changes already made, two modest additional changes are necessary to restore equilibrium to CRA. These changes would in no way adversely affect the bill; and they should be supported by the banking industry.

First, under the CRA Sunshine Requirements, I would like to see the proposed new Sec. 48 (c)(3) of the FDI Act eliminated. The information requested under these reporting requirements is too

10/28/99
Send to Burkhardt?
Yes ☒
No ☐

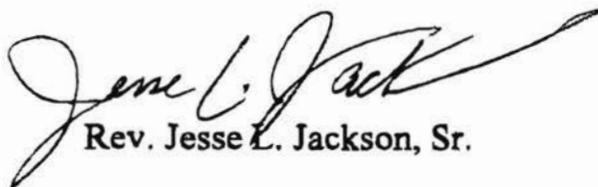
highly detailed and burdensome, particularly for small community groups who do not maintain information in this format.

Second, efforts were made in the legislative drafting to narrow the scope of activity defined as a "CRA agreement," limiting it to activity relating to bank applications and examinations. I believe that the proposed new Sec. 48 (e)(1)(B)(ii) should eliminate references to individuals and organizations that have "discussed or otherwise contacted the institution" concerning CRA. These phrases cast an extremely broad net and would cover situations where a bank – even one with no application pending or a scheduled CRA exam – approached a community group about establishing a partnership that might be counted as part of its CRA record. Without a change, community groups will rightly fear that even the slightest criticism of bank performance will ensnare them in a federal regulatory review.

Lastly, I understand that several privacy groups are unhappy with the bill. While some progress has been made, more needs to be done.

We are in the final throes of this process, and I need your support for these changes to the bill. I believe that with these adjustments we can create a stronger piece of legislation that serves both the financial industry and their local community partners.

Sincerely,

A handwritten signature in cursive script, reading "Jesse L. Jackson, Sr.", written in dark ink. The signature is fluid and stylized, with a long, sweeping underline that extends to the right.

Rev. Jesse L. Jackson, Sr.



UNITED SOUTH AND EASTERN TRIBES, INC.
711 Stewarts Ferry Pike • Suite 100 • Nashville, TN 37214
Telephone: (615) 872-7900 • Fax: (615) 872-7417

99 OCT 28 PM 5:32

given to Mickey
Ibarr for the
President.

October 27, 1999

The President of the United States
The White House
Washington, DC

Dear President Clinton:

I am writing on behalf of the United South and Eastern Tribes, Inc., an inter-tribal council of twenty-three federally recognized tribes. Please find attached Resolution No. 2000:25 which pertains to the plight of the Santee-Sioux Tribe of Nebraska.

Through this Resolution, our member tribes wish to convey our strong support for the Santee-Sioux. We respectfully request your assistance to resolve this matter, especially in view of the Trust responsibility the United States holds to tribal governments.

We thank you for your consideration and would appreciate your direct involvement.

Sincerely,

Keller George, President

10-28-99

Send to Burkhardt?

Yes ☒
No ☐

Copy: Attorney General, Janet Reno

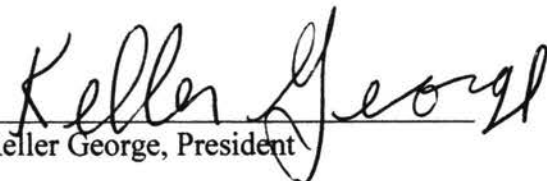
"Because there is strength in Unity"

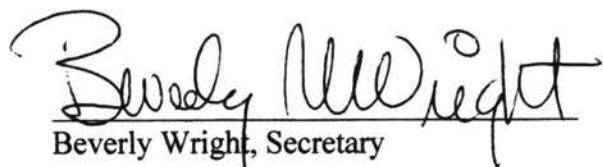
USET SUPPORT FOR THE SANTEE-SIOUX TRIBE OF NEBRASKA

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising twenty-three (23) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represents the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** United States Attorney Thomas Monohan has frozen all federal fund accounts for the Santee-Sioux Tribe of Nebraska based on his sole determination the Tribe had opened a gaming facility without a compact in violation of the Indian Gaming Regulatory Act (IGRA); and
- WHEREAS,** United States Attorney Monohan seeks to use this unscrupulous tactic as a bargaining chip against the Santee-Sioux Tribe of Nebraska; and
- WHEREAS,** the United States bears a sacred Trust obligation to the Santee-Sioux Tribe of Nebraska, their being a federally-recognized tribal government; and
- WHEREAS,** the State of Nebraska has failed to negotiate a gaming compact with the Santee-Sioux Tribe in good faith, and
- WHEREAS,** the Santee-Sioux Tribe is obligated to provide for its tribal members; therefore, be it
- RESOLVED,** that the President of the United States directs the immediate release of all frozen federal accounts for the Santee-Sioux Tribe of Nebraska; be it further
- RESOLVED** that the President of the United States also directs Attorney General Thomas Monohan to desist his attempts to force action in this case and let court action proceed as IGRA intended.

CERTIFICATION

This resolution was duly passed at the USET Annual Board of Directors Meeting, at which a quorum was present in Verona, NY Thursday, October 28, 1999.


Keller George, President


Beverly Wright, Secretary

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor



OFFICE OF THE MAYOR

250 City Hall
Baltimore, Maryland 21202

October 20, 1999

Ms. Barbara Bostick – Hunt
Special Assistant to the President
Office of Intergovernmental Affairs
The White House
Washington, DC 20500

Dear Barbara:

Enclosed is a document entitled "Africa and the Rest of Humankind."

The document is written as an open letter to President Clinton. The author is a noted physician in this area. I intended to bring this to the President's attention during his visit to Baltimore, but with the change of plans an opportunity was missed. Dr. Lawoyin hopes that this matter will be reviewed by White House officials and presented to the President. I assured him that it would be given careful and appropriate consideration.

I look forward to talking to your soon. All the best to you.

Sincerely,


Mayor

KLS: kj

Enclosure

10-28-99

Send to Burkhardt?

Yes 
No _____

C

12-12-99
THE WHITE HOUSE

Dear Mr. Cusumano, PM3:22
Mayor Kurt Schmoke
of Baltimore asked
me to share this
document with
the President. I
used to work for
Mayor Schmoke as
his Deputy Chief
of Staff, so I told
him I would forward
it to you.

Also Rita
Lewis asked me
to say hello to
you!

Barbara Hunt
IGA



A Way of Caring

Segun Lawoyin, MD
Diplomate American Board of
Internal Medicine and Endocrinology

October 18, 1999

Open letter addressed to
The President of the
United States

of
America
WILLIAM CLINTON

Forwarded per Kindness of
The Honorable Mayor of
Baltimore City, MD
KURT SCHMOKKE.

Segun Lawoyin

RECAPITALIZING THE AFRICAN-AMERICAN EXPERIENCE

The enclosed document represents a perspective on the African-American Experience in America, the fiduciary commitment of the United States of America to all her citizens, and encapsulation of the genesis of Africa's significance in the planning of America's future into the next century. This information is being presented in both summary and detailed format.

In recapitalizing the African-American Experience, it is important to realize that:

- ♦ The endowment to date within the African-American Experience has yet to be fully unfurled, in contrast to the experience of the European-American, above and beyond the substratum of the American Dream.
- ♦ The current alignment of historical forces in the direction of one global village offers a unique opportunity for America to drill down and bring forth the unheralded treasures of her African history. They are more than cubist masks and pulsatile rhythms.
- ♦ The eventual support of America for the dismantling of apartheid and the warming of relations with the new democratic government in Nigeria resonate especially deeply within the daily lives of many African-Americans. In the hope of pre-empting a reversal, this good fortune needs to be institutionalized as soon as possible.
- ♦ Those who were born into and served out their lives and country in slavery are for many Americans the parallels of our debt to the "unknown soldiers". An institutionalized agenda to reconnect America to her African past would be a fitting memorial to the "unnamed African-American".

It is my hope that this idea would generate interest within the executive branches of both the American and the Nigerian governments. This writer is passionately committed to serve in any capacity to further the exposition of this consideration: "The Recapitalization of the African-American Experience". For perspective, a listing of some of the milestones along the Nigerian-American journey of the writer has been enclosed with the full essay.

SL 10/18/99

AFRICA AND THE REST OF HUMANKIND

(OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES)

Dear Mr. President:

I am writing in gratitude for the opportunity as a new citizen of the United States to be a part of the cross-ethnic dialogue which is being fostered by the office of the President. America occupies a unique position within the recorded history of African Peoples, a position marked by an all-intrusive existential intimacy between "Black" and "White" peoples. In a way, we have seen each other's nakedness. With this in mind, it should be easy to use the on-going dialogue to draw attention to the pervasive feeling of disconnectedness that weighs down the lives of African Peoples, an estimated one third of the world's population. There are no polls upon which to rest this claim, and maybe not all of these peoples feel encumbered by the circumstances of their journey through life. However, I have yet to meet an exception in my fifty years. An example is the life of a Paul Robeson contemporaneous through 1976 with the life of a Russell Baker as described by the former editor of the New York Times in his biography Growing Up.

Two all American men one having to claw his entire way for air, the other a life redolent with kindly congruities. In many ways the more things have changed, the more apparent and oppressive the powerlessness of our disaggregated history.

Our corporeal relationship with the rest of the world undermines our individualities and fuels an awkwardness to our existence, not withstanding how many barriers have come down. Life continues to present as an unarrangeable frame of mind, a vexing incongruity of self awareness and the mirage of written history, a weariness that comes from dreams deferred until forgotten. Life as if lived in the Little Ease described by Albert Camus in his book The Fall: "A cell not high enough to stand up in, nor wide enough to lie down in," momentary ease only in the diagonal with the mind resting on the Book of Job. An unending journey of the Magi, no Nazareth, no Good King Wenceslas, no New Testament, darkness unyielding, Christianity

not withstanding. Enough already, we wish not to remember. Does anybody know what time it is?

I have often wondered whether without the unrestrainable vigor of the Old Testament the Jewish presence within the mix of human cosmography might not have been passed over as it has for African Peoples. But then there was the Bible, and the evolution of the Judeo-European tradition, believers like John Brown, the Declaration of Independence, the Constitution of the United States, and now the Nation of Israel. In sharp contrast is the continuing absence of the African Ethnotype from the yearly portrait of leaders of the G-7 nations who together hold the world in their hands, by land and seas and satellites. This absence is the portrait of humankind canonized in the minds of generations by the writings of such historical authorities as Sir Arnold Toynbee; African Peoples gathered into airless vacuoles throughout the cross-section of human metamorphosis. How does one keep one's footing caught in the rapids of the liquefied voices down inside the catacombs at Treblinka? Fortunately metamorphosis by its nature is revisionist as it progresses in it's ever widening gyre.

This is a wonderful time to unearth the fossil voices of past generations of African Peoples as we may hear them in the various tongues of the present generations all over the earth. My hope is to voice a perspective which I believe is representative of the views of the post World War II generation of African Peoples. As a matter of history, the babyboomer generation of Africans is distinguished in time as the group of minds that grew up in the twilight of indigenous African culture and the dawn of Afro-European miscegenation. This was the generation for whom a European language became the ethereal bridge for shuttling between the two colors. More often than not, cross fertilizations are supposed to yield sturdier assurances in brighter light as in the American Dream. And in the beginning it seemed that way in Africa. After 300 years of the slave trade and 100 years of schooling and patronage by colonial masters and Christian missionaries the notion of "equalite, egalite, fraternite" was directed at African Peoples, however briefly.

The first leg of the return of African Peoples from serfdom everywhere appeared to have commenced. Marcus Garvey and the Universal Negro Improvement Association (UNIA); Mahatma Ghandi, Albert Luthuli, Nelson Mandela in South Africa, Gamal Abdul Nasser in Egypt, Patrice Lumumba in the Congo, Herbert McCauley, Kwame Nkurumah in West Africa, African Rhythm and poetry in European languages, the King James edition of the Bible in African cadence. There was Albert Schweitzer and the music of Bach contrapuncting along the banks of the Ogowe River, Miriam Makeba doing the click song in concert with Harry Belafonte at Carnegie Hall. This was the period of the "Second Reconstruction" in America, it was a time filled with mind-blowing possibilities. As with the period immediately following the Emancipation, faith the substance of hope and renewal of the human spirit was rekindled in the Civil Rights Movement in America, and the Independence Movements in Africa. Growing up in that period, young and "black" was portentous. Where have all the flowers gone?

Something happened and the time went awry, both domestic and foreign enlightenment went dead. A stolid immovable darkness came over the African continent and her peoples everywhere. The time began to feel like Europe in the grip of Hitler without the presence of allied resistance. The cold war and the return of fratricide, the politics of ignorance and fear, divide and rule, anger turned inward and spiritual decay held sway all through the continent and beyond. How long before dawn in The Heart of Darkness?

In over a two thousand year recording of Africa by Europe, the Biblical Ethiopian Eunuch had come no further than Joseph Conrad's The Nigger of the Narcissus, tubercular. Can anything good come out of Nazareth? Does anybody know what time it is? This ghastly picture of Africa's past and present is what my children's generation throughout the globe sees of their African ancestry and by which they are cowered into deafening silence. "Old Man River, he just keeps rolling along."

I believe it is the opportunity of the babyboomer generation to put on the breaks and turn the African Liner away from the imminent fall into permanent arrested development. At some point in time as when the voice Jewish history became the Nation of Israel, the liturgies emanating from the remains of the vivisected lives of generations of African Peoples will come together, as at Treblinka. The peoples interred as fratricidal casualties, slaves in foreign lands and colonial subjects, all serving as thermodynamic fodder for the levitation of humankind into the mechano-industrial age will be as clearly audible to all as they are to millions of African Peoples today. Alice Walker's Beloved, like the Ancient Mariner will be heard. "Water, water everywhere and not a drop to drink." The wealth of Africa and her peoples everywhere and not enough food to eat. The grip of the HIV virus and not enough medicine for a fight, innumerable venues to God and no salvation in sight, suffusion of earthly resources buried under squalid living. God doesn't like ugly.

I believe the time is right for the leadership of African Peoples and the G-7 nations to acknowledge the tired tramping of Africa in her little ease and together support the construction and securing of a platform for the rigs we need to bring up the hydrocarbonated energies of African Peoples for new heights of human endeavor and achievement. South Africa was just the beginning. The promise of Africa and her passages to date is more than an eternal ride in the cabooses and tender cars of the human journey. It is more like the promise of Easter, the law of the conservation of energy, in the land that the Reverend Martin Luther King Jr. saw from high above the Washington Monument. Free at last, out of the little ease, free at last, out under God's big blue sky, free to celebrate in the manner of our birth, as for the birth of all God's children, in the song of Walt Whitman:

"I celebrate myself, and sing myself,
And what I assume, you shall assume,
For every atom belonging to me as good belongs to you..."

For the journey towards the promise of Africa for humankind I offer an idea

that goes something like this: The “Marshall Plan” revisited for the rehabilitation of Africa and her peoples around the world...

The commitment of the American People to the rehabilitation of Europe after World War II was based on the conviction that the interests of the United States then and far into the future would be best served by an economically harmonious Europe. In as much as Europe and Africa are equally woven in time and substance into the fabric of the American Story, the rehabilitation of the socioeconomic welfare of African Peoples into a harmonious whole is critical to the welfare of the U.S. now and far into the next century. There is no other earthly organization better endowed and prepared for history than the U.S. to stand behind Africa to build the bridge for the journey back from centuries of European-African sado-masochism. We have come to understand that freedom is not an occurrence, it is a state of birth and being.

The present condition of Africa's geographical and socioeconomic infrastructure is worse than the condition in Europe when the Secretary of State George C. Marshall delivered the speech marking the beginning of the Marshall Plan. Now fifty years later Germany is one, there is the chunnel and the European Union. The reformatting of Europe into a harmonious whole has in reality become the pillar of peace for that continent. In the spirit of One Global Village, building the pillar of peace on the African continent calls for the same kind of profound political, social, and economic transformations, a process that may well take all of the next century to complete. But there must be a beginning, and because Africa in the manner of Native America was also a maternal casualty in the birthing of the United States, America must be at the forefront with African peoples to reassemble the African Corpus.

Nearly forty five years since the granting of independence began, former African colonies and their European beneficiaries are still more tightly connected through their economic infrastructure than these former colonies are to their immediate geographical neighbors. Telephone calls out of Africa

are often easier to make compared to calls within Africa. One of the fruitless exercises during the high school years of my generation was regarding which of the following two choices was less evil:

- (a) Being branded on the flesh for claim of ownership by the slave master, or
- (b) Being arrogated as human material into parcels of colonial property to be pressed into the service of Europe as was accomplished in the partitioning of Africa in the Treaty of Berlin in 1885.

One and the same difference from godliness. How much of the wealth of Belgium today would be traceable to the carnage in central Africa under the direction of King Leopold II?

In the aggregate, the encounter of African with European Peoples has been disenabling to date. Even if one were to assign all the blame for such an outcome to arrant acalculia on the part of Africa's forebears and more recent succession of sadistic heads of states, how many years of living in the little ease would be enough penance? And which peoples have a history that is any less boorish? There is the story of Mary Slessor who left her home in Scotland in 1876 to serve as a Presbyterian missionary to the Okoyong peoples in an area in the Southeastern part of Nigeria. She singlehandedly moved that community away from the practice of abandoning twins in the bush upon birth in the belief that multiple births was certain omen for imminent disaster. As a result of the enlightenment brought by Mary Slessor, there are generations of twins now in Nigeria who grew up in the warmth of the love of their families. On the other hand 100 years later in the enlightenment of Europe are the number of children who die each month from malaria, or kwashiorkor in a country that is one of the leading providers of crude oil for the world's daily energy needs. Africa, one step forward, so many steps backwards, 1600-2000 the Age of Genetic Wastage, our lives in our little eases. Could we have been led all this way for nothing? Our experience to date is the genesis of the African saying recently publicized by the Reverend Desmond Tutu:

When we met Europe, we had the land, they had the Bible,
soon after our engagement they had the land, and we the Bible.

There are millions of African Peoples all over the world whose primary use of literacy is the reading of the Bible from here to eternity. "Praise the Lord and pass the ammunition." For all the world wide organizations that have proffered help for Africa and her Peoples the past forty years, where are the results? Africa's primary contribution to the world market remains raw materials. What kind of a future is there in the next century for a raw material continent?

Africa's present condition is the creation of Africans and Europeans together, the restoration must also be a joint effort. The goal as for the Marshall Plan would be to unleash the healing power of productivity throughout the continent and amongst African Peoples the world over. In order for Africa to come alive for her Peoples and the rest of the world, she must have a 21st century caliber infrastructure by road, rails, rivers, seas and electrons. Then there is the industrial back-bone to construct for the continent, the building of whole new cities, dreams deferred recalled to life, new challenges as in the pioneering years in America, new ideas to meet the challenges, new hope for greater peace on earth.

The rehabilitation of Africa would be the first opportunity in history for humankind to deploy the know-how accumulated over centuries to build a new society from the ground up with the reverence of an archeologist for mother earth as opposed to the imperial earth mover style of old. Africa will remain stunted if the present geopolitical and socioeconomic status were allowed to remain: increasingly deoxygenated water-tight compartments, suffocating. Capital intensive infrastructural and industrial projects would continue to be planned for placement within economically adynamic enclaves with predictable inefficiency and eventual mothballing. In contrast, railroad service, designed to allow for transnational travel throughout Africa would be more likely to meet efficiency and productivity standards for enduring viability. As for the European Recovery Program after World War

II, it will take a transnational coordinating body of Africa's leadership, supported by the will of humankind to put Humpty-Dumpty together again into a wholesome unit instead of the current picture of Africa as the "cockpit" of "ethnic clashes" and "breeder" of fratricide and famine. The transnational coordinating body would prioritize self reliance, transparency, and thorough scientific as opposed to mechanistic or political planning in their work for Africa's homecoming. This would insure continued global support and goodwill and the efficiency of economy of scales such that the cost is kept within the economic ability of America and Europe to support. The initial estimated cost for the European Recovery Plan (ERP) was \$29 billion, later revised down below \$20 billion. Whatever the estimated cost for Africa's Recovery Program, the chances are it would represent no more than a fraction of the return on the substance of Africa alloyed into the gross human product in Europe and America to date.

The place to start is at the 1885 Treaty of Berlin for the partitioning of Africa, a kind of going back to the future. Certainly not to change national geographical boundaries. No. The purpose would be to break up the "sphere of influence" enclaves and take out the harpoons of colonialism from the bodies and minds of African Peoples to allow for the emergence of a much more natural and productive internal synergy. Africa at present is like a desert expanse partitioned into disparate territories by multiple Berlin Walls. Minimal productivity above ground while the riches underground are carteled overseas. Payments to Africa for the raw materials are immediately returned overseas for the purchase of manufactured and consumer goods and procurement of military ware. The post colonial period in Africa has been that of a mix of military and some civilian governments serving as proxies of economic interests in various parts of Europe and recently the U.S.

The well entrenched economic interests of the multinational corporations that do business in Africa pose the most serious outside obstacle to the breaking down of the Berlin Walls within Africa and between African Peoples world wide. Only the United States as she did for the Marshall Plan has the requisites to broker a new African accord strong enough to

unscramble Africa. Without such an accord the potential energies garnered in the journey of African Peoples the past five millennia will remain unavailable to humankind. It would be as if the Boston Tea Party never took place, and the Declaration of Independence never happened. Oh that the sun would shine bright upon my old African home for when that happens it will shine all the way to Kentucky.

What does America stand to gain from leading the world to support Africa's move away from the legacy of the Berlin Treaty to broker a new Africa-centered global accord for the true economic empowerment of African Peoples everywhere? On the down side several potential headaches which would require the kind of resources available only to the State Department to characterize fully. The allegation of imperialist presumptions would no doubt be made as it was for the Marshall Plan. Following the "great debate" in Congress over the Recovery Plan for Europe, the American People determined that in the aggregate the plan was more in favor of America's interests then and far into the future. The European Union is now a reality. The linchpin of the American way is that sooner or later the American public determines what is best for America. I am convinced that when the foregoing perspective is fully inserted within the framework of the current cross-ethnic rapprochement the American public will come to honor their special kinship with Africa and her peoples the world over. On the up side of the debate are several immediately realizable benefits:

1. Furthering the promise and ideals of the Constitution of the United States, a duty and to date, an unbroken tradition of leadership and stewardship.
2. Closing out the story of Slavery and fulfilling the promise of Emancipation.
3. Writing the epilogue to the American Civil War and the Red Badge of Courage.

4. A way around the thorny issue of affirmative action, the appearance of robbing Peter to pay Paul: The interphasing of economic productivity in Africa with true economic empowerment of the African-American sector should render the issue of tort and the experience of the African in America mute.

The world is moving deeper into the post-industrial age while Africa has yet to come into the industrial age. The legacy we leave for my children's generation of African Peoples needs to be radically different from the current status. Africa must be brought with facility through the industrial age so that she can be equally present with the continents of the G-7 nations to deliberate the interest of this planet through the post-industrial 21st century.

What if within the first quarter of the next century American college students could spend the summer around Africa on the transcontinental rail service with the same ease as for travel in Europe? Students from Tuskegee, Georgia Tech, University of Pennsylvania, Spelman, Yale, Georgetown College would arrive in Baltimore to catch the Gold Coast Airline flight to Dakar in Senegal to begin a four week magical train ride through the African Continent. The air of excitement at the All Nations Train Terminal, the abiding feeling of expectancy as if one were in the movie Casablanca. Tickets can be purchased for one of several itineraries along two routes:

1. From Dakar through the Gambia, Guinea Bissau, Guinea, Sierra Leone, Liberia, Cote de Voir, Ghana, Togo, Benin, Nigeria, Cameroon, Gabon, Congo, Zaire, Angola, Namibia, Botswana, South Africa, Mozambique, Zimbabwe, Zambia, Malawi, Tanzania, Uganda, Kenya, Somalia, Ethiopia, Sudan, Central African Republic, Chad, Niger, Upper Volta, Mali, Mauritania and back to the Dakar for the return flight to the U.S. or
- 2 Northward from Dakar through Mauritania, Morocco, Algeria, Tunisia, Libya, Egypt, Sudan to return on the mid-continental route as above to Dakar.

The itinerary through points of interest can be personalized to match

individual curiosities. The return flight a heady experience with poignancies for life-long reminiscing and rumination. The call of Africa heeded, the triumph of longsuffering as in the Egmont Overture of Beethoven, to the delight of the spirits of millions of lamp lighters: like Mary Slessor, Patrice Lumumba, Arthur Ashe, Thurgood Marshall, Charles Drew, Sojourner Truth, Harriet Tubman, Martin Luther King Jr., John F. Kennedy, Robert F. Kennedy, William Wilberforce, Medgar Evers, Ralph Bunch, Hubert Humphrey, Lyndon B. Johnson.....the unnamed Americans, the millions of unknown Africans.

The story of humankind has come full circle, Africa is the next New World. America's active promotion of the process to bring Africa into the club of the G-7 continents is of vital importance to the welfare of the United States, now, and far into the next century. The "someday" in the song We Shall Overcome is here:

We have overcome
We are still standing
The world is in tow
Now in the know
That no more, no less
"They also serve who stand in wait".

Thank you for your kind attention.

Respectfully,

A handwritten signature in black ink, appearing to read 'Segun Lawoyin' with a stylized flourish at the end.

Segun Lawoyin
Baltimore, Maryland

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October 27, 1999

OF COUNSEL
COURTNEY A. EVANS
D. BRADLEY CLEMENTS
ALYZA D. LEWIN

*NOT ADMITTED IN D.C.

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BY HAND

The Honorable William Jefferson Clinton
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington DC 20500

Re: H.R. 1175 - A Bill Titled "To Locate and Secure the Return of Zachary Baumel, an American Citizen, and other Israeli Soldiers Missing in Action"

Dear President Clinton:

I am writing to you on behalf of Miriam and Yona Baumel, the parents of Zachary Baumel -- an American citizen who went missing-in-action in Lebanon in June 1982 while serving in the Israeli army. As you may be aware, yesterday afternoon, the House of Representatives voted unanimously (by a vote of 421 - 0) to approve Senate amendments to H.R. 1175 - a bill designed to help locate and secure the return of Zachary Baumel. The Senate passed the bill by unanimous consent in August. H.R. 1175, therefore, will soon be forwarded to you for your signature.

The purpose of this letter is to urge you to sign this legislation publicly, with Miriam and Yona Baumel at your side. The Baumels have spent the past 17 years literally crisscrossing the globe in an effort to gain information about their missing son. Evidence that has been collected suggests that their son was captured alive and held in captivity. There have been conflicting reports, however, regarding his whereabouts and condition.

The fate of Zachary Baumel, who was born and raised in New York, has been an issue of deep concern for the Jewish community in the United States for many years. Various organizations, including the Conference of Presidents of Major American Jewish Organizations (see enclosed press release), the Orthodox Union of Jewish Congregations of America and the National Council of Young Israel have expressed their support for H.R. 1175. Given the fact

The Honorable William Jefferson Clinton

October 27, 1999

Page 2

that Mrs. Clinton has been involved with this issue in the past -- she graciously met with the Baumels both in Israel and in Washington -- her presence at a public signing ceremony with the Baumels would be an appropriate follow-through to her past involvement.

H.R. 1175 has received broad support on both sides of the aisle on Capitol Hill. Furthermore, its humanitarian goal of obtaining information that could lead to the return of Zachary Baumel has the support of the U.S. Department of State. When Senator Patrick J. Leahy introduced his amendment to the bill (which was ultimately adopted), he noted:

The amendment I have offered . . . has been approved by both the House and Senate sponsors of the bill and the family of Mr. Baumel, and is supported by the State Department. It was drafted in a sincere effort to make it more likely that this Resolution leads to the result that the families intend, and to preserve the role of the United States Government as an honest broker in the Middle East peace process.

The Baumels' seventeen-year odyssey has taken its toll. Miriam and Yona are aging and their health is rapidly deteriorating. The passage of this bill has provided them with a renewed sense of purpose. A public signing ceremony, however, would provide them with the energy to carry on despite their failing health. If there is any way to arrange for such a ceremony, the Baumels would be eternally grateful.

Sincerely Yours,

A handwritten signature in cursive script, reading "Alyza D. Lewin".

Alyza D. Lewin

Counsel for Miriam and Yona Baumel

Enclosure

PRESS RELEASE.....PRESS RELEASE.....PRESS RELEASE



Melvin Salberg
Chairman

Press Contact: Haima Just
212-318-6111/917-855-5740

Malcolm L. Hoenlein
Executive Vice Chairman

CONFERENCE OF PRESIDENTS SUPPORTS CONGRESSIONAL EFFORTS TO GAIN INFORMATION ON ISRAELI MIAs

New York, March 31 -- The Conference of Presidents expressed support for the Congressional initiative to use U.S. economic assistance as additional leverage to secure information regarding the fate of Zachary Baumel, a U.S. citizen who was captured in Lebanon along with three other young men while serving in the Israel Defense Forces. For seventeen years, the fate of these four men has been unknown and their families have suffered greatly. Unceasing efforts have produced little results, and it is believed that the Palestinian Authority could, at the very least, provide additional information that would contribute to bringing this painful episode to closure.

The legislation introduced in the House by Representative Tom Lantos (D-CA) and in the Senate by Senator Ben Nighthorse-Campbell (R-CO) would send a message of the seriousness of this matter and the determination to secure all information regarding their fate. Melvin Salberg, chairman, and Malcolm Hoenlein, executive vice chairman, of the Conference of Presidents said that this issue has been a priority on the agenda of the Conference for many years. "No one can describe the constant frustration and pain of the families not knowing the fate of their sons. Every caring person can relate to, even if not appreciate fully, the depths of this tragedy that has endured far too long. The legislative efforts in the House and Senate to demand that this matter be a consideration in the provision of U.S. economic assistance will give added leverage to the efforts to secure information," the Conference leaders said. "Additionally," they said, "we welcome the request by Senators Daniel Patrick Moynihan and Charles Schumer that the U.S. make available its files and information. This will also be an important contribution that will enhance the total effort. We hope that Congress and the Administration will work together to assure that every effort is made to resolve this matter quickly."

The Conference of Presidents is the central coordinating body representing 55 national Jewish organizations on issues of national and international concern.



Orthodox Union

איחוד קהילות האורתודוקסים באמריקה • Union of Orthodox Jewish Congregations of America

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September 15, 1999

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President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Clinton:

We are writing on behalf of the Union of Orthodox Jewish Congregations of America, the largest mainstream Orthodox Jewish organization with nearly 1,000 synagogues nationwide. We thank you for your warm New Year wishes and want to take the opportunity to express our greetings to you as well.

We are also taking this opportunity at the New Year to mark the seventeenth anniversary of the captivity of the Israeli soldiers missing in action. Mr. President, as you know, the United States Senate recently unanimously passed H.R. 1175, demonstrating their clear understanding of the urgency of this human rights issue that has been allowed to languish for too long.

Mr. President, we urge you to sign this bill into law as soon as possible. This new law calls for the Department of State to raise the issue of the missing Israeli soldiers with officials of the relevant parties in the Middle East in an effort to secure their return. For so many years the family of Zachary Baumel, a United States citizen, and the families of Yehuda Katz, Zvi Feldman and Ron Arad have been laboring long and hard to locate their missing sons. It is unacceptable that Israeli MIAs are being held for political ransom while peace talks are being conducted. This new law could help in bringing about their release.

Mr. President, we hope that you will sign H.R. 1175 into law soon in order to bring about what will be a very strong confidence-building element to the peace process. To the families of the MIAs, each day is a lifetime. To the goal of attaining peace in the Middle East, the return of the missing Israeli soldiers will add an important underpinning of strength and trust.

Sincerely,

Mandell I. Ganchrow, MD
President

Rabbi Raphael Butler
Executive Vice President

Betty Ehrenberg
Director, International Affairs

from the office of
Senator Edward M. Kennedy
of Massachusetts

Statement by Senator Kennedy on the Zachary Baumel Case
March 18, 1999

Zachary Baumel, an American citizen in the Israeli army, has been missing in action since the fighting in Lebanon in 1982. His parents have been working tirelessly ever since to obtain information on Zachary's whereabouts.

Today, in the Senate, I had the privilege of meeting Miriam Baumel, Zachary's courageous and long-suffering mother. I told her that I will do all I can to help. I'm proud to be a sponsor of the current Senate bill that requires the State Department to raise the issue with the Syrian Government and the Palestinian Authority, and report to Congress on any information that can be obtained.

All of us who support the peace process in the Middle East must make the issue of Zachary Baumel and the other MIA's a top priority in the ongoing negotiations. Their loved ones have endured too much anguish and uncertainty for too long.

LAW OFFICES

MILLER, CASSIDY, LARROCA & LEWIN, L.L.P.

2555 M STREET, N.W.

WASHINGTON, D.C. 20037

*Survey / NSC
Friends of Cong. Peter DeFazio
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THE PRESIDENT HAS SEEN

10-28-99

The Honorable William Jefferson Clinton
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington DC 20500

10-28-99

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October 28, 1999

Mr. Andrew Tobias
787 Northeast 71st Street
Miami, Florida 33138

Dear Andy:

Thanks so much for your letter regarding *The Insider* and your invitation to attend one of the premieres. It sounds like a great movie! Unfortunately, Hillary and I won't be able to attend, but we want you to know how much we appreciate your thinking of us.

We hope you are well, and we send our best.

Sincerely,

Bru

Maybe we would know
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producer, Pucine, Pucine H.
but you would know if they intended
to set it up?

Andrew Tobias

October 19, 1999

President Bill Clinton
The White House
Via Fax

Dear Mr. President:

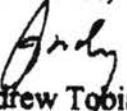
You are going to love *THE INSIDER*, Michael Mann's movie that *clobbers* the tobacco industry. Al Pacino is terrific. Christopher Plummer playing Mike Wallace is uncanny. The footage of the "seven dwarfs" swearing before Congress that tobacco is not addictive is shown over and over again.

I thought you and Hillary might enjoy going to the Washington premiere November 4 (or New York November 1st or LA October 28). Obviously, the producers would be over the moon to have you.

No one deserves to be associated with this triumphant story more than the two of you and the Clinton/Gore administration.

Please ask someone to let me know if you can make it. (My friend Marie Brenner wrote the *Vanity Fair* piece it's based on, so I'm an unofficial booster.)

Best wishes,


Andrew Tobias

THE WHITE HOUSE
WASHINGTON

Date 10/21

To:

DAN B

From: The Staff Secretary

NEED QUICK, SIMPLE

REPLY FOR BC SIG

THX



10/21

Debi - Short BC Sig for Mon or Weds.
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10-28-99

Podesta
Surely there is
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we can do about INS
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LOS ANGELES TIMES

(first-edition) Page 1 for Wednesday, Oct. 27, 1999:

Top of page:

Col 1: Financial news feature. Moving at a later date with art.

Cols 2-6: Local schools story with art.

Above fold:

Cols 2-3: In a move that acknowledges the soaring importance of technology in the U.S. stock market, Microsoft Inc. and Intel Corp. are being added to the Dow Jones industrial average index along with phone giant SBC Communications and retailer Home Depot. (DOW-TIMES, moved).

Col 4: Britain's aristocrats, despite crying "treason" and threatening to act like football hooligans, agree to abolish the centuries-old right of more than 700 hereditary peers to sit and vote in the House of Lords. (BRITAIN, moved).

Col 6: Local police story.

Below fold:

Col 3: Americans are fatter than ever, with potentially disastrous consequences for their health, but injections of the recently discovered hormone leptin can help take some of the fat off, researchers say. (FAT-TIMES, moved).

Cols 5-6: When Patrick J. Buchanan quit the Republican presidential race Monday, Steve Forbes moved one step closer to uniting the Republican right against George W. Bush the cornerstone of his uphill bid to seize the GOP nomination. (FORBES-ASSESS, moving Wednesday).

Bottom of page:

Cols 1-2: The investigation of a remote Honduran air base the United States once used to supply and train Nicaraguan Contras prompts tales of torture and mass graves. (HONDURAS-CONTRAS, moving Wednesday).

Cols 4-6: News feature. Moving at a later date with art.

Nobody's Happy With the Mess at the INS

By Esther Schrader

Los Angeles Times

WASHINGTON Even by the customarily chaotic standards of the Immigration and Naturalization Service, this year has been a mess.

First the agency fell behind in implementing President Clinton's offer of temporary amnesty to Central Americans reeling from Hurricane Mitch, leaving tens of thousands stranded in the United States without permission to work.

Then the immigration service gave out 20,000 more visas to high-tech workers than the law permits. By mistake.

And then suspected serial killer Angel Maturino Resendiz was apprehended at the border by INS agents and released to Mexico even after police alerted the agency that he was a murder suspect. The agency said it didn't find his name in its files.

Add to the flubs the 1.8 million people waiting in line to become U.S. citizens, the children of immigrants who have become citizens waiting 30 months for green cards that they should, by law, receive immediately, plus 3 million other people waiting for other immigration benefits, and it's no wonder immigrants throughout the United States pale at the thought of the agency.

Nowhere do the problems at the INS hit harder than in California, home to more new immigrants than any other state. Go to any INS office in the state, and you are likely to find long lines of people before daybreak, knowing that more than likely they will wait all day.

Stories of the INS losing fingerprints, misfiling paperwork and treating worried immigrants rudely have become as common as tales of Department of Motor Vehicles incompetence. And millions of illegal immigrants are living in the United States, easily eluding INS efforts to find and deport them.

"Everybody has something bad to say about the INS," said Mary Beth Sullivan, legislative counsel for the California Institute, a think tank that tracks federal legislation of interest to Californians. "It has gone progressively downhill. And they haven't done anything to clean up their act."

The situation at the agency is so bad that these days not even INS Commissioner Doris Meissner is willing to defend it.

"The first person who is advocating for a restructuring of the agency is the commissioner," said INS spokeswoman Maria Cardona. "She has said repeatedly that she is committed to changing the agency. She says the agency as it is now is not poised to grant the best service it can, and that it needs a restructuring so it is able to administer a coherent immigration policy into the next century."

But Washingtonians dismayed at the INS' performance part company over the issue of how to change the agency.

Since early this year, Rep. Harold Rogers, R-Ky., has pushed legislation that would split the INS into two bureaus within the Justice Department, one to enforce immigration laws and patrol borders, and another to handle the cases of legal immigrants. The Clinton administration opposes the legislation.

A Senate alternative, sponsored by Sen. Spencer Abraham, R-Mich., would preserve the agency's authority over both functions but streamline its management and give it a new name.

The fight involves more than bureaucratic turf. Critics say the fast-growing organization has become unwieldy and politicized; immigrant advocates fear that reformers want to reduce services for foreign residents and visitors.

"The services side of our immigration system should not be diminished or shortchanged," said Frank Sherry, director of the National Immigration Forum, a Washington lobbying group on immigrant rights. "But I don't think there is anyone out there who thinks the system we have is working well right now."

It's no wonder. The agency has doubled in size in five years, as immigration, both illegal and legal, has skyrocketed. For three years, auditors haven't been able to balance the INS books. After reviews of its 1998 budget, the agency still couldn't account for \$41 million. And hundreds of millions of dollars invested in new computers appears to have been mismanaged, according to the General Accounting Office.

The problems hit immigrants at all ends of the social

scale.

At Allergan, an Irvine, Calif.-based pharmaceutical and medical device company, dozens of high-tech jobs have gone unfilled because the INS office in Laguna Niguel, Calif., has been too overloaded to handle requests for months on end, said Brad Gary, vice president of government operations at the firm.

"It's very frustrating," Gary said. "We'd like to get them in and start work. We need these people to grow. But we're having problems getting them in."

Farm Worker Amnesty Bill To Be Introduced

By Nancy Cleeland

Los Angeles Times

In an indication of how far and fast immigration politics have changed, three senators plan to introduce a bipartisan bill Wednesday sought by growers that would offer a form of amnesty to many thousands of undocumented farm workers and expand the guest worker program.

The bill, to be introduced by Sens. Bob Graham, D-Fla., Gordon Smith, R-Ore., and Larry Craig, R-Idaho, would grant immediate legal status to all undocumented immigrants most of whom are Latino who could show they had worked in agriculture for at least 150 days in the last year estimated by congressional sources at 500,000.

But the workers would be required to remain in agriculture for an additional five years before they could obtain permanent legal status, a highly controversial provision that has evoked opposition by Latino groups.

The bill also would create a registry of legal domestic workers available to growers and only after they exhaust that supply could they bring in foreign workers. And it would allow growers to provide those guest workers with housing "vouchers" rather than actual housing, as the current law requires.

California growers, who concede that at least half and possibly 70 percent of their workers are undocumented, have lobbied heavily for the bill in recent months. As many as 500,000 farm workers are employed in the state during peak harvest season.

But unlike previous attempts at guest worker reform, this proposed legislation has strong backing from growers from Washington state to Florida a reflection of the tight labor market that is pulling workers off the fields and into more stable employment.

"We're pleased that finally we'll have a chance to debate a bill that addresses what we think everyone should see is a problem," said Jack King, national affairs director for the California Farm Bureau. "The question is how quickly we can get it to a vote. We're still hoping for this fall, but that could be tricky."

By including the legalization provision, or "earned amnesty," growers had hoped to win over immigrant rights advocates. They also hired Rick Swartz, an immigration proponent and founder of the Washington-based National Immigration Forum, to reach out to congressional opponents of more liberal guest worker laws. But that attempt has met with little success so far, and Schwartz is no longer on the payroll of the National Council of Agricultural Employers.

Several immigrant and farm worker advocates including the United Farm Workers and the Southwest Voter Registration Project vowed to oppose any attempt to expand the current guest worker program, which has rarely if ever been used in California. Dolores Huerta of the UFW characterized the earned amnesty provision as "indentured servitude" and called for a blanket amnesty for all undocumented workers.

Huerta and other farm worker advocates also pointed to abuses that were rampant during more than two decades of the guest worker program started during World War II that became known as the Bracero program.

In an attempt to win over those interests, the senators planned to introduce a separate bill that contained only the earned amnesty provision. Growers said they would not back any legislation that did not reform the guest worker program.

"We've got to have both or we're dead," said Manuel Cunha, director of the Nisei Farmers League in Fresno, Calif., in the state's Central Valley agricultural region.

A sweeping immigration reform law passed in 1986 provided amnesty for undocumented immigrants who could prove they had been in the United States continually for at least six years.

Investigators Search for Clues in Plane Crash

By Eric Malnic

Los Angeles Times

MINA, S.D. Previous problems with valves like the one that may have failed, causing catastrophic decompression aboard Payne Stewart's executive jet, were reported Tuesday as federal experts began their investigation of the crash that killed the pro golfer and five others on the plane.

While the cause of Monday's crash probably won't be determined officially for months, National Transportation Safety Board investigators are focusing on the possibility that decompression disabled all six people aboard the Learjet 35 after it took off from Orlando, Fla.

The executive jet, probably on autopilot, flew another 1,400 miles across the Midwest at altitudes up to more than 44,000 feet before apparently running out of fuel. Air Force pilots who scrambled to escort the wayward plane after air traffic controllers were unable to make radio contact with the Learjet watched in horror as Stewart's plane spiraled downward before crashing nose-first into pastureland about a mile south of this tiny rural hamlet in northeast South Dakota.

Killed, in addition to Stewart, were the plane's pilots, Michael Kling and Stephanie Bellegarrigue, Stewart's agents, Robert Fraley and Van Ardan, and golf course designer Bruce Borland.

Officials say all six probably succumbed to high-altitude asphyxiation long before the plane struck the ground.

Aviation safety experts have suggested several scenarios that might have caused decompression, one of them involving a failure of the Learjet's outflow valve, a regulator designed to keep air pressure in the plane at the desired level usually about the same as in an unpressurized plane at an altitude of about 5,000 feet.

The Federal Aviation Administration said Tuesday that in 1994, pilots reported problems with the seals on some outflow valves on Learjets, including one failure that caused the nonemergency decompression of one plane.

The FAA issued an airworthiness directive in 1995 mandating repairs on the valves within 18 months and limiting the altitude of Learjets to 41,000 feet until the repairs had been completed.

These repairs apparently were made on Stewart's plane, and officials said there were no reports of serious maintenance problems with the jet.

The officials said another possible scenario that could lead to decompression would involve the failure of an inside pressure bulkhead.

The Air Force pilots said they saw no damage on the Learjet, but the failure of an interior bulkhead or an outflow valve might not be visible from a plane flying alongside.

A third possible scenario involves the failure of the cockpit crew to activate the Learjet's main pressurization system prior to takeoff. When that happened on a Learjet in 1988, the two pilots the only ones on board were incapacitated shortly after takeoff from Memphis, and the plane flew on its own to Mexico before crashing. Both pilots died.

Noting that there still are several possibilities, NTSB Vice Chairman Robert Francis said Tuesday night that investigators "were having trouble figuring out how or if" the airworthiness directive about outflow valves applies to the current investigation.

But sources close to the investigation said the outflow valve from Stewart's jet was one of the key pieces of wreckage NTSB investigators were seeking Tuesday as they began to study the impact crater 10 feet deep, 40 feet long and 30 feet wide gouged in the earth of the gently rolling pastureland.

The main job Tuesday was the grim task of recovering the fragmented human remains, scattered throughout the debris-filled crater and around its perimeter.

Francis, who is overseeing the investigation, said NTSB experts

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Helms Would Act on Nominee In Return for Sensitive Papers

By ERIC SCHMITT

WASHINGTON, Oct. 26 — Under criticism for his handling of a racially sensitive nomination, Senator Jesse Helms says he will hold a hearing next week on the choice of former Senator Carol Moseley-Braun to be ambassador to New Zealand if the Clinton Administration supplies internal documents on accusations that she used money from her 1992 campaign for personal use and never declared it as income.

But Senate Democrats and Administration officials criticized the offer today, saying it amounted to an extraordinary demand for sensitive data by Mr. Helms, chairman of the Senate Foreign Relations Committee. "It's clear that Senator Helms does not intend to move this nomination forward in the near future," said Barry Toiv, a White House spokesman.

Mr. Helms, Republican of North Carolina, inspired a partisan dispute over race and nominations last week when he made clear that he opposed President Clinton's choice of Ms. Moseley-Braun — an Illinois Democrat who seven years ago became the first black woman elected to the Senate — in part because in 1993 she successfully opposed a measure, supported by Mr. Helms, that would have renewed a patent featuring a Confederate flag. The chairman demanded an apology as a price for considering her nomination, and indicated that he would not take up the matter until next year.

But after intense criticism by civil rights groups and Congressional Democrats, who accused Republicans of being insensitive to minorities, Mr. Helms changed tack late Monday. In a letter to the President, he promised to convene his committee for a hearing on the nomination, and perhaps even a vote before Congress adjourns for the year, if the Administration provided sensitive documents from the Justice Department and the Internal Revenue Service related to Ms. Moseley-Braun's conduct. The Senator gave a deadline of next Monday, according to a copy of the letter, provided to The New York Times.

Published reports last year disclosed that the J.R.S. twice asked the Justice Department in 1995 to open a grand jury inquiry into whether Ms. Moseley-Braun had used 1992 cam-

paign funds for personal use without reporting the income and paying taxes on it. The Justice Department refused each time, citing a lack of credible information.

Separately, a Federal Election Commission audit in 1996 of Ms. Moseley-Braun's 1992 campaign found sloppy bookkeeping, but the commission levied no fines. With the five-year period under the statute of limitations expiring, the commission dropped its case in 1997, saying it did not have the time or resources to finish the inquiry.

The Foreign Relations Committee is especially interested in examining the internal Administration documents related to the Justice Department's refusal to impanel a grand jury.

"We're giving them a chance to have a hearing on this, on the merits," said Marc Thiessen, a committee spokesman. "If she has a clean ethical bill of health, she'll be confirmed as ambassador next week."

Besides writing Mr. Clinton, Mr. Helms requested information from John D. Podesta, the White House chief of staff; Attorney General Janet Reno, and Charles O. Rossotti, the Commissioner of Internal Revenue. He sought legal opinions, prosecution memorandums, requests for grand jury proceedings and a variety of other documents.

Mr. Thiessen said the Administration had honored a similar request for confidential documents in what had been the long-delayed nomination of Richard C. Holbrooke to be chief delegate to the United Nations. But Senator Joseph R. Biden Jr. of Delaware, the committee's ranking Democrat, called Mr. Helms's request a "fishing expedition" that went well beyond the paperwork required for Mr. Holbrooke.

Ms. Moseley-Braun, who after one term in the Senate lost her re-election race last year, was nominated by Mr. Clinton to the ambassadorship to New Zealand earlier this month. In light of what they regard as Mr. Helms's continued resistance, Administration officials have begun thinking of the possibility of a recess appointment by the President, which would allow Ms. Moseley-Braun to take office once the Senate leaves town for the year and to hold her post until the next Congress, more than a year away.

The New York Times

WEDNESDAY, OCTOBER 27, 1999

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CLINTON TO UNVEIL RULES TO PROTECT MEDICAL PRIVACY

FAULTS CAPITOL IMPASSE

Sharing of Records in Age of
Managed Care Is Issue —
Insurers See High Cost

A By ROBERT PEAR

WASHINGTON, Oct. 26 — President Clinton will soon announce sweeping new Federal rules to protect the privacy of billions of medical records and will assail Congress for failing to enact any safeguards, Administration officials said today.

The proposed regulations would be the first comprehensive Federal standards specifically intended to protect the confidentiality of medical records. The move comes at a time when doctors, hospitals, pharmacists and health maintenance organizations are sharing more and more data, often without the knowledge of patients, and insurance companies are demanding more information to justify the payment of claims.

Consumer advocates support most of the Administration's proposals. But the proposed rules have generated criticism from insurance companies and hospitals, which say the rules would be costly to carry out. Law-enforcement officials have also expressed concerns because they believe the rules could require them to obtain search warrants in cases where warrants are not now required. And psychiatrists have criticized the rules, saying they may unintentionally weaken a patient's control over medical records.

The proposed rules would cover any medical records that are kept or transmitted electronically, as well as paper printouts of electronic transactions. Patients would generally have a right to review and copy their medical records, and to supplement the records or correct mistakes, Administration officials said. Doctors, hospitals and insurers could not disclose personal health information except for certain specified purposes like medical treatment and the payment of claims.

Most medical records are still kept on paper, but a growing number of health plans require doctors to submit claims electronically. In practice, health care experts said, the proposed rules would set standards for all medical records because it is not practical for doctors and insurers to follow different policies for the use of personal medical information kept in different forms.

Congress has been trying to write such protections into law, but the effort has stalled because of profound disagreements between privacy advocates and the health care industry. In 1996, Congress imposed a deadline on itself, requiring the Secretary of Health and Human Services to issue privacy rules if lawmakers failed to pass health privacy legislation by Aug. 21, 1999. The Administration's new proposals carry out that requirement.

The public will have an opportunity to comment on the proposed rules. Under the 1996 law, the Secretary of Health and Human Services must

issue final rules by Feb. 21 next year.

In offering the proposed rules, White House officials said, Mr. Clinton will try to achieve three political purposes. He will put pressure on Congress to pass legislation, to provide a solid statutory framework for the new standards. He will present himself as a champion of privacy rights, a politically popular cause. And, by making aggressive use of his power, he will try to counter the perception of himself as a lame duck.

The President expressed impatience on Monday, when he criticized Republicans for blocking his proposal to provide prescription drug benefits under Medicare. In a fleeting reference to his next initiative, Mr. Clinton said: "Because they have not taken action to protect the privacy of medical records, I will use the power of my office to do that in the coming days."

Chris Jennings, the health policy coordinator at the White House, said: "We would have preferred that Congress pass bipartisan legislation. They gave themselves three years to do it. But in the absence of action on Capitol Hill, the President will act."

Federal officials are still analyzing the cost of their proposals. A recent study by the Blue Cross and Blue Shield Association said that compliance with such standards could cost tens of billions of dollars because health care providers, health plans and insurance companies would have to retrain employees, hire privacy experts, rewrite contracts and reprogram computers.

Administration officials are compiling data to try to undercut those cost estimates.

The rules appear stricter than the comparable provisions of a landmark bill hammered out last week to overhaul the nation's financial system. Under that bill, divisions of a big financial conglomerate — for example, an insurance company and a consumer bank — could share information about a customer under many circumstances, and they would have to inform customers at least once a year of their policies on privacy and disclosure.

Under the medical privacy rules, an insurer would also have to inform the subscriber of its privacy practices, but it would be more difficult for the insurer to share health information with an affiliated company. In most cases, the insurer would have to get the consumer's permission before allowing use of the data for purposes unrelated to medical treatment or the payment of claims.

The proposed rules will probably not go far enough to satisfy psychiatrists, but may go too far for some law-enforcement officials.

Dr. Paul S. Appelbaum, vice president of the American Psychiatric Association, said: "The Administration's proposal would protect notes taken by a therapist in the course of psychotherapy, and that's good. But it would take away some of the power that patients have traditionally had to decide when and if their records are released to third parties. Under these rules, much information could be disclosed without the patients' consent to anybody involved in their care."

In general, law-enforcement agencies would need a search warrant, a

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subpoena or some other legal authorization to get confidential medical records. Federal, state and local law-enforcement officials said they wanted to preserve their ability to get immediate access to medical information without a warrant in emergencies — when they are investigating a bomb threat or trying to rescue hostages, for example.

John R. Justice, chairman of the National District Attorneys Association,

Clinton attacks
Congress as
stalling on privacy.

tion, said investigators often did not have enough time or specific information to get a warrant for medical records in "exigent circumstances." For example, he said, the police may want to know about the health problems of a person who is holding hostages or being held hostage.

Experts on health privacy in and out of the Government said the rules also included these provisions:

¶ Health care providers and H.M.O.'s would not have to get a patient's consent before disclosing information needed for medical treatment or the payment of claims. But they would have to get the patient's consent if the information was to be used for marketing and certain types of research.

¶ The Federal rules would establish minimum protections for pa-

tients' privacy and would not override any contrary provisions of state law that were "more stringent" than the Federal requirements.

¶ Before disclosing data, doctors would have to take reasonable steps to make sure they did not disclose more information than was needed to accomplish the purpose of the request. The rules would forbid the wholesale release of entire records when a small part would suffice.

¶ Doctors, hospitals and health plans could charge a reasonable fee to cover the cost of copying records.

Under Federal law, doctors and hospitals can be fined up to \$50,000 for the improper disclosure of confidential medical information, and they are subject to larger fines if they sell such data for "commercial advantage" or "malicious harm." Under the proposed rules, patients would not gain any new Federal right to sue a doctor or an H.M.O. for divulging medical records. Federal officials said only Congress could create a new right to sue.

The proposed rules would provide additional protection for some sensitive personal information in mental health records, but not as much protection as many psychiatrists want.

Under the proposal, a psychotherapist would not need a patient's consent to disclose information about the diagnosis of a condition, the patient's level of functioning or medications when such information was necessary for treatment or for the payment of claims. But the therapist would have to get the patient's consent before disclosing more detailed information about a patient's feelings or sexual relationships.

The New York Times

WEDNESDAY, OCTOBER 27, 1999