

Nature Magazine
Thompson - good work
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THE PRESIDENT HAS SEEN
9/23/96

WHAT'S NEXT ON THE FOREST PLAN?

The two major issues Pacific Northwest forest issues are the continued implementation of the President's Forest Plan and the controversy over the 1995 Rescissions Act timber rider. The two are not unrelated - the timber rider shields individual sales under the President's plan from judicial review until the end of the year, leaving the continued legal viability of the Plan in the wake of the timber rider an issue for the beginning of 1997. Meanwhile, we continue to implement the Plan, are on track to meet our timber commitments, and continue to move forward highlighting interagency cooperation in streamlining consultations under the Endangered Species Act and working with private landowners to establish Habitat Conservation Plans that provide certainty to the landowners for periods of up to 100 years.

The timber rider has in many ways been disruptive. It reopened the "timber wars" in the Pacific Northwest. No violent episodes have occurred to date in the demonstrations in Oregon and Washington, although recent high profile arrests at one particular site (Warner Creek) resulted in the arrest of two newspaper reporters and seizure of their notes and photos (the newspaper is suing the U.S. government). While environmentalists are disappointed that the rider has not been repealed, we have worked hard to confine the impacts of the rider as much as possible.

The most controversial section of the rider -- the provision requiring release of old growth sales that had been previously withdrawn for environmental reasons (the so-called "318 sales") expires on September 30. Under that provision, we won our lawsuit contesting the meaning of "known to be nesting" and thus were required to provide replacement timber to 15 timber companies. On September 17th, the Department of Justice announced that settlement had been reached in that case with all of the timber companies that will allow the Forest Service and BLM to provide the replacement over three years (1997-99), in full compliance with environmental laws and subject to judicial review. Approximately 176 million board feet is involved in this settlement. A few units of some sales under the rider may not be fully harvested by September 30th; those remaining units will also be subject to environmental law and judicial review.

→ 10/30/96 - may be open legal

The remaining provisions of the rider, mandating an expedited salvage program and shielding sales under the President's Forest Plan, expire on December 31. The salvage program remains controversial, although Secretary Glickman's directive withdrawing sales in inventoried roadless areas and providing further guidance addresses some of the complaints. An interagency report on the salvage program is in the works, and will be followed by an announcement on actions that will be taken to address problems identified in that report (probably next month).

Finally, the question of how the rider will effect the continued legal viability of the President's Forest Plan will be on the table at the beginning of 1997; agencies are currently analyzing the biological effects of the rider and should be prepared to address the legal issues by that time.

*Carol
I wish
at 90 minutes
then would be*

WHITE HOUSE
WASHINGTON

September 21, 1996

Taibi Kahler
Kahler Communications, Inc.
1301 Scott Street
Little Rock, Arkansas 72202

Dear Taibi:

Thanks for your letter of September 13 and for your kind words about our speeches -- I thought they all went well. Also, I appreciate your interest in coming up to Washington and have made Carol Rasco aware of your offer to help improve educational standards.

We missed you in Arkansas, but there will be another time. Best to Shirl.

Sincerely,

Bill

*I would welcome
any advice you want
to send me about the
debate in the next few
days*



The President and First Lady
September 13, 1996

cc. w/ including
Mark Penn
Carol Rasco
- Education Request

Communications, Inc.
ment Communication

cc. Carol Rasco
for request

Dear Bill and Hillary,

Shirl and I appreciated the invitation to be included in the group admitted to the lawn of the Old State House and see you again, but I got the card too late. (My fault, as I was out of town on business and hadn't checked my P.O. Box).

I did not watch most of the convention, but I thought both of your speeches were excellent. I believe your addressing the issues of family and education [content] were particularly appropriate and effective. And with shifting your collective processes [Bill: Persister belief words, Workaholic fact words, and Promoter action words; Hillary: Persister beliefs, Workaholic facts, and Reactor feeling words; and Al Gore now doing Rebel humor], you are significantly reaching your audiences. I hope Bob Dole never realizes what an advantage it would be for him to shift his process to address Reactors and Rebels as it would significantly help his cause.

Through dissertations and other research studies the Process Communication Model continues to be proven an extraordinarily useful and effective tool in both education and parenting. We are having great success with the Boys and Girls Clubs of America and with the mentoring programs sponsored by the Hundred Black Men in Atlanta. We will impact lives and help reduce violence. In addition, work in schools in Arizona, Arkansas, Vermont and Maryland shows that PCM can significantly improve student and teacher performance and learning.

Would this be something you or Secretary of Education Richard Riley would like to cite on the campaign trail as a program to improve our educational standards in the coming four years? I am aware that Secretary Riley does not have any background in Process Communication but I would be happy to explain it to him if you wish. If you agree, will you arrange an appointment for me and Joe Pauley, my representative in Washington, D.C.? I know Secretary Riley would not have time to attend a three day seminar, but perhaps one of his senior staff could attend. Alternatively, either Joe or I would be willing to provide a one or two day private tutorial for him.

I look forward to hearing from you and to helping your re-election campaign in any way you believe I can be useful.

With loyalty and respect,

Raibi

P.S. I've had no correspondence for months from Mark Penn, but am available and am continuing to expand my discoveries into campaigns with our psychodemographic polling techniques, speech spinning, and overall image consulting.

1301 Scott Street • Little Rock, Arkansas 72202 • (501) 372-3765 • Fax (501) 375-6815

Taibi Kahler
Kahler Communications, Inc.
1301 Scott Street
Little Rock, Arkansas 72202

1992 Gyro created this more traditional clothing ad for Eagle's Eye dresses. A year later, Gyro caused a stir by using a picture of Charles Manson in an ad for another clothing manufacturer.

hawked to the youngsters behind them. Many others, however, are young careerists, devoted to work and socking away money in tax-sheltered 401(k) retirement accounts af-

ate an aura of coolness at his agency by decorating it like a dorm room, complete with tasteless jokes taped

Continued on Page D9

1996 Since the Manson controversy, Gyro's ads, like this one for Reactor clothing, have had a very specific style. They use various sizes of type, nonsensical copy and distorted photographs.

Sizing Up Internet as Engine of Development

By STEVE LOHR

For years, experts have warned that computer technology could bring the demise of old bricks-and-mortar cities. In "The Third Wave" in 1980, the futurist Alvin Toffler sketched out a vision of legions of workers liberated from the traffic and hassle of urban areas by computers and telecommunications. Instead, he predicted, they would work from homes soon to be transformed into far-flung "electronic cottages."

Recently, the rise of the Internet has added weight to the theory of technology-led urban decline. The global computer network, after all, is seen as a powerful tool that could decentralize work and living patterns.

But to date, the impact of the Internet has been mainly to reinforce the economic and intellectual leadership of a handful of urban centers and nearby suburbs, according to an analysis by the Taub Urban Research Center at New York University.

The New York University study, released today, focuses on the Internet as an engine of economic and regional development. The university researchers examined the location of computers directly connected to the Internet, or "host" computers. They worked from data supplied by two consulting firms, Matrix Information and Directory Services Inc. and Netwizards Internet Domain Surveys.

Entitled "Leaders and Losers on the Internet," the study used the host count as a measure of where the infrastructure of the Internet is concentrated. Host computers are typically more powerful machines, each with its own Internet name and address, and a count of them by location is

assumed to be an indication of where private and public investment in the Internet is greatest. The study did not try to measure the number of people using the Internet.

The central measurement in the study was a county-by-county analysis. The five regions with the most Internet host computers were Silicon Valley, the Boston-Cambridge, Mass., area, Los Angeles, Manhattan and Fairfax County in Virginia.

In the rankings of the top 25 counties, the areas embracing several major American cities make the list, including San Diego, Chicago, Minneapolis, Seattle, San Francisco, Dallas and Washington.

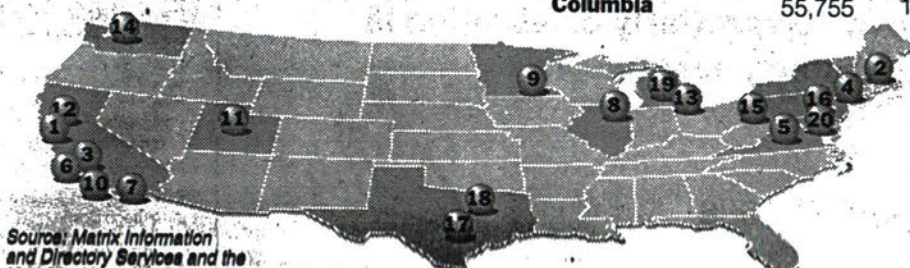
But the study observed, "Some of the nation's major cities, like Houston, Miami, Detroit and New Orleans are not major participants in the Internet."

These cities have not yet nurtured a large number of Internet-related business-

Continued on Page D7

The City Connection

The counties with the most Internet hosts, as of January 1996, are located in metropolitan areas and at universities.



Source: Matrix Information and Directory Services and the Netwizards Internet Domain via New York University

COUNTY	SIZE (number of hosts)	HOSTS (per 1,000 people)
1 Santa Clara, Calif.	554,967	354.6
2 Middlesex, Mass.	243,765	173.1
3 Los Angeles, Calif.	159,944	17.5
4 New York	146,371	96.4
5 Fairfax, Va.	131,874	148.6
6 Orange, Calif.	123,685	48.2
7 San Diego, Calif.	111,981	42.4
8 Cook, Ill.	110,726	21.6
9 Hennepin, Minn.	109,047	103.5
10 San Mateo, Calif.	92,781	136.2
11 Salt Lake, Utah	90,693	112.2
12 Alameda, Calif.	89,851	67.9
13 Washtenaw, Mich.	82,790	282.9
14 King, Wash.	79,142	49.6
15 Allegheny, Pa.	64,616	49.3
16 Philadelphia, Pa.	62,387	41.6
17 Travis, Tex.	62,371	93.8
18 Dallas, Tex.	61,811	31.6
19 Bay, Mich.	57,726	517.6
20 District of Columbia	55,755	100.6

Lotus Gears Up To Get a Slice Of Internet Pie

By LAURENCE ZUCKERMAN

CAMBRIDGE, Mass. — Colleen Griffiths, a product developer at the Lotus Development Corporation, had to suppress a laugh recently when an executive at a large bank asked her why he should risk his business on new Lotus Internet software when he could choose "mature technology" from the two-year-old Netscape Communications Corporation.

Less than a year ago, Ms. Griffiths and her Lotus colleagues were combating the widespread perception that Internet software from fledgling companies like Netscape had made Lotus's 10-year-old Notes software obsolete. Now, as she demonstrates Domino, a new Internet version of Notes, she has been confronted with the view that the Lotus software is "untested."

The situation would indeed be funny if the stakes were not so high. Barely a year after I.B.M. spent \$3 billion to acquire Lotus, much of the computer industry is focused on selling networks that enable workers at medium and large companies to exchange electronic messages and collaborate on documents. It is a market that Lotus pioneered with Notes and one where it still holds a large technical advantage over its rivals in the view of many analysts.

But rather than being at the center of the action, Lotus finds itself on the sidelines. With a new marketing blitz beginning this week, the company hopes to remind the

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The New York Times

Sizing Up Internet as Engine of Development

Continued From First Business Page

es in the way that New York has become a center for developers of World Wide Web sites, Los Angeles has become the capital of high-tech special effects for movies, or the Seattle area has benefited from new companies started in the shadow of the Microsoft Corporation.

"The location of Internet hosts," the study said, "suggests that there is a new pattern of leaders and losers in modern metropolitan growth."

The Internet, to be sure, is merely the latest wave of technology that affects cities unevenly, helping some and punishing others. Deep-water ports, railroads, the telephone and the automobile all brought changes in the geographic distribution of wealth and people.

In the future, the New York University study asserts, access to the Internet and technical know-how to exploit computer technology may well be the keys to economic development. "The future is going to belong to those cities and regions with the information-driven industries and people with the skills to thrive in those industries," said Mitchell Moss, director of the urban research center at New York University. Mr. Moss was the co-author of the Internet analysis with Anthony Townsend, a research assistant.

The regions doing well in the high-tech development race, Mr. Moss says, are likely to extend their lead. Telecommunications deregulation, he believes, will mean that new investment will increasingly go into the existing high-tech clusters. The accelerating concentration of skilled people, investment and innovation — the Silicon Valley model — will more and more become the pattern of economic development nationally, ac-

cording to Mr. Moss.

Paul Saffo, a director of the Institute for the Future, agrees that Silicon Valley will be the model. But he says it is a model that suggests that new high-tech clusters will develop.

Computer engineers, Mr. Saffo notes, gathered in Silicon Valley partly because of Stanford University and the nearby government research laboratories. Yet the weather, landscape and life style also made it a place where people wanted to stay. Once the industry took root, he notes, the business advantages of clustering became increasingly important.

Already, he sees evidence of computer professionals settling in new

works, known as intranets. In addition, the address listed for an Internet computer may not always be where the machine actually is.

Yet David Gelernter, a computer science professor at Yale University, questioned not the methodology, but the significance of counting clusters of Internet host machines. The results of the study, he said, showed that Internet connections are spreading beyond their university and computer-company origins (Silicon Valley and Boston-Cambridge) and into centers of affluent, well-educated people (Manhattan and Los Angeles).

"The Internet today is about high-powered consumerism," said Mr. Gelernter, who writes about technology's impact on society. "Most people now use it for hanging out, shopping and browsing. Nobody's really making money on it yet. Culturally, the Internet is trivial."

"This may change, but I'm not sure that having a lot of Internet connections is any great economic or cultural advantage," Mr. Gelernter said.

"Leaders and Losers on the Internet" will be posted at the New York University urban research center site on the World Wide Web (<http://www.nyu.edu/urban>). The Web site for Matrix Information and Directory Services Inc. is <http://www.mid-s.org>. The site for Netwizards Internet Domain Surveys is <http://www.nw.com>.

Is having a lot of Internet connections really an advantage?

areas, attracted by the life style and high-speed telecommunications links in places like Santa Fe, N.M., and Telluride, Colo.

"The Internet won't mean the death of urban centers," Mr. Saffo said. "It will mean the reinvention of urban centers."

"But," he added, "it could also eventually mean an explosion in some exurban areas, leading to a migration not seen since the suburbanization of the 1950's."

Computer experts point out that trying to count host computers by location is difficult to do precisely. The method used for the New York University study does not count the machines on internal corporate net-

Microsoft Software Seen for Small Devices

SEATTLE, Sept. 15 (Reuters) — The Microsoft Corporation plans to announce on Monday that a version of its Windows 95 operating system for hand-held consumer devices will be available this year, people familiar with the company's plans said.

The system, Windows CE, is being introduced two years after Microsoft scuttled a similar project known as Winpad, because its intensive memory requirements would have made the hardware too costly.

Since then the growth of the Internet has expanded the market for small wireless devices, while the Or-

acle Corporation has popularized the concept of a \$500 consumer device that can gain access to the Internet.

Microsoft officials declined to comment last week, but the company said it would have an announcement early Monday on "a significant addition in the area of Microsoft Windows platform software."

Microsoft executives had previously disclosed plans to supply a system for hand-held devices in time for the holiday season. The devices range from a "smart" wireless telephone to personal organizers with communications capabilities.

New Computer Server Set

PALO ALTO, Calif., Sept. 15 (Reuters) — The Hewlett-Packard Company plans to raise the stakes in the fast-growing market for computer servers Monday by introducing models that are more than twice as fast as their predecessors. The new HP 9000 line of servers, the machines at the heart of computer networks, is based on the company's PA-RISC 8000 microprocessor. The introduction follows a sluggish transition to speedy PA-8000-based work stations in June but comes at a time of rapid growth in the market for servers.

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Lotus Gears Up to Get Slice of the Internet

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industry that there is more to the future of the Internet than the so-called browser war between Netscape and the Microsoft Corporation.

While revenues from sales of Internet software are expected to grow to \$8.5 billion over the next three years from \$127 million last year, according to Forrester Research Inc., about \$4.4 billion of that total will be sales of software like Domino that runs on servers — the larger computers that host and manage sites on the World Wide Web.

By comparison, the total estimated sales from browsers in 1999, according to the Cambridge-based research firm, will be \$440 million, one-tenth of the server market.

Capturing its share of the revenues in future years, however, depends on how well Lotus can capture the attention of the industry now. "Lotus has been marginalized," said Geoffrey A. Moore, president of the Chasm Group, a Silicon Valley marketing consultant. "They are not in a very good position to compete for mindshare."

Without "mindshare" — the attention of thousands of third-party software developers, industry analysts, trade journalists and customers — even the best technologies can founder. That is a lesson that I.B.M. learned the hard way with OS/2, its operating system for personal computers. Many experts considered it to be technically superior to Microsoft's Windows, but it never caught on because of poor marketing.

"I think people who understand our products understand that we have the technology to take the industry where it is going," Michael D. Zisman, Lotus's chief executive, said in an interview last week.

But he admitted that there are still relatively few people in that category. "We have to do a lot of work and spend a lot of money," he added.

That process will begin this week. The company will promote Domino with advertising in publications and on the Internet's World Wide Web, and plans to announce a developers conference to be held in Anaheim, Calif., in November to encourage third-party software writers and computer services providers to build Web sites using Domino.

Paradoxically, Lotus faces an uphill battle trying to sell the virtues of its server software at a time when much of the industry is racing to match it.

The biggest criticism of Notes is that it is not built around Internet standards and it is expensive. Lotus recognized the problem late last

year and set out to reconfigure Notes to complement the Internet rather than compete against it. The result is Domino, which was introduced in July, and is now priced below Netscape's Suitespot offering because it can be used with the Netscape and Microsoft browsers.

The software includes many of Notes' most powerful features, including sophisticated security, the ability to limit access to information to specific workers, a data base for electronic discussions, and the ability to easily synchronize different versions of the same document residing on different computers.

Many of these same features have been promised by Netscape for the next version of its software due out next year. Microsoft and Novell Inc. are also trying to match Domino with their products. And Radnet, a year-old company also based in Cambridge, advises people to think of its Webshare product as "Notes for the rest of us."

But a July report by the Yankee Group, a Boston consulting firm, put

The industry is about to find out if I.B.M. learned a marketing lesson with OS/2.

Domino 12 to 18 months ahead of Netscape and Microsoft in developing server software.

Indeed, Netscape's co-founder and chief technologist, Marc L. Andreessen, was so impressed with Domino when he first saw it last June that he and other Netscape executives approached Lotus about a partnership that would link the Netscape browser with the Domino server, according to an executive familiar with the talks. The brief discussions ended when both sides realized that there was no way around the fact that they were competing head-to-head for the server market.

In public, Netscape officials are not complimentary about Domino. "They are trying to layer on Internet compatibility on top of what they have and you pay a very big price when you do that," Eric Hahn, a senior vice president at Netscape, said last week. The price, he said, would come in diminished performance by the software. It might also mesh poorly with other Internet programs, he asserted.

As Lotus gears up to promote Domino, friction with Netscape has

increased. The two companies recently clashed over a cost comparison in a Netscape advertisement that Lotus said inaccurately inflated Domino's price. Mr. Zisman said that Lotus had been considering suing Netscape until late last week when Netscape executives agreed to withdraw the comparison.

Domino has been well received so far by the estimated 6.3 million users of Notes because it gives them a seamless link to the Internet. The challenge now is to sell Domino to the much larger universe of companies that do not have Notes and do not intend ever to buy the software because they think it is out of date.

"Notes is not cool," said David Marshak, an analyst with the Patricia Seybold Group in Boston. "It's looked at as proprietary even though it supports all the Internet standards. It's looked at as expensive even though it is a lot cheaper than Netscape. It's essentially a bad rap."

Mr. Zisman said the company hoped to focus its efforts on establishing Domino as a superior way to manage Web sites, or as a way to play host to on-line discussion groups.

A good example is a new site called Harvard-Square.com (<http://harvard-square.com>), which is a virtual representation of the Cambridge neighborhood. Dozens of shops, restaurants and other businesses have a presence on the site. With Domino, each business can update its Web page remotely using any common browser. So a restaurant can change its list of daily specials on the Web without the help of a software engineer, who might charge \$100 an hour.

"Without a tool like Domino, we would not be able to support 700 Web sites and hope to make any money," said V. A. Shiva, president and chief executive of Millennium Productions Inc., which built and maintains the Harvard Square site.

To attract more interest from the Internet community, the company is also considering breaking Domino's features into components and giving some of them away piecemeal over the Internet, even though one of Domino's main strengths is that it offers an integrated set of features that form a powerful package.

Mr. Zisman said he had come to realize that Domino might be too far ahead of the market, so Lotus will give customers what they want today even though he is convinced that the demand for Domino's full capabilities will soon grow.

"There is nothing more frustrating," he added, "than trying to sell someone a solution to a problem that they don't know they have."

1996

Business Day

The New York Times



Information
Industry

Making Bucks as a Guide to Baby Busters

Steven Grasse, Marketer to His Elusive Peers, Isn't All Business. Just 99 Percent.



Steven Grasse, standing, and his staff at Gyro Worldwide in Philadelphia create ads aimed at Generation X for companies like R.J. Reynolds Tobacco.

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By JENNIFER STEINHAUER

PHILADELPHIA — Steven Grasse, who at 31 sits precariously on the edge of the demographic group known as Generation X, rather likes the stereotypes that paint the group as a listless and cynical group of losers.

"Those stereotypes," said Mr. Grasse, who runs the advertising firm Gyro Worldwide here, "have made me a wealthy man."

Indeed Mr. Grasse, who declined to divulge his salary, has built an entire business out of marketing to a group of consumers that has eluded marketers for almost a decade.

But none of the stereotypes fit the group easily. Sure, many are too young and underemployed to afford the cappuccino makers and Infiniti cars that lure their baby-boomer elders; yet they are too old and overemployed to buy the polyester clothes hawked to the youngsters behind them. Many others, however, are young careerists, devoted to work and socking away money in tax-sheltered 401(k) retirement accounts af-

ter seeing parents or older siblings downsized out of jobs.

"This generation's spending power may be 80 percent of what baby boomers' was at those age levels and their priorities are so much different," said Britt Beemer, chairman of America's Research Group, a market research firm in Charleston, S.C., speaking of the 48 million "baby busters" born in this country between 1964 and 1977.

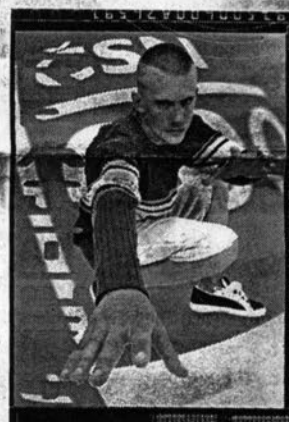
"If anyone thinks they have no buying power, they have no idea of this generation," he added. "They are savvy at a younger age, they drive about 30 percent of computer sales, they have had some of the most major impact on book superstores and they single-handedly destroyed the mall-based music stores by buying in free-standing stores."

So the issue was never whether to market to them, but what to market to them. And how.

Mr. Grasse believes he has the answers to both questions. First, create an aura of coolness at his agency by decorating it like a dorm room, complete with tasteless jokes taped



1992 Gyro created this more traditional clothing ad for Eagle's Eye dresses. A year later, Gyro caused a stir by using a picture of Charles Manson in an ad for another clothing manufacturer.



1996 Since the Manson controversy, Gyro's ads, like this one for Reactor clothing, have had a very specific style. They use various sizes of type, nonsensical copy and distorted photographs.

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THE PRESIDENT HAS SEEN

INCIDENT WAS SEEN
9/23/96

President Clinton
TO Tony/Sandy
Felt Re

THE WHITE HOUSE
WASHINGTON

conventional weapons
both PGMs and smart
submunitions would really
impress Saddam.
I'll leave the B-2
program to the Deep Strike
study but let's at least
accelerate the weaponizing
of the B-2 and the
B-1.

Sincerely,

Norm Dink

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN
9/23/90

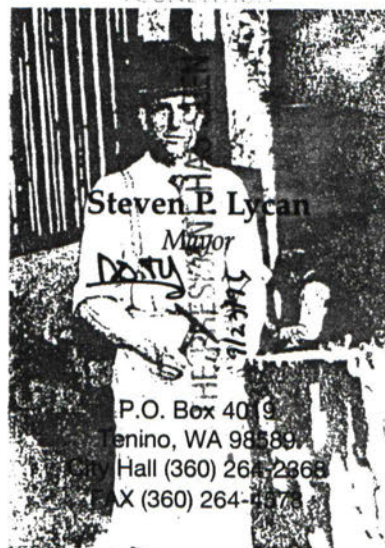
Mr President:

The deployment of the
F-117 aircraft has had a
major impact on Saddam.

1 B-2 bomber carries
the firepower of ~~the~~ eight
F-117's. It requires ^{to get to the target} one
aerial refueling instead
of 15 for each F-117.

We need to accelerate
the weaponizing of the
B-2. The ability to move
it from Whiteman Air Force
Base to Diego Garcia
loaded with smart

LIVING IN HISTORICAL
FOUNDATION



Steven P. Lycan

P.O. Box 4019
Tenino, WA 98589
Hall (360) 264-2368
X (360) 264-4378

TENINO • WA

JIM DORSKIND:

Please coordinate
the reply.

*Thank you
for the
information
to the
Chicago
Sun-Times*

CHICAGO SUN-TIMES

JOHN H. WHITE
PHOTOJOURNALIST

9/23/92

481 NORTH WABASH AVENUE, CHICAGO, ILLINOIS 60611
(312) 321-2514/2515

JIM DORSKIND:

Please coordinate
the reply.

7/1/88
Might be a good
"secret" member
U. Good supporter
RCS

The Honorable William Jefferson Clinton
President

9/12/88
PRESIDENT HAS SEEN

MYRON M. CHERRY

THE PRESIDENT HAS SEEN
912319 6

September 17, 1996

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

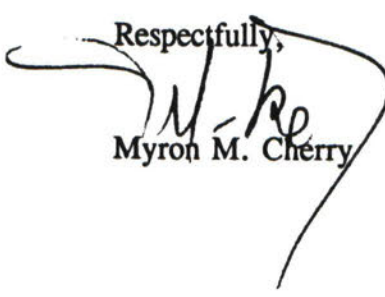
Chicago was a great tribute to your leadership. You succeeded in accomplishing in a few days what the City has been trying to do for decades - finally putting an end to the miasma created by the '68 Convention. The support from the National Police Association is an historic response to your administration's commitments to public safety. Daily I run into people who echo these broad endorsements. I know you will not let your staff or the Clinton/Gore team be complacent because too much is at stake.

I would like to remind you again of my interest in becoming a member (or Chairman) of the National Gambling Impact Study Commission. I wrote to you about this on August 20, 1996 and I received a note from you on August 23, 1996 indicating that you had forwarded my request on to Bob Nash. I spoke with Bob today also to emphasize my continued interest and the unique public policy skills which I believe I can bring to the task. You also know that my loyalty is completely to you and the goals you foster.

As you know, Senator Paul Simon was a key sponsor of the Act which created the Commission, and he has recently written Bob Nash requesting that I be considered as one of the White House appointments. This means a lot to me because the study is very important to Paul. I enclose a copy of Paul's note to Bob Nash. Congressman (hopefully Senator) Durbin and others have also written in support of an appointment for me.

Kind personal regards.

Respectfully,


Myron M. Cherry

United States Senate

WASHINGTON, DC 20510-1302

September 11, 1996

The Honorable Bob J. Nash
Assistant To the President
Office of Presidential Personnel
Room 153
Old Executive Office Building
Washington, D.C. 25000

THE PRESIDENT HAS BEEN

9/23/96

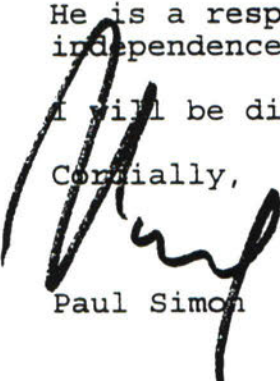
Dear Bob:

I am writing in reference to the National Gambling Impact Study Commission Act of 1996, P.L. 104-169, which charges President Clinton with selecting three individuals to serve on the Commission. As the October 1 deadline approaches, I am requesting that you give Myron Cherry your consideration for one of these positions.

He is a responsible person who would bring ability and independence to the position.

I will be discussing this with you soon.

Cordially,


Paul Simon

Meenu
asked for pictures
for Indian Bureau
TV program - solutions
and opportunities
internet - Bx

JaNilli TELEVISION
ANCHOR/REPORTER
NEWSPAPER
JOURNALIST

Jankhana Desai

THE M.A. COMMUNICATIONS 9/23/96

Phone: (714) 544-5005
Fax: (714) 544-5005

2913 El Camino Real #411
Tustin, CA 92680

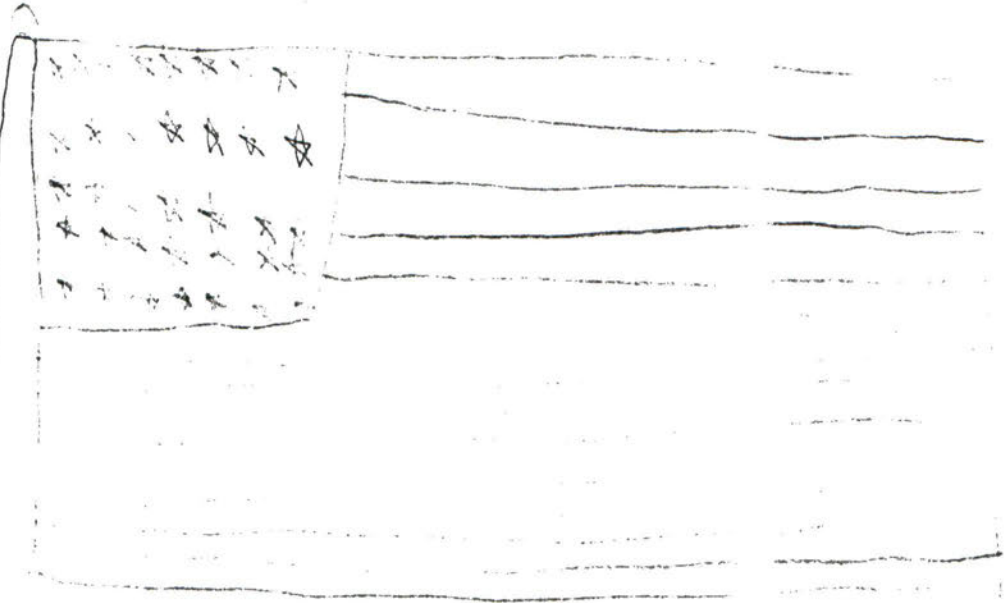
JIM DORSKIND:

Please coordinate
the reply.

Do not to
the letter give
when she then
address on back

THE PRESIDENT HAS SEEN

9/23/96



Picture by Tovia Geil, 6 year old, for President Clinton
Sept. 19, 1996.

P.O. Box 427

Lake Oswego

Oregon 97034

503/697-0749

9/23/96

THE WHITE HOUSE

WASHINGTON

September 22, 1996

cc:

~~Jack Quinn~~
Jack Quinn
Todd
Chris
Gill

MEMORANDUM FOR THE PRESIDENT

FROM: TODD STERN *TDS*

SUBJECT: Assertion of Executive Privilege re Haiti Documents

The attached Lake/Quinn memo recommends that you assert Executive Privilege over 47 documents relating to Haiti subpoenaed by the House International Relations Committee (HIRC). The return date on the subpoena is Tuesday, September 24. If you do not agree on the assertion of privilege, Jack and Tony will have to make the best deal they can with Chairman Gilman on Monday. Consequently, you need to decide this issue by tomorrow morning.

Background. HIRC is investigating Administration's reaction to allegations of political killings by persons associated with Aristide. We have cooperated and produced 1100 documents, withholding about 90. We provided a list of these and we redacted copies of non-Presidential documents. We also offered to brief on all the documents, conditioned only on Gilman's (not just his staff's) presence. He refused and a subpoena was served on Andy Sens Thursday, September 19. There are 47 documents at issue, 26 Presidential and 21 NSC deliberative documents. While the documents demonstrate that we aggressively pursued the killings issue with Aristide, Jack and Tony still urge an assertion of Executive Privilege.

Executive Privilege. *Pro:* (1) Documents implicate your core constitutional responsibility for conduct of foreign affairs. Foreign leaders must have confidence that their conversations with you are private; your senior staff must be able to give you candid advice, not chilled by anticipation of Congressional inquiry; (2) We made reasonable efforts to accommodate Congress's informational needs -- Committees investigating Bosnia/Iran matter accepted similar arrangements with us; (3) We need to defend Presidential prerogatives, disabusing Congress of notion that we will never draw a firm line when it makes unreasonable document demands. Lee Hamilton stressed this point. AG concurs that assertion of privilege is appropriate. *Con:* There is some precedent from Iran-Contra and Iraqgate inquiries of permitting Congress access to this kind of material. Also, some will cry "cover-up", though our efforts at accommodation should undercut that claim. Leon concurs in Tony and Jack's recommendation that you assert Executive Privilege.

Approve ☒Disapprove ☐Discuss ☐

THE WHITE HOUSE
WASHINGTON

September 20, 1996

96 SEP 20 P7:40

MEMORANDUM FOR THE PRESIDENT

FROM : JACK QUINN *Jm*
ANTHONY LAKE *LAKE*

SUBJECT: Executive Privilege over Haiti Documents

PURPOSE

This memorandum sets forth considerations as to whether you should invoke Executive Privilege over 26 Presidential and 21 NSC deliberative documents related to Haiti. These documents were subpoenaed by the House International Relations Committee yesterday. The return date on the subpoena is Tuesday, September 27. For the reasons set forth below, we recommend that you invoke executive privilege.

ESSENTIAL BACKGROUND

The House International Relations Committee (the "HIRC") and the House Permanent Select Committee on Intelligence (the "HPSCI") are conducting inquiries into the Administration's reaction to allegations of political killings by individuals associated with former President Aristide.

We have cooperated fully with the committee inquiries, including by giving them access to over 1,100 CIA, Defense, State, and NSC documents. Consistent with longstanding practice, we did withhold from the committees about 90 documents which involved Presidential communications, NSC deliberations, or senior-level agency communications with the White House. We provided the committees a list of the withheld documents and offered to try to accommodate their interest in the information in the documents while protecting our confidentiality interests.

In response, the HIRC staff suggested that the NSC redact deliberative material from the non-Presidential documents and give the committee access to the non-redacted, factual information. We did so.

Notwithstanding this accommodation, HIRC Chairman Ben Gilman last week obtained (by party-line vote) authority to subpoena the documents and then demanded that his staff be given access to

roughly half of them. In staff-level discussions, and in a letter from Jack Quinn to Gilman, we offered three proposals to accommodate the committee's interests or narrow the number of documents in dispute. When those offers were rejected, Jack Quinn and Sandy Berger met with Gilman. We then offered to brief the contents of ALL of the documents to the committee and its staff, subject only to the condition that Gilman be present with his staff when the 26 Presidential documents were briefed. (Our reasoning is that intrusion into a Presidential document is only justifiable if the Chairman of the requesting committee considers the matter important enough to make a few hours available for a briefing.) Lee Hamilton endorsed the suggestion. Gilman, however, would not accept that he must be present for the briefing and continued to insist that his staff be able to read the NSC deliberative material.

Thursday, Gilman served a subpoena on Andrew Sens, the Executive Secretary of the NSC (Tab B). It requires the NSC to produce 51 identified documents by 5PM next Tuesday. The only defense to the subpoena is an assertion of Executive Privilege.

WHETHER TO ASSERT EXECUTIVE PRIVILEGE

Four of the 51 subpoenaed documents are either inconsequential or not in the NSC's custody. The remaining 47 documents fall into two categories:

-- 26 Presidential documents (including memoranda from Tony Lake to you and from Secretary Christopher to the Vice President; memoranda reflecting your, the VP's, Tony's and Sandy's conversations with Aristide or PM Michel; drafts of memoranda to you; and talking points for use with Aristide or Michel.)

-- 21 NSC deliberative documents (including memoranda related to deputies committee meetings of the NSC and internal NSC deliberative memoranda.)

The 47 documents demonstrate that we pursued the issue of political killings aggressively with Aristide. Nonetheless, we recommend you assert privilege over them.

First, the document request implicates your ability to carry out your core Constitutional responsibility for the conduct of foreign affairs. Foreign leaders must have confidence that their conversations with you are private. We can and should brief Congress on your meetings with foreign leaders. But if foreign leaders learn that transcripts of their conversations with you are shared with Congress, they are far less likely to speak to you with the candor you need and that the public interest requires. Similarly, if you are to carry out your constitutional

duties effectively, you (and the VP) require absolutely candid advice from your most senior foreign policy aides as well as a White House mechanism (the NSC process) that analyzes foreign policy options freely and frankly for you. Sharing deliberative material relating to that advice and the process by which it is formulated will chill candid discussion as NSC participants -- with an eye to Congressional inquiries -- may shade their advice or the options they put on the table.

Second, we have made a more than reasonable effort to accommodate Congress' legitimate informational needs, as the Constitution requires, before this invocation of Executive Privilege. We have provided the Congress more than 1,100 documents, as well as numerous staff briefings and interviews. We have offered to brief each of the remaining documents, making clear Congress retained the ability to subpoena the documents if it found the briefing inadequate. (The Senate Select Committee on Intelligence found this an acceptable accommodation in its Bosnia/Iran inquiry, and the House Select Bosnia Sub-Committee has agreed to a briefing on these terms.) Chairman Gilman, on the other hand, has refused to take the little time a briefing would require, even though it might meet his informational needs.

Third, as custodians of the institutional interests of the presidency, we need to push back on Congressional intrusions into Presidential prerogatives. The "accommodation" process will only work with Congress if we are ultimately willing to withhold documents where disclosure would compromise the functions of the Executive Branch. One factor in Gilman's decision to proceed with his subpoena was clearly his staff's argument that we would fold in the face of a subpoena, as we found necessary over the travel office documents. We need to disabuse Congress of the notion that we will not draw a firm line, particularly as it seeks to expand its inquiries into the national security arena and other core areas of presidential responsibility. Failure to push back will encourage other Congressional committees, which to date have been sensitive to Presidential confidentiality interests in the foreign affairs area, to insist on the same kind of access to Presidential communications as Gilman is seeking. (Lee Hamilton has stressed this point and urged us to hold firm.)

The Justice Department has reviewed the documents at issue and the Attorney General concurs that an assertion of Executive Privilege is legally appropriate. (A letter from the AG is attached at Tab C). Previous Administrations have protected similar documents from Congressional inquiry, including through the assertion of Executive Privilege. (Please be aware, however, that there is some precedent for permitting Congressional access to such documents: in the course of Congressional inquiries into the Iran-Contra affair and into various allegations regarding the

Bush Administration's policies toward Iraq before the Gulf War ("Iraqgate"))).

We believe that if you assert Executive Privilege, the HIRC will recommend that the House adopt a contempt resolution. Given the shortness of the time remaining in Congressional session, it is not clear whether the full House would be able to vote contempt, but we need to accept that is a possibility. Some will try to portray the assertion of privilege as a "cover up." However, we think that this assertion will be undercut by our clear willingness to brief the substance of ALL the documents to Gilman.

If you do not assert Executive Privilege, we will try to strike the best deal we can with Gilman on Monday, prior to surrendering the documents. However, his staff has made it clear that Gilman will not accept a deal unless it (1) drops the requirement for members to be present during the briefing of Presidential documents, and (2) allows committee staff to read some of the NSC deliberative documents. We do not believe either concession would serve the long-term interests of the Presidency.

RECOMMENDATION

That you assert Executive Privilege over the 47 documents, by signing the directive not to produce the documents to the committee which is attached at Tab A.

Approve _____

Disapprove _____

Discuss _____

- Tab A - Directive to Andrew Sens
- Tab B - Subpoena, with Index of Documents
- Tab C - Memo from Attorney General
- Tab D - Draft Quinn Response to Gilman

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR ANDREW SENS
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Congressional Subpoena for NSC Documents

In connection with its inquiry into human rights abuses in Haiti, the Committee on International Relations of the House of Representatives issued a subpoena demanding production of certain documents that relate to my core Constitutional responsibility for the conduct of foreign affairs. The documents sought include memoranda of conversations between me or the Vice President and a foreign Head of State, memoranda to me and the Vice President from our most senior foreign policy advisors, and documents relating to deliberations in the National Security Council process. The subpoena requires that 51 listed documents be produced to the Committee on Tuesday, Sept. 24.

After consultation with the Attorney General and the Counsel to the President, I have decided to invoke Executive Privilege with respect to the 47 documents identified in the attached list and I hereby direct you not to provide them to the Committee. Compelled release to Congress of documents recording conversations between a foreign President or Prime Minister and me, the Vice President, or the National Security Adviser or his deputy on my behalf, would inhibit the candid diplomatic communication which I must have in executing my Constitutional responsibility for the conduct of foreign affairs. Compelled release of the advice provided to me and the Vice President by our most senior foreign policy advisors, or of the deliberations related to the National Security Council process, would seriously chill the deliberative and analytic process that is integral to my formulation of foreign policy. As I am convinced that production of these documents would impair the ability of the President to execute his Constitutional responsibilities for foreign affairs for years to come and be a disservice to our country's interests, I am compelled to assert executive privilege with respect to them.

Please inform the Committee of my decision. I also request that the NSC reaffirm its willingness to accommodate the Committee's interest in these documents, consistent with these instructions and without violating the Constitutional doctrine of separation of powers, by briefing the Chairman and Ranking Member about them.

Attachment

Schedule of Documents Requested from Andrew D. Sens

1. NSC Electronic Mail Message from Larry Rossin for Samuel Berger (28 October 1994), #2 from 8 August 1996 list
2. NSC Electronic Mail Message (draft script) from Regina Genton to Cathy Hammond (7 December 1994) #5 from 8 August 1996 list
3. State Department Memorandum from James F. Dobbins to Strobe Talbott (22 December 1994), #7 from 8 August 1996 list
4. NSC Electronic Mail Message from Richard Clarke for Samuel Berger (12 April 1995), #24 from 8 August 1996 list
5. NSC Memorandum from Richard Clarke to Samuel Berger (14 April 1995), #25 from 8 August 1996 list
6. NSC Electronic Mail Message from Robert Malley to Richard Clarke (20 April 1995), #27 from 8 August 1996 list
7. NSC Memorandum from Bruce Pease to Anthony Lake (6 June 1995), #33 from 8 August 1996 list
8. NSC Memorandum from Dallas Brown to Samuel Berger (22 August 1995), #44 from 8 August 1996 list
9. Defense Department Memorandum from John Merrill, et al, to Deputy Secretary of Defense (28 August 1995), #45 from 8 August 1996 list
10. NSC Memorandum for Deputies Committee (5 September 1995), #46 from 8 August 1996 list
11. NSC Electronic Mail Message (Draft Briefing Memorandum) from Richard Wilhelm to Rand Beers and Bruce Pease (13 September 1995), #53 from 8 August 1996-list
12. State Department Memorandum from Michael Skol to Deputy Secretary of State (13 October 1995), #63 from 8 August 1996 list
13. NSC Memorandum from Jami Miscik to Anthony Lake (17 October 1995), #66 from 8 August 1996 list
14. State Department Memorandum from Strobe Talbott to Anthony Lake (22 November 1995), #74 from 8 August 1996 list

15. NSC Paper from Andrew Sens to Leon Fuerth (15 January 1996), #83 from 8 August 1996 list
- ~~16. USAID Electronic Mail Message, "1/31/96 13:58:48" from LAG.CAR@AIDW, entitled "Waivering [sic] on the waiver"~~
- ~~17. State Department Memorandum from William Burns to Anthony Lake (2 February 1996), #84 from 8 August 1996 list~~
18. State Department Talking Points from James Dobbins to NSC director Larry Rossin for use by Anthony Lake (28 October 1994), #1 from 8 August 1996 list
19. State Department Cable (7 December 1994), #6 from 8 August 1996 list
20. NSC Electronic Mail Message from Richard Clarke to Neal Wolin (8 February 1995), #12 on 8 August 1996 list
21. State Department Cable (13 February 1995), #14 from 8 August 1996 list
22. NSC Electronic Mail Message from Richard Clarke to Anthony Lake's office (28 March 1995), #19 from 8 August 1996 list
- ~~23. State Department Memorandum from INL Assistant Secretary Robert Gelbard to Deputy Secretary of State (o/a 25 July 1995, referred to in 25 July 1995 State Department Memorandum from James E. Dobbins to the Deputy Secretary of State)~~
24. State Department Memorandum (draft) from Alexander Watson to Deputy Secretary of State (3 October 1995), #55 from 8 August 1996 list
25. NSC Issues Paper (draft) (9 November 1995), #71 from 8 August 1996 list
26. NSC Talking Points from Richard Clarke to Anthony Lake (22 December 1995), #78 from 8 August 1996 list
27. NSC Electronic Mail Message and Talking Points (draft) from Richard Clarke to Dallas Brown (22 December 1995), #79 from 8 August 1996 list
- ~~28. FBI Summary of Contacts with Department of State (draft) (2 January 1996), #81 from 8 August 1996 list~~
29. State Department Memorandum (draft) from Alexander Watson to Deputy Secretary of State (11 January 1996), #82 from 8 August 1996 list

30. State Department Memorandum (draft) from Alexander Watson to Deputy Secretary of State (14 February 1996), #86 from 8 August 1996 list
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32. NSC Memorandum from Samuel Berger to the President (28 December 1994), #9 from 8 August 1996 list
33. NSC Memorandum from Anthony Lake to the President (28 March 1995), #20 from 8 August 1996 list
34. NSC Memorandum from Anthony Lake to the President (29 March 1995), #21 from 8 August 1996 list
35. NSC Memorandum from Anthony Lake to the President (17 April 1995), #26 from 8 August 1996 list
36. NSC Memorandum from Anthony Lake to the President (2 May 1995), #29 from 8 August 1996 list
37. State Department Memorandum from Strobe Talbott to the Vice President (5 September 1995), #48 from 8 August 1996 list
38. Memorandum from Leon Fuerth to the Vice President (12 October 1995), #60 from 8 August 1996 list
39. NSC Memorandum from Anthony Lake to the President (16 October 1995), #65 from 8 August 1996 list
40. State Department Memorandum from Kenneth Brill to Leon Fuerth (12 October 1995), #62 from 8 August 1996 list
41. State Department Cable (3 April 1995), #22 from 8 August 1996 list (Clinton-Aristide MEMCON)
42. NSC Electronic Mail Message from Dallas Brown to Marcia Norman (24 April 1995), #28 from 8 August 1996 list
43. NSC Electronic Mail Message from Dallas Brown to Robert Malley, et al (31 May 1995), #31 from 8 August 1996 list

44. Memorandum of Conversation from Richard Wilhelm to Leon Fuerth (12 September 1995), #52 from 8 August 1996 list
45. Haiti Background Paper (draft) from the State Department (6 October 1995), #56 from 8 August 1996 list
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49. NSC Electronic Mail Message (Draft Talking Points) from Richard Wilhelm to Dallas Brown (13 October 1995), #64 from 8 August 1996 list
50. State Department Memorandum (Draft Memcon) from Maura Harty to James Dobbins, et al (17 October 1995), #67 from 8 August 1996 list
51. Memorandum from Leon Fuerth to State Department Executive Secretary Kenneth Brill (19 October 1995), #68 from 8 August 1996 list

**By Authority of the House of Representatives of the
Congress of the United States of America**

To Andrew D. Sens, Executive Secretary, National Security Council

You are hereby commanded to produce the things identified on the attached schedule before the
..... full Committee on International Relations
of the House of Representatives of the United States, of which the Hon. Benjamin A. Gilman
..... is chairman, by producing such things in Room 2170 of the
Rayburn House Office Building in the city of Washington, on
Tuesday, September 24, 1996 at the hour of 5:00 p.m.

To Any Committee staff member or United States Marshal
to serve and make return.

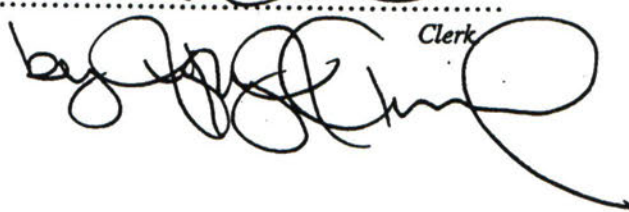
Witness my hand and the seal of the House of Representatives
of the United States, at the city of Washington, this
...19th.... day of ...September....., 1996...


.....
Chairman.

Attest:


.....

Clerk



Subpena for Andrew D. Sens.....

Executive Secretary.....

National Security Council.....

before the Committee on ~~Int~~.....

International Relations.....

Served *on Alan Kravitz*
Sept. 19, 1996 5:45 PM

by Stephen Rodencher, Comm. on
Int'l Relations, House of Representatives

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Office of the Attorney General
Washington, D. C. 20530

September 20, 1996

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

Dear Mr. President:

You have requested my legal advice as to whether executive privilege may properly be asserted with respect to documents that are the subject of a subpoena issued to the Executive Secretary of the National Security Council ("NSC") by the Committee on International Relations of the House of Representatives. The documents concern the Administration's conduct of foreign affairs with respect to Haiti.

The Counsel to the President and the National Security Adviser recommend that you assert executive privilege with respect to all but four of the subpoenaed documents. Several of the documents record diplomatic meetings or other communications between the President, the Vice President, the National Security Adviser, or the Deputy National Security Adviser and the President or Prime Minister of Haiti. Other documents constitute confidential communications from NSC or State Department officials to the President or the Vice President. The remaining documents reflect and constitute the deliberations of the NSC and its staff in connection with their advice and assistance to the President regarding his policy and activities in Haiti. I understand that efforts have been made to accommodate the Committee's information needs with respect to these documents, but they have proven unavailing. The Counsel to the President and the National Security Adviser are appropriately concerned that the Committee's demand raises significant separation of powers concerns and that compliance with it would compromise your ability to conduct the foreign affairs of the United States, as well as the ability of the NSC to advise and assist you in discharging that constitutional responsibility.

The Office of Legal Counsel of the Department of Justice has reviewed the documents for which assertion of executive privilege has been recommended and is satisfied that they fall within the scope of executive privilege. I concur in that assessment. The Supreme Court has confirmed that the Constitution gives the President the authority to assert executive privilege to protect the confidentiality of diplomatic communications, Presidential communications, and White House deliberative communications.

See generally United States v. Nixon, 418 U.S. 683, 705-13 (1974); Nixon v. Administrator of General Services, 433 U.S. 425, 446-55 (1977). "The privilege is fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution." United States v. Nixon, 418 U.S. at 708.

More specifically, the Supreme Court has acknowledged the settled application of executive privilege with respect to "diplomatic secrets," such as the diplomatic communications with the leaders of Haiti that are subject to the Committee's subpoena, stating that "[a]s to th[is] area[] of Art. II duties the courts have traditionally shown the utmost deference to Presidential responsibilities." Id. at 710; see also id. at 706. "[I]t is elementary that the successful conduct of international diplomacy . . . require[s] both confidentiality and secrecy. . . . [I]t is the constitutional duty of the Executive . . . to protect the confidentiality necessary to carry out its responsibilities in the field[] of international relations" New York Times Co. v. United States, 403 U.S. 713, 728-30 (1971) (Stewart, J., concurring).

As Assistant Attorney General William H. Rehnquist concluded almost thirty years ago, "the President has the power to withhold from [Congress] information in the field of foreign relations or national security if in his judgment disclosure would be incompatible with the public interest." Memorandum from John R. Stevenson, Legal Adviser, Department of State, and William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, Re: The President's Executive Privilege to Withhold Foreign Policy and National Security Information, at 7 (Dec. 8, 1969). History is replete with examples of the Executive's refusal to produce to Congress diplomatic communications and related documents because of the prejudicial impact such disclosure could have on the President's ability to conduct foreign relations. See Memorandum from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, 6 Op. O.L.C. 751 (1982) (compiling historical examples).

It is equally well established that executive privilege applies to confidential communications to and from the President or Vice President and to White House and NSC deliberative communications. The Supreme Court has recognized "the necessity for protection of the public interest in candid, objective, and even blunt or harsh opinions in Presidential decisionmaking. A President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately." United States v. Nixon, 418 U.S. at 708.

Under controlling case law, in order to justify a demand for material protected by executive privilege, a congressional committee is required to demonstrate that the information sought is "demonstrably critical to the responsible fulfillment of the Committee's functions." Senate Select Committee on Presidential Campaign Activities v. Nixon, 498 F.2d 725, 731 (D.C. Cir. 1974) (en banc). And those functions must be in furtherance of legitimate legislative responsibilities of Congress. See McGrain v. Daugherty, 273 U.S. 135, 160 (1927) (Congress has oversight authority "to enable it efficiently to exercise a legislative function belonging to it under the Constitution").

"Since Congress may only investigate into those areas in which it may potentially legislate or appropriate, it cannot inquire into matters which are within the exclusive province of one of the other branches of the Government." Barenblatt v. United States, 360 U.S. 109, 111-12 (1959). The Committee has sought to justify its demand based on its need for information on "Administration policy toward human rights abuses in Haiti" and "the Administration's knowledge of death squad activities in Haiti over the last two years." Letter to Jack Quinn, Counsel to the President, from Benjamin Gilman, Chairman, Committee on International Relations (Sept. 19, 1996). However, the conduct of foreign affairs is an exclusive prerogative of the executive branch. See, e.g., United States v. Curtiss-Wright Export Co., 299 U.S. 304, 320 (1936) (the President is "the sole organ of the federal government in the field of international relations"); Chicago and Southern Air Lines v. Waterman S.S. Corp., 333 U.S. 103, 111 (1948) (the President is "the Nation's organ for foreign affairs"); 5 P. Ford (ed.), Writings of Thomas Jefferson, at 161 (1892-99) ("The transaction of business with foreign nations is executive altogether."). Thus, there is a substantial question as to the extent of Congress' authority to conduct oversight of the executive branch's conduct of foreign affairs or its deliberations relating thereto.

Although the question of Congress' oversight authority in this context must be viewed as unresolved as a matter of law, it is clear that congressional needs for information in this context will weigh substantially less in the constitutional balancing than a specific need in connection with the consideration of legislation. Based on the Office of Legal Counsel's review of the documents for which assertion of executive privilege has been requested, and conducting the balancing required by the case law, see Senate Select Committee, 498 F.2d at 729-30; United States v. Nixon, 418 U.S. at 706-07, I do not believe that access to these documents would be held by the courts to be "demonstrably critical to the responsible fulfillment of the Committee's functions." Senate Select Committee, 498 F.2d at 731.

In conclusion, it is my legal judgment that executive privilege may properly be asserted in response to the Committee's subpoena.

Sincerely,

A handwritten signature in dark ink, appearing to read "Janet Reno", written in a cursive style.

Janet Reno
Attorney General

THE WHITE HOUSE

WASHINGTON

Dear Mr. Chairman:

This is to advise you that the President has invoked executive privilege and directed the Executive Secretary of the National Security Council not to provide to the committee, forty-seven of the documents identified in the Committee's subpoena dated September 19. One of the four documents identified in the Committee's subpoena is not in the custody of the NSC (document number 16); the remaining three documents (documents numbered 17, 23, and 28) have already been provided to the Committee's counsel.

The 47 documents over which the President has asserted Executive Privilege implicate his ability to conduct the nation's foreign affairs. The documents requested include memoranda of conversations with a foreign President or Prime Minister, memoranda to the President and Vice-President, and memoranda relating to the deliberations of the President's most senior advisors, of National Security Council committees, and of the National Security Council staff. The President has determined that disclosure of these documents to the Congress would inhibit the candid discussion that he must have with foreign leaders in the conduct of our nation's foreign affairs and would interfere with the deliberative and analytic process within the White House, which is essential to the formulation of our foreign policy.

At the same time, the President has directed that we reaffirm our willingness to accommodate the Committee's informational needs in a manner consistent with his directive and without violating the Constitutional doctrine of separation of

powers. Accordingly, I hereby reaffirm our willingness to brief you and the Ranking Member about the documents you have requested.

Sincerely,

Jack Quinn
Counsel to the President

The Honorable Benjamin A. Gilman
Chairman
Committee on International Relations
House of Representatives
Washington, D.C. 20515-4309