

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION	
001a. memo	Anthony Lake and Lloyd Cutler to POTUS re: Authority to Use Force in Haiti (1 page)	09/14/1994	P5	1291
001b. report	re: Authority of the President to Use Force in Haiti (2 pages)	ca. 09/1994	P5	1292
001c. memo	Alan Kreczko to Lake re: Authority of the President to Use Force in Haiti (1 page)	09/12/1994	P5	1293

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2006-0187-F
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RESTRICTION CODES

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

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

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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THE WHITE HOUSE

WASHINGTON

September 14, 1994 94 SEP 14 P8:45

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
LLOYD CUTLER *Lnc*

SUBJECT: Authority to use Force in Haiti

The attached paper explains the basis for your constitutional authority to use force in Haiti. It has the concurrence of the Justice Department, Secretary of State Christopher, the State Department Legal Adviser, and the NSC Legal Adviser.

It is possible a law suit will be brought challenging your authority. Such a law suit might be brought either by a Member of Congress, a member of the military, or a group of law professors. Such law suits were brought in the past concerning El Salvador, our support to the Contras, Grenada, and the Persian Gulf. They consistently have been dismissed on procedural grounds (lack of standing, political question, and most pertinent here, lack of "ripeness" until a congressional majority has challenged the President's authority).

In addition to your constitutional powers, the DOD Appropriations Act provides additional legal support for action in Haiti provided we are willing to act consistently with it. A provision in it calls for prior congressional authorization except in three situations. The third exception is the provision of an advance report to Congress addressing six specific issues (U.S. interests in Haiti; safety of U.S. forces; sufficiency of the military force deployed; objectives for the deployment; exit strategy; and cost). While providing additional legal support for action without a further vote by Congress, the report is unlikely to satisfy those in Congress pressing for such a vote. We are preparing the report on a contingency basis and will provide you separately a recommendation on whether and when it should be submitted, while reserving your constitutional right to act without following the statutory procedures.

Attachments

Tab A Legal Authority
Tab B DOD Appropriation Act, Haiti Provision

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WJC HANDWRITING

cc: Vice President
Chief of Staff

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