

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. email	Kreczko, Alan J. to Lake, Anthony re: Rwanda Drawdown (2 pages)	07/28/1994	P5 6202
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COLLECTION:

Clinton Presidential Records
NSC Emails
A1-Record (Jan 93-Sept 94) ([Rwanda and Lake...])
OA/Box Number: 570000

FOLDER TITLE:

[12/08/1993-08/19/1994]

Eric Holzer
2006-0312-F
eh451

RESTRICTION CODES

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- 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]

6202

NATIONAL SECURITY COUNCIL

28-Jul-1994 19:32 EDT

MEMORANDUM FOR:

RECORDS

(RECORDS@A1@OEOB)

FROM:

Kreczko, Alan J.

(kreczkoa@NSCSTF@OEOB@MSGATE@VAXB)

SUBJECT:

Rwanda Drawdown

Message Creation Date was at 28-JUL-1994 19:12:00

Attorney-Client

For Tony:

1. DOD/GC and State/L agree there is a legal theory available under which the PD for Rwanda was lawful. However, availability of legal theory turns on whether underlying authority for the drawdown was disaster relief or refugee relief. DOD says disaster relief, which is the only answer which avoids a statutory requirement of prior Congressional consultation.

Conversation was a little bit like counseling a client before he explains what happened that if he says he acted because he was in danger, he's got a self-defense theory and if he says he acted in rage he's guilty of murder.

DOD is providing a "disaster" statement to State that can be used in briefing the Hill.

2. No DOD lawyer saw the PD before it was signed; apparently it was drafted in the Comptroller's office in DOD to serve as a basis for further clearance within DOD and inter-agency. DOD/GC agrees with State/L that there are a number of unfortunate although not fatal phrases in the PD.

3. This is apparently the first PD on drawdowns that was not subject to pre-consultation with Congress, including in past cases where pre-consultation was not legally required. Moreover, even though the PD directed the SecDef to inform Congress of the PD, this has not to date been done. (The direction to SecDef is anomalous, since the notifications must be provided to the State Department's committees. State has now explained what must be provided in the notifications, and Wendy Sherman and her counterpart are consulting on how to convey them.)

4. The urgency in issuing the PD was apparently artificial. DSAA informed me today that it still has not received an execute order to draw down any stocks or services.

CONCLUSION: Very bad process, unnecessarily resorted to, with substantial risk of embarrassing the POTUS if repeated.

Additional Header Information Follows

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Date Modified: 28-Jul-1994 19:12
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS