

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	For Anthony Lake from Alan Kreczko. Subject: [Haiti] (1 page)	06/27/1994	P1/b(1), P5
001b. report	Analysis [Haiti] (3 pages)	06/27/1994	P1/b(1), P5
002. memo	For Anthony Lake from Alan Kreczko. Subject: Haiti (1 page)	05/03/1996	P1/b(1)
003. draft	Letter from Anthony Lake to Representative John Conyers. (1 page)	n.d.	P1/b(1)
004. draft	Draft 1 of report: Possible Criticisms of Administration Efforts to Deal with Political Violence. (7 pages)	n.d.	P1/b(1)
005. talking points	re: Administration Efforts in Haiti (2 pages)	n.d.	P5 2554
006. memo	Memo for the Record. (3 pages)	n.d.	P3/b(3), P5 2555
007. report	Administration Efforts to Deal with Political Violence in Haiti. (4 pages)	n.d.	P1/b(1), P5
008. report	Allegations Likely to be Raised. (2 pages)	n.d.	P1/b(1), P5
009. paper	Possible Talking Points to tack on after Affirmative Presentation. (2 pages)	n.d.	P1/b(1), P5
010. note	James Baker to Samuel Berger. (1 page)	1995	P1/b(1)
011. note	Handwritten note. [partial] (1 page)	01/17/1995	b(7)(C), b(7)(D), b(7)(E)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (James Baker)
OA/Box Number: 2374

FOLDER TITLE:

Haiti - Aristide

2006-0651-F

vz587

RESTRICTION CODES

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

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

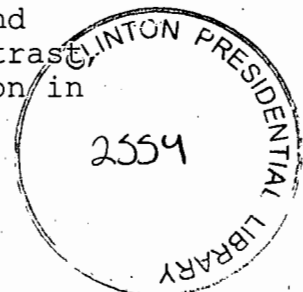
RR. Document will be reviewed upon request.

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

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- The Administration has pursued a comprehensive effort to identify threats to democracy and stability in Haiti. As a result of these efforts, the US has been able to identify a number of individuals associated with political violence, have them many of them removed from official positions, and have official investigations initiated into the incidents in which they have been implicated.
 - With strong Administration encouragement, Aristide established a Special Investigative Unit to investigate possible political killings. This unit provides an institutional mechanism to tackle the problem of official impunity.
 - Preval has appointed a new Director-General of Haitian Police untainted by charges of human rights abuses or corruption and a tough-minded Inspector General who has repeatedly implemented severe disciplinary measures on police officials involved in the abuse of authority.
- The US sought to avert the tragic assassination of Madame Mireille Bertin in March 1995 and immediately after it launched a comprehensive effort to identify and bring the perpetrators to justice.
 - When the Multinational Force (MNF) received information of a plot to kill Madame Bertin, US forces arrested and interrogated the alleged conspirators. The MNF and Embassy asked Aristide and Justice Minister Exume to warn her of the threat, and we were subsequently assured that they had done so.
- 10 days after the murder of opposition politicians Leroy and Florival, Lake and Talbott traveled to Haiti and secured Preval's agreement to launch a full investigation, separate those implicated from their official positions, and reorganize his Presidential security apparatus.
- Two weeks later, a team of 20 State Department Diplomatic Security officers and 12 DoD civilian security personnel went to Haiti to augment the State advisory team already there and assist President Preval with vetting, retraining and reorganizing his security force.
- According to both local and international human rights organizations, Haiti suffered several thousand political murders during the three years of the de facto regime and countless additional beatings and other abuses. In contrast, a 1995 report by the UN/OAS human rights observer mission in Haiti estimated that the total number of killings with

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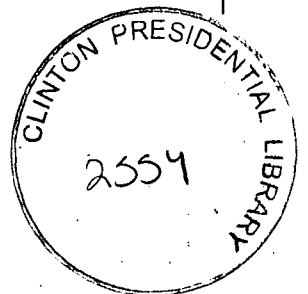


possible political or retributive motivation stood at about 24 over the past two years.

- Official involvement in politically motivated violence is not unique to Haiti. Indeed, it is endemic to societies in transition from authoritarian to democratic government.
- The U.S. experience in El Salvador, where we confronted a much more serious problem of official human rights abuse, provides an instructive point of reference.
- In December 1983, Vice-President Bush visited San Salvador personally to inform the government that aid would be cut off if the abuses did not stop. Five years later, amid an apparent resurgence of death squad activity, it was Vice-President Quayle who traveled to San Salvador to deliver the message that the U.S. government would not tolerate such abuses.

The Administration cooperated fully with the committee's Haiti inquiry. We provided the Congress access to expeditious and decisive efforts to confront the problem of political violence in Haiti are recorded in to over 1,000 documents of the State and Defense Departments, the CIA and the NSC, and made officials available for briefings and interviews. to which Congress has been given access.

- The Administration withheld from the Congress only a small number (47) of core Presidential or WH documents, such as memoranda recording the conversations of the President with a foreign President. Even with these core documents, we also offered to brief to Chairman Gilman and Rep. Hamilton, with staff persons present, on the contents of each and every one of the 47 documents. for which the President invoked Executive Privilege. The HIRC majority chose to pursue a subpoena the documents without first accepting the briefing. The President responded by asserting Executive Privilege, in order to protect his ability and that of future Presidents to receive candid advice and have candid conversations with foreign leaders in the formulation and execution of US foreign policy. ascertaining the contents of the documents in question, as the administration had offered.



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SUBJECT: Memo for the Record

1. On January 4, Conrad Harper requested an inter-agency meeting to discuss the application of Executive Privilege doctrine to inter-agency deliberations within the NSC process.

2. On January 5, I convened a meeting with representatives of Justice, State, Defense, and CIA. I noted that a Lloyd Cutler memo to all agencies confirmed that the doctrine of executive privilege extends to written and oral communications between and among the White House, its policy councils and Executive Branch agencies, as well as to documents that describe or prepare for such communications. Accordingly, documents reflecting conversations within the NSC process were potentially privileged. DOJ noted that in the final analysis, a claim of executive privilege needed to be balanced against other competing governmental interests, including congressional needs. Ordinarily, an accommodation could be worked out which met Congressional needs for information while protecting Executive Privilege interests. There was general consensus on these points. No particular documents were discussed.

3. That same day, Deputy National Security Adviser Sandy Berger called and asked generally about the application of Executive Privilege to conversations within the NSC process. I conveyed the sense of our meeting that morning. Mr. Berger said that he understood from CIA that there was a particular document held by CIA and requested by HPSCI that might implicate this issue and urged me to talk to CIA/GC [P3(b)(3)].

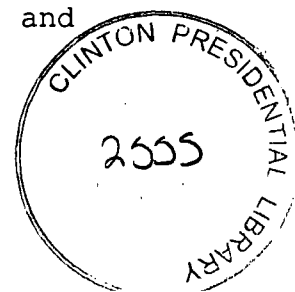
[005]

I did so that afternoon and the following day. [P3(b)(3)] informed me that CIA had been asked to provide to HPSCI documents relevant to whether State Department had brought pressure on CIA to change its answers to Haiti-related questions from the Congress. He explained that CIA has found a document recording a meeting involving Jim Dobbins and Mike Kozak of the State Department, DOJ and FBI officials, a CIA officer and DOD officials. He said that the CIA memcon of the meeting indicated the State Department had brought pressure to bear on Justice to decline to provide information to the Congress. Dobbins urged Justice to plead an "on-going investigation" and not to release certain ballistic tests. The memcon also said that Dobbins urged a rewriting of history with respect to an assassination warning but that Mike Kozak had corrected him.

[P3(b)(3)] informed me that they intended to respond to HPSCI that no pressure had been brought on CIA to change its answers to Congress. They would also indicate that they had located a memo concerning an inter-agency meeting on Congressional inquiries and that while CIA could not speak for the perceptions of other

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agencies, the memo did not indicate any pressure on CIA. [REDACTED] also indicated that the CIA would not at that stage provide the actual memcon (the "Dobbins document") because it reflected inter-agency deliberations.

[005]

4. I reported to Sandy Berger that same day. I briefed him on how CIA had decided to proceed. I also told him that the document did not appear to have referenced any communications with WH or NSC staff and therefore did not implicate the Cutler memo. Sandy said fine. He also indicated that he believed CIA should inform the State Department since the matter concerned their employee. I agreed, undertook to convey that view to CIA/GC and did so.

5. Within a week or so, CIA/GC informed me that HPSCI Chair Combest wanted to see the document referenced in their response. CIA/GC informed me that they intended to allow him to see the memcon. I said I did not believe we would have any problem with that and confirmed that with Mr. Berger. Mr. Berger agreed and again asked me to convey his belief to CIA that the document should also be shared with the State Department, noting the awkwardness of his inability to discuss the matter with Strobe Talbott. I did so. CIA/GC [REDACTED] said he agreed and would so recommend to others.

[005]

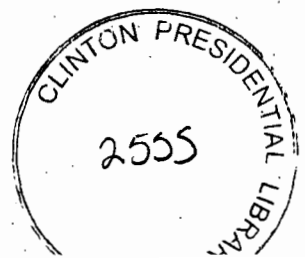
6. In late January, in accordance with routine procedures, the Justice Department circulated through OMB for clearance the proposed responses of Justice and FBI to certain written questions from the Congress concerning Haiti. The FBI-prepared answer to one question said, "I am not aware of any effort by the Department of State to encourage the FBI to keep its findings from Congress." When I saw the statement I went to Mr. Berger and said that I believed we had an obligation to insist that CIA share the Dobbins document with the Justice Department to ensure incorrect testimony was not provided. I said the WH could not allow testimony to go forward which we had reason to believe might be inaccurate. Mr. Berger agreed, repeating that the State Department should also be aware of allegations concerning its employees. I then spoke with Counsel to the President Jack Quinn who agreed.

7. Thereafter I called CIA Deputy GC John Rizzo and conveyed our view that the document must be shared with Justice and should also be shared with the State Department. I said that if CIA was not willing to do so, it needed to call Mr. Quinn.

8. That afternoon, CIA Executive Assistant [REDACTED] called Jack Quinn. I came to Jack's office and we returned the call together. [REDACTED] explained that there was some CIA concern that sharing the document could be seen as collusion. I

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injected, and Jack Quinn agreed, that the WH would not clear the FBI testimony until the "Dobbins document" was read to the Justice Department. [P3(b)(3)] agreed to do so. With respect to the State Department, [P3(b)(3)] informed us that he had discussed the document with Tom Donilon, and that Tom had said he did not need to see the document.

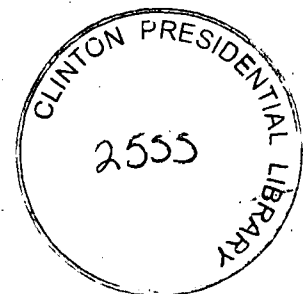
[005]

9. [P3(b)(3)] and I then had a conference call with Seth Waxman of the Deputy Attorney General's office. I explained that the WH had not cleared the FBI's testimony because I wanted them to know that a document existed which was at least potentially inconsistent with one of their answers. Mr. [P3(b)(3)] then read the document to Mr. Waxman. Mr. Waxman undertook to check the contents of the document with the FBI participants in the meeting and get back to us.

10. Within a few days, Mr Waxman got back to me saying that he had gone over the document with the FBI and Justice participants in the meeting covered by the Dobbins document. Mr. Waxman reported that while recollections varied somewhat, the FBI representative did not agree with the characterizations attributed to Mr. Dobbins in the CIA document. Mr. Waxman said that the FBI stood by its prepared Congressional responses, including its categorical statement that it was not aware of any effort by the Department of State to encourage the FBI to keep its findings from Congress. I reported that to Mr. Berger and Mr. Quinn. I also told Mr. Berger that Jack Quinn would be following up with Tom Donilon.

11. Mr. Quinn subsequently spoke with Mr. Donilon. He informed Tom that we believed he should ask CIA for the Dobbins document so that the State Department could satisfy itself that one of its employees had not brought improper pressure to bear on anyone to change testimony to Congress. Mr. Quinn also informed Mr. Donilon that the Justice Department had reviewed the Dobbins documents with relevant FBI officials who did not believe they had been pressed to change their testimony. Mr. Donilon said that he would consider the matter and get back to Mr. Quinn.

12. Mr. Quinn spoke one additional time to Mr. Donilon, again urging him to ask the CIA for the document and take any appropriate follow-up action.



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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. article	Newspaper Article "How to Get Tough With Haiti" with Annotation by President William J. Clinton (1 page)	10/20/1993	P5 7000

COLLECTION:

Clinton Presidential Records
WHORM-Subject File-General
PU001-07
OA/Box Number: 12154

FOLDER TITLE:

042556SS

2006-0651-F
kh1298

RESTRICTION CODES

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

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RR. Document will be reviewed upon request.

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

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7000

THE PRESIDENT HAS SEEN

10.20.93

How to Get Tough With Haiti ✓

The thugs who prevented U.S. and Canadian troops from landing in Haiti on Monday do not represent the majority of the Haitian people. The country's voters made their choice three years ago when they elected President Jean-Bertrand Aristide with a 65 percent majority. The military elite, accustomed to unquestioned power, drove him into exile. Now that elite, aided by its paramilitary "attachés," is invoking nationalist pride and characterizing the U.N. mission to restore President Aristide as a foreign invasion.

The attachés, who prevented a U.S. troopship from landing and threatened the U.S. chargé d'affaires on Monday, kept at it yesterday by menacing a television crew with machine guns and preventing children from attending school.

The junta clearly has no intention of following the agreement reached in July on Governors Island in New York City, which created a timetable for returning President Aristide to power. The thwarted mission was supposed to be a part of that process, helping to "professionalize" the military and separate it from the police force.

In accordance with the Governors Island agreement, economic sanctions against Haiti were lifted in August. It was those sanctions — fully supported by Haiti's poor majority, despite the pain it caused them — that finally forced the recalcitrant military, led by Lieut. Gen. Raoul Cédras, to the bargaining table. But General Cédras and his cro-

nies have demonstrated in the past few days that they have no intention of giving up power.

While nominally accepting the U.N.'s conditions to get the sanctions lifted, General Cédras has obviously been sending quite another message to the troops at home, encouraging them to believe they can stop democracy through intimidation.

Now it's time to get serious with the Haitian junta. Since the Governors Island agreement has clearly been broken, the economic sanctions should be reimposed — and strengthened. General Cédras should be given a very short deadline — 24 to 48 hours — to get his followers under control.

President Clinton has belatedly but correctly recognized that the U.N. mission, in its recent form and under the present hostile circumstances, would not work. He has ordered a temporary halt to the mission. Now Mr. Clinton can tell General Cédras that he must give up power to the democratically elected Government, as agreed, or face a naval blockade and cessation of all commercial air traffic and financial transactions — in other words, complete isolation from the international community.

Only when the United Nations joined in the Western Hemisphere's embargo, cutting off its oil supply from Europe, did Haiti's ruling elite feel enough pain to start talking about handing over power. It's clear they now need another sharp reminder that complete disregard for the will of their own people will carry a heavy price.

Why can't we do this legally? as a matter B

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Lawrence Rossin to George Tenet, re: RE: haiti (1 page)	08/02/1993	P1/b(1)
002. email	Lawrence Rossin to Mary Emery, et al., re: haiti update (2 pages)	08/03/1993	P1/b(1)
003. email	Lawrence Rossin to Richard Feinberg, re: haiti snarl: friends mtg 8/5 (4 pages)	08/06/1993	P1/b(1)
004. email	Lawrence Rossin to Mary Emery, et al., re: Proposed Appt for [Ambassador-designate] to Haiti Swing (2 pages)	09/20/1993	P1/b(1)
005. email	George Tenet to Samuel Berger, re: haiti (1 page)	09/22/1993	P1/b(1)
006. email	Richard Feinberg to Mary Emery, et al., re: haiti aid (2 pages)	09/30/1993	P1/b(1)
007. email	Richard Feinberg to Barbro Owens-Kirkpatrick and Lawrence Rossin, re: Carter Briefings (1 page)	10/01/1993	P5 7003
008. email	Richard Feinberg to Richard Clarke, re: haiti (1 page)	10/02/1993	P1/b(1)
009. email	Lawrence Rossin to M. Kay LaPlante, re: Schedule for President: InterAmerican (2 pages)	10/07/1993	P1/b(1)
010. email	Richard Clarke to Richard Feinberg, et al., re: HAITI-US SECURITY (2 pages)	10/14/1993	P1/b(1)
011. email	George Tenet to Richard Feinberg, et al., re: HAITI (2 pages)	10/19/1993	P1/b(1), P5
012. email	Alan Kreczko to James Reed, re: [Michel Francois] (1 page)	10/20/1993	P1/b(1), P5

COLLECTION:

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

FOLDER TITLE:

[08/02/1993 - 10/29/1993]

2006-0651-F

ke1006

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. email	Alan Kreczko to Samuel Berger, re: ethics (2 pages)	10/20/1993	P5 7004
014. email	Wendy Gray to Cathy Millison, et al., re: Stuff (2 pages)	10/21/1993	P1/b(1)
015. email	Richard Feinberg to Nancy Soderberg and M. Brooke Darby, re: haiti (1 page)	10/21/1993	P1/b(1)
016. email	Alan Kreczko to Samuel Berger, re: Ethics Authorization (1 page)	10/21/1993	P5 7005
017. email	Lawrence Rossin to Geroqe Tenet, re: [cable] (3 pages)	10/21/1993	P1/b(1)
018. email	George Tenet to Lawrence Rossin, re: RE: [cable] (1 page)	10/22/1993	P1/b(1)
019. email	Lawrence Rossin to Mary Emery, et al., re: Burt Wides Phone Call (2 pages)	10/22/1993	P1/b(1)
020. email	Lawrence Rossin to Richard Feinberg, re: [FAD'H] (1 page)	10/22/1993	P1/b(1)
021. email	Wendy Gray to Richard Feinberg and Lawrence Rossin, re: A package from Nancy (1 page)	10/27/1993	P1/b(1)
022. email	Wendy Gray to Cathy Millison, et al., re: Stuff (1 page)	10/27/1993	P1/b(1)
023. email	Lawrence Rossin to M. Brooke Darby, re: [sentences for NS] (1 page)	10/28/1993	P1/b(1)
024. email	Richard Feinberg to Susan Rice, re: haiti talking points (2 pages)	10/29/1993	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[08/02/1993 - 10/29/1993]

2006-0651-F
 ke1006

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7003

NATIONAL SECURITY COUNCIL

01-Oct-1993 17:52 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Barbro A. Owens-Kirkpatrick (OWENS)
Lawrence G. Rossin (ROSSIN)

FROM: Richard E. Feinberg
(FEINBERG)

SUBJECT: Carter Briefings

If Tony asks you for background material for his briefings of President Carter, I suggest you include this info:

--re Nicaragua, Carter probably feels we have not been sufficiently engaged in Central America. He knows that we have not yet got around to naming an ambassador to Costa Rica since Bob Pastor is a candidate. He may raise our cuts in foreign aid. Due to his positive experience in persuading the Ortega brothers to honor the 1990 elections, he is favorably disposed to them. Tony should emphasize that we have been as supportive as possible of President Chamorro, we applauded her Sept. 2 speech, and we are supportive of the various mediation efforts in progress. We want to disburse but need concrete actions to maintain credibility in Nicaragua and in the US Congress.

--re Haiti, Carter very much wanted to have Pezzullo's job. He may offer to accompany Aristide on October 30 (several foreign ministers and I think Baena Soares are planning to do so). Carter hosted Aristide recently at the Carter Center and is very sympathetic toward him. But I think he also respects Cedras. He may raise our problems with Francois, with screening for new police, and with ROE.

CC: Records

(RECORDS)

Additional Header Information Follows

Date Created: 01-Oct-1993 17:24
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A1 Folder: OCT93
Message Format:
Message Status: READ
Date Modified: 01-Oct-1993 17:24
Forward Flag: YES
Read-Receipt Requested: NO
Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

CLINTON LIBRARY PHOTOCOPY

7004

NATIONAL SECURITY COUNCIL

20-Oct-1993 19:30 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Samuel R. Berger

(BERGER)

FROM:

Alan J. Kreczko
(KRECZKO)

SUBJECT:

ethics

Office of Government Ethics called White House Counsel, after receiving inquiries from press about your purported meeting with a Hogan & Hartson partner representing Aristide.

Under section 502 of the Standards of Conduct, for one year after your departure from Hogan, you can not participate in any particular matter involving parties represented by your firm. This applies even if the partner representing Aristide joined the firm after your departure.

Meetings to discuss Haiti policy generally would not constitute "particular matters" under section 502. However, other issues might - e.g. release of funds to Aristide.

If such meetings are occurring, White House Counsel is inclined to issue you a waiver and not get into a debate about whether things under discussion are or are not "particular matters". White House Counsel can authorize participation when government interests outweigh any appearance of conflict.

I need to know facts so I can consult with White House Counsel on how to proceed. We should do this ASAP, so that we don't have another Oakley story.

CC: Records

(RECORDS)

CC: Neal S. Wolin

(WOLIN)

Additional Header Information Follows

Date Created: 20-Oct-1993 19:20

Deletable Flag: Y

DOCNUM: 018367

VMS Filename: OA\$SHARE7:ZUXLRV3G0.WPL

A1 Folder: OCT93

Message Format:

Message Status: READ

Date Modified: 20-Oct-1993 19:20

Forward Flag: YES

Read-Receipt Requested: NO

CLINTON LIBRARY PHOTOCOPY

Delivery-Receipt Requested: NO
Message Priority: FIRST_CLASS

CLINTON LIBRARY PHOTOCOPY

7005

NATIONAL SECURITY COUNCIL

21-Oct-1993 12:47 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Samuel R. Berger

(BERGER)

FROM:

Alan J. Kreczko
(KRECZKO)

SUBJECT:

Ethics Authorization

This is to confirm that last night (October 20) about 6PM, the White House Counsel's office (Beth Nolan) authorized your participation in talks with Mike Barnes, legal representative of President Aristide, notwithstanding the fact that Barnes is a partner of Hogan and Hartson, your former law firm. They concluded that the USG interests in your participation in talks with Barnes about Haiti outweighed any appearance of a conflict of interest. White House Counsel's office is drawing up a written determination, but the oral determination is effective.

CC: Records

(RECORDS)

CC: Neal S. Wolin

(WOLIN)

Additional Header Information Follows

Date Created: 21-Oct-1993 12:40

Deletable Flag: Y

DOCNUM: 018405

VMS Filename: OA\$SHARE9:ZUXMI9NCV.WPL

A1 Folder: OCT93

Message Format:

Message Status: READ

Date Modified: 21-Oct-1993 12:40

Forward Flag: YES

Read-Receipt Requested: NO

Delivery-Receipt Requested: NO

Message Priority: FIRST_CLASS

CLINTON LIBRARY PHOTOCOPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	William Leary to Alan Kreczko, re: Aristide FOIA (1 page)	03/07/1996	P5 7006
002. email	Michael Sheehan to Andrew Sens, re: RE: Aristide Coming to Washington (2 pages)	05/08/1996	P1/b(1)
003. email	Michael Sheehan to Dallas Brown and Richard Clarke, re: FW: Aristide (1 page)	05/13/1996	P5
004. email	Dallas Brown to James Dobbins, re: Clinton-Aristide, 17 June (4 pages)	06/11/1996	P1/b(1)
005. email	James Fetig to Dallas Brown, re: RE: Aristide Visit, June 17 (1 page)	06/12/1996	P1/b(1)
006. email	David Johnson to James Fetig, re: RE: Aristide Visit, 17 June (2 pages)	06/12/1996	P1/b(1)
007. email	M. Jeanne Wetzel to Dallas Brown, re: RE: Aristide's Traveling Party and Monday Visit (1 page)	06/12/1996	P1/b(1)
008. email	Andrew Sens to Kristen Cicio, re: FW: Aristide's Traveling Party and Monday Visit (1 page)	06/13/1996	P1/b(1)
009. email	Brenda Kinser-Kidane to Ronda Albert, re: Rewrite for POTUS - Aristide Mtg (2 pages)	06/13/1996	P1/b(1)
010. email	James Fetig to Dallas Brown, re: RE: Aristide Visit, June 17 (2 pages)	06/14/1996	P1/b(1), P6/b(6)
011. email	James Dobbins to Brenda Kinser-Kidane, re: FW: Call to Aristide (2 pages)	08/06/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 MSMail-Record (Sept 94-Sept 97) ([Aristide])
 OA/Box Number: 590000

FOLDER TITLE:

[01/18/1996 - 09/20/1996]

2006-0651-F

ke1016

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]

7806

M S M a i l

DATE-TIME 07 March 96 15:12
FROM Leary, William H.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Aristide FOIA [UNCLASSIFIED]
TO Kreczko, Alan J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Yes, of course. But, if this were regarded as a serious inquiry that we wanted to answer ASAP, someone could advise Ms. Bell to send the request in again without any mention of FOIA.

Dick Clarke indicated, however, that there is nothing special about this request.

From: Kreczko, Alan J.
To: Leary, William H.
CC: /R, Record at A1
Subject: RE: Aristide FOIA [UNCLASSIFIED]
Date: Wednesday, March 06, 1996 08:36 PM

If it's a FOIA request, don't we need to do normal procedures?

From: Leary, William H.
To: Clarke, Richard A.; Kreczko, Alan J.
CC: /R, Record at A1; Brown, Dallas; VanTassel, David S.
Subject: Aristide FOIA [UNCLASSIFIED]
Date: Monday, March 04, 1996 12:22 PM

We just received a FOIA request from Beverly Bell of the International Liaison Office for President Jean-Bertrand Aristide asking for all materials related to the Liaison Office "and all personnel and programs related to it" from the summer of 1992 to the present.

Under normal procedures we would not answer this request for years. Any suggestions?

CLINTON LIBRARY PHOTOCOPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. memo	Alan Kreczko and Richard Feinberg to Anthony Lake re: Murder Suit (2 pages)	10/22/1993	P5 7007
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COLLECTION:

Clinton Presidential Records
NSC Records Management
([Aristide])
OA/Box Number: 168

FOLDER TITLE:

9308193

2006-0651-F

kh1302

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]
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- 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]

7887

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

October 22, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM:

ALAN KRECZKO/RICHARD FEINBERG

SUBJECT:

Suggestion of Immunity for Aristide in Murder Suit

Gladys Lafontant has brought a civil action for \$10 million against President Aristide in the U.S. District Court for the Eastern District of New York. She claims that Aristide ordered the extrajudicial killing in September, 1991, of her husband, Roger Lafontant, who had been arrested and jailed for his participation in a failed coup attempt earlier that year. The suit is based on the Alien Tort Claims Act, and the Torture Victim Protection Act.

Haiti has requested that we intervene formally in the case to suggest immunity for Aristide.

Head of State immunity is applied in the United States as a matter of customary international law; it has not been codified in statutes or treaties. We have filed Suggestions of Immunity for other Heads of State on a number of occasions over the years. For example, we made such a filing on behalf of Marcos in the early 1980s when suit was brought against him for conspiracy to murder political opponents. We have a strong interest, based on reciprocity concerns, in the doctrine of Head of State immunity. The legislative history to the Torture Victims Protection Act explicitly indicates that it was not intended to waive head of state or diplomatic immunity.

State/L and ARA have informed the Deputy Secretary by memo that they intend to ask Justice to file a Suggestion of Immunity. State/L intends to proceed on Monday or Tuesday unless the DepSec reacts negatively. The DOJ filing would come later in the week.

Prompt intervention in the case would be consistent with our traditional approach to head of state immunity cases, and with what we expect of other States in reciprocal situations. Dismissal of the case would likely result. While legally appropriate, this result (and even more so, our filing) could be controversial, given the nature of the charges, the timing of the case, and Congressional interest. If we proceed this way, we will need to make clear in public statements that our intervention was based solely on the legal proposition that Heads of State are immune from suit and does not constitute a position on the merits.

CLINTON LIBRARY PHOTOCOPY

An alternative course would be not to file at the District Court level. Aristide might succeed in having the suit dismissed on Head of State grounds without an USG filing. The downsides to this approach: (1) Aristide might not succeed. The court could draw adverse conclusions from our failure to submit the usual Statement of Interest, and, applying traditional tests of "control of territory," could find that Aristide is not Head of State. We would then need to intervene before the court of appeals, seeking to overturn a judicial determination; (2) Aristide could see the deviation from our standard practice as a lack of political support; (3) sets a bad precedent, here and abroad, to allow media considerations to influence whether we will support a Head of State's immunity in our courts.

Concurrences by: ^{by AK} Larry Rossin, ^{by AK} Don Gross, ^{by AK} Eric Schwartz, ^{by AK} Don Steinberg

RECOMMENDATION

That we interpose no objection to State and Justice filing a Suggestion of Immunity in the case.

Approve _____

Disapprove _____

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. note	To Anthony Lake re: Routine Letters (1 page)	11/05/1993	P5 7008
001b. note	To Anthony Lake re: Routine Letters; duplicate of 001a (1 page)	11/05/1993	P5 Dup
001c. letter	From Representative Larry Combest to President William Jefferson Clinton. (2 pages)	10/25/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
[Aristide]
OA/Box Number: 169

FOLDER TITLE:

9308343

2006-0651-F

vz595

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]
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- 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]

7888

DL - 11/5
This is more than
a routine letter
you will be
used against me
Pres. Gant on
Harris / Wash DC
I think Harris's
done a pretty
good job but
read this
with "What
did he know/
When did he
know about
it?" in
mind.
SW

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	From Anthony Lake to President William Jefferson Clinton re: Letter from Governor's Island Watch on Haiti. (1 page)	12/06/1993	P5 7009
001b. letter	From Jonathan Demme and Edward Saxon to President William Jefferson Clinton re: Situation in Haiti. (2 pages)	11/24/1993	P5 7300
001c. letter	From Johnathan Demme and Edward Saxon to President William Jefferson Clinton. (3 pages)	11/13/1993	P3/b(3), P5, P6/b(6) 7361
001d. letter	Duplicate of 001b. (2 pages)	11/24/1993	P5 Dup
001e. letter	Duplicate of 001c. (1 page)	11/13/1993	P3/b(3), P5, P6/b(6) Dup
001f. memo	For Anthony Lake from Lawrence Rossin. Subject: Letter from Governor's Island Watch. [partial]. (1 page)	12/03/1993	P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Records Management
[Aristide]
OA/Box Number: 174

FOLDER TITLE:

9309287

2006-0651-F

vz600

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]
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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)]

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- 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]

12.6.93

7009

P1:07

THE WHITE HOUSE

WASHINGTON

December 6, 1993

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE

SUBJECT: Letter from Governor's Island Watch on Haiti

Purpose

To assure members of Governor's Island Watch, a group of performing arts personalities which follows Haiti closely, that you will take every step necessary to achieve the restoration of democracy in Haiti and return of President Aristide.

Background

Jonathan Demme and Edward Saxon handed you a letter when you hosted them for a film screening recommending a variety of measures they believed would hasten the restoration of democracy in Haiti. Their basic message was that you should rely on President Aristide's judgment in setting your Haiti policy. Their specific recommendations included comprehensive sanctions, the stationing of U.S. military observers on the Dominican-Haitian border, the disciplining of the CIA and firing of the intelligence community's senior Latin America analyst for alleged insubordination, the replacement of Special Envoy Lawrence Pezzullo and others whom the group feels have been "far more part of the problem than the solution" and an end to the direct return of Haitian migrants, which they called "virtual homicide."

Our proposed reply thanks the Governor's Island Watch for its continued interest in Haiti. It expresses confidence in Ambassador Pezzullo and the many others who have worked hard to resolve the Haitian crisis. After describing the steps we are now taking to achieve a peaceful solution to the Haiti crisis, our proposed reply assures Messrs. Demme and Saxon that you will consider every measure which can help restore Haitian democracy and end the suffering of the Haitian people.

RECOMMENDATION

That you sign the proposed letters at Tab A.

PHOTOCOPY
WJC HANDWRITINGAttachments

Tab A Proposed Letters to Jonathan Demme and Edward Saxon
Tab B Incoming Correspondence

CLINTON LIBRARY PHOTOCOPY

cc: Vice President
Chief of Staff

CLINTON LIBRARY PHOTOCOPY

9287

7300

Governor's Island Watch

652 Broadway #8F
New York, NY 10012
tel/ 212-533-6800
fax/ 212-533-6893

November 24, 1993

President Bill Clinton
The White House

URGENT TELEFAX
202/456-2259

Dear Mr. President,

When we were guests at the White House last Saturday, we personally handed you the attached letter with recommendations for action regarding the gravely deteriorating situation in Haiti. You had just come from delivering a deeply moral and inspirational speech in Memphis. The next morning, the media was abrim with excitement about your sentiments.

There is no substitute for the voice of the President in setting a moral course for the nation.

We are aware of your personal commitment to restoring democracy in Haiti, but fear that the gap between your personal commitment and the public perception of the US position on Haiti is widening.

We urge you to speak out consistently and definitively on Haiti. Let the Haitian military, the Haitian elite, your wannabe future presidential opponents (Robert Dole, Dick Cheney, Colin Powell, to name a few), the CIA, the Pentagon and the World, know that you will not tolerate or condone corruption, torture, murder, treachery and the death of democracy on our nation's doorstep.

We petition you to stand publicly against the cynical assumption of many in Washington that Haitians are not ready for democracy. In keeping with the best of the American heritage, we implore you to show your resolve that democratic miracles must have a chance not only at the Berlin Wall and in South Africa but here in our hemisphere too.

We encourage you to appear in public with President Aristide; to invite him to attend church with you and Mrs. Clinton on Thanksgiving or one Sunday. Then you will be sending a sorely missed and desperately needed message to the coup leaders and to the Haitian people alike about where our country stands on issues of democracy and justice.

CLINTON LIBRARY PHOTOCOPY

As we parted company at The White House, you expressed grave concern that Prime Minister Malval might resign, and how you have been on the phone with him daily begging Mr. Malval not to do so. Mr. President, why shouldn't he? Lacking any evidence whatsoever of a comprehensive United States effort to push for the restoration of democracy in Haiti, Mr. Malval is engaged in a tragic exercise in futility as long as he remains in his unsupported position.

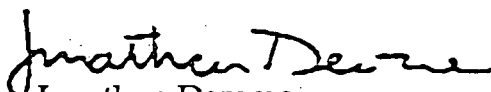
Mr. Clinton, we are actively seeking ways to support your efforts but can't get any sense of your plan. That's why we sent you a considered plan of our own which reflects not only the views of Governor's Island Watch, but also the thinking of a broad spectrum of Haiti advocates that includes many members of Congress, numerous human rights organizations, labor unions, and religious organizations, as well as the legitimate government of Haiti.

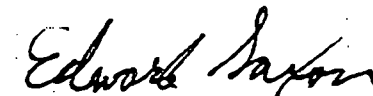
Several members of Governor's Island Watch, ourselves included, are eager to lobby Congress and use television and other public forums to continue to rally support with the American people to help us achieve our common goal.

We welcome your suggestions. And we would indeed appreciate a response.

If you choose to take decisive action on this issue we will do everything in our power to help you achieve the support of the American people for a lasting solution in Haiti.

Yours very truly,


Jonathan Demme


Edward Saxon

cc: Sandy Berger, Deputy National
Security Advisor
Anthony Lake, National Security
Advisor
Congressman John Conyers
Senator Chris Dodd
Senator Tom Harkin
Representative Joseph Kennedy
Senator Ted Kennedy
Senator John Kerry
Senator Patrick Leahy
Senator Connie Mack

Congressman Major Owens
Congressman Charles Rangel
Robert DeNiro
Danny Glover
Toni Morrison
Walter Mosley
Gregory Peck
Tim Robbins
Mercedes Ruehl
Susan Sarandon
Mary Steenburgen
Denzel Washington

CLINTON LIBRARY PHOTOCOPY

701

Governor's Island Watch

652 Broadway #8F
New York, NY 10012
tel/ 212-533-6800
fax/ 212-533-6893

November 13, 1993

BY HAND

President Bill Clinton
The White House

Dear President Clinton,

While we commend your continued stance in support of the restoration of democracy in Haiti through the return of President Jean-Bertrand Aristide to power, we are nevertheless deeply concerned at the recent lack of decisive action on the part of your administration.

To quote an old Italian proverb, "He who does not advance, recedes."

Each day that passes without positive action on our part simply serves to empower Francois, Cedras and their cohorts who are currently laughing in our face even as they continue their unabated reign of terror in Haiti.

President Clinton, we urge you to:

1. Fire [REDACTED] and place his immediate supervisors on flashing red alert as an indication that they will be next unless the Latin American branch of the CIA begins cooperating with your stated foreign policy goals.
[001a] P3/(b)(3) P6/(b)(6) is the CIA employee most responsible for the Aristide disinformation campaign that Helms, Dole and the rest of your Republican opponents have been dining out on at your personal expense for the past several weeks.
2. Have a candid discussion with CIA Director R. James Woosley to ensure that he understands in no uncertain terms that it is the CIA who must serve the President of the United States, not vice versa. Sir, it is sobering indeed for the American public to become as aware as we are today of the frightening independence with which the CIA pursues the agenda established by your predecessor, George Bush. Further, the CIA should make public the details of alleged CIA covert involvement in Haitian elections and presidential coups--including reported payments to the coup leaders up until the time of the coup itself.

CLINTON LIBRARY PHOTOCOPY

3. Provide U.S. military observer guards to be stationed at the Dominican border to enforce that critical and currently compromised aspect of the embargo. By now we have all read in the major newspapers about the "super highway" that the Haitian military has almost completed to the Dominican border. This knowledge makes a laughing stock of the pumped-up and expensive naval blockade presently in position. The U.S. should consider imposing sanctions against the Dominican Republic if it fails to enforce the embargo.

4. There seems to be ample evidence that many of the very military and police leaders who we all wish to see come down, are intimately involved in the traffic of illegal drugs into the United States. The Justice Department should swiftly issue arrest warrants for these individuals. In the meantime, you should instruct the Drug Enforcement Agency to cease and desist providing these very same military and police leaders with intelligence data on the arrivals of drugs into Haiti that they may not already be aware of (!), as recently reported in the *Washington Post* and other major media outlets.

5. Strengthen the United Nations sanctions on Haiti -- calling for an immediate economic embargo. Impose a complete U.S. trade embargo, except for food and medicine, and institute "strong punitive sanctions" against any nation that violates it. A much stronger embargo is essential to isolate the coup leaders quickly from their supporters in the elite and minimize the suffering of the Haitian people. While the embargo causes suffering, we must emphasize that the fundamental cause of the suffering is the coup d'etat. Further, a ban on commercial flights to and from Haiti would adversely impact that small minority in Haiti which continues to profit from the coup.

6. Insist on the resignation of Cedras, Francois and the entire military high command as was understood during the discussions at Governor's Island. These criminals and their acknowledged colleagues must clearly understand that they are the ones who plunged their country into this terrible nightmare and then violated the Governor's Island agreement and will therefore no longer have a say in the future of Haiti.

7. Revitalize the U.S. Haiti mission team with fresh members more in tune with your goals and more sensitive to and respectful of the Haitian people and their legitimately elected government. We must recognize that Lawrence Pezzullo and the other architects of the Governor's Island Accord have functioned, in the long run, far more as part of the problem than of the solution.

CLINTON LIBRARY PHOTOCOPY

8. The U.S. should lead the call for the return of the UN/OAS civilian mission to Haiti. In their absence the killings, beatings and disappearances perpetrated by the military go unreported.

9. President Clinton, it is infamous of the United States of America to be capturing Haitians attempting to flee the widespread terror of the military "attaches," and delivering these human beings right back to the hands of the very same "attaches," where they are being promptly arrested and then disappear.

We are completely sympathetic to the political implications of reversing your policy but, Sir, the policy must be called for what it is...virtual homicide.

We should immediately suspend the return of Haitian refugees until the military leaders give up power, at which time, the flow of refugees will of course cease because peace will have been restored.

10. At all cost the Governor's Island agreement must not be renegotiated. As you have stated repeatedly, President Aristide has satisfied each obligation required of him in that agreement. He should not be asked to make any concessions which would compromise his mandate by the people of Haiti to pursue a plan of government founded on principles of justice and reform.

Above all else, we encourage you to be guided by President Aristide regarding further action. During the Governor's Island talks in July, President Aristide suggested a different sequencing for action and predicted that the agreement would collapse. Had we followed his mandate for sequencing in July, perhaps this matter would have been resolved by now. His government has the clearest picture of what it will take to restore democracy in Haiti. They have the best interests of all Haitians as their guiding principle.

Again, we reiterate our willingness and desire to assist you in any way possible in achieving your goal of restoring peace, justice, and democracy to Haiti. Please do not hesitate to contact us with any request.

Sincerely yours,

Jonathan Demme

Edward Saxon

CLINTON LIBRARY PHOTOCOPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Ira Kurzban to Secretary of State Warren Christopher re: Interception of President Aristide's Telephone Communications. (6 pages)	11/14/1994	P5 7070

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Aristide])
OA/Box Number: 226

FOLDER TITLE:

9410109

2006-0651-F
kh1303

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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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.

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

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- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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DEPARTMENT OF STATE

EXECUTIVE SECRETARIAT

ACTION SLIP

UNCLAS

(Classification/Downgrader)

DATE:

11-19

10/09

DATE DUE
IN S/S BY:

11-25

(S/S CONTROL NUMBER)

9426356

7010

ACTION ASSIGNED TO:

ACTION REQUESTED:

S/S

NOV 19 1994

HIGH PRIORITY ITEM

FORMAL STATE TO MEMO

STATE TRANSMITTAL FORM
TO NSC OVPWITH DRAFT REPLY FOR SIGNATURE
BY:

WITH COMMENT/RECOMMENDATION

TRAVEL AUTHORIZATION

PREPARE A CROSS-HATCH CABLE REPLY
FOR PRESIDENT/VICE PRES.SEND A COMEBACK COPY OF OUTGOING
STATE CABLE AND ORIGINAL WH/OVP
CORRESPONDENCE UNDER COVER OF A
TRANSMITTAL FORM.IF NO REPLY NECESSARY, RETURN ORIGI-
NAL WH/OVP CORRESPONDENCE UN-
DER COVER OF A TRANSMITTAL FORM
WITH AN EXPLANATION IN REMARKS AS
TO WHY NO REPLY IS NECESSARY.PROVIDE INFO COPY OF DIRECT REPLY ON BEHALF OF _____ ALONG WITH ORIGINAL
INCOMING WH/OVP CORRESPONDENCE UNDER COVER OF A TRANSMITTAL FORM.

RECOMMENDATION FOR _____ UNDER COVER OF AN ACTION MEMO WITH REPLY FOR SIGNATURE.

(FOR SCHEDULE ITEMS ONLY): RECOMMENDATION FOR _____ UNDER COVER OF AN
ACTION MEMO WITH REPLY FOR SIGNATURE. OR IF DECLINED: DIRECT REPLY ON BEHALFOF _____
DIRECT REPLY ON BEHALF OF S (Charper sig) FOR APPROPRIATE HANDLING

WITH REPLY FOR SIGNATURE BY _____ FOR YOUR INFORMATION

PROVIDE INFO COPY OF DIRECT REPLY TO S/S-S & S

REMARKS/SPECIAL INSTRUCTIONS: Charper to sign response please.

CLEAR WITH: ARA

COPIES TO:

☒ S	☒ S/S	☐ A	☐ IO	☐ S/RPP
☒ DONILON	☐ S/S-O	☐ CA	☐ L	☒ S/CT
☒ D	☒ S/S-EX	☐ CPR	☐ M/DGP	☒ S/SAH
☒ P	☒ S/S-S	☐ DS	☐ M/FSI	☐ USUN/W
☐ E	☐ S/S-C	☐ DRL	☐ M/OFM	☐ ACDA
☐ T	☐ S/S-IRM	☐ EB	☐ M/WHL	☐ USAID
☐ M	☒ S/S-IRM/RMD	☐ EEOCR	☐ PM	☐ USIA
☐ G	☒ NSC	☐ FMP	☐ PRM	☐ P637
☒ C	☒ AF	☐ H-2	☐ OES	☐
☒ DG	☒ ARA	☐ INM	☐ OIG	☐
☐ PA	☐ EAP		☐ SMEC	☐
☒ S/P	☐ EUR		CLINTON LIBRARY PHOTOCOPY	
☒ INR	☐ NEA			
	☐ SA			
	☐ S/NIS			

FROM:

S/S-S

TEAM: A

B JVB

C

EXT: 7-8062/8063/8339/8338/5348/5349/5804/5805

9426356

LAW OFFICES OF

KURZBAN KURZBAN AND WEINGER P.A.

PLAZA 2650
2650 S.W. 27TH AVENUE
SECOND FLOOR
MIAMI, FLORIDA 33133

TELEPHONE (305) 444-0060

TELECOPIER
(305) 444-3503

November 14, 1994

Honorable Warren Christopher
Secretary of State
U.S. Department of State
2201 "C" Street, N.W.
Washington, DC 20520

Re: Interception of President Aristide's Telephone
Communications in Violation of Domestic
and International Law

Dear Secretary Christopher:

I write as counsel for the Republic of Haiti to express concern over reports in September, 1994 that the United States Government had engaged in the interception of telephone communication by His Excellency, Jean Bertrand Aristide, President of the Republic of Haiti.

United States intelligence sources have confirmed that the National Security Agency has been secretly monitoring and intercepting the international phone calls of Jean-Bertrand Aristide, the President of the Republic of Haiti. This surveillance and interception of the international phone conversations of the Republic of Haiti's head of state violates the principles of the Charter of the United Nations and other principles of international law, which prohibit espionage in peacetime, as well as the treaty obligations of the United States to protect and preserve the inviolability of diplomatic communications, as set forth in the Vienna Convention on Diplomatic Relations. In addition, this activity may have also violated domestic law.

It is generally recognized that espionage in peacetime is contrary to international law. Intelligence operations such as those being conducted by the United States with respect to President Aristide are inconsistent with the obligations of states to develop and maintain friendly relations and such operations offend the principle of peaceful cooperation among states, as enshrined in the Charter of the United Nations and reaffirmed in the Declaration on Principles of International Convention Concerning Friendly Relations and Co-operation Among States in

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Honorable Warren Christopher
Secretary of State
U.S. Department of State

Accordance with the Charter of the United Nations. Moreover, such espionage constitutes an affront to the sovereign integrity of states. See, e.g., Essays on Espionage and International Law, (R. Stanger ed. 1962); Ingrid Delupis, Foreign Warships and Immunity for Espionage, 78 Am J. Int'l Law 53, 67; Quincy Wright, Legal Aspects of the U-2 Incident, 54 Am J. Int'l Law 836, 849-50 (1960).

The United States' surveillance and interception of President Aristide's phone conversations clearly violates these well-established principles of international law. The United States government recognizes Jean-Bertrand Aristide as the sole, lawful and legitimate head of state of the Republic of Haiti. When an illegal military coup d'état forced President Aristide to leave Haiti in September 1991, he came to the United States at the invitation of the United States government as the Republic of Haiti's recognized head of state. Furthermore, from the time that President Aristide was forced out of Haiti, the United States government consistently acknowledged President Aristide's presence in the United States in connection with the official functions of his presidential office. The United States recognized that President Aristide was in the United States to carry out the official functions of his office, including foreign relations with the United States and other nations, and to conduct the affairs of his government from offices in Washington, D.C.

The United States government's surveillance of President Aristide thus manifested a lack of respect for the sovereign integrity of the Republic of Haiti and constituted an unfriendly act contrary to fundamental principles of international law regarding the development of friendly relations and co-operation among states.

The surveillance and interception of President Aristide's phone conversations not only violated customary international law, but also violated the United States' treaty obligations concerning the inviolability of diplomatic communications. International law has long recognized the principle of the freedom of diplomatic communications. Under international practice, receiving states have long permitted officials of diplomatic missions to enjoy free and unhampered communications at all times. This practice is based on the universally accepted principle that freedom of diplomatic communications is a matter of interest to the entire community of nations. Indeed, the right to free and secure communications is considered the most important of all diplomatic privileges and immunities. The ability of a sending state to communicate freely with its officials without interference by the receiving state is

Honorable Warren Christopher
Secretary of State
U.S. Department of State

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fundamental to the maintenance of diplomatic intercourse. See, Satow's Guide to Diplomatic Practice, 116 (5th ed. 1979).

The Vienna Convention on Diplomatic Relations, April 18, 1961, 23 U.S.T. 3227, 500 U.N.T.S. 95, to which both the Republic of Haiti and the United States are signatories, embodies and codifies the customary international law principle concerning the right to free and secure diplomatic communications. Article 27 of the Convention provides: "The receiving State shall permit and protect free communication on the part of the mission for all official purposes." Article 27 further provides: "The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions."

The United States has consistently recognized as well as enforced the right to free and secure diplomatic communications. Indeed, the United States has insisted that diplomatic communications are completely inviolable even in time of war. See, Department of State Mem. May 16, 1965, MS., Department of State File DEF 1-1 U.S., reprinted in 7 Marjorie M. Whiteman, Digest of International Law 210-12 (U.S. Dep't of State 1968). The United States has consistently maintained that unhampered communication at all times are essential to the maintenance of diplomatic relations and the carrying out of official functions.

The principle of the inviolability of diplomatic communications, universally recognized under customary international law and guaranteed by the Vienna Convention on Diplomatic Relations, is clearly applicable where a head of state is on the soil of a receiving state at the receiving state's invitation and the receiving state has acknowledged his presence in the United States in connection with his official functions as head of state. Indeed, this principle is strictly applicable under the doctrine of special diplomatic mission. The United States recognizes the general principle that when a head of state or government comes on an official visit to another country, he is guaranteed the same personal inviolability and immunities as accorded to accredited diplomats.

As mentioned above, President Aristide carried out his functions as the Republic of Haiti's President from offices in the United States and he was engaged in official business on Haiti's behalf while in our country. Moreover, the United States government openly acknowledged and recognized that President Aristide was present in the United States in order to carry out his

Honorable Warren Christopher
Secretary of State
U.S. Department of State

official functions of office. He was frequently invited for discussions with the President of the United States and the United States Department of State; he engaged in international negotiations within the United States sponsored by the United States government, the United Nations, and the Organization of American States.

President Aristide therefore was on the equivalent of a special diplomatic mission and thus entitled to all the privileges and immunities guaranteed to diplomats, including the right to free and secure communications. Indeed, this right was essential to President Aristide's ability to carry out his official functions while in the United States. Without being able to rely on the inviolability of his communications, he could not fully and adequately perform his duties of office.

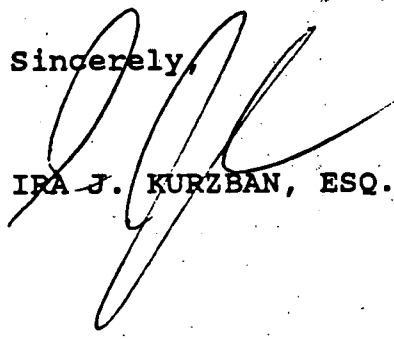
The United States' surveillance and interception of President Aristide's phone conversations therefore violated the Charter of the United Nations and President Aristide's right under customary international law to free and secure communications. These intelligence operations also violated the United States' treaty obligation under the Vienna Convention on Diplomatic Relations to permit and protect such free communication. They seriously interfered with President Aristide's ability to perform his duties and hindered his power to carry out the functions of his office.

The United States' obligations under international law to permit and protect the right to free and secure communications cannot be excused or deviated from, even if authorized by United States domestic law. However, it is to be added that the United States' surveillance activities directed at President Aristide may have also violated domestic law. Although the United States has authorized intelligence gathering under certain circumstances, the United States Congress has imposed particular procedures and limits on such activity which do not appear to have been observed here. Under the provisions of the Foreign Intelligence Surveillance Act, 50 U.S.C. § § 1801-1811, at a minimum, the Attorney General of the United States should have applied for a court order prior to the commencement of intelligence operations directed at President Aristide. However, it does not appear that the procedures with respect to electronic surveillance outlined in the Foreign Intelligence Surveillance Act were followed in this case. The intelligence activities of the National Security Agency directed at President Aristide therefore were not only contrary to customary international law and the United States' treaty obligations, but they are also illegal under domestic law.

Honorable Warren Christopher
Secretary of State
U.S. Department of State

I regret that notwithstanding the continued excellent relationship that the Government of Haiti enjoys with the United States Government that this incident occurred. We hope that you will use your good offices to ensure that such actions do not occur in the future.

Sincerely,



IRA J. KURZBAN, ESQ.

IJK:ls

cc: H.E., Ambassador Jean Casimir

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	To the President from Anthony Lake. Subject: Former President Jimmy Carter Report on His Trip to Haiti. (2 pages)	03/06/1995	P1/b(1), P5
001b. report	Jimmy Carter's Report on His Trip to Haiti. (5 pages)	03/1995	P1/b(1)
002a. letter	President William J. Clinton to Former President Jimmy Carter re: Recent Trip to Haiti. (2 pages)	03/14/1995	P5 7011
002b. memo	Duplicate of 001a. (2 pages)	03/06/1995	P1/b(1), P5
002c. report	Duplicate of 001b. (5 pages)	03/1995	P1/b(1)
002d. memo	To Anthony Lake from Dallas Brown. Subject: Response to President Carter's [trip to Haiti]. (1 page)	03/1995	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
[Aristide]
OA/Box Number: 568

FOLDER TITLE:

9501598

2006-0651-F
vz621

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)]

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7011

THE WHITE HOUSE

WASHINGTON

March 14, 1995

Dear Jimmy:

Thank you for your report on your recent trip to Haiti and your insights and judgment on developments there.

I appreciate your comments about the quality and performance of our military personnel in Haiti and your views on the elections process that is now underway. As you know, I am visiting Haiti on March 31 to review the situation firsthand and will talk with President Aristide about the upcoming elections and the need for them to be a model for the hemisphere. Given the U.S. and UN military and police forces that will be present, I believe that security will be better than in any previous elections.

We share your concerns about the pace of economic progress, the ability of the Government of Haiti to use international economic assistance effectively, the long-neglected Haitian justice system and the potential militant opposition to President Aristide's government from both the left and the right. We have initiated a number of measures to address these problems, but as you noted, the challenges ahead are significant.

The Department of Commerce is spearheading an Economic Recovery Initiative for Haiti, which will channel U.S. business investment as well as technical expertise to both the public and private sectors of the Haitian economy. The first Business Development Mission, led by Strobe Talbott, has just returned from Port-au-Prince. A number of business agreements were reached and many potential ones were initiated. Five additional missions are planned in areas such as tourism, telecommunications and assembly sector manufacturing over the next ten months.

We have emphasized to President Aristide the critical importance of privatizing several key areas of his economy, including the inefficient Ed'H (Haitian Electrical Power Company), which because of its inability to provide electricity for more than five to six hours per day in Port-au-Prince, puts a brake on the development of the entire business sector. It is clear from both local business leaders and potential foreign investors that a reliable power supply is essential. International efforts involving the U.S., France and Canada are also focused on increasing power capacity in the short term.

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The Agency for International Development is coordinating our Administration of Justice Project for Haiti, which will involve a three-pronged "hub" strategy for upgrading the judicial system -- an emergency training program, administered jointly by a team from our Department of Justice and the Haitian Ministry of Justice; a Judicial Mentor program, which will place U.S. military legal reservists in the departmental capitals as legal advisors to Haitian judges; and the provision of basic office supplies. Based on your comments and similar remarks by Senator Nunn and General Powell, we will be pressing even harder to make improvements in this area. The long-term solution to Haiti's judicial problems, however, will lie in the establishment of a lasting democratic government, the evolution of democratic values in all sectors of Haitian society, and the maintenance of an environment of security and stability throughout the country.

Potential militant opposition to Aristide from both the left and the right is another serious concern. Once again, this problem can only be solved by a long-term commitment to true democracy in Haiti and the maintenance of a secure and stable environment. We are working with President Aristide and his government to establish a professionalized civilian police force to break the vicious cycle of militant involvement from the left or right in the institutions of national government.

In closing, I again thank you for your report, your involvement, and your insight and judgment with respect to developments in Haiti. As events develop further, I hope you will share your views with me. I value them greatly.

Sincerely,



The Honorable Jimmy Carter
The Carter Presidential Center
1 Copenhill
Atlanta, Georgia 30303

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	To President Jean-Bertrand Aristide of Haiti from Samuel Berger [partial] (1 page)	06/22/00	P5, P6/b(6) 7013

COLLECTION:

Clinton Presidential Records
NSC Records Management
[Aristide]
OA/Box Number: 4096

FOLDER TITLE:

0004209

2006-0651-F
vz636

RESTRICTION CODES

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RR. Document will be reviewed upon request.

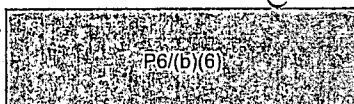
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→
Bob Bradtke
(Aristide letter)

[001]

Samuel R. Berger



June 27, 2000

4209

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Dear Mr. President:

President Clinton asked me to respond to your kind note of June 20. I want to reiterate how pleased we were that congressional and local elections were conducted with such an extraordinary degree of support from the Haitian people. As you say, Haiti's democracy is beginning to consolidate, requiring that the winners be magnanimous in dealing with the opposition.

I also want to express my appreciation for your willingness to meet with Arturo Valenzuela, the President's special assistant and Ambassador Don Steenberg, our valued Haiti/US coordinator. We want to maintain an open and respectful dialogue on ways to cooperate to promote Haitian democracy, the well-being of your people and Haiti's close relations with its friends in the world.

I am grateful you are committed to finding an early solution to the serious problem Arturo and Ron raised concerning the Senate races. I believe an acceptance of the OAS method for determining those candidates that will stand in the second round is key to international acceptance of the legitimacy of Haiti's election. I believe you are the only person who can lead Haiti away from crisis. I believe, no less today than when I met you seven years ago, that you are a great man who will do the right thing.

Sandy Berger