

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	James Baker to Rand Beers and Ardenia Hawkins [partial] [CIA Act] (1 page)	12/10/1996	P3/b(3)
002. email	Alan Kreczko to Julia Moffett re: Forgot to Attach (4 pages)	12/14/1996	P5
003. email	Kreczko to Baker et al. re: TL Ethics [partial] [CIA Act] (6 pages)	12/15/1996	P3/b(3), P5
004. email	Anthony Blinken to Moffett re: FW: Help, Please [partial] [CIA Act] (2 pages)	12/23/1996	P3/b(3), P6/b(6)
005. email	Baker to Beers et al. re: Draft Lake Qs (7 pages)	01/07/1997	P5
006. email	William Leary to Baker re: Draft Lake Qs (7 pages)	01/08/1997	P5
007. email	Moffett to Tara Sonenshine re: Check List (2 pages)	01/08/1997	P5
008. email	Wendy Gray to Moffett re: FW: CIA [partial] [CIA Act] (2 pages)	01/08/1997	P3/b(3)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 MSMail-Record (Sept 94-Sept 97) ([Lake and DCI and Nominat...])
 OA/Box Number: 590000

FOLDER TITLE:

[12/05/1996-01/08/1997]

2006-0680-F

rs434

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]
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- 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(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

MS Mail

DATE-TIME 08 January 97 12:45
FROM Moffett, Julia
CLASSIFICATION UNCLASSIFIED
SUBJECT Check List [UNCLASSIFIED]
TO Sonenshine, Tara D.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Tara --

Attached is a draft document we can send to yesterday's group. A couple of things:

1) Please review and add information where necessary. I am also happy to do a "bigger picture" cover memo of you feel that people need it. I won't send this out until I hear from you.

2) I spoke with Brinkley and am moving that ball forward.

3) Bill Danvers and I chatted briefly about the Lake confirmation process. Bill has really played more of a role in coordinating the other nominations. He has been under the impression that CIA has been really running the whole process, i.e., calling the daily meeting or call, enforcing the check list, etc. If you and/or Tony wanted, I think Bill would be happy to play that role.

4) Lastly, I have a 5pm appointment to see TL. I know I am coming to the well for advice quite a bit these days, but could really benefit from your thoughts.

[[LAKE.DOC : 3165 in LAKE.DOC]]

ATTACHMENT
FILE DATE

8 January 97 12:39

ATTACHMENT
FILE NAME

LAKE.DOC

OBJECTIVE: To create a climate within the media before Lake's confirmation hearing that shows support for his nomination and allows no attacks to go unanswered. Specifically, plan needs to:

☐ Make positive case that TL meets the "criteria" to be next DCI

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- ☐ Demonstrate growing momentum -- at the Agency and in Congress
- ☐ Hit back on all attacks

HOW DO WE ACCOMPLISH THIS?

Short-term (Present through two weeks before hearing date)

- > Shape/generate select articles
- > Generate steady drumbeat of op-eds; letters
- > Identify/confirm group of MoCs ready to appear in the press if necessary and/or to make calls prior to press
- > Continue to build support to be used publicly later

Long-term (Two weeks prior to hearing through hearing)

- > Put Rudman and others into play
- > Backgrounding of reporters
- > Orchestrate day before, day of, day after plan

ACTION:

- 1) Get additional information on forward-looking agenda to Jeff Smith, Washington Post (Tenet/Sonenshine)
- 2) Generate story on Agency receptivity/internal momentum for Lake's arrival (Sonenshine/Moffett w/Tenet)
- 3) Ambassador Schifter op-ed/letter rebuttal to Frank Gaffney, Washington Times (Moffett/Schifter)
- 4) Douglas Brinkley op-ed on "Why the Intelligence Community Needs Tony Lake," New York Times (Moffett)
- 5) Kampelman or Zumwalt op-ed on "The President/DCI Relationship Is Critical," Washington Post, (Moffett/Schifter)
- 6) Confirm that Members [McCain, Kerry, Kerrey, Lieberman, Robb, Graham, Hamilton] are willing to be referred to press, cited as supportive, or make press calls/appearances (?)
- 7) Improve Talking Points [Add importance of nexus issues; Lott/Armedy quotes on congressional consultations; sections on leadership, integrity, management (Moffett w/others)]
- 8) Improve Q & A [Bosnia w/Vershow, Stocks, others] (Moffett/Sonenshine w/others)
- 9) Miscellaneous Press Projects, i.e., Alger Hiss (Sonenshine)

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Alison E. Bracewell to WBRACEWELL at 12:00:23.00. Subject Re: Good Morning. (1 page)	12/05/1996	P6/b(6)
002. email	Richard Hayes ro Robert B. Johnson at 12:30:03.78. Subject: The List: Herman Back in the Lead for Labor; Wofford Second. (1 page)	12/10/1996	P2, P6/b(6)
003. email	Richard Hayes ro Robert B. Johnson at 12:32:56.79. Subject: The List: Herman Back in the Lead for Labor; Wofford Second. (1 page)	12/10/1996	P2, P6/b(6)
004. email	Kyle M. Baker to Remote Addressee at 12:40:53.51. Subject: The List: Torres and Wheat Climb at Labor and Hud. (1 page)	12/18/1996	P2, P6/b(6)
005. email	Laura K. Capps to stacy.parker at 09:41:43.00. Subject: Re: the plot thickens... (1 page)	03/18/1997	P6/b(6)
006. email	Benjamin J. Kirby to Katherine S. Cox at 16:37:23.00. Subject: Death by Walt. (1 page)	03/20/1997	P6/b(6)
007. email	Eric S. Rubin to Laura S. Marcus at 08:09:42.31. Subject: Tenet Story (1 page)	03/20/1997	P5
008. email	Patsy L. Thomasson to Sheelah A. Fienberg at 21:03:17.00. Subject: Deputy CIA Director. (1 page)	07/10/1997	P2, P6/b(6)
009. email	Phillip Caplan to John Podesta at 16:06:58.00. Subject: George Tenet. (1 page)	07/11/1997	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([CIA, Tenet, Lake])
OA/Box Number: 500000

FOLDER TITLE:

[12/05/1996 - 07/29/1997]

Adam Bergfeld
2006-0680-F
ab726

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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CLINTON LIBRARY PHOTOCOPY

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Eric S. Rubin (RUBIN_E) (NSC)

CREATION DATE/TIME: 20-MAR-1997 08:09:42.31

SUBJECT: Tenet Story

TO: Laura S. Marcus

(MARCUS_LS) Autoforward to: Remote Address

READ: NOT READ

CC: Mary Ellen Glynn

(Mary E. Glynn@eop@LNGTWY@EOPMRX)

READ: NOT READ

CC: April K. Mellody

(April Mellody@eop@LNGTWY@EOPMRX)

READ: NOT READ

TEXT:

Turns out this is an old story from the Nuccio-Torricelli case. CIA is faxing me their Tenet guidance and i will pass on as soon as I get it. Thanks.

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 19-MAR-1997 19:49:00.00

ATT BODYPART TYPE: E

ATT CREATOR: Laura S. Marcus

ATT SUBJECT: RE: Rather interview

ATT TO: RUBIN_E

(RUBIN_E@A1@CD)

TEXT:

Message Creation Date was at 19-MAR-1997 19:49:00

Could you or David please give me a one-liner on the CBS story that Tenant "gave secrets" to the NYT?

The interview is tomorrow (Thurs.) morning. I assume he doesn't comment . .
.Is that right?

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUL-1997 16:06:58.00

SUBJECT: George Tenet

TO: John Podesta (CN=John Podesta/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

Sara M. Latham (CN=Sara M. Latham/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TEXT:

As you know, CIA Director is not a statutory Cabinet-level post. It takes an order from the President to make someone an official member of the Cabinet who does not otherwise qualify by statute.

We usually know to have an order prepared by the Clerks based on the POTUS' remarks upon nomination, confirmation, etc. As for Tenet, the Washington Post reported today that he would be in the Cabinet, but the President has not said so, at least publicly.

Deutch was in the Cabinet by presidential order. Should Tenet be?

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. letter	William C. Danvers to Taylor Lawrence, Staff Director [SSCI]; re: Anthony Lake's Nomination (1 page)	02/25/1997	P5
001b. fax cover sheet	From Johnny Chung; re: Fax Service (partial) (1 page)	n.d.	P6/b(6)
001c. memo	Robert L. Suettinger to Anthony Lake; re: DNC Trustee Johnny Chung & the Harry Wu Case (2 pages)	07/31/1995	P5
001d. notes	re: Handwritten Notes; re: Charlie Trie (partial) (1 page)	n.d.	P6/b(6)
002. letter	Bill Clinton to Gao Yan et al; re: International Relations (1 page)	12/01/1992	Personal Misfile
003. letter	Bill Clinton to Yah Lin "Charlie" Trie, President; re: Establishing Business in People's Republic of China (1 page)	11/10/1992	Personal Misfile
004. letter	Bill Clinton to Gao Yan et al; re: International Relations (1 page)	12/01/1992	Personal Misfile
005. letter	Bill Clinton to Yah Lin "Charlie" Trie, President; re: Establishing Business in People's Republic of China (1 page)	11/10/1992	Personal Misfile
006a. list	re: White House Event - U.S.-Thailand Businessmen (partial) (2 pages)	10/06/1994	P6/b(6)
006b. list	re: White House Event - U.S.-Thailand Businessmen (partial) (1 page)	10/06/1994	P6/b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
James Baker (Office of Legal Adviser)
OA/Box Number: 1954

FOLDER TITLE:

Lake, Tony & SSCI [Senate Select Committee on Intelligence] [1]

Jimmie Purvis
2006-0680-F
jpl819

RESTRICTION CODES

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

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NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20504

February 25, 1997

Dear Mr. Lawrence:

I am writing to supplement the information provided to you on February 13, 1997, in answer to the SSCI's questions regarding Mr. Lake's nomination.

Attached are notations from Deputy Assistant to the President Nancy Soderberg's notes which include Charlie Trie's name, a phone number and the following, "Tension since Lee, left alone, no independent ships sending wrong signal. Lost so much face. Refugees." While not specifically dated, these notations precede another unrelated notation that is dated March 20, 1996. It appears to address the same issue addressed in the letter Mr. Trie faxed to the President on March 20, 1996, regarding tensions in the Taiwan Straits, which was previously provided to the Committee. Ms. Soderberg's phone logs do not reflect any calls to or from Mr. Trie and she does not recall taking any action in response to this information. Also attached is a copy of an NSC memorandum, previously produced to this Committee regarding Johnny Chung and the Harry Wu case, with brief notations.

In addition, an NSC press officer met with Johnny Chung on November 29, 1994. This officer recalls that Mr. Chung was promoting a fax service with which he was associated and believes the attached "fax cover page" was provided by Mr. Chung. The NSC did not purchase the fax service. The NSC press officer recalls Mr. Chung calling him on several occasions regarding this fax service. The press official also recalls that on one occasion Mr. Chung called for information about the travel of a Cabinet member to Asia; the NSC press officer had no information and so indicated to Mr. Chung.

Sincerely,



William C. Danvers
Special Assistant to the President
and Senior Director
Legislative Affairs

Mr. Taylor Lawrence
Staff Director
Select Committee on Intelligence
Senate Hart Office Building Room 211
Second and Constitution Avenue, N.E.
Washington, D.C. 20510

Enclosures

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

WUP
8/3

5727

UNCLASSIFIED

UNCLASSIFIED

July 31, 1995

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM: ROBERT L. SUETTINGER *RS*
SUBJECT: DNC Trustee Johnny Chung and the Harry Wu Case

*To Bob -
did we alert the
Embassy on who
he is? not
Ney*

This memorandum also covers a response to package #5908 -- request for a Presidential Credentials letter for Johnny Chung.

The memo from Leon Panetta's office (at Tab A) on DNC Trustee Johnny Chung's intent to try and get Harry Wu released is very troubling, in part because I was not able to contact the DNC in time to get them to discourage Chung from involving himself in this diplomatically difficult and high-stakes issue. Since he had already left for China before the memo was even transmitted, no remedial action was possible.

I spoke with Bobby Watson, Chief of Staff at the DNC, who indicated that they had sought to minimize the Presidential cachet in the letter and other materials the DNC provided him for his trip. All we can do is hope the Chinese recognize Chung's credentials are thin, and that his message should be treated with caution. No one in the Administration has any idea of what he plans to say on the subject of Harry Wu, and I doubt the President did more than shake his hand in a receiving line.

I believe Chung means well. But he is something of a self-appointed ambassador of goodwill between China and the U.S., and I believe he occasionally may overstate his credentials and the importance of his contacts to both sides.

In most cases, Chung is not in a position to make much of an impact on U.S.-China relations. In the Harry Wu case, however, he could conceivably do damage, depending on what he says and how much credibility he carries with Beijing. I recommend that we be very careful about the kinds of political favors he is granted. In the case of the request in Package #5908, the issue is moot, as he has already departed on his travel with a letter from the DNC.

Concurrences by: Alan Kreczko *AK*

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Recl on: OADR

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Attachment

Tab A Memorandum from the Chief of Staff's Office

Tab B Incoming Correspondence from Package #5908

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CLINTON LIBRARY PHOTOCOPY

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Robert L. Suettinger to Anthony Lake; re: DNC Trustee Johnny Chung & the Harry Wu Case (2 pages)	07/31/1995	P5
002. memo	Janice Enright to Anthony Lake; re: Harry Woo (1 page)	07/24/1995	P5
003. memo	Robert L. Suettinger to Anthony Lake; re: DNC Trustee Johnny Chung & the Harry Wu Case (2 pages)	07/31/1995	P5
004. memo	Janice Enright to Anthony Lake; re: Harry Woo (1 page)	07/24/1995	P5
005. calendar	re: Sandra Kristoff (partial) (1 page)	08/20/1996	P6/b(6)
006. calendar	re: Sandra Kristoff (partial) (1 page)	06/27/1996	P6/b(6)
007. memo	To John Huang; re: Mr. Dhanin Chearavont (partial) (1 page)	06/04/1996	P6/b(6)
008. email	John J. Norris to Robert L. Suettinger; re: Hsing Yun Again (1 page)	04/15/1996	P5
009a. email	Robert L. Suettinger to John J. Norris; re: Hsing Yun Again (1 page)	04/19/1996	P5
009b. email	John J. Norris to Robert L. Suettinger; re: Hsing Yun Again (1 page)	04/15/1996	P5
010a. email	Melanie Darby to Roseanne M. Hill et al; re: Photos? (1 page)	04/07/1995	P5
010b. email	Robert L. Suettinger to Melanie Darby; re: Photos? (1 page)	04/07/1995	P5

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Clinton Presidential Records
National Security Council
James Baker (Office of Legal Adviser)
OA/Box Number: 1954

FOLDER TITLE:

Lake, Tony & SSCI [Senate Select Committee on Intelligence] [2]

Jimmie Purvis
2006-0680-F
jp1820

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CLINTON LIBRARY PHOTO COPY

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010c. email	Melanie Darby to Asian Affairs; re: Photos? (2 pages)	04/07/1995	P5

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National Security Council
James Baker (Office of Legal Adviser)
OA/Box Number: 1954

FOLDER TITLE:

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Jimmie Purvis
2006-0680-F
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~~CONFIDENTIAL~~

UNCLASS

5727

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20505

July 31, 1995

INFORMATION

UNCLASSIFIED

Na: Sec Advisor
has seen

NOTED

MEMORANDUM FOR ANTHONY LAKE

FROM: ROBERT L. SUETTINGER *RLS*

SUBJECT: DNC Trustee Johnny Chung and the Harry Wu Case

This memorandum also covers a response to package #5908 -- request for a Presidential Credentials letter for Johnny Chung.

The memo from Leon Panetta's office (at Tab A) on DNC Trustee Johnny Chung's intent to try and get Harry Wu released is very troubling, in part because I was not able to contact the DNC in time to get them to discourage Chung from involving himself in this diplomatically difficult and high-stakes issue. Since he had already left for China before the memo was even transmitted, no remedial action was possible.

I spoke with Bobby Watson, Chief of Staff at the DNC, who indicated that they had sought to minimize the Presidential cachet in the letter and other materials the DNC provided him for his trip. All we can do is hope the Chinese recognize Chung's credentials are thin, and that his message should be treated with caution. No one in the Administration has any idea of what he plans to say on the subject of Harry Wu, and I doubt the President did more than shake his hand in a receiving line.

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Concurrences by: Alan Kreczko *AK*

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Doc: 101 OADR:

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Attachments:

- Tab A Memorandum from the Chief of Staff's Office
- Tab B Incoming Correspondence from Package #5908

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CLINTON LIBRARY PHOTOCOPY

URGENT

THE WHITE HOUSE
WASHINGTON

PLEASE STAFF

24 July 1995

17 Jul 1995

MEMORANDUM TO ANTHONY LAKE
FROM JANICE ENRIGHT (J.E.)
 Office of the Chief of Staff
RE HARRY WOO

I received a telephone call this morning from Bobby Watson, the chief of staff at the Democratic National Committee ("DNC") concerning the release of Harry Woo.

Apparently, Johnny Chung, a DNC Trustee, is traveling with a group of people to China and meeting with the President of China this week. His mission is to negotiate the release of Harry Woo.

Mr. Watson wanted to alert us that Mr. Chung plans to represent to the President of China that he is sanctioned by President Clinton in his efforts to get Mr. Woo released. He bases this representation on the fact that he recently saw the President during his trip to California and mentioned to him (I believe on a photo line) what he was doing in this regard. Apparently, the President was supportive. To what extent, is unclear but, nevertheless, it is being construed as a validation and will be represented that way to the President of China.

Please let me know if you need any additional information. I can be reached at 6 2459.

cc: Bobby Watson

CLINTON LIBRARY PHOTOCOPY

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

UNCLASSIFIED

5727

July 31, 1995

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM: ROBERT L. SUETTINGER *RLS*
SUBJECT: DNC Trustee Johnny Chung and the Harry Wu Case

This memorandum also covers a response to package #5908 -- request for a Presidential Credentials letter for Johnny Chung.

The memo from Leon Panetta's office (at Tab A) on DNC Trustee Johnny Chung's intent to try and get Harry Wu released is very troubling, in part because I was not able to contact the DNC in time to get them to discourage Chung from involving himself in this diplomatically difficult and high-stakes issue. Since he had already left for China before the memo was even transmitted, no remedial action was possible.

I spoke with Bobby Watson, Chief of Staff at the DNC, who indicated that they had sought to minimize the Presidential cachet in the letter and other materials the DNC provided him for his trip. All we can do is hope the Chinese recognize Chung's credentials are thin, and that his message should be treated with caution. No one in the Administration has any idea of what he plans to say on the subject of Harry Wu, and I doubt the President did more than shake his hand in a receiving line.

I believe Chung means well. But he is something of a self-appointed ambassador of goodwill between China and the U.S., and I believe he occasionally may overstate his credentials and the importance of his contacts to both sides.

In most cases, Chung is not in a position to make much of an impact on U.S.-China relations. In the Harry Wu case, however, he could conceivably do damage, depending on what he says and how much credibility he carries with Beijing. I recommend that we be very careful about the kinds of political favors he is granted. In the case of the request in Package #5908, the issue is moot, as he has already departed on his travel with a letter from the DNC.

Concurrences by: Alan Kreczko *AK*

~~CONFIDENTIAL~~
Decl on: OADR

UNCLASSIFIED

CLINTON LIBRARY PHOTOCOPY

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
UNCLASSIFIED

Attachment

Tab A Memorandum from the Chief of Staff's Office

Tab B Incoming Correspondence from Package #5908

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~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

CLINTON LIBRARY PHOTOCO

URGENT

THE WHITE HOUSE
WASHINGTON

24 July 1995

PLEASE WRITE

to Bob Suettinger

MEMORANDUM TO ANTHONY LAKE
FROM JANICE ENRIGHT 
 Office of the Chief of Staff
RE HARRY WOO

I received a telephone call this morning from Bobby Watson, the chief of staff at the Democratic National Committee ("DNC") concerning the release of Harry Woo.

Apparently, Johnny Chung, a DNC Trustee, is traveling with a group of people to China and meeting with the President of China this week. His mission is to negotiate the release of Harry Woo.

Mr. Watson wanted to alert us that Mr. Chung plans to represent to the President of China that he is sanctioned by President Clinton in his efforts to get Mr. Woo released. He bases this representation on the fact that he recently saw the President during his trip to California and mentioned to him (I believe on a photo line) what he was doing in this regard. Apparently, the President was supportive. To what extent, is unclear but, nevertheless, it is being construed as a validation and will be represented that way to the President of China.

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cc: Bobby Watson

CLINTON LIBRARY PHOTOCOPY

CLASS: UNCLASSIFIED
DISPOSITION: NON RECORD
Transmission: 15-Apr-96 01:11 pm
SENDER: Norris, John J.
SUBJECT: Hsing Yun Again [UNCLASSIFIED]
TO: Suettinger, Robert L.

CC: NO CC's on THIS MESSAGE

Bob -

Hsing Yun has invited the VP to visit the Hsi Lai Temple in LA. Hsing Yun would host a fundraising lunch for about 150 people in the VP's honor.

Any problems with the VP participating in this event from the perspective of U.S.-China relations? The event would take place at the end of June.

John

hsing yun

CLINTON LIBRARY PHOTOCOPY

CLASS: UNCLASSIFIED
DISPOSITION: NON RECORD
Transmission: 19-Apr-96 11:51 am
SENDER: Suettinger, Robert L.
SUBJECT: RE: Hsing Yun Again [UNCLASSIFIED]
TO: Norris, John J.

CC: NO CC's on THIS MESSAGE

John -

This is terra incognita to me. Certainly from the perspective of Taiwan/China balancing, this would be clearly a Taiwan event, and would be seen as such. I guess my reaction would be one of great, great caution. They may have a hidden agenda.

From: Norris, John J.
To: Suettinger, Robert L.
CC: /N, NonRecord at A1
Subject: Hsing Yun Again [UNCLASSIFIED]
Date: Monday, April 15, 1996 04:11 PM

Bob -

Hsing Yun has invited the VP to visit the Hsi Lai Temple in LA. Hsing Yun would host a fundraising lunch for about 150 people in the VP's honor.

Any problems with the VP participating in this event from the perspective of U.S.-China relations? The event would take place at the end of June.

John

CLINTON LIBRARY PHOTOCOPY

CLASS: UNCLASSIFIED
DISPOSITION: RECORD
Transmission: 07-Apr-95 10:12 am
SENDER: Darby, Melanie B.
SUBJECT: Subject: PHOTOS? [UNCLASSIFIED]
TO: Hill, Roseanne M.
Roth, Stanley O.
Suettinger, Robert L.

CC: NO CC's on THIS MESSAGE

An odd situation on which I need some guidance for the President's office asap:

A couple of weeks ago, late Friday night, the head of the DNC asked the President's office to include several people in the President's Saturday Radio Address. They did so, not knowing anything about them except that they were DNC contributors.

It turns out they are various Chinese gurus and the POTUS wasn't sure we'd want photos of him with these people circulating around. Johnny Chung, one of the people on the list, is coming in to see Nancy Hemreich tomorrow and Nancy needs to know urgently whether or not she can give him the pictures. Could you please review the list asap and give me your advice on whether we want these photos floating around? (FYI - these people are major DNC contributors and if we can give them the photos, the President's office would like to do so):

HONGYE ZHENG
Chairman, China Council for the Promotion of Int'l Trade (CCPIT)
Chairman, China Chamber of Int'l Commerce (CCOIC)

YAN SANZHONG
President, China Petro-Chemical Corporation

JICHUN HUANG
Vice President, China Int'l Trust and Investment Corp.

RENZHONG WANG
Vice Chairman and President, Shanghai AJ Shareholding Corp.

JAMES J. SUN
Young Entrepreneur of Xinjiang, self-made multi-millionaire, Urumqi Taihe Industry Co.

JIANIONG YU
Chief, American and Oceanic Affairs Division, Liaison Department, CCPIT & CCOIC

JOHNNY CHUNG
Chairman & CEO, AISI

Thanks very much for your help.

CLASS: UNCLASSIFIED
DISPOSITION: RECORD
Transmission: 07-Apr-95 11:24 am
SENDER: Suettinger, Robert L.
SUBJECT: Subject: RE: PHOTOS? [UNCLASSIFIED]
TO: Darby, Melanie B.

CC: Roth, Stanley O.

The joys of balancing foreign policy considerations against domestic politics. . . I don't see any lasting damage to U.S. foreign policy from giving Johnny Chung the pictures. And to the degree it motivates him to continue contributing to the DNC, who am I to complain? Neither do I see any unalloyed benefit, either. But as far as the other Chinese on the list are concerned, they all seem to be bona fide (present or former) Chinese officials, with the possible exception of James Y. Sun, "young entrepreneur and self-made millionaire." Got some doubts there. Notwithstanding that, these guys will all hang the pictures on the wall and feel grateful for a memory.

But a caution - a warning of future déjà vu. Having recently counselled a young intern from the First Lady's office who had been offered a "dream job" by Johnny Chung, I think he should be treated with a pinch of suspicion. My impression is that he's a hustler, and appears to be involved in setting up some kind of consulting operation that will thrive by bringing Chinese entrepreneurs into town for exposure to high-level U.S. officials. My concern is that he will continue to make efforts to bring his "friends" into contact with the POTUS and FLOTUS - to show one and all he is a big shot, thereby enhancing his business. I'd venture a guess that not all his business ventures - or those of his clients - would be ones the President would support. I also predict that he will become a royal pain, because he will expect to get similar treatment for future visits. He will be persistent.

Bob

From: Darby, M. Brooke
To: @ASIA - Asian Affairs
CC: /R, Record at A1
Subject: PHOTOS? [UNCLASSIFIED]
Date: Friday, April 07, 1995 01:12 PM

An odd situation on which I need some guidance for the President's office asap:

A couple of weeks ago, late Friday night, the head of the DNC asked the President's office to include several people in the President's Saturday Radio Address. They did so, not knowing anything about them except that they were DNC contributors.

It turns out they are various Chinese gurus and the POTUS wasn't sure we'd want photos of him with these people circulating around. Johnny Chung, one of the people on the list, is coming in to see Nancy Hemreich tomorrow and Nancy needs to know urgently whether or not she can give him the pictures. Could you please review the list asap and give me your advice on whether we want these photos floating around? (FYI - these people are major DNC contributors and if we can give them the photos, the President's office would like to do so):

CLINTON LIBRARY PHOTOCOPY

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Chief, American and Oceanic Affairs Division, Liaison Department, CCPIT & CCOIC

JOHNNY CHUNG

Chairman & CEO, AISI

Thanks very much for your help.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Matin Royeen to FLOTUS; re: Ghandi Foundation (partial) (1 page)	02/15/1996	P6/b(6)
002. email	Jonathan Spalter to Samuel Berger; re: APEC/Jim Mann (partial) (1 page)	11/01/1994	P5
003. email	Marilyn Wilson to Sandra Kristoff; re: Calls (partial) (1 page)	09/30/1994	P6/b(6)
004a. letter	William C. Danvers to Taylor Lawrence, Staff Director [SSCI]; re: Anthony Lake's Nomination (1 page)	02/25/1997	P5
004b. letter	William C. Danvers to Christopher C. Straub, Minority Staff Director [SSCI]; re: Anthony Lake's Nomination (1 page)	02/25/1997	P5
004c. notes	re: Handwritten Notes; re: Charlie Trie (partial) (1 page)	n.d.	P6/b(6)
004d. memo	Robert L. Suettinger to Anthony Lake; re: DNC Trustee Johnny Chung & the Harry Wu Case (2 pages)	07/31/1995	P5
004e. fax cover sheet	From Johnny Chung; re: Fax Service (partial) (1 page)	n.d.	P6/b(6)
004f. notes	re: Handwritten Notes; re: Charlie Trie (partial) (1 page)	n.d.	P6/b(6)
004g. memo	Robert L. Suettinger to Anthony Lake; re: DNC Trustee Johnny Chung & the Harry Wu Case (2 pages)	07/31/1995	P5
004h. fax cover sheet	From Johnny Chung; re: Fax Service (partial) (1 page)	n.d.	P6/b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
James Baker (Office of Legal Adviser)
OA/Box Number: 1954

FOLDER TITLE:

Lake, Tony & SSCI [Senate Select Committee on Intelligence] [3]

Jimmie Purvis
2006-0680-F
jp1821

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)]

- 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(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. draft	re: Role of NSC in Screening People Who Met with POTUS (2 pages)	n.d.	P5

COLLECTION:

Clinton Presidential Records
National Security Council
James Baker (Office of Legal Adviser)
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CLASS: UNCLASSIFIED
DISPOSITION: NON RECORD
Transmission: 02-Nov-94 09:37 am
SENDER: Emery, Mary C.
SUBJECT: Subject: RE: APEC/Jim Mann [UNCLASSIFIED]
TO: Spalter, Jonathan H.

CC: NO CC's on THIS MESSAGE

No

From: Spalter, Jonathan H.
To: Berger, Samuel
CC: /R, Record at A1
Subject: FW: APEC/Jim Mann [UNCLASSIFIED]
Date: Wednesday, November 02, 1994 12:01 PM

just checking if call was made....

From: Spalter, Jonathan H.
To: Berger, Samuel
CC: /R, Record at A1; @UP - APNSA Special Assistants; @PRESS - Public Affairs; @INTECON - Economic Affairs; @DEMOCRACY - Democracy Affairs; Schwartz, Eric P.
Subject: APEC/Jim Mann
Date: Tuesday, November 01, 1994 11:27 AM

PLEASE PASS TO SANDY

Sandy,

Jim Mann of the LA Times, one of the best Asia hands on the beat, asks that you call him on APEC. He is writing generally on APEC and specifically on how we will deal with human rights at APEC, with a focus, of course, on China and Indonesia.

He is at 861-9242

PS. He is also looking into the relationship of the President with Machter and James Riady, a prominent Indonesian banking family with a controlling stake and Worthen Bank in Arkansas. Mann tells me that James, the son, lived in Little Rock, participated in the economic conference during the transition, and attended the inauguration. Apparently, Mann claims there is an SEC investigation of one of the Riady's banks in Hong Kong.

I will try to track down what we know about this through Mack and others.

CLINTON LIBRARY PHOTOCOPY

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20504

February 25, 1997

Dear Mr. Lawrence:

I am writing to supplement the information provided to you on February 13, 1997, in answer to the SSCI's questions regarding Mr. Lake's nomination.

Attached are notations from Deputy Assistant to the President Nancy Soderberg's notes which include Charlie Trie's name, a phone number and the following, "Tension since Lee, left alone, no independent ships sending wrong signal. Lost so much face. Refugees." While not specifically dated, these notations precede another unrelated notation that is dated March 20, 1996. It appears to address the same issue addressed in the letter Mr. Trie faxed to the President on March 20, 1996, regarding tensions in the Taiwan Straits, which was previously provided to the Committee. Ms. Soderberg's phone logs do not reflect any calls to or from Mr. Trie and she does not recall taking any action in response to this information. Also attached is a copy of an NSC memorandum, previously produced to this Committee regarding Johnny Chung and the Harry Wu case, with brief notations.

In addition, an NSC press officer met with Johnny Chung on November 29, 1994. This officer recalls that Mr. Chung was promoting a fax service with which he was associated and believes the attached "fax cover page" was provided by Mr. Chung. The NSC did not purchase the fax service. The NSC press officer recalls Mr. Chung calling him on several occasions regarding this fax service. The press official also recalls that on one occasion Mr. Chung called for information about the travel of a Cabinet member to Asia; the NSC press officer had no information and so indicated to Mr. Chung.

Sincerely,



William C. Danvers
Special Assistant to the President
and Senior Director
Legislative Affairs

Mr. Taylor Lawrence
Staff Director
Select Committee on Intelligence
Senate Hart Office Building Room 211
Second and Constitution Avenue, N.E.
Washington, D.C. 20510

Enclosures

CLINTON LIBRARY PHOTOCOPY

Tony

Lake and

SC

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20504

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Legislative Affairs

Mr. Christopher C. Straub
Minority Staff Director
Select Committee on Intelligence
Senate Hart Office Building Room 211
Second and Constitution Avenue, N.E.
Washington, D.C. 20510

Enclosures

CLINTON LIBRARY PHOTOCOPY

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20508

UNCLASSIFIED

UNCLASSIFIED

July 31, 1995

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM:

ROBERT L. SUETTINGER *RLS*

SUBJECT:

DNC Trustee Johnny Chung and the Harry Wu Case

*To Bob -
did we alert me
Gumbarsky on who
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Concurrences by:

Alan Kreczko *AK*

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~~CONFIDENTIAL~~

Decl on: OADR

~~CONFIDENTIAL~~

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~~CONFIDENTIAL~~

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Attachment

Tab A Memorandum from the Chief of Staff's Office

Tab B Incoming Correspondence from Package #5908

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~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

W/OP
8/3

5727

UNCLASSIFIED

UNCLASSIFIED

July 31, 1995

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM: ROBERT L. SUETTINGER *RLS*
SUBJECT: DNC Trustee Johnny Chung and the Harry Wu Case

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Rec'd on: OADR

~~CONFIDENTIAL~~

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~~CONFIDENTIAL~~

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UNCLASSIFIED

Attachment

Tab A Memorandum from the Chief of Staff's Office

Tab B Incoming Correspondence from Package #5908

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CLINTON LIBRARY PHOTOCOPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Julia Moffett to Tara Sonenshine re: Rebutaal to Frank Gaffney (2 pages)	01/09/1997	P5
002. email	Moffett to Sonenshine re: Lake [partial][CIA Act] (1 page)	01/16/1997	P3/b(3)
003. email	Wendy Gray to Moffett and Sonenshine re: Schifter Op-Ed Piece (3 pages)	01/16/1997	P5
004. email	Victoria Showalter to Jodi Kessinger re: TL Speech (10 pages)	01/30/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 MSMail-Record (Sept 94-Sept 97) ([Lake and DCI and Nominat...])
 OA/Box Number: 590000

FOLDER TITLE:

[01/09/1997-01/30/1997]

Rob Seibert
 2006-0680-F
 rs435

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]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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.

CLINTON LIBRARY PHOTOCOPY

M S M a i l

DATE-TIME 09 January 97 14:23
FROM Moffett, Julia
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Rebutaal to Frank Gaffney [UNCLASSIFIED]
TO Sonenshine, Tara D.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Tara -- TL is going to drop by Schifter's office -- I plan to join. Let me know if problem.. Thanks.

From: Sonenshine, Tara D.
To: Schifter, Richard
CC: /N, NonRecord at A1; Moffett, Julia
Subject: Rebutaal to Frank Gaffney [UNCLASSIFIED]
Date: Thursday, January 09, 1997 01:59 PM

1--Thanks for your help on Islam paper.

2--Regarding Lake nomination:

I understand that you have been good enough to agree to try your hand at a Letter to the Editor of the Washington Times responding to Frank Gaffney's continued, outrageous barrage of attacks against Tony Lake.

I am trying to get you precise material as ammunition for your rebuttal.

1--Bob Bell is preparing a paragraph to respond to charges on the ABM issue.

2- Sandy Vershbow is preparing a paragraph to respond to charges that Lake shows a lack of judgment and candor on Bosnia and that his actions facilitated the creation of a radical Islamci foothold in Central Europe.

3-- On the Institute for Policy Studies charge---Lake did NOT help found the IPS in 1974. He taught one course there 20 years ago and barely remembers the place.

4- The notion that "Mr. Lake's dubious credential as a candidate to lead the CIA also includes stints as a foreign policy adviser to the likes of George McGovern, Fritz Mondale and Michael Dukakis," I leave to you to decide if you want to defend their honor.

5--I think you don't need any help in responding to the central charge: "It will take a person of impeccable national security credentials, someone who has demonstrated extraordinary competence as a manager and an individual who has earned the full confidence and trust of both the Congress and the nation's intelligence professionals to restore these assets to the required, robust condition. Tony Lake is clearly not such a person."

PROCESS:

If, as I understand, you are heading out of the country, you might want to take a crack at a shell for the piece with the elements you can write without input. Leave room for inserts and we will work with it and get you back a final version.

Thanks.

M S M a i l

DATE-TIME 16 January 97 16:55
FROM Gray, Wendy
CLASSIFICATION UNCLASSIFIED
SUBJECT Schifter Op-Ed Piece [UNCLASSIFIED]
TO Moffett, Julia
Sonenshine, Tara D.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Hello! Hard copy with note from Tara (language attached) will be in Sit Room for Mr. Lake.

NOTE: Schifter was uncomfortable with the line "Lake did not work in the McGovern campaign." I think he doesn't see McGovern as extreme left and didn't like the linkage. It is Schifter's piece..... Tara

[[SCHIFTER.DOC : 4134 in SCHIFTER.DOC]]

ATTACHMENT
FILE DATE 16 January 97 16:37

ATTACHMENT
FILE NAME SCHIFTER.DOC

WASHINGTON TIMES OP-ED

For the last month, Frank Gaffney has leveled a steady barrage of attacks against the nomination of Anthony Lake to be the next Director of Central Intelligence. These attacks are based on inaccurate information. I have worked closely with Tony Lake on the staff of the National Security Council for the last three and a half years. I came to this job as a hard-liner on U.S. foreign policy, a lifelong foe of Communism, and one of the initial members of the Committee on the Present Danger. I found Tony Lake to be a kindred spirit in his devotion to the enlargement of democracy and the promotion of American interests. Whether the issue was stopping aggression in Bosnia or moving ahead with the expansion of NATO, Lake's leadership,

vision and competence played a vital role in the formulation and success of these policies.

Gaffney is wrong when he asserts that Lake's April 1994 decision neither to approve nor to object to Iranian arms shipments to Bosnia "facilitated the creation of a radical Islamic foothold."

According to the Intelligence Community the Iranian military and intelligence services have been present in Bosnia since 1992. There was no significant increase in that presence after April 1994.

Tony Lake, we should note, was the main architect of the President's August 1995 initiative that led to the Dayton agreement. That agreement which banned foreign forces and caused the Bosnian government to sever all military and intelligence links with Iran as a condition for the train and equip program. Hundreds of Iranian Revolutionary Guards have left Bosnia, Mujahadeen units have disbanded, and the Bosnians are looking to the U.S. and moderate Islamic states for security assistance. Lake, thus, played a key role in the reduction of Iranian influence on Bosnia, not the opposite, as Gaffney charges.

As for the issue of congressional consultation, Lake, who has a record of consistent consultation with Congress, has said, in retrospect, that informing key Members of Congress would have been wise. He was concerned at the time that disclosure could have led to a rift with our NATO allies. The Senate Select Committee on Intelligence report later confirmed that there was nothing illegal about this diplomatic exchange, nor was there a requirement to notify Congress.

Gaffney also asserts that during Lake's tenure as National Security Advisor, CIA resources were massively diverted from monitoring military threats to addressing global environmental issues, and that this would continue with Lake as the director of intelligence. Environmental issues are important -- a Chernobyl reactor disaster or a major oil spill would have major economic and security implications. However, Lake and the CIA have, by no means, massively diverted resources to look at the environment. In fact, the budget for the environment remains extremely modest. Lake's intelligence priorities remain those previously decided upon; critical support for

military operations involving U.S. forces, political, economic and military intelligence about countries hostile to the U.S., and intelligence about transnational issues -- weapons of mass destruction, terrorism, organized crime, drug trafficking -- that affect national security.

Gaffney alleges that Lake had "ties to the extreme Left." This, too, is not the case. An initial supporter of our effort to stem Communism in Vietnam, Lake served in Saigon as a State Department official. Like many other Americans, he later changed his mind on the advisability of our war effort in Vietnam. After leaving the foreign service, he supported, in 1972, the Centrist Presidential Campaign of Edmund Muskie. Lake played no role whatsoever in the Center for National Security Studies, and certainly did not "help found" it, as Gaffney alleges. Lake's only connection with the Institute of Policy Studies was that at the invitation of an acquaintance he delivered one lecture to an IPS seminar on the legislative process.

We currently live in an extraordinarily complex world, in which our national security concerns are no longer focused on a single country and a single movement. In this world we need a director of central intelligence who is able to see the whole picture and can then identify the multiple concerns which require our special attention. We also need a director who can incisively analyze the material presented to him by his staff, can spot the flaws and insufficiencies and see to it that a superior, thoroughly reliable product emerges from the process. Finally, we need a director who combines professional integrity with personal decency. Having seen Tony Lake at work, I am confident that he meets all of these criteria.

Ambassador Richard Schifter is Special Assistant to the President and Counselor for National Security Affairs. He served as Assistant Secretary for Human Rights and Humanitarian Affairs, 1985-1992.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	James Baker to Baker et al. re: Lake Testimony (12 pages)	03/10/1997	P5
002. email	Jodi Kessinger to Baker et al. re: FW: Lake Testimony (12 pages)	03/10/1997	P5
003. email	Baker to Rand Beers and Joan Hunerwadel re: Jane Schultz on Tony (partial) (1 page)	04/15/1997	P6/b(6)
004. email	William Leary to Baker re: SSCI Letter (3 pages)	04/23/1997	P1/b(1)
005. email	Joseph Bouchard to Steven Andreasen et al. re: Sen. Ford Hold on Tenet (2 pages)	05/09/1997	P5

COLLECTION:

Clinton Presidential Records

NSC Emails

MSMail-Record (Sept 94-Sept 97) ([Lake and DCI and Nominat...])

OA/Box Number: 590000

FOLDER TITLE:

[02/27/1997-05/09/1997]

Rob Seibert

2006-0680-F

rs438

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]

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.

CLINTON LIBRARY PHOTOCOPY

M S M a i l

DATE-TIME 10 March 97 10:36
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Lake Testimony [UNCLASSIFIED]
TO Gibney, James S.
Vershow, Alexander R.
CARBON_COPY Baker, James E.
Benjamin, Daniel
Blinken, Antony J.
Gray, Wendy
Hunerwadel, Joan S.
Kessinger, Jodi
Kreczko, Alan J.
Moffett, Julia
Naplan, Steven J.
Showalter, Victoria A.
Sparks, John E.

TEXT_BODY

Jim: Good statement. A couple of edits on Bosnia section (pages 12-13) and two comments raising tactical choices. Please call if you have questions or want to discuss.

[[LAKECON4.DOC : 2651 in LAKECON4.DOC]]

From: Gibney, James S.
To: Baker, James E.; Vershow, Alexander R.
CC: /R, Record at A1; @PLANNING - Strat Plan & Comm; Soderberg, Nancy E.
Subject: Lake Testimony [UNCLASSIFIED]
Date: Sunday, March 09, 1997 12:58 PM

<<Attached File: LAKECON4.DOC>>

FOR SANDY VERSHOW AND JAMIE BAKER

Attached is the latest draft of Tony Lake's confirmation statement.

Nancy Soderberg wants to make sure that our characterizations of Bosnia (esp. current state of Iranian activity) and the covert action debate are accurate. Could you please review? It has been shrunk and altered since you saw it last. Thanks very much for your help, and would appreciate comments Monday am if possible. James G. 6-9375

ATTACHMENT
FILE DATE

10 March 97 10:33

ATTACHMENT
FILE NAME

LAKECON4.DOC

3/9/97 1:00 pm Written Statement
ANTHONY LAKE
DIRECTOR-DESIGNATE FOR CENTRAL INTELLIGENCE
REMARKS BEFORE THE SENATE INTELLIGENCE COMMITTEE
WASHINGTON, DC
FEBRUARY 11, 1997

Thank you, Mr. Chairman and members of the Committee.

I also want to thank Senator McCain, Senator Kennedy, Senator Kerry and Senator Rudman for their introductions. I am honored that four Senators of such distinction would speak on my behalf. I have always admired their commitment to bipartisanship.

I am very glad to appear before all of you today.

When President Clinton asked me to serve as Director of Central Intelligence, I immediately accepted. Few positions are more challenging. Few present a more extraordinary opportunity to serve.

I was raised to believe in public service. My father spoke proudly of his service in the Navy. I keep his sword in my office. He and my mother taught me that men and women who serve -- in elected or appointed positions, nationally or locally -- are doing something larger than themselves.

So in 1962 I joined the Foreign Service. Inspired by President Kennedy's call to defend democratic values, I volunteered to go to Vietnam, where I served as a Foreign Service Officer for two years. I then worked in Washington at the State Department and White House, primarily on Vietnam, until 1970, when I resigned from the National Security Council staff and the Foreign Service.

I continued to believe then, as I do now, in the enlargement of

democracy and individual freedoms. For I strongly believe that whatever the differences in cultures and political systems, individuals everywhere know the difference between freedom and repression -- and share the thirst for freedom.

But I had reached the bitter conclusion that the war in Vietnam was a terrible mistake. As President Theodore Roosevelt once said, "In popular government, results worth having can be achieved only by men who combine worthy ideals with practical good sense." And the practical, human costs of our policies were running far beyond any possibility of success or what I considered to be a reasonable definition of American interests.

In the years that followed, I served as the foreign policy coordinator in Senator Edmund Muskie's 1972 presidential campaign, wrote two books that were little noted nor long remembered, and directed the International Voluntary Services, a private Peace Corps. From 1977 to 1981, I was the Director of Policy Planning at the State Department. And from 1981 through 1992, my wife and I ran a farm in western Massachusetts while I taught at Mount Holyoke. In 1992, I became Senior Foreign Policy Advisor in the campaign of Governor Bill Clinton for the presidency.

I stand by my record. I have tried consistently to follow four principles throughout my career: First, whether serving in a Democratic or Republican administration, I have always believed that foreign policy should be made on the basis of the national interest rather than partisan politics. Second, as someone who has worked with diplomats, soldiers and intelligence operatives, I believe that all those who stand on the front line of freedom deserve respect, support and leadership. Third, I believe that a life of public service should be based on integrity and a willingness to sacrifice. And fourth, I believe that our national security policy must integrate our national ideals with our national interests.

These beliefs have guided me over three decades of public service. And if confirmed, they will continue to guide me as Director of Central Intelligence.

Mr. Chairman, as I have had the privilege of serving as President Clinton's National Security Advisor, my admiration for the men and women who serve in America's intelligence community has continued to grow. During these last four years, I've started and finished every day with intelligence reports. I've seen the way that intelligence informs every foreign policy decision the President must make. And I firmly believe that in the post-Cold War world, the mission of our nation's intelligence community is more important than ever -- not only for those who rely on its products, but for every American citizen.

This mission must be clear to us and to all the American people. I believe that it has four components.

First and most important, the intelligence community must supply the President with the best, unvarnished information to make the best decisions for America's security and well-being.

Second, the intelligence community must serve our troops. To our pilots in the air, that can mean knowing the location of enemy defenses before they take off on their missions. To our soldiers on the ground, it can mean having the best, most detailed maps in the world. To our sailors at sea, it can mean real-time warning of potential missile threats. And to our nation and our people, with their sons and daughters in uniform, it can mean fewer risks and fewer casualties. As our military has downsized, intelligence is even more important to maximizing our strength on the battlefield and minimizing the danger to our troops.

Third, the intelligence community must help our diplomats and policy makers defend America's interests in a more complex world -- collecting information on the activities of other governments; keeping careful watch wherever crises could explode, from the Persian Gulf to North Korea, from Bosnia to Burundi; identifying long-term problems before they become tomorrow's hot spots.

And fourth, it must directly protect American citizens --

tracking down terrorists... putting drug kingpins out of business... breaking up the criminal gangs that prey on open societies... and keeping weapons of mass destruction out of the wrong hands. This is very important.

I know our troops are aware of how intelligence helps keep them safe. American citizens should understand that intelligence guards them as well.

The men and women of our intelligence community are required to serve in obscurity -- working behind the scenes, often at great risk, to protect their fellow citizens. When things go wrong, the whole community gets blamed, even when the problem stems from one bad seed. And when things go right, most Americans never know: A crisis averted or a conflict avoided rarely hits the headlines. But I've seen first-hand the dedication these Americans bring to their work. And I've seen some striking successes over the last four years alone.

They've broken new ground in aiding military operations -- helping our commanders in Bosnia, for example, to protect our forces and give peace a chance to take hold. Their round-the-clock support last spring, when tensions flared in the Taiwan Strait, helped us defuse a dangerous crisis. They warned us when Saddam Hussein moved Iraqi troops toward the Kuwaiti border. Working together with law enforcement, they enabled the arrest or surrender of all the Colombian Cali druglords. They helped us find and capture terrorists like Ramsi Yousef, the mastermind of the World Trade Center bombing. And they've uncovered corruption and unfair foreign business practices that would have cost Americans billions of dollars.

That is just a sample of what good intelligence can do. But today's new environment presents new challenges. Although we no longer face the overarching threat of a single adversary, we must meet new threats that are more varied but in many ways no less dangerous. And we must do so in ever more difficult circumstances.

For example, we have to contend with the consequences of the high-tech explosion. In an age of microchips and cell phones, when bytes and bits fly around the

world in nano-seconds,
timely, useful, accurate intelligence is actually harder than
ever to produce.

Let me give you some idea of the staggering volume of signals and
data that our collectors must
sift and sort: The Library of Congress can hold about one
thousand trillion bits of information.

Using yesterday's microwave technology, accessible information
took nine months to fill one

Library of Congress. Today's fiber optic cables can fill one
Library every three weeks.

Tomorrow's technology could be even faster -- stocking an entire
Library of Congress every few

hours. In an age when the haystacks have grown and the needles
have shrunk, we need a

system of precision-guided collection. In addition, as our
society depends more on high
technology, we also become more vulnerable to those who would
exploit it.

We need to come to grips with these new realities -- or the
information age could age us fast.

All of this complicates another crucial challenge before us --
and that is ensuring public support.

The intelligence community cannot succeed without the faith of
the public it serves. During the

Cold War, while mistakes were publicly criticized, no one
challenged the need for a strong

intelligence community to defend the United States against a
dangerous enemy. Now, when

mistakes are made -- and some always will be -- their negative
impact is magnified all the more.

We face a climate where the public is more focused on domestic
priorities...and where the

intelligence community necessarily remains restricted in its
ability to make a strong case for
itself to the American people.

On top of that, over the years, the intelligence community has
suffered from turbulence and

scandal. No one knows this better than its dedicated men and
women. It's time to put the old

problems behind us. We must complete our review of past events,
correct our mistakes, and

begin to build for a new era. I am very eager to help lead that
renovation.

But it can only be done, Mr. Chairman, with this Committee, and

with your expert oversight.

There must be a working partnership between the Congress and the Administration based on different responsibilities but shared information. President Clinton has urged us all to be "repairers of the breach." Now, I pledge to you that I'll do all I can to work with both parties -- and push for real progress -- as we take on the challenges of the coming century. There is too much at stake not to put partisanship aside.

Mr. Chairman, I know that long-term problems demand sustained commitment. There are no easy answers and no quick fixes. Frankly, I doubt if any corporation could survive the kind of changes in leadership the CIA has faced in recent years. If confirmed, I intend to stay in the job for a full four years -- the President, the Congress and fate willing.

For I see the years ahead as a time of hard work, but also a time of opportunity.

If confirmed, my efforts will be guided by two fundamental principles, without which we cannot succeed.

First, we must have an intelligence process of absolute integrity. This will be my most solemn responsibility as Director of Central Intelligence. Some have asked whether I -- as a close associate of President Clinton and participant in policy discussions -- can and will provide him the intelligence straight. This is indeed an appropriate question. The answer, unequivocally, is yes. I know first-hand how important it is to defend the bright line separating policy and intelligence. Not once during the last four years did I ever try to influence intelligence assessments.

If confirmed, my job will be to present the views of the intelligence community, and my own intelligence judgments -- unvarnished and unprejudiced. America's security demands no less, and the President has made clear that he will stand for no less. If I attempted to hide bad news, or soften harsh facts for the President, he could make mistakes that would damage the security of our nation and our people. Presenting the facts without fear

or favor is the right -- and the only -- way to do the job.

The second critical principle for success is to make the intelligence community as efficient and effective as possible. I want to thank Director Deutch and his predecessors for all they have done. I support the many reforms they have already launched. Since 1991, there has been a cut of some 20 percent in the Agency's personnel. Clearly, further reforms are needed -- such as improving financial systems and modernizing our personnel management. But it would be a mistake to start making big changes before a limited period of time allows a new Director -- working with you -- to confirm where the problems lie and the best way to fix them. These past few months, I've already been consulting with current and former officials, and with you and your colleagues, to help chart the most effective course.

I also know that internal morale is the intelligence community's lifeblood. If confirmed, I will spare no effort to reach out -- to encourage the most from every member of the community, expecting the best in return. I will challenge our analysts and operations people to tackle hard problems and take on new challenges, even at greater risk of controversy. And I will see that they are rewarded, even if they fail, provided they acted skillfully and properly.

Most important, if confirmed, I will promote from day one a climate of total accountability. I intend to stand up for our officials, and I will expect them to stand behind their work. We must give them every opportunity, through hands-on management, to tell their superiors exactly what they are doing. The Director -- and the President and Congress -- must be properly informed. And if any officials fail to do so, there must be a clear response: He or she will need to find another job.

Beyond these fundamentals I have described, we face a very tough agenda. While focusing on the hardest targets, we must retain the flexibility to respond to crises worldwide. We must decide on important investments in our technological and human resources. We must keep up a

vigorous defense against sophisticated counterintelligence threats. That is very important. And, crucially, we must deepen the public understanding of the role of intelligence, the dedication of our intelligence professionals, and the real difference they make to the lives of American taxpayers.

The only way to meet these goals is for the Executive and Congress to work together. I would expect you to hold me to the highest standards of performance. And I expect to work with you in mutual respect for each other's positions and integrity.

Mr. Chairman, as someone who believes strongly in public service, my integrity is something that I care deeply about. That is why I want to take this opportunity to lay to rest, once and for all, two challenges to my personal integrity that have come up in the course of the confirmation process.

First, I believe that the settlement of a civil case by the Department of Justice last month resolves questions that have been raised about my ownership of stocks as National Security Advisor. I take full responsibility for not having sold these stocks earlier. But as the resolution of the civil case -- following a full investigation over 18 months -- also clearly states: "There is no evidence that Mr. Lake ever took any action to conceal or misrepresent his or his wife's financial holdings." It notes that "There is no evidence that...at the time any issue came before Mr. Lake which may had a direct and predictable effect on Exxon Corporation or Mobil Corporation, he considered any effect or impact which that matter or issue might have had upon his or his wife's financial interests."

Second, the Department of Justice has also investigated and responded to the charges raised by a House Subcommittee that senior Clinton Administration officials, including myself, lied to Congress. As the Department of Justice's reply to Chairman Hyde says, "We have found no direct, material contradictions between Mr. Lake's statements and the statements or testimony of any other witness, nor any other evidence that Mr. Lake was untruthful to the Subcommittee

or was part of a conspiracy to obstruct Congress."

Mr. Chairman, any public official must be dedicated to upholding not just the laws of the land, but the spirit of cooperation between the three branches of government that informs our Constitution. I pledge to you that, if confirmed, I will not only fulfill every legal requirement in keeping Congress informed, but will go beyond. I propose to meet on a monthly basis with the members of this Committee -- to discuss the problems on your minds as well as mine, and to work those problems through at as early a stage as possible.

This raises the issue of the "No Instructions" policy regarding arms shipments to Bosnia through Croatia. I'd like to take a moment to review that policy, because I know that it has been a source of concern.

As you recall, in April 1994, Croatian President Tudjman asked our Ambassador whether the United States would object to arms shipments to Bosnia through Croatia. It was clear that Iran would be among the sources. Our Ambassador was told to say he had "no instructions" -- in other words, that we would neither endorse nor object.

Our decision was a tough one, but the right one -- and it worked, helping to pave the way to the Dayton Agreement. Today, there is peace in Bosnia and an elected, multi-ethnic government. All foreign forces have been expelled, military and intelligence cooperation with Iran has stopped, and Iranian and radical Islamic influence has eroded. Most important, while much work remains, hope in the future has been restored. Bosnia's markets are full of life, not death... its children go to school instead of hiding in their cellars... homes and businesses are being rebuilt... and the routines of normal life are returning.

I have no apologies for the policy. But I do appreciate that it would have been better to have informed key members of Congress on a discreet basis regarding the "no instructions" instruction while you were debating enforcement of the arms embargo. The President has said the same. At the time, grave concern about the need to keep our allies together led us to

emphasize the secrecy of the decision.

[Jim: I prefer the formulation used in the SSCI written Qs and As] At the same time, I must

make it clear that I do not believe we were under a legal obligation to inform the Congress. I disagree with those who say that "no instructions" was an intelligence activity. An instruction to an Ambassador that he is uninstructed, as was done in this context, is a diplomatic activity. This

view, I know, is shared by both John Deutch and Jim Woolsey.

[Tactical Question: John

Deutch espoused this view in a public hearing and Woolsey in a closed session. Using Woolsey, however, may prompt him to try and put distance between himself and Tony. May not be worth the risk to cite to others here.]

I would also like to say that when the CIA raised concerns with me for the first time in October 1994 as to whether some U.S. officials may have gone beyond the "no instructions" position, I referred the matter to the White House Counsel. In consultation with me, the Counsel asked the Intelligence Oversight Board to review the matter. The IOB found no covert action by the government. Neither did the report of this Committee. [Jim: This is an accurate statement, but again presents a tactical choice. It works because it is presented in the negative. The committee did not affirmatively find no covert action, they simply did not reach a conclusion that CA had occurred. The committee appears to have split on this issue.]

This experience, and my own role in it, reinforces my pledge to you about the need to work together. And again, I pledge that, if confirmed, I will not only supply the committee with all information legally required. When in doubt, my rule will be to inform.

Confidentiality must and will remain a vital part of what we do. For as George Washington wrote during our nation's battle for independence, "...upon Secrecy, success depends in most Enterprises of the kind, & for want of it, they are generally defeated, however well planned."

[Letter to Colonel Elias Dayton, July 26, 1777]

But it is also true that if you look back at some recent

controversies involving the intelligence community, while various mistakes were made, too often the core of the problems was overzealous secrecy: Not sharing enough information among ourselves; not sharing enough information with the Congress. And that is simply unacceptable.

Let me state clearly: We have to keep the secrets -- and I think I'm known for my ability to do so. We need the most vigorous counterintelligence program to keep our secrets in and keep spies out. But secrecy whose purpose is to cover up mistakes, preserve mere bureaucratic routine, or avoid responsible oversight, is ultimately self-destructive.

Mr. Chairman, in closing, let me emphasize that these hearings are about much more than one man's nomination. We'll be discussing the future of the CIA and the intelligence community at large... our commitment to protect our people in the world of the 21st century... and our ability to advance our interests in an era of exploding information.

I welcome the endeavor. I look forward to the challenge. I'm ready, if confirmed, to get to work. And I'm confident that, working together, we can help promote the security and prosperity of the American people in the next century as we did in the last.

###

M S M a i l

DATE-TIME 10 March 97 13:21
FROM Kessinger, Jodi
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Lake Testimony [UNCLASSIFIED]
TO Baker, James E.
Beers, Rand R.
Vershow, Alexander R.
CARBON_COPY Gibney, James S.
TEXT_BODY

Further to this note Nancy added:

Can you double check on a few points in TL's statement:

- 1) Are we on firm ground re: all foreign forces have been expelled, military & intelligence cooperation with Iran has stopped and Iranian & radical Islamic influence has eroded? (pg 12)
- 2) Are we positive Woolsey agrees the "no instructions" was a diplomatic activity? (pg 13)
- 3) Is it safe to say the report of this Committee found no covert action by the government?

Also, Randy - - on page 5, what corruption and unfair foreign business practices can we say we've uncovered?

From: Gibney, James S.
To: Baker, James E.; Vershow, Alexander R.
CC: /R, Record at A1; @PLANNING - Strat Plan & Comm; Soderberg, Nancy E.
Subject: Lake Testimony [UNCLASSIFIED]
Date: Sunday, March 09, 1997 12:58 PM

[[LAKECON4.DOC : 3365 in LAKECON4.DOC]]

FOR SANDY VERSHOW AND JAMIE BAKER

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Nancy Soderberg wants to make sure that our characterizations of Bosnia (esp. current state of Iranian activity) and the covert action debate are accurate. Could you please review? It has been shrunk and altered since

you saw it last. Thanks very much for your help, and would appreciate comments Monday am if possible. James G. 6-9375

ATTACHMENT
FILE DATE

9 March 97 12:52

ATTACHMENT
FILE NAME

LAKECON4.DOC

3/9/97 1:00 pm Written Statement
ANTHONY LAKE
DIRECTOR-DESIGNATE FOR CENTRAL INTELLIGENCE
REMARKS BEFORE THE SENATE INTELLIGENCE COMMITTEE
WASHINGTON, DC
FEBRUARY 11, 1997

Thank you, Mr. Chairman and members of the Committee.

I also want to thank Senator McCain, Senator Kennedy, Senator Kerry and Senator Rudman for their introductions. I am honored that four Senators of such distinction would speak on my behalf. I have always admired their commitment to bipartisanship.

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When President Clinton asked me to serve as Director of Central Intelligence, I immediately accepted. Few positions are more challenging. Few present a more extraordinary opportunity to serve.

I was raised to believe in public service. My father spoke proudly of his service in the Navy. I keep his sword in my office. He and my mother taught me that men and women who serve -- in elected or appointed positions, nationally or locally -- are doing something larger than themselves.

So in 1962 I joined the Foreign Service. Inspired by President Kennedy's call to defend democratic values, I volunteered to go to Vietnam, where I served as a Foreign Service Officer for two years. I then worked in Washington at the State Department and White House, primarily on Vietnam, until 1970, when I resigned from the National Security Council staff and the Foreign Service.

I continued to believe then, as I do now, in the enlargement of democracy and individual freedoms. For I strongly believe that whatever the differences in cultures and political systems, individuals everywhere know the difference between freedom and repression -- and share the thirst for freedom.

But I had reached the bitter conclusion that the war in Vietnam was a terrible mistake. As President Theodore Roosevelt once said, "In popular government, results worth having can be achieved only by men who combine worthy ideals with practical good sense." And the practical, human costs of our policies were running far beyond any possibility of success or what I considered to be a reasonable definition of American interests.

In the years that followed, I served as the foreign policy coordinator in Senator Edmund Muskie's 1972 presidential campaign, wrote two books that were little noted nor long remembered, and directed the International Voluntary Services, a private Peace Corps. From 1977 to 1981, I was the Director of Policy Planning at the State Department. And from 1981 through 1992, my wife and I ran a farm in western Massachusetts while I taught at Mount Holyoke. In 1992, I became Senior Foreign Policy Advisor in the campaign of Governor Bill Clinton for the presidency.

I stand by my record. I have tried consistently to follow four principles throughout my career: First, whether serving in a Democratic or Republican administration, I have always believed that foreign policy should be made on the basis of the national interest rather than partisan politics. Second, as someone who has worked with diplomats, soldiers and intelligence operatives, I believe that all those who stand on the front line of freedom deserve respect, support and leadership. Third, I believe that a life of public service should be based on integrity and a willingness to sacrifice. And fourth, I believe that our national security policy must integrate our national ideals with our national interests.

These beliefs have guided me over three decades of public

service. And if confirmed, they will continue to guide me as Director of Central Intelligence.

Mr. Chairman, as I have had the privilege of serving as President Clinton's National Security Advisor, my admiration for the men and women who serve in America's intelligence community has continued to grow. During these last four years, I've started and finished every day with intelligence reports. I've seen the way that intelligence informs every foreign policy decision the President must make. And I firmly believe that in the post-Cold War world, the mission of our nation's intelligence community is more important than ever -- not only for those who rely on its products, but for every American citizen.

This mission must be clear to us and to all the American people. I believe that it has four components.

First and most important, the intelligence community must supply the President with the best, unvarnished information to make the best decisions for America's security and well-being.

Second, the intelligence community must serve our troops. To our pilots in the air, that can mean knowing the location of enemy defenses before they take off on their missions. To our soldiers on the ground, it can mean having the best, most detailed maps in the world. To our sailors at sea, it can mean real-time warning of potential missile threats. And to our nation and our people, with their sons and daughters in uniform, it can mean fewer risks and fewer casualties. As our military has downsized, intelligence is even more important to maximizing our strength on the battlefield and minimizing the danger to our troops.

Third, the intelligence community must help our diplomats and policy makers defend America's interests in a more complex world -- collecting information on the activities of other governments; keeping careful watch wherever crises could explode, from the Persian Gulf to North Korea, from Bosnia to Burundi; identifying long-term problems before they become tomorrow's hot spots.

And fourth, it must directly protect American citizens -- tracking down terrorists... putting drug kingpins out of business... breaking up the criminal gangs that prey on open societies... and keeping weapons of mass destruction out of the wrong hands. This is very important.

I know our troops are aware of how intelligence helps keep them safe. American citizens should understand that intelligence guards them as well.

The men and women of our intelligence community are required to serve in obscurity -- working behind the scenes, often at great risk, to protect their fellow citizens. When things go wrong, the whole community gets blamed, even when the problem stems from one bad seed. And when things go right, most Americans never know: A crisis averted or a conflict avoided rarely hits the headlines. But I've seen first-hand the dedication these Americans bring to their work. And I've seen some striking successes over the last four years alone.

They've broken new ground in aiding military operations -- helping our commanders in Bosnia, for example, to protect our forces and give peace a chance to take hold. Their round-the-clock support last spring, when tensions flared in the Taiwan Strait, helped us defuse a dangerous crisis. They warned us when Saddam Hussein moved Iraqi troops toward the Kuwaiti border. Working together with law enforcement, they enabled the arrest or surrender of all the Colombian Cali druglords. They helped us find and capture terrorists like Ramsi Yousef, the mastermind of the World Trade Center bombing. And they've uncovered corruption and unfair foreign business practices that would have cost Americans billions of dollars.

That is just a sample of what good intelligence can do. But today's new environment presents new challenges. Although we no longer face the overarching threat of a single adversary, we must meet new threats that are more varied but in many ways no less dangerous. And we must do so in ever more difficult circumstances.

For example, we have to contend with the consequences of the

high-tech explosion. In an age of microchips and cell phones, when bytes and bits fly around the world in nano-seconds, timely, useful, accurate intelligence is actually harder than ever to produce.

Let me give you some idea of the staggering volume of signals and data that our collectors must sift and sort: The Library of Congress can hold about one thousand trillion bits of information. Using yesterday's microwave technology, accessible information took nine months to fill one Library of Congress. Today's fiber optic cables can fill one Library every three weeks. Tomorrow's technology could be even faster -- stocking an entire Library of Congress every few hours. In an age when the haystacks have grown and the needles have shrunk, we need a system of precision-guided collection. In addition, as our society depends more on high technology, we also become more vulnerable to those who would exploit it.

We need to come to grips with these new realities -- or the information age could age us fast.

All of this complicates another crucial challenge before us -- and that is ensuring public support. The intelligence community cannot succeed without the faith of the public it serves. During the Cold War, while mistakes were publicly criticized, no one challenged the need for a strong intelligence community to defend the United States against a dangerous enemy. Now, when mistakes are made -- and some always will be -- their negative impact is magnified all the more. We face a climate where the public is more focused on domestic priorities...and where the intelligence community necessarily remains restricted in its ability to make a strong case for itself to the American people.

On top of that, over the years, the intelligence community has suffered from turbulence and scandal. No one knows this better than its dedicated men and women. It's time to put the old problems behind us. We must complete our review of past events, correct our mistakes, and begin to build for a new era. I am very eager to help lead that renovation.

But it can only be done, Mr. Chairman, with this Committee, and with your expert oversight. There must be a working partnership between the Congress and the Administration based on different responsibilities but shared information. President Clinton has urged us all to be "repairers of the breach." Now, I pledge to you that I'll do all I can to work with both parties -- and push for real progress -- as we take on the challenges of the coming century. There is too much at stake not to put partisanship aside.

Mr. Chairman, I know that long-term problems demand sustained commitment. There are no easy answers and no quick fixes. Frankly, I doubt if any corporation could survive the kind of changes in leadership the CIA has faced in recent years. If confirmed, I intend to stay in the job for a full four years -- the President, the Congress and fate willing.

For I see the years ahead as a time of hard work, but also a time of opportunity.

If confirmed, my efforts will be guided by two fundamental principles, without which we cannot succeed.

First, we must have an intelligence process of absolute integrity. This will be my most solemn responsibility as Director of Central Intelligence. Some have asked whether I -- as a close associate of President Clinton and participant in policy discussions -- can and will provide him the intelligence straight. This is indeed an appropriate question. The answer, unequivocally, is yes. I know first-hand how important it is to defend the bright line separating policy and intelligence. Not once during the last four years did I ever try to influence intelligence assessments.

If confirmed, my job will be to present the views of the intelligence community, and my own intelligence judgments -- unvarnished and unprejudiced. America's security demands no less, and the President has made clear that he will stand for no less. If I attempted to hide bad news, or soften harsh facts for the President, he could make mistakes

that would damage the security of our nation and our people. Presenting the facts without fear or favor is the right -- and the only -- way to do the job.

The second critical principle for success is to make the intelligence community as efficient and effective as possible. I want to thank Director Deutch and his predecessors for all they have done. I support the many reforms they have already launched. Since 1991, there has been a cut of some 20 percent in the Agency's personnel. Clearly, further reforms are needed -- such as improving financial systems and modernizing our personnel management. But it would be a mistake to start making big changes before a limited period of time allows a new Director -- working with you -- to confirm where the problems lie and the best way to fix them. These past few months, I've already been consulting with current and former officials, and with you and your colleagues, to help chart the most effective course.

I also know that internal morale is the intelligence community's lifeblood. If confirmed, I will spare no effort to reach out -- to encourage the most from every member of the community, expecting the best in return. I will challenge our analysts and operations people to tackle hard problems and take on new challenges, even at greater risk of controversy. And I will see that they are rewarded, even if they fail, provided they acted skillfully and properly.

Most important, if confirmed, I will promote from day one a climate of total accountability. I intend to stand up for our officials, and I will expect them to stand behind their work. We must give them every opportunity, through hands-on management, to tell their superiors exactly what they are doing. The Director -- and the President and Congress -- must be properly informed. And if any officials fail to do so, there must be a clear response: He or she will need to find another job.

Beyond these fundamentals I have described, we face a very tough agenda. While focusing on the hardest targets, we must retain the flexibility to respond to crises worldwide. We must

decide on important investments in our technological and human resources. We must keep up a vigorous defense against sophisticated counterintelligence threats. That is very important. And, crucially, we must deepen the public understanding of the role of intelligence, the dedication of our intelligence professionals, and the real difference they make to the lives of American taxpayers.

The only way to meet these goals is for the Executive and Congress to work together. I would expect you to hold me to the highest standards of performance. And I expect to work with you in mutual respect for each other's positions and integrity.

Mr. Chairman, as someone who believes strongly in public service, my integrity is something that I care deeply about. That is why I want to take this opportunity to lay to rest, once and for all, two challenges to my personal integrity that have come up in the course of the confirmation process.

First, I believe that the settlement of a civil case by the Department of Justice last month resolves questions that have been raised about my ownership of stocks as National Security Advisor. I take full responsibility for not having sold these stocks earlier. But as the resolution of the civil case -- following a full investigation over 18 months -- also clearly states: "There is no evidence that Mr. Lake ever took any action to conceal or misrepresent his or his wife's financial holdings." It notes that "There is no evidence that...at the time any issue came before Mr. Lake which may had a direct and predictable effect on Exxon Corporation or Mobil Corporation, he considered any effect or impact which that matter or issue might have had upon his or his wife's financial interests."

Second, the Department of Justice has also investigated and responded to the charges raised by a House Subcommittee that senior Clinton Administration officials, including myself, lied to Congress. As the Department of Justice's reply to Chairman Hyde says, "We have found no direct, material contradictions between Mr. Lake's statements and the statements or testimony

of any other witness, nor any other evidence that Mr. Lake was untruthful to the Subcommittee or was part of a conspiracy to obstruct Congress."

Mr. Chairman, any public official must be dedicated to upholding not just the laws of the land, but the spirit of cooperation between the three branches of government that informs our Constitution. I pledge to you that, if confirmed, I will not only fulfill every legal requirement in keeping Congress informed, but will go beyond. I propose to meet on a monthly basis with the members of this Committee -- to discuss the problems on your minds as well as mine, and to work those problems through at as early a stage as possible.

This raises the issue of the "No Instructions" policy regarding arms shipments to Bosnia through Croatia. I'd like to take a moment to review that policy, because I know that it has been a source of concern.

As you recall, in April 1994, Croatian President Tudjman asked our Ambassador whether the United States would object to arms shipments to Bosnia through Croatia. It was clear that Iran would be among the sources. Our Ambassador was told to say he had "no instructions" -- in other words, that we would neither endorse nor object.

Our decision was a tough one, but the right one -- and it worked, helping to pave the way to the Dayton Agreement. Today, there is peace in Bosnia and an elected, multi-ethnic government. All foreign forces have been expelled, military and intelligence cooperation with Iran has stopped, and Iranian and radical Islamic influence has eroded. Most important, while much work remains, hope in the future has been restored. Bosnia's markets are full of life, not death... its children go to school instead of hiding in their cellars... homes and businesses are being rebuilt... and the routines of normal life are returning.

I have no apologies for the policy. But I do appreciate that it would have been better to have informed key members of Congress on a discreet basis regarding the "no instructions" instruction while you were debating enforcement of the arms embargo. The President has said

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the same. At the time, grave concern about the need to keep our allies together led us to emphasize the secrecy of the decision.

At the same time, I must make it clear that I do not believe we were under a legal obligation to inform the Congress. I disagree with those who say that "no instructions" was an intelligence activity. Diplomatic exchanges, including secret diplomatic exchanges, are diplomatic activities. This view, I know, is shared by both John Deutch and Jim Woolsey.

I would also like to say that when the CIA raised concerns with me for the first time in October 1994 as to whether some U.S. officials may have gone beyond the "no instructions" position, I referred the matter to the White House Counsel. In consultation with me, the Counsel asked the Intelligence Oversight Board to review the matter. The IOB found no covert action by the government. Neither did the report of this Committee.

This experience, and my own role in it, reinforces my pledge to you about the need to work together. And again, I pledge that, if confirmed, I will not only supply the committee with all information legally required. When in doubt, my rule will be to inform.

Confidentiality must and will remain a vital part of what we do. For as George Washington wrote during our nation's battle for independence, "...upon Secrecy, success depends in most Enterprises of the kind, & for want of it, they are generally defeated, however well planned." [Letter to Colonel Elias Dayton, July 26, 1777] But it is also true that if you look back at some recent controversies involving the intelligence community, while various mistakes were made, too often the core of the problems was overzealous secrecy: Not sharing enough information among ourselves; not sharing enough information with the Congress. And that is simply unacceptable.

Let me state clearly: We have to keep the secrets -- and I think I'm known for my ability to do so. We need the most vigorous counterintelligence program to keep our secrets in and keep spies out. But secrecy whose purpose is to cover up mistakes, preserve mere bureaucratic

routine, or avoid responsible oversight, is ultimately self-destructive.

Mr. Chairman, in closing, let me emphasize that these hearings are about much more than one man's nomination. We'll be discussing the future of the CIA and the intelligence community at large... our commitment to protect our people in the world of the 21st century... and our ability to advance our interests in an era of exploding information.

I welcome the endeavor. I look forward to the challenge. I'm ready, if confirmed, to get to work. And I'm confident that, working together, we can help promote the security and prosperity of the American people in the next century as we did in the last.

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M S M a i l

DATE-TIME 09 May 97 07:51
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT Sen. Ford Hold on Tenet [UNCLASSIFIED]
TO Andreasen, Steven P.
Bell, Robert G.
Bouchard, Joseph F.
Kelly, Sandra L.
Langley, Janice M.
Mulligan, George D.
Seaton, James B.
Witkowski, Anne A.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Bob, Yesterday evening's legislative update had this comment in it:

"TENET NOMINATION: Sen. Ford's office called to say he was putting a hold on George's nomination on an unrelated DoD issue. We are working with Bob Bell's shop to get to the bottom of this. Understand that Torricelli may also put a hold on nomination."

> Bill and Gordy told me Sen. Ford put a hold on EVERY nomination currently in front of the Senate, but that the Tenet nomination is the one that has generated the greatest concern.

> The unrelated issue is the amendment to the FY97 Defense Authorization Bill sponsored by Sen. Ford that authorized (but did not require) DOD to implement a program of "expanded, deferred annuities" for government employees at two Navy ordnance depots in Kentucky that are being privatized in place as a result of the 1995 BRAC round.

> This provision is strongly opposed by OSD, OMB and OPM because it provides an unfair windfall for a small group of former government employees, all of whom gained jobs with the civilian firms that took over the two depots, and sets a precedent that would be incredibly expensive if applied to all federal employees similarly affected.

> When he learned of the hold, Bill Danvers called me yesterday evening asking me to help find out what was going on between Sen. Ford and OSD over this issue. I spoke with the two civilians in OSD who are working this issue and Phebe Vickers at OMB. Phebe faxed me an excellent package of

memos and letters giving the history of this issue (I have a copy if you'd like to see it). I passed all this on to Gordy Bendick yesterday evening. Bill should have everything he needs to work this, and I am standing by to provide further assistance.

> Bottom line: Sen. Ford is angry at OSD and OMB for "stonewalling" him on this proposal. He wrote the President in September 1996, but OMB did not reply until January 1997. Sen. Ford responded to OMB with a very nasty and rude letter in February 1997. He apparently imposed the "hold" because OMB has not answered that letter.

Joe

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. questions and answers	re: Written Questions for Mr. Anthony Lake, Nominee for Director of Central Intelligence (33 pages)	n.d.	COPY P1/b(1)
002. questions and answers	re: Written Questions for Mr. Anthony Lake, Nominee for Director of Central Intelligence (33 pages)	n.d.	P1/b(1)
003. draft	re: Definitions & NSC Staff Responses to Particular Questions (13 pages)	08/16/1995	P5 6177
004. draft	re: Definitions & NSC Staff Responses to Particular Questions (12 pages)	08/17/1995	P5 6178

COLLECTION:

Clinton Presidential Records
National Security Council
James Baker (Office of Legal Adviser)
OA/Box Number: 1517

FOLDER TITLE:

Written SSCI [Senate Select Committee on Intelligence] Questions for Lake [3]

Jimmie Purvis
2006-0680-F
ip1826

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]

- 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.

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Definitions: [BEERS] The NSC staff takes issue with the definitions presented by plaintiffs.

First, the definition of "adjudicatory official" implies that any employee of EOIR who is directly engaged in adjudications is an "adjudicatory official" and according to plaintiffs' Requests subject to various policy/procedures regarding contacts with White House officials. The validity of this statement depends on the meaning of "engaged in adjudications." NSC staff understand that Gerry Hurwitz engaged in contacts with other EOIR staff and BIA staff regarding adjudications as part of his assigned duties as Counsel to the Administrator of EOIR. For example, Mr. Hurwitz would have addressed policy issues arising out of adjudications as well as administrative issues pertaining to adjudications, including policy issues involving the expeditious handling of alien smuggling cases. To deem Mr. Hurwitz an "adjudicatory official," however, suggests that he was involved in the substantive review of particular cases, including those of the Golden Venture plaintiffs. This is not consistent with our understanding of his duties at the time.

Second, the definition of Border Security Working Group is incorrect. The BSWG was not "convened" by the Clinton Administration after the World Trade Center Bombing. The BSWG was originally established during the Bush administration and was reconvened during the Clinton Administration. Furthermore, the last clause of the definition suggests that all policy/legislative meetings and so-called "boat meetings" were BSWG meetings. This is not the case.

NSC Staff Responses to particular questions:

6. According to a policy designed to prevent improper ex parte communications instituted by Attorney General Reno in March 1993, any contacts between White House executive officials and DOJ adjudicatory officials had to come from White House Counsel and to the Attorney General, Associate Attorney General, or the Deputy Attorney General; subsequent contacts with other DOJ officials were to be monitored where appropriate.

Deny. The NSC staff is not aware of policy guidance instituted by Attorney General Reno in March 1993 designed to prevent improper ex parte communications between White House executive officials and DOJ adjudicatory officials.

In February 1993 the White House Counsel's Office issued guidance pertaining inter alia to communications with the Department of Justice. Among other things, this guidance provided that no

member of the White House staff should discuss a pending criminal or civil matter with the Department of Justice without first going through the Counsel's office. The guidance expressly provided that "Members of the White House staff may communicate directly with the Department of Justice with respect to policy, legislation and budgetary matters." Further, the guidance does not specify that contacts outside the parameters of this guidance would necessarily be improper, as plaintiffs question suggests. Rather, the guidance seeks to avoid even the appearance of White House interference in pending criminal and civil matters.

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9. The BSWG was convened by and functioned under the auspices of the National Security Council and the White House.

[BEERS] Deny in part. The BSWG, which existed during the Bush Administration, was reconvened at the request of the staff of the National Security Council and with the agreement of the agencies that constituted its membership (along with staff of the Executive Office of the President) during the Clinton Administration.

11. Among the measures formulated by the BSWG were: a. expeditious administrative adjudications; b. detention; c. repatriation.

Deny. First, when linked with Request 10, Request 11 implies that measures considered by the BSWG were developed after June 6 when in fact all of the measures contained in the Presidential Decision Directive on Alien Smuggling (PDD-9) were formulated, with interagency participation, prior to June 6. This is clearly reflected in document 22 previously produced to plaintiffs.

Document 22 is a draft of PDD-9 under cover of an NSC staff memorandum to Mr. Lake and Ms. Rasco dated June 4, 1993. The memorandum states that "it has been cleared by Justice, State, Defense, Treasury, and CIA."

11a. Deny. The BSWG did not formulate measures for expeditious administrative adjudications. A plan to expedite procedures for processing entry claims of migrants smuggled into the United States through criminal syndicates was formulated by the Department of Justice after interagency agreement -- including agreement of the Department of Justice -- on this approach as a general policy matter was reached. The forum in which such agreement was reached was the BSWG.

11b. Deny. The BSWG did not formulate measures for detention. Any such measures would have been formulated by the Department of Justice. In the context of the BSWG, all agencies did agree in the appropriateness of a policy in which the Justice Department

would, within available resources, seek to apply the law on detention of illegal entrants to smuggled aliens entering the U.S. with the assistance of criminal syndicates.

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11c. Deny. The BSWG did not formulate measures for repatriation. Such measures are formulated by the Department of Justice. The interagency BSWG did reaffirm that non-refugee migrants should be repatriated after any claims for refugee status were fairly considered. This reaffirmation of worldwide U.S. migration policy is reflected in PDD 9.

14. A substantial purpose underlying the development of the measures set forth in Request No. 11 was to deter alien smuggling.

We deny Request No. 11 and thus deny this request. A substantial purpose underlying the development and reaffirmation of policy in the areas of expeditious administrative adjudications, detention and repatriation was deterrence of alien smuggling.

15. A substantial purpose underlying the development of the measures set forth in Request No. 11 was to "send a message" to alien smugglers and prospective Chinese smuggled aliens that Chinese smuggled aliens would be detained, speedily processed and repatriated.

Deny. First, Request No. 15 is incorrect in that it suggests that we will not protect migrants from return. In fact, the Presidential Decision Directive on Alien Smuggling speaks of repatriation "when appropriate" (page 1). It states that we will "attempt to ensure that smuggled aliens detained as a result of U.S. enforcement actions, whether in the U.S. or abroad, are fairly assessed and/or screened by appropriate authorities to ensure protection of bonafide refugees" (pages 1-2). It states that we will encourage other governments to deal with migrants "in accordance with standards that ensure protection of bonafide refugees and safe treatment for all migrants" (page 3). It states that we "will work with the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to develop procedures to ensure that migrants landed outside the U.S. are fairly and appropriately treated in accordance with standards that ensure protection of bonafide refugees" (page 3). It indicates that credible asylum claimants in the United States will be considered for release from detention (page 3).

Second, Request No. 15 indicates that the policy response formulated at the BSWG was aimed at Chinese smuggled aliens. In fact, while most of the smuggling vessels with which the United States was dealing at the time appear to have come from China,

the policy measures were not made applicable only to Chinese. This is apparent in the text of PDD-9 itself, which addresses alien smuggling generally. The section addressing "Efforts the Source," for example, directs the Department of State to "approach source nations whose nationals, businesses and/or infrastructure provides assistance to alien smuggling. . . ." (Emphasis supplied.)

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The message we sought to communicate through our policy response was that non-refugee migrants would be returned; that those who did not have credible asylum claims would not be permitted to take advantage of our procedures by entering the community and absconding. Because we did not wish to detain such smuggled migrants for long periods, we sought expeditious processing which would both avoid unnecessary delay and ensure fairness. Again, this statement is supported by the text of PDD-9.

Finally, we do not admit that "speedily processing" aliens was a purpose underlying the development of measures related to alien smuggling. "Speedily" implies a lack of attention to considerations of fairness, which was not the intention or the effect of these measures.

16. The denial of a large proportion of Chinese smuggled aliens' requests for relief from exclusion and/or deportation was a necessary condition to the policy of deterrence developed by the BSWG.

Deny. First, the policy of deterrence includes efforts to investigate and prosecute the smuggling rings. Successful efforts in this area will deter the smugglers regardless of approval rates.

Moreover, we simply do not know what the effect of a high approval rate would be on flows of smuggled migrants and this issue was not a factor in decision-making in view of the importance of maintaining refugee protections. As indicated in No. 15, above, the President's policy directive (PDD-9) stressed the importance of maintaining protections for refugees without any reference to what percentage of claimants might be accepted or denied. Paragraph 3 states: "At the same time, we will also attempt to ensure that smuggled aliens detained as a result of U.S. enforcement actions, whether in the U.S. or abroad, are fairly assessed and/or screened by appropriate authorities to ensure protection of bona fide refugees." This direction from the President is repeated three additional times on page 3 of the PDD.

In fact, a high approval rate that continued to reject non-refugees might still accomplish a critical goal of the policy:

detering those who do not have credible claims for refugee status.

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17. During the course of BSWG meetings at which one or more EOIR representatives were present, participants expressed the following views: a. That the PRC's "one child" policy was a major source of false asylum claims; b. that E.O. 12711 was causing a "magnet" effect attracting large numbers of Chinese smuggled aliens to the United States; c. that Chinese asylum applicant from Fujian Province were, for the most part, not credible; d. That the "one child" policy was not strictly enforced in Fujian Province; e. that the majority of claims for relief in the Golden Venture cases were unmeritorious or fraudulent; f. that Chinese women immigrating into the U.S. were likely to engage in prostitution; g. that Chinese men immigrating into the U.S. were likely to engage in drug trafficking and/or other criminal activities.

[BEERS/SCHWARTZ] Deny. NSC staff recall an EOIR presence at only one meeting of the BSWG: a subgroup meeting chaired by Mr. Schwartz on legislation relating to expedited exclusion. Mr. Hurwitz was at the meeting and offered views on the value of using immigration judges in a statutory regime under consideration. Since this was a meeting on legislation, which went well beyond the subject of Chinese alien smuggling, and dealt with technical issues (such as the nature of the process the Administration would propose), it is unlikely that any of the views in this Request were expressed during the meeting.

NSC staff do not recollect and the staff rosters located and produced to date do not indicate that any EOIR officials attended BSWG meetings other than Gerry Hurwitz.

35f. The plan outlined in the Hurwitz memorandum was prepared in consultation with: f. Eric Schwartz; g. Donsia Strong; h. Rand Beers.

[SCHWARTZ/BEERS] Deny. The plan was not prepared in consultation with Mr. Schwartz, although Mr. Schwartz may have been aware of the plan's existence and alluded to it in conversation.

Mr. Hurwitz's memorandum to Phyllis Coven of June 15, 1993, outlining "EOIR's plan to adjudicate smuggled alien exclusion cases in New York, Baltimore, and Arlington" indicates that the plan is being presented "Pursuant to your request," i.e., at the request of Phyllis Coven. There is no indication in the memorandum that Mr. Schwartz or any other NSC staff member has seen or reviewed it. Indeed, no copy of this memorandum in final

or in draft was located during NSC staff's exhaustive searches for documents relating to this litigation.

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A memorandum from Margaret Philbin, Associate Council [sic] to the Director, EOIR, to Phyllis Coven, dated September 17, 1993, further supports this conclusion. It states that "At the request of the Department, EOIR formulated a plan to deal with the influx of the detained smuggled aliens." The memorandum continues, "The focus of the plan was to expedite those administrative tasks associated with the hearing process without interfering in any way with the quasi-judicial determination of the presiding immigration judges."

[BAKER RECOMMENDS DELETE: Moreover, the Executive Office of the President in general, and Mr. Schwartz in particular, was sensitive to concerns about fairness in these cases and sensitive to the need to avoid involvement in the adjudicatory process. For example, in September 1993, Schwartz received a copy of a letter from a non-governmental organization suggesting White House involvement in the adjudicatory process. The letter identified a number of individual cases under adjudication. According to records at the NSC, Schwartz asked NSC Legal Adviser for permission to raise the matter with the Justice Department. This action demonstrates two facts. First, Schwartz's apparent interest in pursuing the complaint demonstrates that NSC staff was interested in ensuring that smuggled aliens received fair treatment. If the claimants' allegations about interference had any merit, it would have made no sense for Schwartz -- who did not know his request to inquire about this allegation might become part of the public record -- to raise this matter NSC counsel. Secondly, the request itself demonstrates that on matters under adjudication, NSC staff was careful to avoid even the appearance of impropriety.]

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[LEARY/SCHWARTZ] Deny. As stated above, extensive searches of NSC files have been made in the context of this litigation. No copies of the Hurwitz memorandum in final or draft have been located. NSC staff have no recollection of receiving copies of the memorandum.

As indicated by the discovery in this case, Mr. Schwartz as a practice retained drafts and final copies of documents he received or drafted pertaining to the Golden Venture. Furthermore, under NSC procedures and practice if staff had received a final copy of the Hurwitz memorandum it would have been retained.

37. The Hurwitz memorandum was part of a program originating in the White House in relation to its policy objective of deterring Chinese alien smuggling.

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Deny. As PDD-9 clearly indicates, there were a number of initiatives developed to deal with alien smuggling before, during and after June 1993. Some of these initiatives were coordinated by the BSWG and involved officials in the Executive Office of the President up to and including the President. As noted above, PDD-9 was intended to address alien smuggling generally. Some of these initiatives would have been discussed, and may have originated within the interagency process, chaired by either the NSC, DPC or both. Within this context agencies would have been requested to offer proposals that they believed would address the alien smuggling issue. Several meetings were held at which suggestions were made by various officials and presented to responsible agencies for comment. The proposal for expedited procedures for cases of aliens smuggled through criminal syndicates would not have been included without Justice Department approval. The documentary record indicates that specific implementation of this idea in the context of Golden Venture was initiated at the Department of Justice.

Mr. Hurwitz's memorandum to Phyllis Coven of June 15, 1993, outlining "EOIR's plan to adjudicate smuggled alien exclusion cases in New York, Baltimore, and Arlington" indicates that the plan is being presented "Pursuant to your request," i.e., at the request of Phyllis Coven. There is no indication in the memorandum that Mr. Schwartz or any other NSC staff member has seen or reviewed it. Indeed, no copy of this memorandum in final or in draft was located during NSC staff's exhaustive searches for documents relating to this litigation.

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Deny. Mr. Schwartz has no recollection of such a conversation.

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Moreover, the Executive Office of the President in general, and the NSC staff in particular, was sensitive to concerns about fairness in these cases. As noted above, PDD-9 reflects this concern at the highest level of government.

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[SCHWARTZ/BEERS: We need to pin down whether the interagency process approved and/or reviewed the Hurwitz plan or not. Or is the proper distinction between the general policy of expedited processing versus the specific implementation.] Deny. This request reflects a misunderstanding of the interagency decision-making process. Again, the policy determination to expedite processing of migrants smuggled by criminal syndicates was approved by all relevant agencies and the President in PDD-9. As noted above, the policy objective was to deter alien smuggling generally and not just Chinese alien smuggling. In addition, as also noted above, PDD-9 was predicated on the principle that whatever steps were taken to deter alien smuggling, including expedited processing, would be taken consistent with the fair

assessment of migrants and protection of bona fide refugees. Such a policy is not improper; nor does it create the appearance of impropriety.

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Specific implementation of this policy in the Golden Venture context, i.e., the Hurwitz memorandum, was not improper.

52. Communications between the White House and EOIR concerning Chinese alien smuggling were not viewed as "sensitive" in relation to the Attorney General's policy to prevent improper ex parte contacts.

Deny. The term "sensitive" is vague. It is not clear what plaintiffs are requesting we admit. We are not aware of the Attorney General's March 1993 policy.

As noted above, the White House instituted a policy in February 1993, regarding contacts between White House staff and the Department of Justice. The policy distinguishes between contacts with the Justice Department regarding the adjudication of ongoing cases and contacts involving policy, legislative and budgetary issues. While the specific terms of this policy have changed, the White House continues to adhere to this general policy.

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[Question is unclear. Justice should take the lead in responding to this request with NSC staff review of response.]

54. The term "smuggled aliens," as it was used within the BSWG and DOJ, referred primarily or exclusively to Chinese aliens making or attempting to make illegal entry into the United States through the assistance of organized crime syndicates and alien smuggling ships.

Deny. To be sure, when officials were discussing incidents of alien smuggling involving Chinese nationals, "smuggled aliens" would refer to Chinese. However, the policy response that was affirmed in PDD-9 applies to alien smuggling, and smuggled migrants, generally.

55. Senior executive official viewed the arrival of the Golden Venture as an exemplar of the problem of alien smuggling.

Deny in part. Admit in part. This question is vague. If, by "exemplar of the problem of alien smuggling", the Request means

an example of a boat migration case involving alien smuggling, then we admit the request. If, however, the Request is intended to imply that senior officials intended to make an example of the Golden Venture, the request is denied.

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56. Clinton's legislative initiative relating to expedited exclusion procedures included proposals to restrict the due process rights and access to judicial review of aliens in exclusion proceedings.

[DOJ should respond.]

57. Senior Clinton Administration officials viewed the Golden Venture cases as a pilot project or test case for its legislative initiative relating to expedited exclusion procedures.

[BEERS] Deny. First, the decision to conduct expeditious administrative proceedings under current law was agreed upon interagency prior to the Golden Venture's arrival on June 6 (although issuance of PDD-9 came later). This is indicated in the internal NSC memoranda cited above conveying a draft of PDD-9 to senior policymakers prior to the Golden Venture incident. The goal was to set up a general administrative procedure that would apply, where resources permitted, to cases of aliens smuggled through criminal syndicates. In fact, it is far from clear that the results of expeditious administrative processing would give us any indication of the impact of enactment of the Administration's legislative proposal on expedited exclusion. This is because the legal regimes of the two systems would be quite different.

67. In response to the arrival of the Golden Venture, BSWG directed DOJ to formulate a policy position concerning Executive Order 12711 and the BIA's decision in Matter of Chang.

Deny. First, it reflects a misunderstanding of Cabinet Government and the interagency process of decision-making. The BSWG did not have the authority to "order" the Department of Justice to formulate a policy position concerning Executive Order 12711 and the BIA's decision in Matter of Chang. The interagency group -- with DOJ approval -- agreed that Justice would review "Executive Order 12711, the interim rule published January 29, 1990, the proposed Final Rule, administrative decisions of the Board of Immigration Appeals and INS field directives pertaining to eligibility for asylum based on coercive family planning practices." (See PDD-9, page 4) Moreover, it is clear that this decision was not made in response to the arrival of the Golden Venture. In fact, it was discussed prior to the Golden Venture's arrival and, in fact, appears in NSC memoranda prior to the June 6 arrival of the Golden Venture.

68. BSWG's direction to DOJ to formulate a policy position concerning E.O. 12711 and the BIA's decision in Matter of Chang was subsumed under the Attorney General's resolution of the certified appeals in Matter of Chu/Matter of Tzun.

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[Justice.] Deny. With respect to the assertion that the BSWG directed the Department of Justice to formulate a policy position concerning E.O. 12711 and Matter of Chang, NSC staff note that the President directed the Justice Department in PDD-9 (at p. 4) to "review and make recommendations concerning Executive Order 12711, the interim rule published January 29, 1990, the proposed Final Rule, administrative decisions of the Board of Immigration Appeals and INS field directives pertaining to eligibility for asylum based on coercive family planning practices."

72. Respondents were in possession of reliable reports evidencing the following facts: a. that opposition to and/or violation of the PRC's "one child" policy constitutes political conduct; b. that PRC officials viewed opponents and violators of the "one child" policy as political criminals; c. that, in furtherance of the "one child" policy, PRC official imposed severe penalties, including coercive abortion, involuntary sterilization and imprisonment, upon persons who violated or oppose reproductive restrictions; d. that PRC official imposed sever penalties, including coercive abortion, involuntary sterilization and imprisonment, in whole or in part for the purpose of subduing political opposition to the "one child" policy.

72. [SCHWARTZ/BEERS.] Deny.

72a. Deny. In fact, much of the reporting and analysis in our possession indicates otherwise. For example, the UNHCR has stated that the suggestion --

that political opinion might be a further ground to which persecution could be tied...would seem to strain the concept of persecution on account of political option to an unnatural and unacceptable degree. Family planning policies have as their principal aim to promote social welfare and advancement and economic development. There is no evidence to suggest that the Government regards or treats those (and there may be many) who contravene the one-child requirement as political offenders. Similarly there is on basis on which to impute a political opinion from decisions on family size. (Memorandum on "Family Planning and Persecution", dated 11 May 1989.)

To be sure, the former INS legal counsel argued within the government that opposition to China's family planning practices constitutes imputed political conduct. However, this view does not have wide support, nor is it shared by UNHCR, the international organization with responsibility for refugee protection.

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We do not discount the possibility that, in specific instances, authorities might impose coercive practices upon individuals to punish them for political opposition. And where that does take place, applicants might well be eligible for asylum. However, information in our possession suggests such politically motivated actions would be the exception and not the rule. [WHICH DOCUMENTS SCHWARTZ]

72b. Deny. The basis of our denial is identical to that of 72a. To be sure, PRC officials may view those who resist family planning practices as law violators who should be punished. But we have not seen reliable reporting that they view, as a general matter, such persons as "political" criminals who might, for example, be subject to prosecution for subversion, undermining state security, etc. (check these crimes with State).

72c. Admit. We note that these penalties are not formally authorized at the central government level and that evidence of coercion is anecdotal and incomplete, making a definitive judgment about its extent impossible.

72d. Deny. To be sure, officials have imposed penalties and such enforcement action may have been designed, in whole or part, to deter other potential "violators". However, reporting that NSC staff recalls does not indicate that the goal of such enforcement was to subdue political efforts to change family planning practices. More importantly, reporting NSC staff recalls does not indicate that political opponents of the policies -- e.g., those that may have sought political changes in family planning practices -- have been subjected to coercive family planning as punishment for those political views or activities.

This is not to say such politically motivated abuses can never occur. If and when they do, they may indeed be grounds for asylum based on political persecution.

73. In the presence of EOIR personnel, participants in the BSWG engaged in discussions concerning the reliability of reports evidencing the facts set forth in the previous request.

Deny. NSC staff recall an EOIR presence at only one meeting of the BSWG: a subgroup meeting chaired by Mr. Schwartz on

legislation relating to expedited exclusion. Mr. Hurwitz was at the meeting and offered views on the value of using immigration judges in a statutory regime under consideration. Since this was a meeting on legislation, which went well beyond the subject of Chinese alien smuggling, and dealt with technical issues (such as the nature of the process the Administration would propose), it is unlikely that any of the views in this Request were expressed during the meeting.

NSC staff do not recollect and the staff rosters located and produced to date do not indicate that any EOIR officials attended BSWG meetings other than Gerry Hurwitz.

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Definitions: [BEERS] The NSC staff takes issue with the definitions presented by plaintiffs.

First, the definition of "adjudicatory official" implies that any employee of EOIR who is directly engaged in adjudications is an "adjudicatory official" and according to plaintiffs' Requests subject to various policy/procedures regarding contacts with White House officials. The validity of this statement depends on the meaning of "engaged in adjudications." NSC staff understand that Gerry Hurwitz engaged in contacts with other EOIR staff and BIA staff regarding adjudications as part of his assigned duties as Counsel to the Administrator of EOIR. For example, Mr. Hurwitz would have addressed policy issues arising out of adjudications as well as administrative issues pertaining to adjudications, including policy issues involving the expeditious handling of alien smuggling cases. To deem Mr. Hurwitz an "adjudicatory official," however, suggests that he was involved in the substantive review of particular cases, including those of the Golden Venture plaintiffs. This is not consistent with our understanding of his duties at the time.

Second, the definition of Border Security Working Group is incorrect. The BSWG was not "convened" by the Clinton Administration after the World Trade Center Bombing. The BSWG was originally established during the Bush administration and was reconvened during the Clinton Administration. Furthermore, the last clause of the definition suggests that all policy/legislative meetings and so-called "boat meetings" were BSWG meetings. This is not the case.

NSC Staff Responses to particular questions:

6. According to a policy designed to prevent improper ex parte communications instituted by Attorney General Reno in March 1993, any contacts between White House executive officials and DOJ adjudicatory officials had to come from White House Counsel and to the Attorney General, Associate Attorney General, or the Deputy Attorney General; subsequent contacts with other DOJ officials were to be monitored where appropriate.

Deny. The NSC staff is not aware of policy guidance instituted by Attorney General Reno in March 1993 designed to prevent improper ex parte communications between White House executive officials and DOJ adjudicatory officials.

[In February 1993 the White House Counsel's Office issued guidance pertaining inter alia to communications with the Department of Justice. Among other things, this guidance

provided that no member of the White House staff should discuss a pending criminal or civil matter with the Department of Justice without first going through the Counsel's office. The guidance expressly provided that "Members of the White House staff may communicate directly with the Department of Justice with respect to policy, legislation and budgetary matters." Further, the guidance does not specify that contacts outside the parameters of this guidance would necessarily be improper, as plaintiffs question suggests. Rather, the guidance seeks to avoid even the appearance of White House interference in pending criminal and civil matters.]

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9. The BSWG was convened by and functioned under the auspices of the National Security Council and the White House.

[BEERS] Deny in part. The BSWG, which existed during the Bush Administration, was reconvened at the request of the staff of the National Security Council and with the agreement of the agencies that constituted its membership (along with staff of the Executive Office of the President) during the Clinton Administration.

11. Among the measures formulated by the BSWG were: a. expeditious administrative adjudications; b. detention; c. repatriation.

Deny. First, when linked with Request 10, Request 11 implies that measures considered by the BSWG were developed after June 6 when in fact all of the measures contained in the Presidential Decision Directive on Alien Smuggling (PDD-9) were formulated, with interagency participation, prior to June 6. This is clearly reflected in document 22 previously produced to plaintiffs.

Document 22 is a draft of PDD-9 under cover of an NSC staff memorandum to Mr. Lake and Ms. Rasco dated June 4, 1993. The memorandum states that "it has been cleared by Justice, State, Defense, Treasury, and CIA."

11a. Deny. The BSWG did not formulate measures for expeditious administrative adjudications. A plan to expedite procedures for processing entry claims of migrants smuggled into the United States through criminal syndicates was formulated by the Department of Justice after interagency agreement -- including agreement of the Department of Justice -- on this approach as a general policy matter was reached. The forum in which such agreement was reached was the BSWG.

11b. Deny. The BSWG did not formulate measures for detention. Any such measures would have been formulated by the Department of Justice. In the context of the BSWG, all agencies did agree in

the appropriateness of a policy in which the Justice Department would, within available resources, seek to apply the law on detention of illegal entrants to smuggled aliens entering the U.S. with the assistance of criminal syndicates.

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11c. Deny. The BSWG did not formulate measures for repatriation. Such measures are formulated by the Department of Justice. The interagency BSWG did reaffirm that non-refugee migrants should be repatriated after any claims for refugee status were fairly considered. This reaffirmation of general U.S. migration policy is reflected in PDD 9.

14. A substantial purpose underlying the development of the measures set forth in Request No. 11 was to deter alien smuggling.

We deny Request No. 11 and thus deny this request. A substantial purpose underlying the development and reaffirmation of policy in the areas of expeditious administrative adjudications, detention and repatriation was deterrence of alien smuggling.

15. A substantial purpose underlying the development of the measures set forth in Request No. 11 was to "send a message" to alien smugglers and prospective Chinese smuggled aliens that Chinese smuggled aliens would be detained, speedily processed and repatriated.

Deny. First, Request No. 15 is incorrect in that it suggests that we will not protect migrants from return. In fact, the Presidential Decision Directive on Alien Smuggling speaks of repatriation "when appropriate" (page 1). It states that we will "attempt to ensure that smuggled aliens detained as a result of U.S. enforcement actions, whether in the U.S. or abroad, are fairly assessed and/or screened by appropriate authorities to ensure protection of bonafide refugees" (pages 1-2). It states that we will encourage other governments to deal with migrants "in accordance with standards that ensure protection of bonafide refugees and safe treatment for all migrants" (page 3). It states that we "will work with the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to develop procedures to ensure that migrants landed outside the U.S. are fairly and appropriately treated in accordance with standards that ensure protection of bonafide refugees" (page 3). It suggests that credible asylum claimants in the United States will be considered for release from detention (page 3).

Second, Request No. 15 indicates that the policy response formulated at the BSWG was aimed at Chinese smuggled aliens. In fact, while most of the smuggling vessels with which the United

States was dealing at the time appear to have come from China, the policy measures were not made applicable only to Chinese. This is apparent in the text of PDD-9 itself, which addresses alien smuggling generally. The section addressing "Efforts at the Source," for example, directs the Department of State to "approach source nations whose nationals, businesses and/or infrastructure provides assistance to alien smuggling. . . ." (Emphasis supplied.)

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The message we sought to communicate through our policy response was that non-refugee migrants would be returned; that those who did not have credible asylum claims would not be permitted to take advantage of our procedures by entering the community and absconding. Because we did not wish to detain such smuggled migrants for long periods, we sought expeditious processing which would both avoid unnecessary delay and ensure fairness. Again, this statement is supported by the text of PDD-9.

Finally, we do not admit that "speedily processing" aliens was a purpose underlying the development of measures related to alien smuggling. "Speedily" implies a lack of attention to considerations of fairness, which was not the intention or the effect of these measures.

16. The denial of a large proportion of Chinese smuggled aliens' requests for relief from exclusion and/or deportation was a necessary condition to the policy of deterrence developed by the BSWG.

Deny. First, the policy of deterrence includes efforts to investigate and prosecute the smuggling rings. Successful efforts in this area will deter the smugglers regardless of approval rates.

Moreover, we simply do not know what the effect of a high approval rate would be on flows of smuggled migrants. As indicated in No. 15, above, the President's policy directive (PDD-9) stressed the importance of maintaining protections for refugees without any reference to what percentage of claimants might be accepted or denied. Paragraph 3 states: "At the same time, we will also attempt to ensure that smuggled aliens detained as a result of U.S. enforcement actions, whether in the U.S. or abroad, are fairly assessed and/or screened by appropriate authorities to ensure protection of bona fide refugees." This direction from the President is repeated three additional times on page 3 of the PDD.

In fact, a high approval rate that continued to reject non-refugees might still accomplish a critical goal of the policy:

detering those who do not have credible claims for refugee status.

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17. During the course of BSWG meetings at which one or more EOIR representatives were present, participants expressed the following views: a. That the PRC's "one child" policy was a major source of false asylum claims; b. that E.O. 12711 was causing a "magnet" effect attracting large numbers of Chinese smuggled aliens to the United States; c. that Chinese asylum applicant from Fujian Province were, for the most part, not credible; d. That the "one child" policy was not strictly enforced in Fujian Province; e. that the majority of claims for relief in the Golden Venture cases were unmeritorious or fraudulent; f. that Chinese women immigrating into the U.S. were likely to engage in prostitution; g. that Chinese men immigrating into the U.S. were likely to engage in drug trafficking and/or other criminal activities.

[BEERS/SCHWARTZ] Deny. NSC staff recall an EOIR presence at only one meeting of the BSWG: a subgroup meeting chaired by Mr. Schwartz on legislation relating to expedited exclusion. Mr. Hurwitz was at the meeting and offered views on the value of using immigration judges in a statutory regime under consideration. Since this was a meeting on legislation, which went well beyond the subject of Chinese alien smuggling, and dealt with technical issues (such as the nature of the process the Administration would propose), it is unlikely that any of the views in this Request were expressed during the meeting.

NSC staff do not recollect and the visitor rosters located and produced to date do not indicate that any EOIR officials attended BSWG meetings other than Gerry Hurwitz.

35f. The plan outlined in the Hurwitz memorandum was prepared in consultation with: f. Eric Schwartz; g. Donsia Strong; h. Rand Beers.

[SCHWARTZ/BEERS] Deny. The plan was not prepared in consultation with Mr. Schwartz, although Mr. Schwartz may have been aware of the plan's existence and alluded to it in conversation.

Mr. Hurwitz's memorandum to Phyllis Coven of June 15, 1993, outlining "EOIR's plan to adjudicate smuggled alien exclusion cases in New York, Baltimore, and Arlington" indicates that the plan is being presented "Pursuant to your request," i.e., at the request of Phyllis Coven. There is no indication in the memorandum that Mr. Schwartz or any other NSC staff member has seen or reviewed it. Indeed, no copy of this memorandum in final

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Deny. Mr. Schwartz has no recollection of such a conversation.

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Deny. Mr. Schwartz has no recollection of such a conversation.

45. Schwartz' telephone call to Hurwitz lent an appearance of impropriety to the adjudication of the Golden Venture cases.

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Deny. To be sure, when officials were discussing incidents of alien smuggling involving Chinese nationals, "smuggled aliens" would refer to Chinese. However, the policy response that was affirmed in PDD-9 applies to alien smuggling, and smuggled migrants, generally.

55. Senior executive official viewed the arrival of the Golden Venture as an exemplar of the problem of alien smuggling.

Deny in part. Admit in part. This question is vague. If, by "exemplar of the problem of alien smuggling", the Request means an example of a boat migration case involving alien smuggling, then we admit the request. If, however, the Request is intended to imply that senior officials intended to make an example of the Golden Venture, the request is denied.

56. Clinton's legislative initiative relating to expedited exclusion procedures included proposals to restrict the due process rights and access to judicial review of aliens in exclusion proceedings.

[DOJ should respond.]

57. Senior Clinton Administration officials viewed the Golden Venture cases as a pilot project or test case for its legislative initiative relating to expedited exclusion procedures.

[BEERS] [Did Beers use "test case" in backgrounder?] Deny. First, the decision to conduct expeditious administrative proceedings under current law was agreed upon interagency prior

to the Golden Venture's arrival on June 6 (although issuance of PDD-9 came later). This is indicated in the internal NSC memoranda cited above conveying a draft of PDD-9 to senior policymakers prior to the Golden Venture incident. The goal was to set up a general administrative procedure that would apply, where resources permitted, to cases of aliens smuggled through criminal syndicates. In fact, it is far from clear that the results of expeditious administrative processing would give us any indication of the impact of enactment of the Administration's legislative proposal on expedited exclusion. This is because the legal regimes of the two systems would be quite different.

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67. In response to the arrival of the Golden Venture, BSWG directed DOJ to formulate a policy position concerning Executive Order 12711 and the BIA's decision in Matter of Chang.

Deny. First, it reflects a misunderstanding of Cabinet Government and the interagency process of decision-making. The BSWG did not have the authority to "order" the Department of Justice to formulate a policy position concerning Executive Order 12711 and the BIA's decision in Matter of Chang. The interagency group -- with DOJ approval -- agreed that Justice would review "Executive Order 12711, the interim rule published January 29, 1990, the proposed Final Rule, administrative decisions of the Board of Immigration Appeals and INS field directives pertaining to eligibility for asylum based on coercive family planning practices." (See PDD-9, page 4) Moreover, it is clear that this decision was not made in response to the arrival of the Golden Venture. In fact, it was discussed prior to the Golden Venture's arrival and, in fact, appears in the June 4, 1993 NSC memorandum prior to the June 6 arrival of the Golden Venture.

68. BSWG's direction to DOJ to formulate a policy position concerning E.O. 12711 and the BIA's decision in Matter of Chang was subsumed under the Attorney General's resolution of the certified appeals in Matter of Chu/Matter of Tzun.

[Justice.] Deny. With respect to the assertion that the BSWG directed the Department of Justice to formulate a policy position concerning E.O. 12711 and Matter of Chang, NSC staff note that the President directed the Justice Department in PDD-9 (at p. 4) to "review and make recommendations concerning Executive Order 12711, the interim rule published January 29, 1990, the proposed Final Rule, administrative decisions of the Board of Immigration Appeals and INS field directives pertaining to eligibility for asylum based on coercive family planning practices." This direction followed interagency consensus that such direction should occur.

72. Respondents were in possession of reliable reports evidencing the following facts: a. that opposition to a violation of the PRC's "one child" policy constitutes political conduct; b. that PRC officials viewed opponents and violators of the "one child" policy as political criminals; c. that, in furtherance of the "one child" policy, PRC official imposed severe penalties, including coercive abortion, involuntary sterilization and imprisonment, upon persons who violated or oppose reproductive restrictions; d. that PRC official imposed sever penalties, including coercive abortion, involuntary sterilization and imprisonment, in whole or in part for the purpose of subduing political opposition to the "one child" policy.

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72. [SCHWARTZ/BEERS.] Deny.

72a. Deny. In fact, much of the reporting and analysis in our possession indicates otherwise. For example, the UNHCR has stated that the suggestion --

that political opinion might be a further ground to which persecution could be tied...would seem to strain the concept of persecution on account of political option to an unnatural and unacceptable degree. Family planning policies have as their principal aim to promote social welfare and advancement and economic development. There is no evidence to suggest that the Government regards or treats those (and there may be many) who contravene the one-child requirement as political offenders. Similarly there is on basis on which to impute a political opinion from decisions on family size. (Memorandum on "Family Planning and Persecution", dated 11 May 1989.)

To be sure, the former INS legal counsel argued within the government that opposition to China's family planning practices constitutes imputed political conduct. However, this view does not have wide support, nor is it shared by UNHCR, the international organization with responsibility for refugee protection.

We do not discount the possibility that, in specific instances, authorities might impose coercive practices upon individuals to punish them for political opposition. And where that does take place, applicants might well be eligible for asylum. However, information in our possession suggests such politically motivated actions would be the exception and not the rule. [WHICH DOCUMENTS SCHWARTZ]

72b. Deny. The basis of our denial is identical to that of 72a. To be sure, PRC officials may view those who resist family planning practices as law violators who should be punished. But

we have not seen reliable reporting that they view, as a general matter, such persons as "political" criminals who might, for example, be subject to prosecution for subversion, undermining state security, etc. (check these crimes with State)

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72c. Admit. We note that these penalties are not formally authorized at the central government level and that evidence of coercion is anecdotal and incomplete, making a definitive judgment about its extent impossible.

72d. Deny. To be sure, officials have imposed penalties and such enforcement action may have been designed, in whole or part, to deter other potential "violators". However, reporting that NSC staff recalls does not indicate that the goal of such enforcement was to subdue political efforts to change family planning practices. More importantly, reporting NSC staff recalls does not indicate that political opponents of the policies -- e.g., those that may have sought political changes in family planning practices -- have been subjected to coercive family planning as punishment for those political views or activities.

This is not to say such politically motivated abuses can never occur. If and when they do, they may indeed be grounds for asylum based on political persecution.

73. In the presence of EOIR personnel, participants in the BSWG engaged in discussions concerning the reliability of reports evidencing the facts set forth in the previous request.

[BEERS] Deny. NSC staff recall an EOIR presence at only one meeting of the BSWG: a subgroup meeting chaired by Mr. Schwartz on legislation relating to expedited exclusion. Mr. Hurwitz was at the meeting and offered views on the value of using immigration judges in a statutory regime under consideration. Since this was a meeting on legislation, which went well beyond the subject of Chinese alien smuggling, and dealt with technical issues (such as the nature of the process the Administration would propose), it is unlikely that any of the views in this Request were expressed during the meeting.

NSC staff do not recollect and the visitor rosters located and produced to date do not indicate that any EOIR officials attended BSWG meetings other than Gerry Hurwitz.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION COPY
001. email	James Baker to Rand Beers and Ardenia Hawkins [partial] [CIA Act] (1 page)	12/10/1996	P3/b(3)
002. email	Alan Kreczko to Julia Moffett re: Forgot to Attach (4 pages)	12/14/1996	P5
003. email	Kreczko to Baker et al. re: TL Ethics [CIA Act] (6 pages)	12/15/1996	P3/b(3), P5
004. email	Anthony Blinken to Moffett re: FW: Help, Please [partial] [CIA Act] (2 pages)	12/23/1996	P3/b(3), P6/b(6)
005. email	Baker to Beers et al. re: Draft Lake Qs (7 pages)	01/07/1997	P5 6179 Dup.
006. email	William Leary to Baker re: Draft Lake Qs (7 pages)	01/08/1997	P5 6179
007. email	Moffett to Tara Sonenshine re: Check List (2 pages)	01/08/1997	P5
008. email	Wendy Gray to Moffett re: FW: CIA [partial] [CIA Act] (2 pages)	01/08/1997	P3/b(3)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Lake and DCI and Nominat...])
OA/Box Number: 590000

FOLDER TITLE:

[12/05/1996-01/08/1997]

2006-0680-F
rs434

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]

6179

MS Mail

COPY

DATE-TIME 08 January 97 09:40
FROM Leary, William H.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Draft Lake Qs [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Jamie,

Now that I have discovered this nifty editing feature -- finally -- here are a few more suggested edits.

[[LAKE.DOC : 2318 in LAKE.DOC]]

From: Baker, James E.
To: Beers, Rand R; Danvers, William C.; Kreczko, Alan J.; Leary, William H.; Sparks, John E.
CC: /R, Record at A1
Subject: Draft Lake Qs [UNCLASSIFIED]
Date: Tuesday, January 07, 1997 08:00 PM

<<Attached File: LAKEPDS.DOC>>

DELIBERATIVE/DRAFT

Folks:

Could you please review the attached draft answers to various SSCI questions as soon as possible Wednesday morning before I put them into wider circulation. Some questions are old, but the responses to SSCI questions 13 (qualifications for the job) and 41 (what is congressional oversight) are new and are obviously of particular importance. [To reach SSCI page down past the PDS.] Thank you.

ATTACHMENT
FILE DATE

8 January 97 9:37

ATTACHMENT
FILE NAME

LAKE.DOC
DRAFT DELIBERATIVE
g:lakepds 1/7/96

DRAFT DELIBERATIVE

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Notional Draft Answers to PDS

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32. Please list any lawsuits you have brought as a plaintiff or which were brought against you as a defendant or third party. Include in this response any contested divorce proceedings or other domestic relations matters.

Plaintiff in a civil suit over a wiretap placed on home telephone in 1970-71. This suit was brought in 1973 and was settled in 1991. See, Lake, et al. v. Ehrlichman, et al., 723 F.Supp. 833 (D.D.C. 1989).

As the Assistant to the President for National Security Affairs ("National Security Adviser") I have been sued in both my professional, and in one instance personal, capacity. I am aware of the following such suits.

Helen Frost, et al. v. William Perry, Secretary of the United States Department of Defense, et al. (CV-S-94-714-PMP). Citizen suit against ___ named U.S. Government defendants (including the National Security Adviser) and ___ unnamed defendants under the Resource Conservation and Recovery Act. Plaintiffs alleged violations of RCRA in the storage, treatment, and disposal of hazardous waste at a classified Air Force operating location near Groom Lake, Nevada. U.S. Government motion for Summary Judgment granted, March 6, 1996. See, Frost, et al. v. Perry, et al., 919 F.Supp. 1459 (D.Nev. 1996). Various matters are pending on appeal.

Leasure v. Lake. Eastern District of Arkansas. Pro Se Complaint filed April 24, 1995. Decided in favor of the United States August 1995. Decision upheld on appeal November 6, 1995. [DOJ to furnish details by COB Monday.]

Henderson v. Christopher, et. al. [DOJ to furnish details by COB Monday. George Phillips 514-5713]

Harbury v. Deutch et al. (C.A. No. 96-0438 (D.D.C)). Suit against 25 named as well as unnamed individuals in their official and individual capacities seeking declaratory and injunctive relief and damages in connection with the death of Efrain Bamaca-Velasquez, a guerrilla leader in Guatemala. The U.S. Government's motion to dismiss, for failure to state a claim for which relief can be granted, is pending.

33. Please list and describe any administrative agency proceeding

in
which you have been involved as a party.

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None.

35. Have you or your spouse ever been investigated by any federal, state, military or local law enforcement agency? If so, please identify each instance and supply details, including: date; place; law enforcement agency; and court.

(a) Telephone wiretapped by FBI in 1970-1971. See, Lake, et al. v. Ehrlichman, et al., 723 F.Supp. 833 (D.D.C. 1989).

(b) Background investigations for various government posts.

(c) I am the subject of a current Justice Department investigation regarding 18 U.S.C. 208. In 1993 I was advised to sell certain energy stock to avoid any possible conflicts of interest with my duties as the Assistant to the President for National Security Affairs. I thought this had been accomplished at that time; I requested that it be sold in a note to my secretary. When made aware that the stock had, in fact, not been sold, I immediately sold the stock.

Nonetheless, because the law requires referral to Justice of information raising a question of compliance with the conflict of interest statute, former White House Counsel Ab Mikva referred the matter to the Department of Justice. In doing so, he made clear that he had no reason to believe my failure to divest had been intentional or motivated by personal gain.

38. Please list any complaint ever made against you or by any administrative agency, professional association or organization, or federal, state or local ethics agency, committee, or official.

None.

41. Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for a government position?

As the Assistant to the President for National Security Affairs, and a public figure, I have been the subject of public commentary and criticism regarding U.S. foreign policy as well as the persons the President or I have met with.

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Notional Draft answers to SSCI Questions

13. Qualifications (Describe why you believe you are qualified to serve in the position for which you have been nominated.)

I believe, as virtually all of my predecessors do, that the most important qualification for a DCI is a relationship of trust and confidence with the President. Such trust and confidence permits the DCI to report the unvarnished facts no matter how unpleasant or inconsistent with policy options. This same trust and confidence, in turn, has led Presidents to accept the unvarnished facts and respond to them in the nation's interest. I think it is fair to say I have developed a close and confident rapport with the President. I have served as an honest broker to the President's policymaking process, fairly and clearly presenting policy views, recommendations and dissents to the President, whether or not they are consistent with my own policy views. If confirmed as DCI, I would do the same with intelligence: ensuring that the President gets the facts, whether or not they are consistent with policy or intelligence assumptions. That is the DCI's responsibility and I would perform it.

A strong relationship between the Director and Deputy Director is also, in my view, essential to ensuring sustained management, accountability, and continuity of leadership within the Community, particularly at the CIA. This is the sort of relationship I have with Mr. Tenet with whom I have worked as a supervisor and colleague the past four years.

My experience in the government has prepared me for the position of DCI in other ways as well. First, I understand what intelligence is needed and used by the President and his senior policymakers and what intelligence is not. During a time of fiscal constraint, and more importantly, as we plan our priorities for the next century, this knowledge is critical. Second, I understand what the intelligence community can do, should be able to do, and what it cannot do, particularly in areas of present focus like nonproliferation, counterterrorism, and counterintelligence. Although I may not yet know the answers to many of the dilemmas DCI's face, I have a leg-up on asking the right questions.

My background will, I believe, also contribute in other ways to the intelligence mission. My academic experience, should enhance the community's tradition of rigorous and independent analysis. My experience in Vietnam gives me an appreciation for the pressures and risks faced in the field. Such an appreciation better equips me to address matters of personnel reform, and more generally, the concerns of the men and women who serve.

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Finally, I have a genuine enthusiasm for the intelligence community and its mission. I asked to be considered for this position. If confirmed, I am confident those around me will share my enthusiasm.

36. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee or other professional group? If so, provide details.

No.

37. Have you ever been investigated, held, arrested, or charged by any federal, state or other law enforcement authority for violation of any federal, state, county, or municipal law, regulation, or ordinance, other than a minor traffic offense, or named either as a defendant or otherwise in any indictment or information relating to such violation? If so, provide details.

I am the subject of a current Justice Department investigation regarding 18 U.S.C. 208. In 1993 I was advised to sell certain energy stock to avoid any possible conflicts of interest with my duties as the Assistant to the President for National Security Affairs. I thought this had been accomplished at that time; I had requested that it be sold in a note to my secretary. When made aware that the stock had, in fact, not been sold, I immediately sold the stock.

Nonetheless, because the law requires referral to Justice of

information raising a question of compliance with the conflict of interest statute, former White House Counsel Ab Mikva referred the matter to the Department of Justice. In doing so, he made clear that he had no reason to believe my failure to divest had been intentional or motivated by personal gain.

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40. Have you been interviewed or asked to supply any information as a witness or otherwise in connection with any congressional investigation, federal or state agency proceeding, grand jury investigation, or criminal or civil litigation in the past ten years?
If so, provide details.

Yes. As the Assistant to the President for National Security Affairs I have often been asked to brief Members of Congress on a variety of subjects.

In 1996 I provided briefings to the Chairman and Vice Chairman of this Committee as well as to the Chairman and Ranking Member of the Select House Subcommittee regarding Iranian arms shipments to Bosnia.

As the Assistant to the President for National Security Affairs, I have also provided declarations in the context of civil litigation over whether the National Security Council is an "agency" for the purposes of the Freedom of Information Act and Federal Records Act (addressing the nature and work of the National Security Council and NSC staff) and litigation regarding the status of Chinese aliens smuggled to U.S. shores aboard the Golden Venture (addressing the importance of preserving the President's deliberative process for making foreign policy decisions and asserting certain privileges over documents identified during discovery).

As noted above, I am the subject of a current Justice Department investigation regarding 18 U.S.C. 208.

41. Describe in your own words the concept of congressional oversight of U.S. intelligence activities, in particular, characterize what you believe to be the obligations of the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Intelligence Committees of the Congress respectively in this process.

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Oversight is the business of ensuring U.S. intelligence activities are consistent with American values and norms while at the same time satisfying our national security requirements. The Congress does not undertake this task alone; the past twenty years has seen the development of multiple mechanisms in the executive and legislative branches tailored to address the specific risks and security needs of intelligence activities undertaken by a democratic society. William Colby described the process of "bringing the intelligence community under the Constitution" as a "revolution." It was the right thing to do and Congress deserves much of the credit for doing so.

I am familiar with and committed to the statutory framework for Congressional oversight of intelligence activities that has evolved. Congressional oversight, however, should not ultimately be defined solely by what is legally required (or by debates over just where that line rests).

There is no magic formula (or statutory formula) to ensure successful congressional consultation and oversight. It requires hard work by the DCI, the DDCI and by the intelligence committees to make sure we understand what each party expects of the other. With this in mind, the first question I will ask myself in my role as DCI, is not "is it legally required?" but "should the Intelligence Committees know this." In turn, the Committees should continue to ensure that the Congress respects the nature of the information shared.

A final thought. With the DCI, the Committees share a responsibility for articulating to the Congress and the American public the mission of the intelligence community. This is a particularly important component to oversight at a time when some segments of society are unsure of the need for an intelligence community and skeptical of its commitment to the rule of law. Working with you, I think I can help address these points. To do so successfully, however, the DCI and the Committees will need to continue with a tradition of dispassionate, objective and bipartisan oversight.

POC: Leonard Smith, tel 703-482-8824; Fax 703-482-4476