

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Leslie Bassett to Jodi Kessinger, re: ortiz update 5:15 pm (2 pages)	04/22/1996	P5
002. email	Leslie Bassett to Alan Kreczko, re: ortiz update 5:15 pm (2 pages)	04/22/1996	P5 <i>7115</i>
003. email	William Danvers to Jane Baker, et al., re: Bosnia-Iran call list (4 pages)	04/22/1996	P5

COLLECTION:

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

FOLDER TITLE:

[04/18/1996 - 04/22/1996]

2006-0996-F
ke2556

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(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]

M S M a i l

7115

DATE-TIME 22 April 96 12:56
FROM Bassett, Leslie A.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: ortiz update 5:15 p,m, [UNCLASSIFIED]
TO Kreczko, Alan J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Alan:

Here is background info on Nancy's note.

The IOB has been asked by some members of Coalition Missing whether it could

provide financial support (travel costs and per diem) to those victims or family members of victims whose cases were reviewed by IOB and whom the IOB

has offered to brief on its findings here in Washington at a time yet to be determined. IOB asked me to check with State to see if it had funds since State had provided consular assistance to most of the victims or their families. I spoke to Donna Boardley in F/MP (647-5031) who suggested the Secretary's Discretionary Fund (K fund) could be used for such expenses. She cited precedents in which family members of airplane crashes were brought in for briefings using this fund. She suggested that ARA send forward a memo requesting the assistance.

ARA was not thrilled when I suggested this, and resisted doing it, arguing it was illegal and that State should not be asked to fund the travel of the victims -- IOB or CIA should have to do it. From desk to DAS there was resistance, but they did finally draft a memo which L -- Jim Thessin I'm told -- then refused to clear. While I asked the desk and DAS (John Hamilton) to please go back and establish what criteria would have to be met to satisfy L's concerns, they were disinclined to do so -- basically they are happy with Jim's answer and not inclined to push further, nor are they particularly pleased about our persistence. As you can see from Nancy's note, however, she would still like to push this.

If you need anything else please let me know.

From: Kessinger, Jodi
To: Bassett, Leslie A.
CC: /R, Record at A1; Kreczko, Alan J.

Subject: RE: ortiz update 5:15 p,m, [UNCLASSIFIED]
Date: Saturday, April 20, 1996 11:49 AM

Note from NES:

"Thanks.

- 1) Will IOB be fihnished in two weeks? Does that mean that the justice piece is done?
- 2) Can you get Alan K. to engage on K fund. We should do it.
- 3) Is there any reason to brief Stein to give them a sense we'll try not to sandbag them?"

From: Bassett, Leslie A.
To: Soderberg, Nancy E.
CC: /R, Record at A1; Dobbins, James F.
Subject: ortiz update 5:15 p,m,[UNCLASSIFIED]
Date: Friday, April 19, 1996 05:23 PM

Note for Nancy re Sister Ortiz:

Frank Fountain was very concerned by info he had received from a journalist that Sister Ortiz was considering a hunger strike. He spoke to Tony Harrington about it, and the two agreed that Frank should go out to speak to Sister Ortiz, indicate he had heard this information and, should it be confirmed, express the Board's concern that Sister Ortiz not subject herself to further suffering. Frank will convey an invitation from the IOB to Sister Ortiz to hold a meeting next Monday or Tuesday to discuss its review and respond to any questions that may have arisen from media reporting on the IOB's role in reviewing Iran transactions.

Ortiz attorney Anna Gallegher called me o ask some pointed questions re document release -- ie was it only State documents; why not other agencies; when would decision on other agency releases be made etc. She told me Sister Ortiz was planning to hold a press conference on Monday at 10 am. She said she had heard nothing about a hunger strike. I passed this info on to Frank and State.

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	James Baker to Jane Baker, et al., re: Bosnia Response & SVTS agenda (5 pages)	04/24/1996	P5 7/116
002. email	Bassett, Leslie A. to Fetig, James L. re: Sister Ortiz (1 page)	04/24/1996	P1/b(1), P5
003. email	Miscik, Judith A. to Armstrong, Fulton T. et al. re: Sister Ortiz (2 pages)	04/24/1996	P1/b(1), P5
004. email	Miscik to Baker, James E. re: Sister Ortiz (1 page)	04/24/1996	P1/b(1), P5

COLLECTION:

Clinton Presidential Records
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 MSMail-Record (Sept 94-Sept 97) ([Intelligence Oversight Board...])
 OA/Box Number: 590000

FOLDER TITLE:

[04/23/1996-04/25/1996]

2006-0996-F
 eh527

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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- 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]

M S M a i l

7116

DATE-TIME 24 April 96 12:21
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT Bosnia Response & SVTS agenda [UNCLASSIFIED]
TO Baker, Jane E.
Friedrich, M. K.
Hilliard, Brenda I.
Joshi, M. Kay
Millison, Cathy L.
Vershbow, Alexander R.
Wetzel, M. Jeanne
CARBON_COPY Danvers, William C.
Kessinger, Jodi
Leary, William H.

TEXT_BODY

Attached please find (1) a draft response from Jack Quinn to April 9 SSCI letter; (2) draft agenda for today's 3:00 SVTS.

On agenda: Let me know if the document checklist is up to date. Want to ensure all agencies are operating off the same and most recent talking points.

On letter to SSCI: Once Nancy has had a chance to review, I will show to Jack Quinn, and then put in formal memo form for Tony's review.

Thank you.

[[BOSAGE.DOC : 3146 in BOSAGE.DOC]][[BOSLET.DOC : 3147 in BOSLET.DOC]]

**ATTACHMENT
FILE DATE**

24 April 96 12:17

**ATTACHMENT
FILE NAME**

BOSAGE.DOC
DRAFT c:bosage

SVTS Agenda

3:00 p.m.
April 24, 1996

1. Status of Hill proceedings.
 - a. Administration briefings and testimony.
 - b. Committee assignments/intentions.
 - c. Individual members.
2. Status of Document production.
3. Administration document Checklist:
 - a. Unclassified Fact Sheet, April 18, 1996
 - b. Press Guidance, 4/23/96 (1345)
 - c. Top Secret Fact Sheet, DRAFT 4/17/96 (will confirm agency clearances today and finalize)
 - d. IOB Report, Talking Points, 4/17/96
 - e. State Dept. response to Rep. Hamilton, 4/24/96

ATTACHMENT
FILE DATE

24 April 96 11:59

ATTACHMENT
FILE NAME

BOSLET.DOC
DRAFT 4/24/96 (1130)
DELIBERATIVE c:boslet

DRAFT/DELIBERATIVE

Dear Mr. Chairman:

I am responding to the Senate Select Committee's letter of April 9 to the Assistant to the President for National Security Affairs seeking material bearing on an inquiry your committee intends to undertake in response to a Los Angeles Times article.

We are committed to ensuring the Congress obtains the facts it needs together with a complete understanding of U.S. policy at the time.

Toward this end we will of course work with the Committee in a good faith effort to provide it with the information it needs. The Executive Branch is continuing to assemble materials that may be responsive, and as appropriate, will provide your Committee with access to these materials. Various policy officials have also been made available to either brief or testify before the Congress.

It has long been recognized, and I am sure you appreciate, that protecting the confidentiality of certain deliberative communications to or from the President or his advisors, is essential to ensuring the sort of candid and thorough debate that enables our government to function in the public interest. It has therefore been the practice of prior Administrations -- and it continues to be the practice of this Administration -- to protect the confidentiality of internal, deliberative materials.

As you are also no doubt aware, the courts have encouraged the executive and legislative branches to work together to attempt to meet each other's vital needs -- namely the Congress's need for access to information that is available only from the Executive Branch and the Executive Branch's need to communicate internally in a frank and confidential manner. For that reason, this Administration, like its predecessors, has always been willing to seek an accommodation of the interests of the Congress and the Executive Branch in cases where Congress has made a clear showing of need for the specific information at issue and where the specific information sought cannot be obtained from sources other than deliberative process materials. We stand ready to work with you to provide you with the information your Committee needs consistent with protecting the interests of the Executive Branch.

I am sure you also recognize the President's responsibility to safeguard state secrets, which in this case include some of our most sensitive human sources and technical methods. These sources and

methods continue to provide intelligence to our ongoing efforts to bring peace to Bosnia and to our forces in the region who are so instrumental to that process.

With these principles in mind, NSC staff will be in touch with your staff as soon as we have collected and reviewed responsive material on Iranian arms shipments into Bosnia from January 1, 1994 to April 9, 1996. This must be done, and I am confident it can be done, in a manner which accommodates the legitimate institutional interests of both branches of government.

You have also requested a copy of the IOB's report. For the reasons stated in Judge Mikva's letter to you of October 26, 1995, as a matter of principle, this Administration, like previous Administrations, has taken the view that confidential communications from the IOB to the President should not be shared with the Congress. This view is rooted in the separation of powers between the two branches and an understanding that the confidentiality of the IOB's communications to the President is essential to the operation of this oversight mechanism. I am confident an appropriate accommodation can be worked out in this instance, as it has been worked out in the case of the IOB's interim Guatemala reports. Indeed, on April 18, Mr. Harrington briefed the Committee fully on the Board's review and its findings. This briefing was originally offered on March 28. Mr. Harrington has also made himself available to brief individual members of your Committee and address questions.

In your letter you also seek access to personnel for "such interviews and testimony as the committee may require." The Executive Branch will, of course, make appropriate personnel available to the Committee, and the Congress, for briefings and testimony. Again, this should be done in a manner that accommodates Congress's need for

access to information that is available only from the Executive Branch and the Executive Branch's need to communicate internally in a frank and confidential manner. Toward this end, it is long-standing Executive Branch practice that agencies asked to testify on policy matters shall designate the appropriate official of the appropriate grade to do so. In addition, consistent with the separation of powers between branches, members of the President's immediate staff, including those in the White House Office and on the National Security Council staff, do not testify before the Congress on matters arising in the course of their official position of advising or of formulating advice for the President, but where appropriate, are available for briefings.

Again, we stand ready to fully respond to your questions in a manner that accommodates the legitimate interests and constitutional roles of the Congress and the Executive Branch.

Sincerely,

Jack Quinn
Counsel to the President

Honorable Arlen Specter
Select Committee on Intelligence
United States Senate
Washington, D.C. 20610

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Baker, James E. to Baker, Jane E. et al. re: Bosnia Requests [CIA Act] [partial] (1 page)	05/08/1996	b(2), P3/b(3)
002. email	Bassett, Leslie A. to Baker, Jane E. et al. re: IOB's Ortiz Documents (1 page)	05/08/1996	P1/b(1)
003. email	Bassett to Baker, Jane E. et al. re: Ortiz Case (1 page)	05/09/1996	P6/b(6)
004. email	William Leary to James Baker, et al., re: Guatemala Docs (8 pages)	05/10/1996	P5
005. email	William Danvers to Gordon Bendick, re: Bosnia Letters (9 pages)	05/10/1996	P5 7117
006. email	Bassett to Fetig, James L. re: Contingency IOB Guidance/Draft Statement [CIA Act] [partial] (1 page)	05/10/1996	P3/b(3), P6/b(6)

COLLECTION:

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 MSMail-Record (Sept 94-Sept 97) ([Intelligence Oversight Board...])
 OA/Box Number: 590000

FOLDER TITLE:

[05/08/1996-05/10/1996]

2006-0996-F

ch480

RESTRICTION CODES

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7117

MS Mail

DATE-TIME 10 May 96 16:23
FROM Danvers, William C.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Bosnia Letters [UNCLASSIFIED]
TO Bendick, Gordon L.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

From: Baker, James E.
To: Danvers, William C.; Vershbow, Alexander R.
CC: /R, Record at A1; Hunerwadel, Joan S.
Subject: Bosnia Letters [UNCLASSIFIED]
Date: Friday, May 10, 1996 02:59 PM

[[BMEMTL.DOC : 4175 in BMEMTL.DOC]][[BSSCILET.DOC : 4176 in
BSSCILET.DOC
]][[BCOMBLET.DOC : 4177 in BCOMBLET.DOC]]

Sandy and Bill:

Could you please review the attached draft Jack Quinn responses to various letters from the SSCI and HPSCI requesting copies of the IOB's report on Bosnia. Nancy has already cleared. I hope to move across the street this evening. (I will send a hard copy along as well in the event you want to review the incoming.) Thank you.

ATTACHMENT
FILE DATE 10 May 96 14:55

ATTACHMENT
FILE NAME BMEMTL.DOC
DRAFT
g:bmemtl

May 10, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN KRECZKO

FROM: JAMES BAKER

SUBJECT: Where We Are on Bosnia Arms Inquiries

On April 30, we sent to you for concurrence a draft response to a letter from the SSCI to you requesting access to materials regarding Iranian arms shipments to Bosnia. Because the letter addressed access to White House documents, we recommended with Jack Quinn, that Quinn respond on behalf of the White House. In light of two subsequent letters, from the SSCI and HPSCI, Jack Quinn asked us to revise the original draft and respond to all three letters at once. Revised draft responses to Chairman Combest and the SSCI are attached for your concurrence.

The revised letters continue to emphasize the Administration's willingness and desire to cooperate fully in getting the Congress the information it needs to understand the facts and policy regarding Iranian arms shipments to Bosnia. These letters, however, go beyond the original drafts in addressing issues raised by Specter and Combest regarding the IOB's report. In particular, the SSCI and HPSCI are under the misimpression that the President has invoked executive privilege over the IOB's report. In fact, we have sought to accommodate the Committees' needs in a way that would avoid confrontation over issues of executive privilege.

Rep. Combest also cites to a 1985 IOB opinion to Robert McFarlane regarding allegations that Oliver North violated the Boland amendment as precedent for turning over IOB reports to the Congress "in similar circumstances." This, of course, is not a similar circumstance. In that instance, the IOB was looking at the tip of the Iran/Contra iceberg. (The IOB's fact finding appears to have consisted entirely of an interview with Oliver North and limited

document review.) There is no credible allegation of illegality on the part of the Administration in this instance. In addition, the IOB has fully briefed the relevant committees on all the underlying information and facts contained within its report. Moreover, the IOB has conferred with at least one prior Counsel to the IOB during the Reagan Administration, who confirms that during his tenure (1982-1984) no IOB materials or memoranda were provided to the Congress, and the Congressional committees were expressly told that as a Presidential and EOP entity, the IOB would not provide such materials to the Congress. Outside of the Iran/Contra context, we know of no other precedent for providing IOB reports to the Congress. Rather than take on each of these points, the attached letters reference speak to the more general constitutional principles involved and the need to find an appropriate path of accommodation.

Of course, withholding the report will continue to give Republicans a basis for arguing a need to undertake their own investigation of the same events. There's some intellectual validity to the point, argued in these letters, that they should not be expected to forgo investigation on the basis of a report they can't see. The problem, of course, is that they will investigate anyway. Therefore, turning the IOB report over at this juncture will accomplish little, but will do damage to the IOB mechanism and undermine the more general principle that the President's advisors ought to be able to communicate directly with the President, without the Congress having access to the precise form and tone of the communication. In any event, the response is still not a categorical "no," but another plug for an accommodation.

Also attached, at Tab ___, is a running summary of the various document requests received to date from the Hill along with a

list of
executive branch officials who have testified or formally briefed
the
Congress or are scheduled to do so. Note that Jim Woolly is
scheduled to testify before the SSCI on Friday, May 9.

Concurrence by: Bill Danvers, Bill Leary

RECOMMENDATION

That you concur in the letters at Tab I and Tab II for Jack
Quinn's
signature.

Approve _____ Disapprove _____

Attachments
Tab

**ATTACHMENT
FILE DATE**

9 May 96 15:46

**ATTACHMENT
FILE NAME**

BSSCILET.DOC
g: Bsscilet 5/9/96
DRAFT

Dear Mr. Chairman/Vice Chairman:

I am responding to the Senate Select Committee's letter of
April 9 seeking material bearing on an inquiry your committee
intends to undertake in response to a Los Angeles Times article
regarding certain shipments of arms to Bosnia in 1994. I am also
responding to your letter of May 1 to Mr. Anthony Harrington,
Chairman of the Intelligence Oversight Board (IOB).

We are committed to ensuring that the Congress obtains the facts
it

needs in order to form a complete understanding of U.S. policy in Bosnia at the time. Toward this end, we will work with the Committee

in a good faith effort to provide it with that information. The executive branch is continuing to assemble materials that may be responsive to your report, and, as appropriate, will provide your Committee with access to these materials. Various Administration officials have also been made available either to brief or testify

before the Congress. In addition, Mr. Harrington briefed the Committee fully on the IOB's review and findings on April 18.

Mr.

Harrington has also made himself available to brief individual members of your Committee and address any questions they may have.

I trust that Mr. Harrington's briefing was helpful to you and the Committee. I understand fully your interest in obtaining a copy of

the IOB report to the President. But, the confidentiality of the report has nothing to do with the fact that we believe that the matters it addressed were lawful, as your letter suggests. Nor is

the report being relied upon as justification for policy options selected at the time; the IOB undertook a factual review, not a policy review. Rather, at stake is the principle, understood well by

previous Republican and Democratic administrations, that a President

must be able to protect the confidentiality of certain types of documents and communications if he is to carry out his constitutional

role. If disclosure would either impair the President's ability to

perform his role or result in the inappropriate involvement of other

branches in his constitutional function, then the President must be

afforded the latitude to protect his prerogatives. We did not invent

these constitutional principles, Mr. Chairman. Presidents and Members of Congress from both parties have recognized them, as have

the courts, for generations.

To be precise, the President has not invoked executive privilege regarding the IOB report. Rather, what the Administration has sought

to do is accommodate Congress's interest in the underlying facts in

a manner consistent with the interests and constitutional roles

of
both branches -- in an effort to avoid invocation of privilege
and a
possible confrontation. Mr. Harrington and his staff have made
themselves available to brief you and any members of your
Committee
on any follow-up questions you may have. In addition, as already
noted, the Administration has made, and will make, a number of
policy
officials available for briefings and testimony to the Congress.
Numerous and voluminous requests for documents are also being
addressed. We are committed to seeing that the Committee
receives the
information it needs to conduct its work.

At the same time, I am sure you would agree that this has been
done
and should continue to be done in a manner that maintains the
effectiveness of an important Presidential oversight mechanism.
The
public interest is best served by ensuring that the President's
senior advisers, here the Intelligence Oversight Board, can
provide
frank and forthright advice and information to the President,
without
restraint. Without a reliable expectation of confidentiality,
employees will no doubt be less willing to talk to the Board
freely;
and Administration officials likely will be less willing to turn
to
the Board to address matters of concern.

With these principles in mind, NSC staff will be in touch with
your
staff as soon as we have collected and reviewed responsive
material
on Iranian arms shipments into Bosnia. I am confident this can
be
done in a manner which accommodates the legitimate institutional
interests of both branches of government.

In closing, the Administration is committed to ensuring that the
Congress obtains the information it needs for a complete
understanding of U.S. policy. I look forward to working with you
to
this end.

Sincerely,

Jack Quinn
Counsel to the President

The Honorable Arlen Specter
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

**ATTACHMENT
FILE DATE**

9 May 96 15:34

**ATTACHMENT
FILE NAME**

BCOMBLET.DOC
DRAFT 5/9/96
g:Bcomblet

Dear Mr. Chairman:

I am responding to your letter to the President of April 25, 1995, requesting a copy of the Intelligence Oversight Board's (IOB) report relating to Iranian Arms and Bosnia. As you know, Mr. Harrington, on behalf of the IOB, made himself available to brief your committee on March 28 and, in fact, briefed your Committee shortly after your letter was written.

First, let me underscore that we are committed to ensuring that the Congress obtains the facts it needs in order to form a complete understanding of U.S. policy in Bosnia at the time. Toward this end, we will work with the Committee in a good faith effort to provide it with that information. The executive branch is continuing to assemble materials that may be responsive to your report, and, as appropriate, will provide your Committee with access to these materials. Various Administration officials have also been made available either to brief or testify before the Congress. In

addition, Mr. Harrington briefed your Committee fully on the IOB's review and findings on April 25. Mr. Harrington has also made himself available to brief individual members of your Committee and address any questions they may have.

I trust that Mr. Harrington's briefing was helpful to you and the Committee. I understand fully your interest in obtaining a copy of the IOB report to the President. But, the confidentiality of the report has nothing to do with the fact that we believe that the matters it addressed were lawful, as your letter suggests. Nor is the report being relied upon as justification for policy options selected at the time. Rather, at stake is the principle, understood well by previous Republican and Democratic administrations, that a President must be able to protect the confidentiality of certain types of documents and communications if he is to carry out his constitutional role. If disclosure would either impair the President's ability to perform his role or result in the inappropriate involvement of other branches in his constitutional function, then the President must be afforded the latitude to protect his prerogatives. We did not invent these constitutional principles, Mr. Chairman. Presidents and Members of Congress from both parties have recognized them, as have the courts, for generations.

To be precise, the President has not invoked executive privilege regarding the IOB report. Rather, what the Administration has sought to do is accommodate Congress's interest in the underlying facts in a manner consistent with the interests and constitutional roles of both branches -- in an effort to avoid invocation of privilege and a possible confrontation. Mr. Harrington and his staff have made themselves available to brief you and any members of your Committee on any follow-up questions you may have. In addition, the Administration has made, and will make, a number of policy officials available for briefings and testimony to the Congress. Numerous and voluminous requests for documents are also being addressed. We

are
committed to seeing that the Committee receives the information
it
needs to conduct its work.

At the same time, I am sure you would agree that this has been
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and should continue to be done in a manner that maintains the
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The
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restraint. Without a reliable expectation of confidentiality,
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and Administration officials likely will be less willing to turn
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the Board to address matters of concern.

In closing, the Administration is committed to ensuring that the
Congress obtains the information it needs for a complete
understanding of U.S. policy. I look forward to working with you
to
this end.

Sincerely,

Jack Quinn
Counsel to the President

Honorable Larry Combest
House Permanent Select Committee on Intelligence
Washington, D.C. 20515

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Friedrich, M. K. to Black, Todd F. et al. re: For TL - Package #2864 (16 pages)	05/22/1996	P1/b(1), P5
002. email	James Baker to Brenda Hilliard and Cathy Millison, re: Memo to Leon (Package 2864) (11 pages)	05/23/1996	P5 7118

COLLECTION:

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

FOLDER TITLE:

[05/20/1996-05/23/1996]

2006-0996-F

ch481

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]

MS Mail

7/18

DATE-TIME 23 May 96 17:54
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT Memo to Leon (Package 2864) [UNCLASSIFIED]
TO Hilliard, Brenda I.
Millison, Cathy L.
CARBON_COPY Baker, Jane E.
Danvers, William C.
Friedrich, M. K.
Joshi, M. Kay
Kessinger, Jodi
Leary, William H.
Wetzel, M. Jeanne

TEXT_BODY

Nancy asked that I draft a short note to Leon Panetta regarding our response to various congressional requests for the IOB report on Bosnia. The objective is to move the letters forward as soon as possible so that we can send Jack Quinn's signed letters up this evening.

[[PANETTA.DOC : 4412 in PANETTA.DOC]]

[[2864AS.DOC : 4413 in 2864AS.DOC]][[2864JRK.DOC : 4414 in 2864JRK.DOC

]]][[2864LC.DOC : 4415 in 2864LC.DOC]]

Please note: These are the signed, repeat signed, copies of the letters. You should already have the four incoming letters over there, but if not, give a yell. Thank you.

**ATTACHMENT
FILE DATE** 23 May 96 17:42

**ATTACHMENT
FILE NAME** PANETTA.DOC

May 23, 1996

ACTION

MEMORANDUM FOR LEON PANETTA

FROM: NANCY SODERBERG

SUBJECT: Responding to Congressional Requests for the IOB Report

Jack Quinn has signed three letters responding to a variety of written requests from the Congressional intelligence committees for the IOB's Bosnia report. Jack's letters are intended to strike a tone of accommodation and cooperation -- noting our efforts to respond to numerous Congressional requests for documents and testimony. The letters do, however, push back on access to the IOB report, citing to the constitutional principle that the President should be able to receive the candid views of his advisors without having those confidential communications disclosed to the Congress, but do not rule out access categorically.

I wanted to make you aware that in a conversation with Tony Harrington yesterday, Sen. Specter discussed the possibility of a subpoena. Nonetheless, we believe that we should continue to hold the line and that the President need not revisit this issue at this time. Tony Lake and Jack Quinn agree.

Before sending up the letters this evening, I wanted to make sure you were in agreement as well.

RECOMMENDATION

That we send Jack Quinn's letters to the congressional intelligence committees.

Approve _____ Disapprove _____

ATTACHMENT

FILE DATE 23 May 96 12:38
ATTACHMENT
FILE NAME 2864AS.DOC

May 23, 1996

Dear Mr. Chairman:

The President asked me to respond to your letter of March 15 to the President. I am also responding to the Senate Select Committee's letter of April 9 seeking material bearing on an inquiry your committee intends to undertake in response to a Los Angeles Times article regarding certain shipments of arms to Bosnia in 1994 as well as your letter of May 1 to Mr. Anthony Harrington, Chairman of the Intelligence Oversight Board (IOB).

First, let me underscore that we are committed to ensuring that the Congress obtains the facts it needs in order to form a complete understanding of U.S. policy in Bosnia at the time and, for your committee, related intelligence oversight matters. Toward this end, we will work with the committee in a good faith effort to provide it with that information. The executive branch is continuing to assemble materials that may be responsive to your request, and, as appropriate, will provide your committee with access to these materials. Various Administration officials have also been made available either to brief or testify before the Congress. In addition, as you know, on March 28, Mr. Harrington, on behalf of the IOB, made himself available to brief your committee and, in fact, briefed your committee on April 16. Mr. Harrington has also briefed the House Permanent Select Committee on Intelligence and has made himself available to brief the leadership of both the House and Senate. Mr. Harrington has also made himself and the IOB staff available to further brief or informally assist members of your committee and staff.

I trust that Mr. Harrington's briefing was helpful to you and the committee. I understand fully your interest in obtaining a copy of

the IOB report to the President. But, the confidentiality of the report has nothing to do with the fact that we believe that the matters it addressed were lawful, as your letter suggests. Nor is the report being relied upon as justification for policy options selected at the time; indication to the contrary would be inapt. The IOB undertook a factual review, not a policy review. Rather, at stake is the principle, understood well by previous Republican and Democratic Administrations, that a President must be able to protect the confidentiality of certain types of documents and communications if he is to carry out his constitutional role. If acceding to requests for disclosure would either impair the President's ability to perform his role or result in the inappropriate involvement of other branches in his constitutional function, then the President must be afforded the latitude to protect his prerogatives. These are not new constitutional principles. Presidents and Members of Congress from both parties have recognized these constitutional principles, as have the courts, for generations.

To be precise, the President has not invoked executive privilege regarding the IOB report. Rather, what the Administration has sought to do is accommodate Congress's interest in the underlying facts in a manner consistent with the interests and constitutional roles of both branches -- in an effort to avoid invocation of privilege and a wholly unnecessary confrontation. Mr. Harrington and his staff have made themselves available to brief you and any members of your committee on any follow-up questions you may have. In addition, as already noted, the Administration has made, and will make, a number of policy officials available for briefings and testimony to the Congress. Numerous and voluminous requests for documents are also being addressed. We are committed to seeing that the committee receives the information it needs to conduct its work.

At the same time, I am sure you would agree that this has been done and should continue to be done in a manner that maintains the effectiveness of an important Presidential oversight mechanism. The public interest is best served by ensuring that the President's senior advisers, here the Intelligence Oversight Board, can provide frank and forthright advice and information to the President, without restraint. Without a reliable expectation of confidentiality, employees will no doubt be less willing to talk to the Board freely; and Administration officials likely will be less willing to turn to the Board to address matters of concern.

With these principles in mind, NSC staff will be in touch with your staff as soon as we have collected and reviewed responsive material on Iranian arms shipments into Bosnia. I am confident this can be done in a manner which accommodates the legitimate institutional interests of both branches of government.

In closing, the Administration is committed to ensuring that the Congress obtains the information needed for a complete understanding of U.S. policy. We look forward to working with you to this end.

Sincerely,

Jack Quinn
Counsel to the President

The Honorable Arlen Specter
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510-6475

ATTACHMENT
FILE DATE

23 May 96 12:27

ATTACHMENT
FILE NAME

2864JRK.DOC

May 23, 1996

Dear Senator Kerrey:

The President asked me to respond to your letter of March 15 to the President. I am also responding to the Senate Select Committee's letter of April 9 seeking material bearing on an inquiry your committee intends to undertake in response to a Los Angeles Times article regarding certain shipments of arms to Bosnia in 1994 as well as your letter of May 1 to Mr. Anthony Harrington, Chairman of the Intelligence Oversight Board (IOB).

First, let me underscore that we are committed to ensuring that the Congress obtains the facts it needs in order to form a complete understanding of U.S. policy in Bosnia at the time and, for your committee, related intelligence oversight matters. Toward this end, we will work with the committee in a good faith effort to provide it with that information. The executive branch is continuing to assemble materials that may be responsive to your request, and, as appropriate, will provide your committee with access to these materials. Various Administration officials have also been made available either to brief or testify before the Congress. In addition, as you know, on March 28, Mr. Harrington, on behalf of the IOB, made himself available to brief your committee and, in fact, briefed your committee on April 16. Mr. Harrington has also briefed the House Permanent Select Committee on Intelligence and has made himself available to brief the leadership of both the House and Senate. Mr. Harrington has also made himself and the IOB staff available to further brief or informally assist members of your committee and staff.

I trust that Mr. Harrington's briefing was helpful to you and the committee. I understand fully your interest in obtaining a copy of the IOB report to the President. But, the confidentiality of the report has nothing to do with the fact that we believe that the

matters it addressed were lawful, as your letter suggests. Nor is the report being relied upon as justification for policy options selected at the time; indications to the contrary would be inapt.

The IOB undertook a factual review, not a policy review. Rather, at stake is the principle, understood well by previous Republican and Democratic Administrations, that a President must be able to protect the confidentiality of certain types of documents and communications if he is to carry out his constitutional role. If acceding to requests for disclosure would either impair the President's ability to perform his role or result in the inappropriate involvement of other branches in his constitutional function, then the President must be afforded the latitude to protect his prerogatives. These are not new constitutional principles. Presidents and Members of Congress from both parties have recognized these constitutional principles, as have the courts, for generations.

To be precise, the President has not invoked executive privilege regarding the IOB report. Rather, what the Administration has sought to do is accommodate Congress's interest in the underlying facts in a manner consistent with the interests and constitutional roles of both branches -- in an effort to avoid invocation of privilege and a wholly unnecessary confrontation. Mr. Harrington and his staff have made themselves available to brief you and any members of your committee on any follow-up questions you may have. In addition, as already noted, the Administration has made, and will make, a number of policy officials available for briefings and testimony to the Congress. Numerous and voluminous requests for documents are also being addressed. We are committed to seeing that the committee receives the information it needs to conduct its work.

At the same time, I am sure you would agree that this has been done and should continue to be done in a manner that maintains the effectiveness of an important Presidential oversight mechanism. The public interest is best served by ensuring that the President's senior advisers, here the Intelligence Oversight Board, can provide frank and forthright advice and information to the President, without restraint. Without a reliable expectation of confidentiality, employees will no doubt be less willing to talk to the Board freely; and Administration officials likely will be less willing to turn to the Board to address matters of concern.

With these principles in mind, NSC staff will be in touch with your staff as soon as we have collected and reviewed responsive material on Iranian arms shipments into Bosnia. I am confident this can be done in a manner which accommodates the legitimate institutional interests of both branches of government.

In closing, the Administration is committed to ensuring that the Congress obtains the information needed for a complete understanding of U.S. policy. We look forward to working with you to this end.

Sincerely,

Jack Quinn
Counsel to the President

The Honorable J. Robert Kerrey
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510-6475

ATTACHMENT
FILE DATE

23 May 96 12:56

ATTACHMENT
FILE NAME

2864LC.DOC

May 23, 1996

Dear Representative Combest:

The President has asked me to respond to your letter to the President of April 25, 1996, requesting a copy of the Intelligence Oversight Board's (IOB) report relating to Iranian arms and Bosnia.

First, let me underscore that we are committed to ensuring that the Congress obtains the facts it needs in order to form a complete understanding of U.S. policy in Bosnia at the time and, for your committee, related intelligence oversight matters. Toward this end, we will work with the Committee in a good faith effort to provide it with that information. Various Administration officials have also been made available either to brief or testify before the Congress. In addition, as you know, on March 28, Mr. Harrington, on behalf of the IOB, made himself available to brief your committee and, in fact, briefed your Committee in detail regarding the IOB's conclusions and findings on April 25. Mr. Harrington earlier briefed the Senate Select Committee on Intelligence and made himself available to brief the leadership of both the House and Senate. Mr. Harrington has also made himself and the IOB staff available to further brief or informally assist members of your Committee and staff.

I trust that Mr. Harrington's briefing was helpful to you and the Committee. I understand fully your interest in obtaining a copy of the IOB report to the President. But, the confidentiality of the report has nothing to do with the fact that we believe that the matters it addressed were lawful, as your letter suggests. Nor is the report being relied upon as justification for policy options

selected at the time; indications to the contrary would be inapt. The IOB undertook a factual review, not a policy review. Rather, at stake is the principle, understood well by previous Republican and Democratic Administrations, that a President must be able to protect the confidentiality of certain types of documents and communications if he is to carry out his constitutional role. If acceding to requests for disclosure would either impair the President's ability to perform his role or result in the inappropriate involvement of other branches in his constitutional function, then the President must be afforded the latitude to protect his prerogatives. These are not new constitutional principles. Presidents and Members of Congress from both parties have recognized these constitutional principles, as have the courts, for generations.

To be precise, the President has not invoked executive privilege regarding the IOB report. Rather, what the Administration has sought to do is accommodate Congress's interest in the underlying facts in a manner consistent with the interests and constitutional roles of both branches -- in an effort to avoid invocation of privilege and a wholly unnecessary confrontation. Mr. Harrington and his staff have made themselves available to brief you and any members of your Committee on any follow-up questions you may have. In addition, the Administration has made, and will make, a number of policy officials available for briefings and testimony to the Congress. Numerous and voluminous requests for documents are also being addressed. We are committed to seeing that the Committee receives the information it needs to conduct its work.

At the same time, I am sure you would agree that this has been done

and should continue to be done in a manner that maintains the effectiveness of an important Presidential oversight mechanism.

The public interest is best served by ensuring that the President's senior advisers, in this case the Intelligence Oversight Board, can provide frank and forthright advice and information to the President, without restraint. Without a reliable expectation of confidentiality, employees will no doubt be less willing to talk to the Board freely; and Administration officials likely will be less willing to turn to the Board to address matters of concern.

In closing, the Administration is committed to ensuring that the Congress obtains the information needed for a complete understanding of U.S. policy. We look forward to working with you to this end.

Sincerely,

Jack Quinn
Counsel to the President

The Honorable Larry Combest
House of Representatives
Washington, D.C. 20515-6415

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bassett, Leslie A. to Beers, Rand R. et al. re: Follow-Up to IOB Report (4 pages)	07/05/1996	P1/b(1), P5
002. email	Piccone, Theodore J. to Biernacki, Eileen V. et al. re: Welcome Home for Nancy (1 page)	07/08/1996	P1/b(1)
003. email	Melton, Stephen D. to Wetzel, M. Jeanne re: Guatemala Update (3 pages)	07/09/1996	P1/b(1), P5
004. email	Wetzel to Appel, Edward J. et al. re: Guatemala Update (3 pages)	07/09/1996	P1/b(1), P5
005. email	Merchant, Brian to Fuerth, Leon S. re: 30162 IOB Report (1 page)	07/09/1996	P1/b(1)
006. email	Armstrong, Fulton T. to Beers re: Guatemala Update (2 pages)	07/09/1996	P1/b(1), P5
007. email	From James Baker, re: [Memorandum for Anthony Lake] (2 pages)	07/11/1996	P5 7/19
008. email	Leary, William H. to Baker, James E. re: Bosnia List (11 pages)	07/12/1996	P1/b(1)
009. email	Baker, James E. to Leary re: Index (11 pages)	07/13/1996	P1/b(1)
010. email	Leary to Baker, James E. re: Bosnia Document List (11 pages)	07/17/1996	P1/b(1)
011. email	Melton to Beers re: [IOB Recommendations] (4 pages)	07/22/1996	P1/b(1), P5
012. email	Melton to Baker, James E. et al. re: IOB Implementation Update (4 pages)	07/22/1996	P1/b(1), P5

COLLECTION:

Clinton Presidential Records
 NSC Emails
 MS-Mail-Record (Sept 94-Sept 97) ([Intelligence Oversight Board...])
 OA/Box Number: 590000

FOLDER TITLE:

[07/05/1996-08/01/1996]

2006-0996-F

eh486

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- 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]
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- 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]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. email	Schwartz, Eric P. to Melton re: IOB Implementation Update (1 page)	07/22/1996	P1/b(1)
014. email	Leary to Baker, James E. re: Bosnia List (11 pages)	07/23/1996	P1/b(1)
015. email	Baker, James E. to Bass, Peter E. et al. re: SSCI and Bosnia/Iran Endgame/Report (4 pages)	07/26/1996	P1/b(1), P5
016. email	Wetzel to Beers re: Note from NES (2 pages)	07/26/1996	P1/b(1), P5
017. email	Baker, James E. to Cicio, Kristen K. re: SSCI and Bosnia/Iran Endgame/Report (4 pages)	07/30/1996	P1/b(1), P5
018. email	Theodore Piccone to James Fetig, re: POTUS SOA Letter (2 pages)	07/31/1996	P5
019. email	Jodi Kessinger to James Baker, re: Bosnia/Iran Status Report (4 pages)	08/01/1996	P5 7/20

COLLECTION:

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

FOLDER TITLE:

[07/05/1996-08/01/1996]

2006-0996-F

ch486

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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M S M a i l

7119

DATE-TIME 11 July 96 15:24
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[4286LAKE.DOC : 3843 in 4286LAKE.DOC]]
ATTACHMENT
FILE DATE 11 July 96 15:22
ATTACHMENT
FILE NAME 4286LAKE.DOC
4286

July 11, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: JAMES F. DOBBINS

FROM: TED PICCONE/STEVE MELTON

SUBJECT: Schedule Proposal: Intelligence Oversight Board
(IOB) Discussion of Guatemala Review with
the President

The IOB, which completed its Guatemala review on June 24, has requested an opportunity to brief the President on its findings, preferably before the IOB begins the process of briefing the Hill on

July 23.. Because the President personally tasked this review, and to emphasize the importance the President places in intelligence oversight, we think

it important that he meet with the Board to discuss its report

While the IOB publicly released an unclassified version of its report on June 28, the IOB's classified report was intended strictly for the President and his immediate national security advisers. While the IOB plans to brief the intelligence committees on its review and findings, it will adhere to precedent and refrain, despite anticipated pressure, from providing its report to the President to the Congress.

Concurrence by: James Baker, Randy Beers

RECOMMENDATION

That you forward the attached scheduling proposal.

Attachment
Tab I Scheduling Proposal

MS Mail

7/20

DATE-TIME 01 August 96 22:12
FROM Kessinger, Jodi
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Bosnia/Iran Status Report [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY Hunerwadel, Joan S.
Kreczko, Alan J.
Sparks, John E.
Wetzel, M. Jeanne

TEXT_BODY

NES noted:

"Jamie, thanks. Re deposition: have you objected to SV going on State issues, too? How would we respond to POTUS request?"

From: Baker, James E.
To: @NSA - Natl Security Advisor; Soderberg, Nancy E.
CC: /R, Record at A1; Vershbow, Alexander R.; @LEGAL - Legal Advisor;
@LEGISLAT-Legislative Affairs
Subject: Bosnia/Iran Status Report [UNCLASSIFIED]
Date: Thursday, August 01, 1996 12:54 PM

PRIVILEGED

Tony, Sandy, Nancy:

Below please find an update on where we are with the Senate and House on Bosnia/Iran matters. In short, Kerrey and Specter have expressed satisfaction with NSC's effort to accommodate their document requests and will likely report in the next two weeks. Kerrey, in particular, thanked Tony for the considerable effort he has made to accommodate their interests. A declassification scramble of a 100 page report is likely. A forecast of the content is provided below.

The House has shifted into a belligerent mode. We have received three separate document requests since last night and are told that a Republican request to interview the President is likely. Details follow.

SENATE:

In two separate sessions yesterday, Bill Leary and I briefed Senators Kerrey and Specter on 16 of the 38 NSC documents they asked to have shown/briefed

to the Chairman and Vice Chairman. Staff participation was limited to one notetaker (Levine) as a convenience to the Senators. We clearly stated, however, that we would only brief documents so long as a Senator was in the room.

Senator Specter spent approximately 15 minutes with us, the majority of which time was spent explaining (a.k.a. debating) the merits of protecting the deliberative process, Presidential memcons, and the meaning of accommodation. Ultimately, he acquiesced in a briefing and we spent time reviewing notes of meetings held between Holbrooke, Vershbow and Silajdzic in September 1994. (Tony participated in one of these meetings, but the material we have does not reflect any dialogue responsive to SSCI requests.)

All of Specter's comments were directed towards "the green light." We took pains to walk Specter through a chronology of events, i.e., the "no instruction" instruction occurred in April, the Silajdzic meeting was in September and was discussing prospective issues relating to deferred lift. Not much headway. Specter thanked us and departed mumbling something about green lights.

Senator Kerrey spent approximately 2.5 hours with us. Much of the time was spent reviewing basic information with the Senator. For example, he was under impression that Sec. Perry, Gen. Shali and others were unaware that Iranian arms were going into Bosnia until October 1994. Kerrey seemed genuinely surprised to learn that was not case -- clearly, the SSCI staff are not passing information to their members and as we witnessed making no effort to correct misperceptions. With reference to NSC documents we demonstrated to Kerrey that all relevant policymakers were aware of the Iranian arms shipments at least as early as the 20 May PC (the intell. of course was available before that) and that the participants at the 20 May PC discussed and understood the USG would not take a position with respect to continued Iranian arms shipments.

Sen. Kerrey is focused on the following-matters, which are therefore likely to appear in the report.

1. Inadequate consideration was given in April and up until Dayton to the potential risks of an Iranian presence in Bosnia and to the risk to UNPROFOR of Iranian arms. (Although Kerrey notes that we are in a better position today with Iranian presence in Bosnia than we were before April.)
2. While starting the day suggesting that "no instructions" was covert action, Kerrey stated clearly in the evening that he agreed there was nothing constituting covert action at any time.
3. The executive branch should have consulted with the Congress about Iranian arms -- because Congress may have identified additional considerations and so that the political risk would have been shared. He said this was not a legal requirement, but something that should have

happened.

4. Kerrey says that Perry and Shali do not believe that the Muslims were at military risk in April, August or in the fall of 1994 and that they did not need weapons and supplies from Iran or other countries to survive, a view Kerrey clearly agrees with. Holbrooke and Talbott, on the other hand, have argued that this was one of the reasons for taking a "no instruction" position. He says that he appreciates that different policymakers may have different perceptions of the same information, particularly those frequently on the ground in Bosnia. Nonetheless, he will focus his report attention on this discrepancy in views.

In closing Kerrey asked that we thank Tony for making a considerable effort in briefing these documents and sharing information.

Don Kerrick is scheduled for a staff interview on Friday afternoon. I will pre-brief him in the morning and attend the afternoon session, with a view to limiting discussion to facts and issues rather than specific deliberations.

HOUSE:

1. DOCUMENT REQUESTS: Since last night, we have received three letters by fax from the Select Subcommittee demanding access to documents by August 2. (The letters are dated July 26, but Lee Hamilton did not decide until yesterday which of the letters he would sign.)

a. A letter to Tony requests access to the same documents any other committee of Congress has had access to.

b. A letter to Jack Quinn seems to request any document relating to any request of the Committee's to any agency.

c. In a letter signed only by Hyde to Tony Harrington, the subcommittee demands access to the IOB report and a list of persons interviewed by the IOB.

We will draft a response for Jack Quinn's signature responding to all three requests declining access to the IOB report and providing access to the same documents on the same basis as the SSCI received access.

2. DEPOSITION REQUESTS:

a. We have received a telephonic request for a deposition of Sandy Vershbow relating to his tenure at State only. We will object and decline any requests for depositions of NSC staff or former staff pertaining to their NSC duties.

b. We understand from Democratic staff that the Republicans are likely to seek an interview with the President on this matter.

c. There is also rumour of a staff request to travel to Prague to depose Jenonne and from there to Zagreb to depose Tudjman (!).

The tone of the staff is belligerent and I would anticipate possible subpoenas for either documents or depositions. In a meeting on July 23, they indicated a sense of desperation about reviewing documents and writing a report by the end of September.

Thank you.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Baker, James E. to Beers, Rand R. et al. re: [NSC Controlled Material] (2 pages)	08/06/1996	P1/b(1), P5
002. email	Kreczko, Alan J. to Dobbins, James F. re: [Another Inquiry?] (1 page)	08/11/1996	P1/b(1), P5
003. email	Alan Kreczko to James Baker, et al, re: Bosnia (1 page)	08/14/1996	P5 7/21
004. email	Wilma Hall to Karen Dragone, et al., re: Legislative Update (2 pages)	08/15/1996	P5
005. email	Baker, James E. to Vershbow, Alexander R. re: SSCI Draft Report (13 pages)	08/26/1996	P1/b(1), P5
006. email	Baker, James E. to Hunerwadel, Joan S. re: Memo to TL re: SSCI Draft Report (15 pages)	08/28/1996	P1/b(1), P5
007. email	Leary, William H. to Baker, James E. re: Bosnia (17 pages)	09/09/1996	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[08/06/1996-09/09/1996]

2006-0996-F

eh487

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]

MS Mail

7/21

DATE-TIME 14 August 96 21:51
FROM Kreczko, Alan J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Bosnia [UNCLASSIFIED]
TO Baker, James E.
Hunerwadel, Joan S.
Kreczko, Alan J.
Sparks, John E.
CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
TEXT_BODY

I briefed Sandy on steps we are taking in response to Hyde threat of subpoena re IOB report. He wants us to take a tough line on this, to be kept in the loop, and to be consulted before any decision is made to fold on IOB or NSC staff.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Leary, William H. to Baker, James E. re: Bosnia, Again (15 pages)	09/09/1996	P1/b(1)
002. email	Baker, James E. to Leary & Pyatt, Geoffrey R. re: Zona Rosa IG Reports (2 pages)	09/13/1996	P1/b(1)
003. email	James Baker to William Danvers, re: Bosnia/Iran Heads-Up (2 pages)	09/13/1996	P5
004. email	Pyatt to Baker, James E. re: Zona Rosa IG Reports (2 pages)	09/13/1996	P1/b(1)
005. email	Alan Kreczko to Jodi Kessinger, re: Bosnia/Iran Heads-Up (2 pages)	09/13/1996	P5 7/122
006. email	Alan Kreczko to Jodi Kessinger, re: Bosnia/Iran Subpoenas? (3 pages)	09/13/1996	P5 7/123
007. email	Pyatt to Hawkins, Ardenia R. re: Zona Rosa IG Reports (3 pages)	09/17/1996	P1/b(1)
008. email	Pyatt to Armstrong, Fulton T. et al. re: FYI: Zona Rosa IG Reports (4 pages)	09/17/1996	P1/b(1)
009. email	James Baker to Peter Bass, et al., re: Bosnia/Iran (3 pages)	09/16/1996	P5 7/124
010. email	Pyatt to Baker, James E. re: Zona Rosa IG Reports (4 pages)	09/17/1996	P1/b(1), P5
011. email	Wilma Hall to James Baker, re: Bosnia/Iran Hyde Meeting et al (3 pages)	09/18/1996	P5 7/125
012. email	Wilma Hall to James Baker, re: Hall's 9:09 AM E-mail Reply (3 pages)	09/18/1996	P5 7/126

COLLECTION:

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

FOLDER TITLE:

[09/09/1996-10/09/1996]

2006-0996-F
ch488

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]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. email	James Baker to Alan Kreczko, et al., re: APNSAs on Hill (4 pages)	09/18/1996	P5 7/27
014. email	Fetig, James L. to Pyatt re: School of the Americas (1 page)	09/20/1996	P1/b(1), P5
015. email	Baker, James E. to Pyatt re: School of the Americas (2 pages)	09/20/1996	P1/b(1)
016. email	Pyatt to Baker, James E. et al. re: Zona Rosa IG Report (3 pages)	09/23/1996	P1/b(1), P5
017. email	Pyatt to Davis, William K. re: School of the Americas (2 pages)	09/23/1996	P1/b(1)
018. email	Pyatt to Fetig re: Zona Rosa IG Reports (3 pages)	09/23/1996	P1/b(1)
019. email	Fetig to Bendick, Gordon L. & Wetzel, M. Jeanne re: School of the Americas (4 pages)	09/23/1996	P1/b(1)
020. email	Beers, Rand R. to Pyatt re: Zona Rosa IG Reports (3 pages)	09/23/1996	P1/b(1)
021. email	James Baker to Peter Bass, et al., re: SSCI Bosnia/Iran Report Release (3 pages)	09/23/1996	P5 7/28
022. email	Malley, Robert to Piccone, Theodore J. re: School of the Americas (4 pages)	09/24/1996	P1/b(1), P5
023. email	Wetzel to Dobbins, James F. & Piccone re: School of the Americas (4 pages)	09/24/1996	P1/b(1), P5
024. email	Baker, James E. to Pyatt re: Zona Rosa IG Reports (3 pages)	09/24/1996	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[09/09/1996-10/09/1996]

2006-0996-F

eh488

RESTRICTION CODES

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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]

M S M a i l

7122

DATE-TIME 13 September 96 21:44
FROM Kreczko, Alan J.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Bosnia/Iran Heads-Up [UNCLASSIFIED]
TO Kessinger, Jodi
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Jodi,

NES' response is to an E-mail that was overtaken by events. You should have, but I will resend to you, Jamie's later E-mail.

From: Kessinger, Jodi
To: Baker, James E.
CC: /R, Record at A1; Wetzel, M. Jeanne; @LEGAL - Legal Advisor
Subject: RE: Bosnia/Iran Heads-Up [UNCLASSIFIED]
Date: Friday, September 13, 1996 09:41 PM

Note from NES:

"Should I talk to Harrington re: #2? This is going too far."

From: Baker, James E.
To: @NSA - Natl Security Advisor; Soderberg, Nancy E.
CC: /R, Record at A1; Bass, Peter E.; Leary, William H.; Vershbow, Alexander R.; @LEGAL - Legal Advisor
Subject: Bosnia/Iran Heads-Up [UNCLASSIFIED]
Date: Friday, September 13, 1996 01:05 PM

Please pass to Sandy as soon as possible as Tony Harrington is likely to call Sandy in near term re: paragraph 2.

Tony, Sandy and Nancy:

1. SENATE REPORT: As a result of a rigorous interagency process yesterday we have averted a Specter letter to the President invoking SRes. 400 "declassification procedures" regarding the SSCI draft report. Instead we have identified a handful of information in the report warranting national security protection and offered appropriate substitutions.

According to the drafting pen, Ed Levine, the SSCI hopes to issue their report as soon as this afternoon, depending on whether they have a

requirement to repoll their members. (I am skeptical given Specter's taste for publicity. Although clearly the SSCI is pushing to get the report out as soon as possible. Any hold-up will not be our doing.) In Ed's words: "The report is as moderate as you will get out of the Congress and will be helpful in beating back the House." I agree. Will prepare contingency press guidance.

2. HOUSE SUBPOENA: We have just received notice that the House Select Subcommittee will issue a subpoena today for internal IOB notes of interviews they conducted and a list of persons they interviewed. Lee Hamilton's staff, however, advise that the subpoena, which took them by surprise, was not properly issued -- the Subcommittee did not meet and vote it out.

While out of the blue, this ties in with Lee Hamilton's assessment that the Republicans will focus on the IOB process as a "Whitewash" as one of their themes when they report. The others identified were: (1) Iranian foothold in Europe; (2) confusion in the policy process; (3) and cynical manipulation of a UN resolution. Subject to Jack Quinn's concurrence, Tony Harrington, would be the recipient of any subpoena as the custodian of IOB records.

Subject to Jack Quinn's concurrence, Tony Harrington and we, are of the view that the IOB should not accept a subpoena that has been issued in contravention of House Rules. This would likely result in a subcommittee subpoena next Tuesday, but only after a roll call vote indicating that would give Democrats a clear opportunity to object on the record. It will also hopefully occur after the SSCI issues its report demonstrating the lack of a legislative need for the materials requested. On the down side, it may give Republicans an additional opportunity to seek a news story by saying we would not accept a subpoena.

MS Mail

7/23

DATE-TIME 13 September 96 21:44
FROM Kreczko, Alan J.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Bosnia/Iran Subpoenas? [UNCLASSIFIED]
TO Kessinger, Jodi
CARBON_COPY Baker, James E.
Hunerwadel, Joan S.
Kreczko, Alan J.
Sparks, John E.

TEXT_BODY

Jodi,

This is latest.

From: Baker, James E.

To: @NSA - Natl Security Advisor; Soderberg, Nancy E.

CC: /R, Record at A1; Danvers, William C.; Leary, William H.; Vershbow, Alexander R.; @LEGAL - Legal Advisor

Subject: FW: Bosnia/Iran Subpoenas? [UNCLASSIFIED]

Date: Friday, September 13, 1996 08:26 PM

Tony, Sandy, Nancy:

Upshot of today's events on the House side. Lee Hamilton objected in writing to the manner in which "the IOB document subpoena" was issued. Service was never attempted and there is now some question whether Rep. Hyde ever signed a subpoena. In any event, Jack Quinn has telephoned Hyde to remind him of his August assurance that no subpoenas would issue without there first being a meeting of principals. As separate matter, before subpoena issue arose, Jack Quinn signed out a letter to Hyde renewing Tony Harrington's request to meet in order to dispel misimpressions about the IOB.

The Subcommittee is now scheduled to meet next Thursday a.m. in open session to issue subpoenas to Secretary Christopher, Tony, Alexander Berger [sic], Sandy Vershbow, and Tony Harrington for testimony and documents. Notwithstanding earlier staff representations, I gather that the Majority is not satisfied with our accommodation to have Tony and Sandy brief (a.k.a. "interview") with Chairman and ranking member without preparation of a transcript and without administration of oath. The sticking point will likely be preparation of a transcript.

The issue with respect to the NSC appears to ride on testimony/interviews and not documents (so far). We have twice made written offers (as well as verbal offers) to brief the Chairman and ranking member on NSC deliberative documents using the procedures found accepted by Specter/Kerrey. The only response to date has been a call this week from Pocker suggesting a meeting next week, apparently on the basis we proposed.

Alan and I recommend that we hold the line with respect to your appearance before the Subcommittee, particularly with respect to the preparation of a transcript and oath. We would be prepared to give ground on the number of Members and staff present. We take this position out of institutional concern for the positions of APNSA and DAPNSA. A transcript is pretty close to a hearing and makes formal any briefing/interview, which precedent would be hard to avoid in the face of the many requests you get to appear on the Hill. We also note longstanding Justice guidance making clear that senior advisers to the President can not be compelled to testify as a matter of constitutional principle.

We would appreciate a chance to talk through early next week as we move toward agreement or subpoena. Thank you.

From: Baker, James E.

To: @NSA - Natl Security Advisor; Soderberg, Nancy E.

CC: /R, Record at A1; @LEGAL - Legal Advisor; Leary, William H.; Vershbow,

Alexander R.; Bass, Peter E.

Subject: Bosnia/Iran Heads-Up [UNCLASSIFIED]

Date: Friday, September 13, 1996 01:05 PM

Please pass to Sandy as soon as possible as Tony Harrington is likely to call Sandy in near term re: paragraph 2.

Tony, Sandy and Nancy:

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Subcommittee will issue a subpoena today for internal IOB notes of interviews they conducted and a list of persons they interviewed. Lee Hamilton's staff, however, advise that the subpoena, which took them by surprise, was not properly issued -- the Subcommittee did not meet and vote it out.

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Subject to Jack Quinn's concurrence, Tony Harrington and we, are of the view that the IOB should not accept a subpoena that has been issued in contravention of House Rules. This would likely result in a subcommittee subpoena next Tuesday, but only after a roll call vote indicating that would give Democrats a clear opportunity to object on the record. It will also hopefully occur after the SSCI issues its report demonstrating the lack of a legislative need for the materials requested. On the down side, it may give Republicans an additional opportunity to seek a news story by saying we would not accept a subpoena.

M S M a i l

7124

DATE-TIME 16 September 96 19:46
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT Bosnia/Iran [UNCLASSIFIED]
TO Bass, Peter E.
Biernacki, Eileen V.
Cicio, Kristen K.
Friedrich, M. K.
Hall, Wilma G.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Veit, Katherine M.
Wetzel, M. Jeanne
Wiley, Mary C.

CARBON_COPY Baker, James E.
Danvers, William C.
Hunerwadel, Joan S.
Kreczko, Alan J.
Leary, William H.
Sparks, John E.
Vershbow, Alexander R.

TEXT_BODY

ATTORNEY-CLIENT PRIVILEGED

Tony, Sandy, Nancy:

Here is where things stand on Bosnia/Iran as of Monday p.m.:

1. Jack Quinn is scheduled to meet with Hyde and Hamilton Tuesday at 3:30. Tony Harrington and I will attend as well. Hyde will raise the following topics:

a. TRANSCRIPT: Hyde will press to have your interviews transcribed. For the reasons stated earlier we will indicate that this arrangement is not acceptable. We have engaged Justice/OLC on this point, which advises orally that the APNSA, DAPNSA and IOB Chairman are immune from compelled congressional testimony or depositions. They will put this guidance in writing in the next day or two. We will not schedule your interviews until issues regarding ground rules are resolved.

b. IOB INTERVIEW NOTES AND LIST OF INTERVIEWEES: Hyde will likely suggest that if his subcommittee has access to the IOB's notes of interviews and a list of interviewees they will not press for access to other IOB material (in other words the IOB's report). Otherwise they will subpoena these records. Recommend that we hold the line in order to sustain the IOB as a viable Presidential oversight mechanism. Note: Justice is reviewing the extent to which the President could assert executive privilege over these documents. On a preliminary basis they seem firm on the interview notes, but not clear yet where they are headed with respect to list of interviewees.

Approve _____ Disapprove _____

c. NSC DOCUMENTS: Majority and Minority staff have both requested a briefing for Members next Monday or Tuesday. While continuing to agree with our ground rules - - Bill and I will brief the Chairman and Ranking Member with one notetaker per side - - they do ask that the Chairman and Ranking Member have the opportunity to have another Member of the Subcommittee stand in their place. So long as the numbers remain the same we recommend that we agree to this request.

Approve _____ Disapprove _____

d. VERSHBOW AND KERRICK: Chief Counsel has agreed to our ground rules and these staff interviews will go forward as soon as schedules permit. Sandy is tentatively scheduled for next Tuesday (9/24) at 3:00. When the SSCI staff agreed to the same ground rules, but then sought to put Don Kerrick under oath and transcribe the staff interview, we threatened to walk out. The interview proceeded without oath or transcript. If the ground rules change with Sandy or Don in this context, I recommend that we threaten to walk out again and do so if need be. However, you should be aware that if we are operating under a subpoena, NSC senior directors and directors may well fall outside of Justice's testimonial immunity for "senior advisers" to the President.

Approve _____ Disapprove _____

e. NSC "REVIEW OF PUBLIC STATEMENTS": Although not raised by Subcommittee as a pending issue today, we still owe a response to August 29 request for any NSC review of public statements on this matter. This request is qualitatively different than previous requests because it is for a document created post-facto in response to Congressional and press inquiries rather than a document created at the time of the events in question or a document generated as part of the IOB's review. On the other hand, it is arguably probative on the issue of whether Congress was "mislead." We will draft a response that indicates that we are prepared to brief Members on David Johnson's summary of public statements as part of next week's briefing of NSC documents, but do so in a manner that makes it

clear that this case is unique and that documents created post-facto, as a general matter, will not be briefed to the Congress.

Approve _____ Disapprove _____

2. SSCI REPORT: Principal drafter of SSCI report indicates he is still awaiting the "additional views" of five members, but hopes the report will be released by COB Tuesday. He would not tell me whom the members were or their party affiliation. Once the additional views are incorporated, Specter will consider whether he has to repoll the Members before releasing the report. I assured Ed Levine that as with the report itself I would address any classification issues presented by additional views immediately.

ATTORNEY-CLIENT PRIVILEGED

M S M a i l

7/25

DATE-TIME 18 September 96 09:09
FROM Hall, Wilma G.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Bosnia/Iran Hyde Meeting et al [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY Bass, Peter E.
Cicio, Kristen K.
Danvers, William C.
Hall, Wilma G.
Hunerwadel, Joan S.
Kreczko, Alan J.
Leary, William H.
Sparks, John E.
Veit, Katherine M.
Vershbow, Alexander R.
Wiley, Mary C.

TEXT_BODY

Mr. Lake has initialled "APPROVE" to "b", "c", "d" and "e."

Mr. Lake has also noted "good" in right margin of last paragraph (SSCI Report).

Sending you a HARD COPY of E-mail with TL annotations.

From: Baker, James E.
To: @NSA - Natl Security Advisor
CC: /R, Record at A1; Bass, Peter E.; Danvers, William C.; Leary, William H.; Vershbow, Alexander R.; @LEGAL - Legal Advisor
Subject: Bosnia/Iran Hyde Meeting et al[UNCLASSIFIED]
Date: Tuesday, September 17, 1996 08:17 PM

ATTORNEY-CLIENT PRIVILEGED

Tony, Sandy, Nancy:

Here is where we are on Iran/Bosnia after a meeting this afternoon between Henry Hyde, Jack Quinn and Tony Harrington. In short, Hyde has agreed to the following package of procedures, while reserving the opportunity to reconsider the need to issue a subpoena in the event he is not satisfied with the result (or feels the need to demonstrate to his colleagues that he has made every effort.) Democratic staff have subsequently been advised that the business meeting scheduled for Thursday will be cancelled in the

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event the outstanding State document issue is resolved.

1. LAKE/BERGER INTERVIEWS: These interviews will be conducted as we initially proposed, with the Chairman and ranking member present, no oath, and no transcript. We did, however, imply that we would accept the presence of more than one notetaker in the room from the staff. (Which indeed we permitted when you were interviewed by the SSCI.) Jack was clear and persuasive in presenting the institutional and constitutional issues involved and that we would not accept any procedure requiring either of you to submit to a "virtual hearing;" we would resist any subpoena that sought to compel such an appearance on the basis of longstanding Justice guidance.

SCHEDULING: Hyde's staff would like to conduct these interviews as soon as possible and asked if we might schedule within the next week - - by Wednesday September 25.

2. IOB MATERIALS: (a) After providing Hyde a crisp overview of the IOB and its members and their methodology, Tony grudgingly agreed to provide Hyde with a list of persons interviewed by the IOB (while ostensibly for the purpose of making sure they talk to the right people, the staff is clearly intending to attack the IOB in their report.) (b) No other IOB materials will be provided.

3. NSC DOCUMENTS: Did not arise as a topic of discussion and, subsequent to the meeting, Hyde's staff renewed their request for Bill and I to brief and show documents to the Chairman and Ranking Member in the same manner that we briefed Specter and Kerrey.

NOTE: Both Jack and Tony did an excellent job in presenting the institutional issues at stake and the principles behind our concerns. Hyde was attentive and, I dare say, receptive having clearly heard much of what was said for the first time. He was also careful to protect his institutional equities by reserving ultimately his position to resort to subpoena, but nonetheless heard Jack's position loud and clear - - we will recommend that the President assert privilege if need be on these core institutional matters.

SSCI REPORT: Ed Levine is sending me the latest addition of the SSCI draft report with a request that I confirm in writing that the report is unclassified; he advises that the SSCI has agreed to the few classification concerns addressed by our review last week. I will confirm, and respond in writing on behalf of the executive branch, by COB tomorrow. SSCI is now shooting for release on Thursday or Friday with the delay apparently coming from debate on the democratic side as to the content of any additional views.

HPSCI REPORT: Although working in the shadows of other committees the HPSCI has also prepared a report for which they will request classification review. (The report is briefly described as much the same as SSCI with some

additional comment about Galbraith's reaction at post this spring). We will resist any congressional effort to have the executive branch review documents for declassification in congressional spaces (it doesn't work). Moreover, we have demonstrated that the process can work when the document is provided to the executive branch.

324079E6.FIN

MS Mail

7126

DATE-TIME 18 September 96 15:29
FROM Hall, Wilma G.
CLASSIFICATION UNCLASSIFIED
SUBJECT Re: Hall's 9:09 AM E-Mail Reply [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY Bass, Peter E.
Cicio, Kristen K.
Danvers, William C.
Hall, Wilma G.
Hunerwadel, Joan S.
Kreczko, Alan J.
Leary, William H.
Sparks, John E.
Veit, Katherine M.
Vershbow, Alexander R.
Wiley, Mary C.

TEXT_BODY

PLS DISREGARD 9:09 AM E-MAIL RESPONSE ---Hall's response attached to wrong incoming E-mail . PLS DELETE AND/OR DESTROY ALL COPIES. Thanks.

Corrected copy to follow. thanks .

From: Hall, Wilma G.
To: Baker, James E.
CC: /R, Record at A1; Bass, Peter E.; Danvers, William C.; Leary, William H.; Vershbow, Alexander R.; @LEGAL - Legal Advisor; @NSA - Natl Security Advisor
Subject: RE: Bosnia/Iran Hyde Meeting et al [UNCLASSIFIED]
Date: Wednesday, September 18, 1996 09:09 AM

Mr. Lake has initialled "APPROVE" to "b", "c", "d" and "e."

Mr. Lake has also noted "good" in right margin of last paragraph (SSCI Report).

Sending you a HARD COPY of E-mail with TL annotations.

From: Baker, James E.
To: @NSA - Natl Security Advisor
CC: /R, Record at A1; Bass, Peter E.; Danvers, William C.; Leary, William
CLINTON LIBRARY PHOTOCOPY

institutional matters.

SSCI REPORT: Ed Levine is sending me the latest addition of the SSCI draft report with a request that I confirm in writing that the report is unclassified; he advises that the SSCI has agreed to the few classification concerns addressed by our review last week. I will confirm, and respond in writing on behalf of the executive branch, by COB tomorrow. SSCI is now shooting for release on Thursday or Friday with the delay apparently coming from debate on the democratic side as to the content of any additional views.

HPSCI REPORT: Although working in the shadows of other committees the HPSCI has also prepared a report for which they will request classification review. (The report is briefly described as much the same as SSCI with some additional comment about Galbraith's reaction at post this spring). We will resist any congressional effort to have the executive branch review documents for declassification in congressional spaces (it doesn't work). Moreover, we have demonstrated that the process can work when the document is provided to the executive branch.

M S M a i l

7127

DATE-TIME 18 September 96 16:23
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT APNSAs on Hill [UNCLASSIFIED]
TO Kreczko, Alan J.
Leary, William H.
Sparks, John E.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Here is a short note to Jack from yesterday giving him some background on precedents for APNSAs appearing on the Hill. FYI.

[[BPREC.DOC : 4154 in BPREC.DOC]]

ATTACHMENT
FILE DATE

17 September 96 14:35

ATTACHMENT
FILE NAME

BPREC.DOC
ATTORNEY-CLIENT PRIVILEGED
ATTORNEY-CLIENT PRIVILEGED

September 17, 1996

NOTE FOR JACK QUINN

FROM: Jamie Baker

Below please find background from Hamilton's staff and most recent

SSCI forecast. You also asked if there was precedent for National

Security Advisers testifying before or being deposed by the Congress.

In a draft memoranda dated April 12, 1994, OLC identifies three such instances:

1. Zbigniew Brezinski September 1980 re: Billy Carter's contacts

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with the Libyan government. Former NSC staff members Quandt and Inderfurth were also made available to testify.

2. Poindexter, McFarlane and North re: Iran/Contra.

3. Richard Allen, McFarlane re: October Surprise.

OLC notes that the Billy Carter and Iran/Contra matters were both perceived as threats to the presidencies at the time and in both instances Presidents Carter and Reagan announced early-on that White

House officials would be made available to testify. I think these

cases are also distinguished on the grounds that there were credible

allegations of wrongdoing, although I am not that familiar with the

Billy Carter matter.

The October Surprise example is distinguished because the focus of

the testimony by Allen and McFarlane was on events that took place

during the presidential campaign of 1980 and not while the men served

as National Security Adviser.

The OLC draft also identifies a number of specific instances where

National Security Advisers have declined to testify regarding policy

matters, but met informally with Members and/or staff instead.

1. Kissinger - 1971. Request to appear before SFRC 1971, topic not identified. Declined request. A 1972 OLC opinion indicates that Kissinger declined similar requests from other committees.

2. Scowcroft/Carlucci, 1992: POW/MIA matters. Scowcroft declined to be interviewed regarding matters that arose during his tenure as APNSA during Nixon and Ford Administrations, but agreed to meet informally. White House also refused to make former APNSA Carlucci available to testify, but did make him available to meet informally with committee staff.

3. Iraqgate, 1992: White House rejected request for NSC Legal Adviser Nick Rostow (and WHC Gray) to testify. Agreed to make both available for informal discussions.

Feedback from Hamilton's Staff:

1. Staff access to NSC documents:

Hamilton's staff also indicates that Hyde will likely raise issue of staff access to NSC documents, notwithstanding their staff request to set up a briefing on the basis we described and I had understood Rick Pocker to accept. If raised: I recommend that we urge Hyde to take the briefing first and then decide if he still feels it necessary for staff to have access. We will then address the issue in that context and on a document by document basis. My sense from staff is that Hamilton is supportive of our position here, particularly if we agree that other Members can receive briefing/see documents in lieu of the Chairman and ranking member.

2. IOB Materials:

Hamilton's staff also indicated some hesitation on Hamilton's part to support us on IOB list of interviewees, although she does not know where he stands on this. Staff recommendation to Hamilton is that he urge provision of the list of interviewees, but otherwise stand firm on IOB materials -- on the basis that list will help Congress exercise its oversight function, but providing IOB work product will not do so when Congress can interview the same people and draw its own conclusions.

SSCI Report:

Ed Levine now advises that they are polling Members on revisions made to earlier draft report. He is now expecting report to be released on Thursday or Friday. Additional views are being prepared and are not ready yet. The revised draft report and in time additional views will be sent to me with expectation that I, or an appropriate official, will provide written assurances that the documents are unclassified. I will review and respond asap.

cc: Mr. Harrington

MS Mail

7/28

DATE-TIME 23 September 96 20:23
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT SSCI Bosnia/Iran Report Release [UNCLASSIFIED]

TO Bass, Peter E.
Biernacki, Eileen V.
Cicio, Kristen K.
Friedrich, M. K.
Hall, Wilma G.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Veit, Katherine M.
Vershbow, Alexander R.
Wetzel, M. Jeanne
Wiley, Mary C.

CARBON_COPY Baker, James E.
Beers, Rand R.
Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Hunerwadel, Joan S.
Johnson, David T.
Kreczko, Alan J.
Leary, William H.
Sparks, John E.

TEXT_BODY

PRIVILEGED

Tony, Sandy, Nancy:

Subject to our review of one-page of "additional views", Charlie Battaglia advises that the SSCI will issue its Bosnia/Iran report sometime tomorrow. (I will conclude interagency declassification review of this page tomorrow OOB.) With the exception of two democrats, who are unaccounted for, it appears that all the democrats on the committee have offered additional or dissenting views.

I have worked with State to draft some putative interagency press guidance, most likely for use on Wednesday. We will seek interagency and IOB

clearance tomorrow. Also, Sandy V. has not yet had an opportunity to review. In addition, I would anticipate that agencies will draft agency specific Q's and A's as well.

Please note that prior to any final guidance being issued, we will need to confirm that the draft text we are working from is, in fact, incorporated in the release copy.

DRAFT GUIDANCE:

1. We welcome the conclusion of the SSCI inquiry with which the Administration cooperated fully by making available to the Committee more than ___ officials and thousands of documents for review.

2. The SSCI:

-- Found that the CIA and other intelligence agencies were aware of Iranian arms shipments to Bosnia and reported regularly on them to the appropriate committees of Congress.

-- Found no evidence that any tangible U.S. support was ever provided to Iranian arms shipments. Neither did the Committee conclude that the U.S. had encouraged any third party to supply arms to the Bosnians or that allegations regarding U.S. military or CIA involvement in the arms flow were true.

3. The additional views of X, Y and X/or/all the democratic members of the Committee offer this same conclusion with greater clarity: "The Committee's report does not discuss whether the United States engaged in a covert action when it acquiesced to a Croatian initiative permitting Iran to supply arms to the Bosnian Muslims. It is our view that this clearly did not occur."

4. The Committee correctly notes that policymakers faced a difficult situation in 1994. Subsequent events have shown that we made the right decision. The SSCI report itself concedes that "The consequences of these actions were, on one level, a complete success." Arms shipments to Bosnia in the time frame in question helped sustain the Federation and reduce a military imbalance, creating the conditions which permitted the success of the Dayton peace process.

Q: Should the Congress have been informed of the "no instructions" instruction? [Note: the additional democratic views conclude that not informing Congress was "unwise."]

A: We have heard the Committee on this point. Policy works best when it is executed with the support and knowledge of both political branches of government.

[Note: State drafters would prefer to take this conclusion on with the following language: "There was no policy change. From the beginning this

Administration opposed the arms embargo and sought to lift it multilaterally. The "no instructions" message was, however, highly sensitive, and was closely held within the Administration. Therefore, we did not undertake congressional consultations."]

Q: Were any laws violated?

A: No. Although, the SSCI, it appears, takes a different interpretation of applicable law than the executive branch -- indeed the additional committee views reflect differences of view on the committee itself -- the report, nonetheless, finds no violations of law. These conclusions are consistent with the executive branch's own determinations.

Q: Was there any covert action?

A. No.

DRAFT

PRIVILEGED

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Beers, Rand R. to Bass, Peter E. et al. re: IOB Brief... (1 page)	10/23/1996	P1/b(1)
002. email	Beers to Pyatt re: Reply to Carol Devine (1 page)	10/23/1996	P1/b(1)
003. email	Schifter, Richard to Baker, James E. et al. re: Reply to Carol Devine (2 pages)	10/23/1996	P1/b(1)
004. email	Veit, Katherine M. to Beers re: IOB Brief... (6 pages)	10/23/1996	P1/b(1)
005. email	Baker, James E. to Pyatt re: Reply to Carol Devine (1 page)	10/24/1996	P1/b(1)
006. email	Baker, James E. to Pyatt re: Reply to Carol Devine (1 page)	10/29/1996	P1/b(1)
007. email	James Baker to Rand Beers, et al., re: Pkg 5826 (2 pages)	11/01/1996	P5 7129
008. email	Baker, James E. to Danvers, William C. re: Bosnia Points (3 pages)	11/05/1996	P1/b(1), P5
009. email	David Johnson to James Fetig, et al., re: DRAFT Bosnia Report Guidance (2 pages)	11/06/1996	P5 7130
010. email	John Feeley to Ivo Daadler, re: DRAFT Bosnia Report Guidance (4 pages)	11/06/1996	P5 7131
011. email	Alexander Vershbow to James Baker, re: DRAFT Bosnia Report Guidance (5 pages)	11/07/1996	P5
012. email	James Baker to David Johnson, re: [guidance] (2 pages)	11/07/1996	P5

COLLECTION:

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

FOLDER TITLE:

[10/23/1996-11/12/1996]

2006-0996-F

ch489

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.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. email	William Danvers to Daniel Benjamin, et al., re: Bosnia/SSCI Guidance (5 pages)	11/07/1996	P5 7132
014. email	James Baker to Eileen Biernacki, at al., re: Revised Draft Bosnia Points (7 pages)	11/07/1996	P5
015. email	William Danvers to Eileen Biernacki, et al., re: Revised Draft Bosnia Points (8 pages)	11/07/1996	P5
016. email	William Danvers to James Baker, re: Revised Draft Bosnia Points (7 pages)	11/07/1996	P5 7133
017. email	James Baker to Wilma Hall and David Johnson, re: More Bosnia/Iran from the House (7 pages) <i>pages 2-7 Dups</i>	11/07/1996	P5 7134
018. email	James Baker to Ivo Daadler, et al., re: Final Bosnia/Iran Guidance (7 pages)	11/08/1996	P5 7135

COLLECTION:

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

FOLDER TITLE:

[10/23/1996-11/12/1996]

2006-0996-F

eh489

RESTRICTION CODES

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RR. Document will be reviewed upon request.

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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

M S M a i l

7129

DATE-TIME 01 November 96 10:22

FROM Baker, James E.

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: Pkg 5826 [UNCLASSIFIED]

TO Beers, Rand R.
Dobbins, James F.
Kessinger, Jodi
Pyatt, Geoffrey R.

CARBON_COPY Biernacki, Eileen V.
Dohse, Fred J.
Friedrich, M. K.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kreczko, Alan J.
Leary, William H.
Millison, Cathy L.
Sens, Andrew D.
Van Tassel, David S.
Wetzel, M. Jeanne

TEXT_BODY

First sentence of second paragraph is problematic and should be changed or deleted. The President should not describe the American public's and Mrs. Devine's access to USG information as "a right." (Access to USG information is not a "right"; but rather is governed by various statutes and constitutional principles, including those relating to the protection of sources and methods, the Privacy Act and so on.) This language will haunt in a subsequent dispute or FOIA lawsuit. Although Bill Leary could better describe the standard of review, the USG has, in fact, not been able to make all of the material gathered on this case available to Mrs. Devine or the public because of national security concerns. Thus, the IOB's original terms of references stated that it was the President's intent to make "all appropriate information" available to the public.

Therefore, I would recommend deleting this sentence in its entirety or substitute with words that track Terms of Reference, e.g., "I instructed the IOB to undertake its Guatemala review because I felt it important that all appropriate information regarding your husband's case, and others, be made available to the public and to you."

Thank you.

From: Kessinger, Jodi
To: Baker, James E.; Beers, Rand R; Dobbins, James F.
CC: /R, Record at A1; Pyatt, Geoffrey R.; @EXECSEC - Executive Secretary
Subject: Pkg 5826 [UNCLASSIFIED]
Date: Thursday, October 31, 1996 07:59 PM

<<Attached File: 5826LET.DOC>>

Nancy has made changes to the attached letter and would like you to make sure they are okay. She also asked, "WHY DID IT TAKE SINCE JULY TO RESPOND?"

Please reply to @execsec.

M S M a i l

7130

DATE-TIME 06 November 96 20:06
FROM Johnson, David T.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DRAFT Bosnia Report Guidance [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY Fetig, James L.
Johnson, David T.
Patmon, Matthew W.
Wozniak, Natalie S.

TEXT_BODY

With the holes filled in, that fits my needs for McCurry. You will, however, see under separate cover a request for guidance for the POTUS for a potential Friday press conference. Could you boil this into a single tough q/a on the subject for the President's potential use? I'll need it by noon Thursday. thx.

From: Baker, James E.
To: Danvers, William C.; Feeley, John F.; Vershbow, Alexander R.; @PRESS - Public Affairs
CC: /R, Record at A1; Kessinger, Jodi; Leary, William H.; Soderberg, Nancy E.; @LEGAL - Legal Advisor; @LEGISLAT-Legislative Affairs
Subject: DRAFT Bosnia Report Guidance [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 07:23 PM

<<Attached File: PRESS.DOC>>

Ed Levine advises that the SSCI will indeed release its Bosnia/Iran report tomorrow at 8:00 a.m. with an embargo until a Noon press conference by Sens. Specter and Kerrey.

Draft guidance for your review is attached. Sandy V. or John, please focus in particular on State drafted statement regarding departure from Bosnia of mujahideen and Iranian fighters. Also, note that the if needed summary of some of the report's conclusions are carefully worded; the SSCI says it found no tangible evidence of X, Y, and Z, but does not formally conclude that the allegations in question are unfounded. Therefore, the guidance indicates that the SSCI did not conclude that the allegations were true, rather than saying the SSCI concluded that they were unsubstantiated.

Please provide comments as soon as possible in the morning. Thank you.

Note: We are still operating off of copy of draft report we reviewed for

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classification. We have requested final copy as soon as it is available tomorrow; also, we are still awaiting comments from Defense, IOB, and CIA with respect to sentence on mujahideen cited above.

M S M a i l

7131

DATE-TIME 06 November 96 20:06
FROM Feeley, John F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: DRAFT Bosnia Report Guidance [UNCLASSIFIED]
TO Daadler, Ivo H.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

I did not like what was down on the muj and Iran. Pulled some recent guidance. It is probably more than needs to be in there but maybe you can cut it down (or add).

From: Vershbow, Alexander R.
To: Daalder, Ivo H.
CC: /R, Record at A1; Feeley, John F.
Subject: FW: DRAFT Bosnia Report Guidance [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 07:44 PM

[[PRESS.DOC : 5154 in PRESS.DOC]]

Ivo - Please review as well

From: Baker, James E.
To: Danvers, William C.; Feeley, John F.; Vershbow, Alexander R.; @PRESS - Public Affairs
CC: /R, Record at A1; Kessinger, Jodi; Leary, William H.; Soderberg, Nancy E.; @LEGAL - Legal Advisor; @LEGISLAT-Legislative Affairs
Subject: DRAFT Bosnia Report Guidance [UNCLASSIFIED]
Date: Wednesday, November 06, 1996 07:23 PM

Ed Levine advises that the SSCI will indeed release its Bosnia/Iran report tomorrow at 8:00 a.m. with an embargo until a Noon press conference by Sens. Specter and Kerrey.

Draft guidance for your review is attached. Sandy V. or John, please focus in particular on State drafted statement regarding departure from Bosnia of mujahideen and Iranian fighters. Also, note that the if needed summary of some of the report's conclusions are carefully worded; the SSCI says it found no tangible evidence of X, Y, and Z, but does not formally conclude that the allegations in question are unfounded. Therefore, the guidance indicates that the SSCI did not conclude that the allegations were true,

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rather than saying the SSCI concluded that they were unsubstantiated.

Please provide comments as soon as possible in the morning. Thank you.

Note: We are still operating off of copy of draft report we reviewed for classification. We have requested final copy as soon as it is available tomorrow; also, we are still awaiting comments from Defense, IOB, and CIA with respect to sentence on mujahideen cited above.

**ATTACHMENT
FILE DATE**

6 November 96 20:3

**ATTACHMENT
FILE NAME**

PRESS.DOC
DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE

DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE
SSCI BOSNIA/IRAN REPORT

Background: The Senate Select Committee on Intelligence will release its 32 page report "U.S. Actions Regarding Iranian and Other Arms Transfers to the Bosnian Army, 1994-1995" on Thursday morning at 0800. The report is embargoed until Senators Specter and Kerrey hold a news conference at 1200. The executive branch has reviewed earlier drafts for classification and therefore is familiar with the content of the report.

Q: What is your response to the Senate Select Intelligence Committee's report on Bosnia?

☐ A: We are proud of our policy in Bosnia, which has brought peace to that country and elections so the parties have an opportunity to put the war behind them. Today, Bosnians have complied with Dayton requirement to withdraw all foreign forces and have ended military and intelligence links to Iran. Specifically:

- Mujahedin and Iranian Revolutionary Guard Corps (IRGC) units have been disbanded;

hundreds of these people have left Bosnia since Dayton was signed;

- the Iranian arms flow into Bosnia has stopped;
- military and intelligence cooperative relationships with Iran has ended;
- training in both Bosnia and Iran has stopped;
- personnel associated with Iran have been removed from key positions; and

- Bosnian President Izetbegovic has assured us that those individual Iranians whom we have identified as unacceptable have left the country and will not be allowed to return.

□ We continue to use all available means to verify Bosnian and Iranian compliance. When concerns arise and where sources and methods permit, we raise these issues with the Bosnian Government, including through the Joint Commission established for this purpose.

□ In sum, while Iran maintains an Embassy in Sarajevo and continues to provide humanitarian and economic aid, we believe Iranian military and intelligence presence in Bosnia has been effectively eliminated.

Although we do not agree with all of the SSCI's analysis or conclusions we do note that this Committee has not engaged in the politics of personal destruction in an effort to garner political advantage. The business of impartial oversight is critical to the health and integrity of the intelligence community.

The Administration cooperated fully by making available to the Committee numerous officials for briefings and interviews and by providing thousands of documents for review.

Q: What did the SSCI conclude?

A: Among other things, the SSCI:

- Found no evidence that there was any tangible U.S. support to aid Iranian arms shipments or that the U.S. encouraged any third party to supply arms to Bosnia or Croatia. The Committee did not conclude that allegations regarding U.S. military or CIA involvement in the arms flow were true. (PP. 9, 23)

-- As the additional views of _____ note, the Committee fails to make a judgment on the central question it addressed, whether or not U.S. Government officials engaged in an unauthorized covert action. However, the additional views clearly state: "The evidence developed by the Committee inquiry to date clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia."

-- Found that the CIA and other intelligence agencies were aware of Iranian arms shipments to Bosnia and reported regularly on them to the appropriate committees of Congress. (P. 13)

Q: Should the Congress have been informed of the "no instructions" instruction?

A: We have heard the Committee on this point. Policy works best when it is executed with the support and knowledge of both political branches of government. We take note of congressional views on this point and will continue our discussions with them.

Q: Were any laws violated?

A: No.

Q: Was there any covert action?

A. No.

M S M a i l

7132

DATE-TIME 07 November 96 14:28
FROM Danvers, William C.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Bosnia/SSCI Guidance [UNCLASSIFIED]

TO Benjamin, Daniel
Blinken, Antony J.
Fetig, James L.
Gibney, James S.
Gray, Wendy
Johnson, David T.
Moffett, Julia
Naplan, Steven J.
Patmon, Matthew W.
Santarcangelo, Jason M.
Showalter, Victoria A.
Wozniak, Natalie S.

CARBON_COPY Baker, James E.
Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Hunerwadel, Joan S.
Kreczko, Alan J.
Sparks, John E.

TEXT_BODY

Julia-- here it is.

From: Baker, James E.
To: Daalder, Ivo H.; Danvers, William C.; Feeley, John F.; Vershbow,
Alexander R.; Soderberg, Nancy E.
CC: /R, Record at A1; Kessinger, Jodi; Leary, William H.; @LEGAL - Legal
Advisor
Subject: Bosnia/SSCI Guidance [UNCLASSIFIED]
Date: Thursday, November 07, 1996 02:25 PM

[[PRESSP.DOC : 3642 in PRESSP.DOC]][[PRESS.DOC : 3643 in
PRESS.DOC]]

FYI: Here is the final full guidance as well as the short form for
Presidential news conference. Note that the POTUS guidance responds to Sen.
Specter's 1:45 statement that the no instructions policy violated the
National Security Act (presumably because it was not reported as a "non

traditional diplomatic activity.") The report, in fact, did not reach such a conclusion and the additional views reach the opposite conclusion. (SSCI staff are not sure what Specter was talking about and confirm that the full report reaches no conclusion on this point.

ATTACHMENT
FILE DATE

7 November 96 14:9

ATTACHMENT
FILE NAME

PRESSP.DOC
DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE

DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE
SSCI BOSNIA/IRAN REPORT
If Raised Only

Q: What is your response to the Senate Select Committee on Intelligence report on Bosnia, which was released on November 7?

A: We are proud of our policy in Bosnia, which has brought peace to that country and elections so the parties have an opportunity put the war behind them.

While we do not agree with all of the Committee's analysis, like the IOB in 1995, the Committee's report does not find that illegal activity occurred.

Q: But if I am not mistaken Senator Specter just held a press conference in which he announced that the Administration's "no instruction" policy violated the National Security Act?

A: I am not sure what Senator Specter had mind. The report does not reach such a conclusion. Indeed, the additional views included with the report state that the evidence clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia.

Q: What about the Iranian presence in Bosnia?

A: At our urging, the Bosnian government has complied with Dayton Accord's requirement to withdraw all foreign forces and it has terminated its military and intelligence links with Iran.

**ATTACHMENT
FILE DATE**

7 November 96 9:51

**ATTACHMENT
FILE NAME**

PRESS.DOC
DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE

DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE
SSCI BOSNIA/IRAN REPORT
If Raised Only

Background for Briefer: The Senate Select Committee on Intelligence will release its 32 page report "U.S. Actions Regarding Iranian and Other Arms Transfers to the Bosnian Army, 1994-1995" on Thursday morning at 0800. The report is embargoed until Senators Specter and Kerrey hold a news conference at 1200. The executive branch has reviewed earlier drafts for classification and therefore is familiar with the content of the report (which the Committee apparently refrained from releasing until after the election.)

Q: What is your response to the Senate Select Intelligence Committee's report on Bosnia?

A: We are proud of our policy in Bosnia, which has brought peace to that country and elections so the parties have an opportunity to put the war behind them. At our urging, the Bosnian government has complied with Dayton Accord's requirement to withdraw all foreign forces and it has terminated its military and intelligence links with Iran.

Although we do not agree with all of the SSCI's analysis or conclusions we do note that this Committee has not engaged in the politics of personal destruction in an effort to garner political advantage. The business of impartial oversight is critical to the health and integrity of the intelligence community.

The Administration cooperated fully by making available to the Committee numerous officials for briefings and interviews and by providing thousands of documents for review.

In early 1995 the IOB conducted an inquiry and reported to the President on these same matters. When concerns were raised the

executive responded. While the scope of the IOB's and SSCI's reviews were different, their conclusions are similar.

Q: What did the SSCI conclude?

A: Among other things:

-- The SSCI found no evidence that there was any tangible U.S. support to aid Iranian arms shipments or that the U.S. encouraged any third party to supply arms to Bosnia or Croatia. The Committee did not conclude that concerns regarding possible U.S. military or CIA involvement in the arms flow were well-founded. (PP. 9, 23)

-- As the report's additional views (Glenn, Bryan, Graham and Kerry as of 10/30) note, the Committee does not make a judgment on the central question of whether or not U.S. Government officials engaged in unauthorized covert action. However, the additional views clearly state: "The evidence developed by the Committee inquiry to date clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia."

-- The Committee also found that the CIA and other intelligence agencies were aware of Iranian arms shipments to Bosnia and reported regularly on them to the appropriate committees of Congress. (P. 13)

Q: Should the Congress have been informed of the "no instructions" instruction?

A: We have heard the Committee on this point. Policy works best when it is executed with the support and knowledge of both political branches of government. We take note of congressional views on this point and will continue our discussions with them.

Q: Were any laws violated?

A: No.

Q: Was there any covert action?

A: No.

Q: What evidence do you have that the Iranian intelligence and military cooperation with Bosnia has ended and that Mujahedin have left Bosnia?

A: Our evidence indicates that:

- Mujahedin and Iranian Revolutionary Guard Corps (IRGC) units have been disbanded; hundreds of these people have left Bosnia since Dayton was signed;
 - the Iranian arms flow into Bosnia has stopped;
 - military and intelligence cooperative relationships with Iran have ended;
 - training in both Bosnia and Iran has stopped;
 - personnel associated with Iran have been removed from key positions; and
- Bosnian President Izetbegovic has assured us that those individual Iranians whom we have identified as unacceptable have left the country and will not be allowed to return.

We continue to use all available means to verify Bosnian and Iranian compliance. When concerns arise and where sources and methods permit, we raise these issues with the Bosnian Government, including through the Joint Commission established for this purpose.

In sum, while Iran maintains an Embassy in Sarajevo and continues to provide humanitarian and economic aid, the Bosnian Government has terminated its military and intelligence links with Iran.

MS Mail

7133

DATE-TIME 07 November 96 18:20
FROM Danvers, William C.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Revised Draft Bosnia Points [UNCLASSIFIED]
TO Baker, James E.
Biernacki, Eileen V.
Davis, William K.
Feeley, John F.
Fetig, James L.
Friedrich, M. K.
Hilliard, Brenda I.
Johnson, David T.
Joshi, M. Kay
Millison, Cathy L.
Patmon, Matthew W.
Vershbow, Alexander R.
Wetzel, M. Jeanne
Wozniak, Natalie S.

CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Hunerwadel, Joan S.
Kessinger, Jodi
Kreczko, Alan J.
Sparks, John E.

TEXT_BODY

Jamie-- this time with changes.

[[BPRESS.DOC : 4684 in BPRESS.DOC]]

From: Baker, James E.
To: Danvers, William C.; Davis, William K.; Feeley, John F.; Vershbow,
Alexander R.; Soderberg, Nancy E.; @PRESS - Public Affairs
CC: /R, Record at A1; Kessinger, Jodi; @LEGAL - Legal Advisor
Subject: Revised Draft Bosnia Points [UNCLASSIFIED]
Date: Thursday, November 07, 1996 05:53 PM

<<Attached File: BPRESS.DOC>>

Attached please find for your review revised draft guidance on Bosnia/Iran,
which addresses both the SSCI report and House Republican referrals to

Justice and call for an independent counsel. POTUS guidance at the end must be cleared by OOB tomorrow. I will also need to clear with Jack Quinn tonight or first thing in the morning. Thank you.

**ATTACHMENT
FILE DATE**

7 November 96 18:18

**ATTACHMENT
FILE NAME**

BPRESS.DOC
DRAFT/DELIBERATIVE 11/7/96
h:bpress

DRAFT/DELIBERATIVE

BOSNIA/IRAN

FULL

DRAFT GUIDANCE Re: House Select Subcommittee Referrals to
Justice

Q: The House Select Subcommittee on Bosnia/Iran announced on Thursday that they were referring high-ranking Clinton Administration officials to the Department of Justice and were seeking the appointment of an independent counsel. What is your reaction?

A: First, this is the second time this subcommittee has made this announcement.

This is clearly a partisan affair. No Democratic member of this subcommittee joined in this request or in the press release. Indeed, Mr. Hamilton, Mr. Berman and Mr. Hastings have issued a statement of their own decrying these allegations. They state: "Based on the testimony we have heard and the documents we have reviewed, we found no evidence of wrongdoing. No witness has given false testimony. There are no discrepancies on any of the key facts in the case. . . The majority's charges that some witnesses made false statements to Congress are baseless."

We are proud of our policy in Bosnia, which has brought peace to that country, elections and an opportunity for the people of Bosnia to put the war behind them. We understand that some may disagree with that policy, but it is unfortunate that anyone would criminalize a policy disagreement for political advantage.

Q: Is it true the NSC has received a copy of the Subcommittee's letter of referral to Justice and is reviewing it for declassification?

A: At the time the Select Subcommittee issued its press release on Thursday the Administration had, in fact, not received the letter in question or been asked to declassify it. Indeed, we were not aware of the letter's existence or of the intended press release until after it was released to the press. The press release was not accurate.

Q: Do you expect the Attorney General to seek the appointment of an independent counsel?

A: I think I have made clear to you my view of this subcommittee's work.

Q: Is it true the Administration has failed to declassify the Subcommittee's full report?

A: The CIA, Defense Department and State Department are still reviewing the Subcommittee's 600 page report. The report was classified at the TOP SECRET/CODEWORD level by the Subcommittee itself and we are certainly going to take a careful look before we put at risk U.S. sources and methods of intelligence gathering that protect our troops in Bosnia and inform our policy decisions.

If you are asking if we will allow politics to interfere with that process the answer is no. If you are asking if we will undertake this review with deliberate care, the answer is yes.

The Senate Select Committee on Intelligence has issued its own report this week on Bosnia. Working with the executive branch, this report was carefully written so as to avoid the use of classified information.

DRAFT GUIDANCE Re: Senate Select Committee on Intelligence Bosnia Report

Background for Briefer: The Senate Select Committee on Intelligence released its 33 page report "U.S. Actions Regarding Iranian and Other Arms Transfers to the Bosnian Army, 1994-1995" on Thursday, November 7.

Q: What is your response to the Senate Select Intelligence

Committee's report on Bosnia?

A: We are proud of our policy in Bosnia, which has brought peace to that country and elections so the parties have an opportunity to put the war behind them. At our urging, the Bosnian government has complied with Dayton Accord's requirement to withdraw all foreign forces and it has terminated its military and intelligence links with Iran.

While we do not agree with all of the Committee's analysis, like the IOB in 1995, the Committee's report does not find that illegal activity occurred.

We do note that this Committee has not engaged in the politics of personal destruction in an effort to garner political advantage. The business of impartial oversight is critical to the health and integrity of the intelligence community.

The Administration cooperated fully by making available to the Committee numerous officials for briefings and interviews and by providing thousands of documents for review.

Q: What did the SSCI conclude?

A: Among other things:

-- The SSCI found no evidence that there was any tangible U.S. support to aid Iranian arms shipments or that the U.S. encouraged any third party to supply arms to Bosnia or Croatia. The Committee did not conclude that concerns regarding possible U.S. military or CIA involvement in the arms flow were well-founded. (PP. 9, 23)

-- As the report's additional views (Glenn, Bryan, Graham and Kerry as of 10/30) note, the Committee does not make a judgment on the central question of whether or not U.S. Government officials engaged in unauthorized covert action. However, the additional views clearly state: "The evidence developed by the Committee inquiry to date clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia."

-- The Committee also found that the CIA and other intelligence agencies were aware of Iranian arms shipments to Bosnia and reported regularly on them to the appropriate committees of Congress. (P. 13)

Q:

But if I am not mistaken Senator Specter just held a press

conference on Thursday in which he announced that the Administration's "no instruction" policy violated the National Security Act?

A: I am not sure what Senator Specter had in mind. The report does not reach such a conclusion. Indeed, the additional views included with the report state that the evidence clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia.

Q: Should the Congress have been informed of the "no instructions" instruction?

A: We have heard the Committee on this point. Policy works best when it is executed with the support and knowledge of both political branches of government. We take note of congressional views on this point and will continue our discussions with them.

Q: Were any laws violated?

A: No.

Q: Was there any covert action?

A: No.

Q: What evidence do you have that the Iranian intelligence and military cooperation with Bosnia has ended and that Mujahedin have left Bosnia?

A: Our evidence indicates that:

- Mujahedin and Iranian Revolutionary Guard Corps (IRGC) units have been disbanded; hundreds of these people have left Bosnia since Dayton was signed;
- the Iranian arms flow into Bosnia has stopped;
- military and intelligence cooperative relationships with Iran have ended;
- training in both Bosnia and Iran has stopped;
- personnel associated with Iran have been removed from key positions; and

- Bosnian President Izetbegovic has assured us that those individual Iranians whom we have identified as unacceptable have left the country and will not be allowed to return.

We continue to use all available means to verify Bosnian and Iranian compliance. When concerns arise and where sources and methods permit, we raise these issues with the Bosnian Government, including through the Joint Commission established

for this purpose.

In sum, while Iran maintains an Embassy in Sarajevo and continues to provide humanitarian and economic aid, the Bosnian Government has terminated its military and intelligence links with Iran.

POTUS

DRAFT GUIDANCE Re: Senate Select Committee on Intelligence
Bosnia Report

Q: What is your response to the Senate Select Committee on Intelligence report on Bosnia, which was released on November 7?

A: We are proud of our policy in Bosnia, which has brought peace to that country and elections so the parties have an opportunity to put the war behind them.

While we do not agree with all of the Committee's analysis, like the IOB in 1995, the Committee's report does not find that illegal activity occurred.

I also want to say that I appreciate that Senator Specter and Kerrey have not engaged in maligning the reputations of able and dedicated public servants to score political points. This process of criminalizing policy disputes for partisan advantage has got to end and I think the voters told us so on Tuesday.

Q: But if I am not mistaken Senator Specter held a press conference on Thursday in which he announced that the Administration's "no instruction" policy violated the National Security Act?

A: I am not sure what Senator Specter had in mind. The report does not reach such a conclusion. Indeed, the additional views included with the report state that the evidence clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia.

Q: What about the Iranian presence in Bosnia?

A: At our urging, the Bosnian government has complied with Dayton Accord's requirement to withdraw all foreign forces and it has terminated its military and intelligence links with Iran.

DRAFT GUIDANCE Re: House Select Subcommittee Referrals to Justice

Q: The House Select Subcommittee on Bosnia/Iran announced on Thursday that they were referring high-ranking Clinton Administration officials to the Department of Justice and were seeking the appointment of an independent counsel. What is your reaction?

A: This is partisan politics at its worst. An irresponsible effort to criminalize policy disputes and by the use of innuendo taint as many persons as possible.

I understand that Mr. Hamilton, Mr. Berman and Mr. Hastings have issued a statement of their own decrying these allegations. They state: "Based on the testimony we have heard and the documents we have reviewed, we found no evidence of wrongdoing. No witness has given false testimony. There are no discrepancies on any of the key facts in the case. . . The majority's charges that some witnesses made false statements to Congress are baseless."

We are proud of our policy in Bosnia, which has brought peace to that country, elections and an opportunity for the people of Bosnia to put the war behind them. We understand that some may disagree with that policy, but it is unfortunate that anyone would try to turn a policy disagreement into criminal accusations in order to gain political advantage.

There are a lot of dedicated people who have worked long hours to bring peace to Bosnia under very difficult circumstances. That they should also be subject to political grandstanding is wrong.

Q: Should the Attorney General seek the appointment of an Independent Counsel?

A: I think I have made clear to you my view of this subcommittee's work.

MS Mail

7/34

pages 2-7
Dupes

DATE-TIME 07 November 96 18:36
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: More Bosnia/Iran from the House [UNCLASSIFIED]
TO Hall, Wilma G.
Johnson, David T.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Wilma:

Here is draft guidance, which we are circulating for comment. Second Q addresses Tony's point. [[BPRESS.DOC : 4634 in BPRESS.DOC]]

From: Hall, Wilma G.

To: Baker, James E.; Danvers, William C.; Davis, William K.; Leary, William H.; Vershbow, Alexander R.; @NSA - Natl Security Advisor; @PRESS - Public Affairs

CC: /R, Record at A1; @LEGAL - Legal Advisor

Subject: RE: More Bosnia/Iran from the House [UNCLASSIFIED]

Date: Thursday, November 07, 1996 06:25 PM

NOTE FOR DAVID JOHNSON

TL has read; and underlined "(Not true -- have never seen.)" and noted: "David Johnson, Are we getting this fact out?"

From: Baker, James E.

To: Danvers, William C.; Davis, William K.; Leary, William H.; Vershbow, Alexander R.; @NSA - Natl Security Advisor; @PRESS - Public Affairs

CC: /R, Record at A1; @LEGAL - Legal Advisor

Subject: More Bosnia/Iran from the House [UNCLASSIFIED]

Date: Thursday, November 07, 1996 04:14 PM

We have learned that the House Select Subcommittee (Hyde Subcommittee) issued a press release at the Specter/Kerrey press conference announcing that they were referring various matters to the Department of Justice and calling for the appointment of an independent counsel. The press release indicates that the NSC has been provided with a copy of the 26 page referral letter for declassification and implies that we would not release it. (Not true -- have never seen.) Minority has drafted its own release in response decrying the majority's actions. When we, in fact, have these various documents in hand, we will circulate draft press guidance for clearance.

MS Mail

7135

DATE-TIME 08 November 96 09:54

FROM Baker, James E.

CLASSIFICATION UNCLASSIFIED

SUBJECT Final Bosnia/Iran Guidance [UNCLASSIFIED]

TO Daadler, Ivo H.
Feeley, John F.
Fetig, James L.
Johnson, David T.
Lindsey, Christine J.
Patmon, Matthew W.
Vershow, Alexander R.
Wozniak, Natalie S.

CARBON_COPY Baker, James E.
Bass, Peter E.
Biernacki, Eileen V.
Cicio, Kristen K.
Danvers, William C.
Davis, William K.
Friedrich, M. K.
Hall, Wilma G.
Hilliard, Brenda I.
Hunerwadel, Joan S.
Joshi, M. Kay
Kessinger, Jodi
Kreczko, Alan J.
Leary, William H.
Millison, Cathy L.
Sparks, John E.
Veit, Katherine M.
Wetzel, M. Jeanne
Wiley, Mary C.

TEXT_BODY

David:

Here is updated Bosnia/Iran guidance as reviewed by Nancy, Sandy V. and Bill Danvers. Once change in question regarding AG and independent counsel. POTUS guidance follows general guidance.

[[BPRESS.DOC : 2359 in BPRESS.DOC]]

**ATTACHMENT
FILE DATE**

8 November 96 9:43

**ATTACHMENT
FILE NAME**

BPRESS.DOC
DRAFT/DELIBERATIVE 11/7/96
h:bpress

DRAFT/DELIBERATIVE

BOSNIA/IRAN

FULL

DRAFT GUIDANCE Re: Senate Select Committee on Intelligence
Bosnia Report

Background for Briefer: The Senate Select Committee on
Intelligence
released its 33 page report "U.S. Actions Regarding Iranian and
Other Arms Transfers to the Bosnian Army, 1994-1995" on Thursday,
November 7.

Q: What is your response to the Senate Select Intelligence
Committee's report on Bosnia?

A: We are proud of our policy in Bosnia, which has brought peace
to that country and elections so the parties have an opportunity
to put the war behind them. At our urging, the Bosnian
government has complied with Dayton Accord's requirement to
withdraw all foreign forces and it has terminated its military
and intelligence links with Iran.

While we do not agree with all of the Committee's analysis,
like the IOB in 1995, the Committee's report does not find that
illegal activity occurred.

We do note that this Committee has not engaged in the politics
of personal destruction in an effort to garner political
advantage. The business of impartial oversight is critical to
the health and integrity of the intelligence community.

The Administration cooperated fully by making available to the
Committee numerous officials for briefings and interviews and
by providing thousands of documents for review.

Q: What did the SSCI conclude?

A: Among other things:

-- The SSCI found no evidence that there was any tangible U.S. support to aid Iranian arms shipments or that the U.S. encouraged any third party to supply arms to Bosnia or Croatia. The Committee did not conclude that concerns regarding possible U.S. military or CIA involvement in the arms flow were well-founded. (PP. 9, 23)

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Q: Should the Congress have been informed of the "no instructions" instruction?

A: We have heard the Committee on this point. Policy works best when it is executed with the support and knowledge of both political branches of government. We take note of congressional views on this point and will continue our discussions with them.

Q: Were any laws violated?

A: No.

Q: Was there any covert action?

A. No.

Q: What evidence do you have that the Iranian intelligence and military cooperation with Bosnia has ended and that Mujahedin have left Bosnia?

A: Our evidence indicates that:

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A: First, this is the second time this subcommittee has made this announcement.

This is clearly a partisan affair. No democratic member of this subcommittee joined in this request or in the press

release. Indeed, Mr. Hamilton, Mr. Berman and Mr. Hastings have issued a statement of their own decrying these allegations. They state: "Based on the testimony we have heard and the documents we have reviewed, we found no evidence of wrongdoing. No witness has given false testimony. There are no discrepancies on any of the key facts in the case. . . The majority's charges that some witnesses made false statements to Congress are baseless."

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This is a clear effort through the use of innuendo and invective to taint as many people as possible for political purposes.

Q: Is it true the NSC has received a copy of the Subcommittee's letter of referral to Justice and is reviewing it for declassification?

A: At the time the Select Subcommittee issued its press release on Thursday the Administration had, in fact, not received the letter in question or been asked to declassify it. Indeed, we were not aware of the letter's existence or of the intended press release until after it was released to the press. In other words the press release was not accurate.

Q: Do you expect the Attorney General to seek the appointment of an independent counsel?

A: That is a question for the Attorney General.

Q: Is it true the Administration has failed to declassify the Subcommittee's full report?

A: The CIA, Defense Department and State Department are still reviewing the Subcommittee's 600 page report. The report was classified at the TOP SECRET/CODEWORD level by the Subcommittee itself and we are certainly going to take a careful look before we put at risk U.S. sources and methods of intelligence gathering that protect our troops in Bosnia and inform our policy decisions.

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POTUS

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Q: Should the Attorney General seek the appointment of an Independent Counsel?

A: That is a question for the Attorney General.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	J. Nicholas Dowling to James Fetig, et al., re: Bosnia PG [partial] [pages 10-15 withdrawn in whole] (7 pages)	11/12/1996	P5 7136
002. email	Kessinger, Jodi to Baker, James E. & Kreczko, Alan J. re: Bosnia (2 pages)	11/16/1996	P1/b(1), P5
003. email	Kessinger to Baker, James E. re: [NES Asked] (1 page)	11/21/1996	P1/b(1)
004. email	William Leary to Eileen Biernacki, re: Harbury FOIA (2 pages)	11/26/1996	P5
005. email	Baker, James E. to Sparks, John E. re: Zona Rosa (2 pages)	12/06/1996	P1/b(1), P5
006. email	Beers, Rand R. to Pyatt, Geoffrey R. re: Zona Rosa (2 pages)	12/06/1996	P1/b(1), P5
007. email	Pyatt to Kessinger re: Zona Rosa (2 pages)	12/11/1996	P1/b(1), P5
008. email	Alexander Vershbow to J. Nicholas Dowling, re: Bosnia/SSCI Guidance (5 pages)	12/16/1996	P5 7137
009. email	Pyatt to Beers re: Zona Rosa (4 pages)	12/30/1996	P1/b(1), P5
010. email	Vershbow, Alexander R. to Baker, James E. & Showalter, Victoria A. re: Iran-Bosnia (3 pages)	01/27/1997	P1/b(1), P5
011. email	Showalter to Kessinger re: Bosnia Text (3 pages)	01/30/1997	P1/b(1), P5
012. email	Kessinger to Moffett, Julia & Sonenshine, Tara D. re: TL Speech (10 pages)	01/30/1997	P1/b(1), P5

COLLECTION:

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

FOLDER TITLE:

[11/12/1996-02/07/1997]

2006-0996-F
ch490

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]

7136

clear that they would undertake occasional incursions across the Turkish-Iraqi border in pursuit of such terrorist groups.

☐ Turkey is a NATO ally and we strongly support its ability to defend itself against terrorists.

They have assured us that they would not garrison their troops in northern Iraq; that any cross-border operations would be limited; and that such operations would only be undertaken in defense of Turkey's border.

ATTACHMENT
FILE DATE

12 November 96 11:18

ATTACHMENT
FILE NAME

BPRESS.DOC
DRAFT/DELIBERATIVE 11/7/96
h:bpress

DRAFT/DELIBERATIVE

BOSNIA/IRAN

FULL

DRAFT GUIDANCE Re: Senate Select Committee on Intelligence
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Q: What did the SSCI conclude?

A: Among other things:

-- The SSCI found no evidence that there was any tangible U.S. support to aid Iranian arms shipments or that the U.S. encouraged any third party to supply arms to Bosnia or Croatia. The Committee did not conclude that concerns regarding possible U.S. military or CIA involvement in the arms flow were well-founded. (PP. 9, 23)

-- As the report's additional views (Glenn, Bryan, Graham and Kerry as of 10/30) note, the Committee does not make a judgment on the central question of whether or not U.S. Government officials engaged in unauthorized covert action. However, the additional views clearly state: "The evidence developed by the Committee inquiry to date clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia."

-- The Committee also found that the CIA and other intelligence agencies were aware of Iranian arms shipments to Bosnia and reported regularly on them to the appropriate committees of Congress. (P. 13)

Q:

But if I am not mistaken Senator Specter just held a press conference on Thursday in which he announced that the Administration's "no instruction" policy violated the National Security Act?

A: I am not sure what Senator Specter had mind. The report does not reach such a conclusion. Indeed, the additional views included with the report state that the evidence clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia.

Q: Should the Congress have been informed of the "no instructions" instruction?

A: We have heard the Committee on this point. Policy works best when it is executed with the support and knowledge of both political branches of government. We take note of congressional views on this point and will continue our discussions with them.

Q: Were any laws violated?

A: No.

Q: Was there any covert action?

A: No.

Q: What evidence do you have that the Iranian intelligence and military cooperation with Bosnia has ended and that Mujahedin have left Bosnia?

A: Our evidence indicates that:

- Mujahedin and Iranian Revolutionary Guard Corps (IRGC) units have been disbanded; hundreds of these people have left Bosnia since Dayton was signed;
 - the Iranian arms flow into Bosnia has stopped;
 - military and intelligence cooperative relationships with Iran have ended;
 - training in both Bosnia and Iran has stopped;
 - personnel associated with Iran have been removed from key positions; and
- Bosnian President Izetbegovic has assured us that those individual Iranians whom we have identified as unacceptable have left the country and will not be allowed to return.

We continue to use all available means to verify Bosnian and Iranian compliance. When concerns arise and where sources and methods permit, we raise these issues with the Bosnian Government, including through the Joint Commission established for this purpose.

In sum, while Iran maintains an Embassy in Sarajevo and continues to provide humanitarian and economic aid, the Bosnian Government has terminated its military and intelligence links with Iran.

DRAFT GUIDANCE Re: House Select Subcommittee Referrals to Justice

Q: The House Select Subcommittee on Bosnia/Iran announced on Thursday that they were referring high-ranking Clinton Administration officials to the Department of Justice and were seeking the appointment of an independent counsel. What is your reaction?

A: First, this is the second time this subcommittee has made this announcement.

This is clearly a partisan affair. No democratic member of this subcommittee joined in this request or in the press release. Indeed, Mr. Hamilton, Mr. Berman and Mr. Hastings have issued a statement of their own decrying these allegations. They state: "Based on the testimony we have heard and the documents we have reviewed, we found no evidence of wrongdoing. No witness has given false testimony. There are no discrepancies on any of the key facts in the case. . . The majority's charges that some witnesses made false statements to Congress are baseless."

We are proud of our policy in Bosnia, which has brought peace to that country, elections and an opportunity for the people of Bosnia to put the war behind them. We understand that some may disagree with that policy, but it is unfortunate that anyone would criminalize a policy disagreement for political advantage.

This is a clear effort through the use of innuendo and invective to taint as many people as possible for political purposes.

Q: Is it true the NSC has received a copy of the Subcommittee's letter of referral to Justice and is reviewing it for declassification?

A: At the time the Select Subcommittee issued its press release on Thursday the Administration had, in fact, not received the letter in question or been asked to declassify it. Indeed, we were not aware of the letter's existence or of the intended press release until after it was released to the press. In other words the press release was not accurate.

Q: Do you expect the Attorney General to seek the appointment of an independent counsel?

A: That is a question for the Attorney General.

Q: Is it true the Administration has failed to declassify the

Subcommittee's full report?

A: The CIA, Defense Department and State Department are still reviewing the Subcommittee's 600 page report. The report was classified at the TOP SECRET/CODEWORD level by the Subcommittee itself and we are certainly going to take a careful look before we put at risk U.S. sources and methods of intelligence gathering that protect our troops in Bosnia and inform our policy decisions.

If you are asking if we will allow politics to interfere with that process the answer is no. If you are asking if we will undertake this review with deliberate care, the answer is yes.

The Senate Select Committee on Intelligence has issued its own report this week on Bosnia. Working with the executive branch, this report was carefully written so as to avoid the use of classified information.

POTUS

DRAFT GUIDANCE Re: Senate Select Committee on Intelligence
Bosnia Report

Q: What is your response to the Senate Select Committee on Intelligence report on Bosnia, which was released on November 7?

A: We are proud of our policy in Bosnia, which has brought peace to that country and elections so the parties have an opportunity to put the war behind them.

While we do not agree with all of the Committee's analysis, like the IOB in 1995, the Committee's report does not find that illegal activity occurred.

I also want to say that I appreciate that Senator Specter and Kerrey have not engaged in maligning the reputations of able and dedicated public servants to score political points. This process of criminalizing policy disputes for partisan advantage has got to end and I think the voters told us so on Tuesday.

Q: But if I am not mistaken Senator Specter held a press conference on Thursday in which he announced that the Administration's "no instruction" policy violated the National Security Act?

A: I am not sure what Senator Specter had mind. The report does not reach such a conclusion. Indeed, the additional views included with the report state that the evidence clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia.

Q: What about the Iranian presence in Bosnia?

A: At our urging, the Bosnian government has complied with Dayton Accord's requirement to withdraw all foreign forces and it has terminated its military and intelligence links with Iran.

DRAFT GUIDANCE Re: House Select Subcommittee Referrals to Justice

Q: The House Select Subcommittee on Bosnia/Iran announced on Thursday that they were referring high-ranking Clinton Administration officials to the Department of Justice and were seeking the appointment of an independent counsel. What is your reaction?

A: This is partisan politics at its worst -- an irresponsible effort to criminalize policy disputes and, by the use of innuendo to taint as many persons as possible.

I understand that Mr. Hamilton, Mr. Berman and Mr. Hastings have issued a statement of their own decrying these allegations. They state: "Based on the testimony we have heard and the documents we have reviewed, we found no evidence of wrongdoing. No witness has given false testimony. There are no discrepancies on any of the key facts in the case. . . The majority's charges that some witnesses made false statements to Congress are baseless."

We are proud of our policy in Bosnia, which has brought peace to that country, elections and an opportunity for the people of Bosnia to put the war behind them. We understand that some may disagree with that policy, but it is unfortunate that anyone would try to turn a policy disagreement into criminal accusations in order to gain political advantage.

There are a lot of dedicated people who have worked long hours to bring peace to Bosnia under very difficult circumstances. That they should also be subject to political grandstanding is

wrong.

Q: Should the Attorney General seek the appointment of an Independent Counsel?

A: That is a question for the Attorney General.

M S M a i l

7137

DATE-TIME 16 December 96 09:07
FROM Vershbow, Alexander R.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Bosnia/SSCI Guidance [UNCLASSIFIED]
TO Dowling, J. Nicholas
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

From: Baker, James E.
To: Daalder, Ivo H.; Danvers, William C.; Feeley, John F.; Vershbow,
Alexander R.; Soderberg, Nancy E.
CC: /R, Record at A1; Kessinger, Jodi; Leary, William H.; @LEGAL - Legal
Advisor
Subject: Bosnia/SSCI Guidance [UNCLASSIFIED]
Date: Thursday, November 07, 1996 02:25 PM

[[PRESSP.DOC : 2375 in PRESSP.DOC]][[PRESS.DOC : 2376 in
PRESS.DOC]]

FYI: Here is the final full guidance as well as the short form for
Presidential news conference. Note that the POTUS guidance responds to Sen.
Specter's 1:45 statement that the no instructions policy violated the
National Security Act (presumably because it was not reported as a "non
traditional diplomatic activity.") The report, in fact, did not reach such
a conclusion and the additional views reach the opposite conclusion. (SSCI
staff are not sure what Specter was talking about and confirm that the full
report reaches no conclusion on this point.

ATTACHMENT
FILE DATE

7 November 96 14:9

ATTACHMENT
FILE NAME

PRESSP.DOC
DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE

DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE
SSCI BOSNIA/IRAN REPORT
If Raised Only

Q: What is your response to the Senate Select Committee on Intelligence report on Bosnia, which was released on November 7?

A: We are proud of our policy in Bosnia, which has brought peace to that country and elections so the parties have an opportunity put the war behind them.

While we do not agree with all of the Committee's analysis, like the IOB in 1995, the Committee's report does not find that illegal activity occurred.

Q: But if I am not mistaken Senator Specter just held a press conference in which he announced that the Administration's "no instruction" policy violated the National Security Act?

A: I am not sure what Senator Specter had mind. The report does not reach such a conclusion. Indeed, the additional views included with the report state that the evidence clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia.

Q: What about the Iranian presence in Bosnia?

A: At our urging, the Bosnian government has complied with Dayton Accord's requirement to withdraw all foreign forces and it has terminated its military and intelligence links with Iran.

ATTACHMENT
FILE DATE

7 November 96 9:51

ATTACHMENT
FILE NAME

PRESS.DOC
DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE

DRAFT/DELIBERATIVE
DRAFT/DELIBERATIVE
SSCI BOSNIA/IRAN REPORT
If Raised Only

Background for Briefer: The Senate Select Committee on Intelligence will release its 32 page report "U.S. Actions Regarding Iranian and

Other Arms Transfers to the Bosnian Army, 1994-1995" on Thursday morning at 0800. The report is embargoed until Senators Specter and Kerrey hold a news conference at 1200. The executive branch has reviewed earlier drafts for classification and therefore is familiar with the content of the report (which the Committee apparently refrained from releasing until after the election.)

Q: What is your response to the Senate Select Intelligence Committee's report on Bosnia?

A: We are proud of our policy in Bosnia, which has brought peace to that country and elections so the parties have an opportunity to put the war behind them. At our urging, the Bosnian government has complied with Dayton Accord's requirement to withdraw all foreign forces and it has terminated its military and intelligence links with Iran.

Although we do not agree with all of the SSCI's analysis or conclusions we do note that this Committee has not engaged in the politics of personal destruction in an effort to garner political advantage. The business of impartial oversight is critical to the health and integrity of the intelligence community.

The Administration cooperated fully by making available to the Committee numerous officials for briefings and interviews and by providing thousands of documents for review.

In early 1995 the IOB conducted an inquiry and reported to the President on these same matters. When concerns were raised the executive responded. While the scope of the IOB's and SSCI's reviews were different, their conclusions are similar.

Q: What did the SSCI conclude?

A: Among other things:

-- The SSCI found no evidence that there was any tangible U.S. support to aid Iranian arms shipments or that the U.S. encouraged any third party to supply arms to Bosnia or Croatia. The Committee did not conclude that concerns regarding possible U.S. military or CIA involvement in the arms flow were well-founded. (PP. 9, 23)

-- As the report's additional views (Glenn, Bryan, Graham and Kerry as of 10/30) note, the Committee does not make a judgment on the central question of whether or not U.S. Government

officials engaged in unauthorized covert action. However, the additional views clearly state: "The evidence developed by the Committee inquiry to date clearly indicates that there was no covert action related to the transfer of Iranian arms to Bosnia."

-- The Committee also found that the CIA and other intelligence agencies were aware of Iranian arms shipments to Bosnia and reported regularly on them to the appropriate committees of Congress. (P. 13)

Q: Should the Congress have been informed of the "no instructions" instruction?

A: We have heard the Committee on this point. Policy works best when it is executed with the support and knowledge of both political branches of government. We take note of congressional views on this point and will continue our discussions with them.

Q: Were any laws violated?

A: No.

Q: Was there any covert action?

A: No.

Q: What evidence do you have that the Iranian intelligence and military cooperation with Bosnia has ended and that Mujahedin have left Bosnia?

A: Our evidence indicates that:

- Mujahedin and Iranian Revolutionary Guard Corps (IRGC) units have been disbanded; hundreds of these people have left Bosnia since Dayton was signed;
 - the Iranian arms flow into Bosnia has stopped;
 - military and intelligence cooperative relationships with Iran have ended;
 - training in both Bosnia and Iran has stopped;
 - personnel associated with Iran have been removed from key positions; and
- Bosnian President Izetbegovic has assured us that those individual Iranians whom we have identified as unacceptable have left the country and will not be allowed to return.

We continue to use all available means to verify Bosnian and Iranian compliance. When concerns arise and where sources and methods permit, we raise these issues with the Bosnian

Government, including through the Joint Commission established for this purpose.

In sum, while Iran maintains an Embassy in Sarajevo and continues to provide humanitarian and economic aid, the Bosnian Government has terminated its military and intelligence links with Iran.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
--------------------------	---------------	------	-------------

001. email

James Baker to William Leary, re: Bosnia Documents (4 pages)

05/15/1996

P5

7138

COLLECTION:

Clinton Presidential Records

NSC Emails

MSMail - Record (Sept 94 - Sept 97) ([Intelligence Oversight Board...])

OA/Box Number: 590000

FOLDER TITLE:

[05/15/1996 - 05/17/1996]

2009-0996-F

ke2562

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]

M S M a i l

7/38

DATE-TIME 15 May 96 20:26
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT Bosnia Documents [UNCLASSIFIED]
TO Leary, William H.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

DRAFT/DELIBERATIVE

Here is a working draft. Thanks. [[BDOCS.DOC : 5129 in BDOCS.DOC]]

ATTACHMENT
FILE DATE 15 May 96 20:25

ATTACHMENT
FILE NAME BDOCS.DOC
DELIBERATIVE g:bdocs
DRAFT

DRAFT

Description Produce Ultimate Accommodation

Presidential Documents

MemCons of Presidential No Brief Select Members Conversations w/
foreign
Heads of State

Talking points for POTUS No Brief Select Members
meetings w/Heads of State

Memos to the President No Brief Select Members

NSC Process

Notes from PCs and DCs No Show Select Members

Memos to APNSA/DAPNSAs No Brief Select Members

3d Agency Material for Partial (1) Show staff
PCs and DCs, e.g., briefing non/deliberative
papers (2) Provide copies
requested of Non/delib.
(3) Show Select Members Only deliberative material

3d Agency notes of NSC Partial (1) To extent reflects
meetings give and take - Show select members only
(2) To extent factual Show staff; provide requested documents

Summaries of Conclusion Partial (1) Show factual summaries to
staff;
(2) Provide requested copies; (3) Show deliberative to Members
only

NSC meeting agendas Partial (1) Show to staff; (2) produce minus
delib.

IWG Materials

IWG Papers Partial (1) Show non-deliberative to staff; (2) Provide
requested non- deliberative; (3) Show members only deliberative

IWG preparatory materials Partial (1) Show non/delib. to staff;(2)
Provide requested non- deliberative; (3) Show members only
deliberative

IWG Notes No Show members only

IWG Summary of Conclusions Partial (1) Show factual summaries to
staff;
(2) Provide requested copies; (3) Show deliberative to Members
only

IWG 3d Agency Meeting notes Partial (1) Show factual summaries to
staff;
(2) Provide requested copies; (3) Show deliberative to Members
only

IWG agendas Partial (1) Show to staff; (2) produce minus delib.

Other EOP Documents _____

WHC memos to POTUS No No

NSC/Legal memos to WHC No Show select members only

Original CIA Cables Partial Ensure CIA has provided to NSC October 1994 access to all cables/or/provide index to cables refer requests to 3d agencies

NSC staff E-mail Partial (1) Show staff all; (2) produce requested copies non-deliberative

3d Agency cables No Responsive material disseminated to NSC should be provided directly by 3d agencies

Situation Room SitReps Yes (1) Show w/3d agency concurrence; (2) Produce if requested w/3d agency concurrence.

IOB Materials _____

Cover Letter No Brief to Members (already done)

Report No Brief (already done)

WHC Letter No Brief three specific questions. Full stop./or/S how select members only

IOB internal notes No No

IOB interviews No ?

IOB collected documents No Ensure 3d agencies have provided or shown w/out reference to whether produced to IOB

Documents Generated in Response to Inquiries _____

Memos to Senior EOP No No
Officials

Attorney notes No No

Documents collected -- Ensure responsive material addressed by relevant agency

Press Guidance/Fact Yes Provide responsive
sheets publicly available documents

Draft Guidance/Fact No No
sheets

General Principles

1. Partial redaction or whole document approach re: deliberative.
2. Drafts. Same as parent document or not at all.
3. Definition of select members.

Testimonial/Briefing Considerations

Conversations with POTUS

Conversations with Senior Advisers

Conversations with the IOB

Content of documents cited above

Deliberations at PCs and DCs

White House Guidance: Witnesses should fully testify with
respect
to matters for which the underlying documents have been briefed
or
shown to Congress, e.g., MFRs, basis for U.S. policy. . . .

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Fulton Armstrong to James Baker, re: Zona Rosa (2 pages)	04/04/1996	P5 7112
002. email	Alexander Vershbow to Peter Bass, et al., re: LAT Times Guidance - TPL Lunch (2 pages)	04/05/1996	P5

COLLECTION:

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

FOLDER TITLE:

[04/04/1996 - 04/06/1996]

2006-0996-F
 ke2555

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

MS Mail

7/12

DATE-TIME 04 April 96 13:29
FROM Armstrong, Fulton T.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Zona Rosa [UNCLASSIFIED]
TO Baker, James E.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Señor: You have complicated my afternoon, BUT your comments have made this package an opus magnus. Gracias. --Fulton

PS: Seriously, thanks. Your comments were right on the mark.

From: Baker, James E.
To: Armstrong, Fulton T.
CC: /R, Record at A1; Kreczko, Alan J.
Subject: Zona Rosa [UNCLASSIFIED]
Date: Thursday, April 04, 1996 12:46 PM

Fulton:

I would reformulate second to last sentence in 2d background para. of POTUS memo to track the IOB's mandate, i.e., "may be unlawful or contrary to executive order." If the IOB were to wait only for violations of law, there would be no need for an IOB, because all matters would automatically be referred to Justice. Thus: "However, should the Inspectors General uncover any activities that may be unlawful or contrary to regulation relating to intelligence matters the IOB will be immediately informed in accordance with standard procedure. In addition, the IOB may become more active in the process should it perceive problems in coordination. This is conveyed in your proposed reply."

Corresponding line in letter would then read: "It is also understood that the Inspectors General will immediately inform the Intelligence Oversight Board of any intelligence activities that may be unlawful or contrary to regulation for the its appropriate action." NOTE: The letter does not include statement as to IOB becoming more involved in coordination, as that would suggest that we anticipate such a problem. We don't, but the President should know that the IOB may step in if need be.

Also, I would include statement in letter from memo to effect that the IGs will brief the committees together, this will help discourage nickel and

diming either by the IGs (who will then have Presidential direction to do it together) and the SSCI who will have a clear statement that the IGs will report together and not one at a time. Thus: " . . . efforts closely and will be present their conclusions to you at one time."

I don't know if you have already cleared with IOB (Roland or Frank), but I recommend you read or clear the full revised package with them. Thank you.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kessinger, Jodi to Baker, James E. et al. re: NES Note: [IOB Review] (2 pages)	04/15/1996	P1/b(1), P5
002. email	James Baker to William Danvers and Alexander Vershbow, re: Response to SSCI re: Materials (4 pages)	04/15/1996	P5 713
003. email	Vershbow, Alexander R. to Baker, James E. & Danvers, William C. re: Draft Bosnia Fact Sheets (2 pages)	04/16/1996	P1/b(1), P5
004. email	Leary, William H. to Baker, James E. re: Draft Bosnia Fact Sheets (2 pages)	04/16/1996	P1/b(1), P5
005. email	Bassett, Leslie A. to Kessinger re: Guatemalan ForMin Stein (2 pages)	04/16/1996	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[04/15/1996-04/16/1996]

2006-0996-F

eh477

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

RR. Document will be reviewed upon request.

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

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- b(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]

MS Mail

713

DATE-TIME 15 April 96 13:50
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT Response to SSCI re: Materials [UNCLASSIFIED]
TO Danvers, William C.
Vershow, Alexander R.
CARBON_COPY Baker, Jane E.
Baldwin, Kenneth
Friedrich, M. K.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Leary, William H.
Millison, Cathy L.

TEXT_BODY

DELIBERATIVE/DRAFT

Here is revised draft response to SSCI's April 9 letter re: Bosnia. The draft covers the points raised in the letter, but not the questions themselves.

1. In light of the fact that at least two agencies have already responded to the SSCI, is it still appropriate for Jack to send the letter on behalf of the Executive Branch, or should it be tailored as a response to just the Lake letter? Views please. Because other letters have already gone out, I am inclined to make it a response to the Lake letter only, although I confess, this is in part to facilitate our ability to get it out today.

2. Jack (and I) think it would be very useful to designate a single point of contact within the Administration for the SSCI to work with on document requests. See very last sentence of letter: I would recommend that this be someone at State, who will confer with the White House consistent with guidance from the White House Counsel on addressing privilege issues. This person, or office, would also consult with NSC and CIA where sources and methods issues are raised. Views please.

Thank you.

[[BOSLET.DOC : 3388 in BOSLET.DOC]]

**ATTACHMENT
FILE DATE** 15 April 96 13:41

ATTACHMENT BOSLET.DOC

FILE NAME

DRAFT 4/15/96 (1330)
DELIBERATIVE c: Boslet

DRAFT/DELIBERATIVE

Dear Mr. Chairman:

I am responding [to your April 9 letter to the Assistant to the President for National Security Affairs][on behalf of the Executive Branch to the Senate Select Committee's letters of April 9 to the Secretary of State, Secretary of Defense, Attorney General, Director of Central Intelligence and Assistant to the President for National Security Affairs] seeking material bearing on an inquiry your committee intends to undertake in response to a Los Angeles Times article. The Executive Branch is continuing to assemble materials that may be responsive, and as appropriate, will provide your Committee with access to these materials.

It has long been recognized, and I am sure you appreciate, that protecting the confidentiality of certain deliberative communications, as well as communications to us from the President or his advisors, is essential to ensuring the sort of candid and thorough debate that enables our government to function in the public interest. It has therefore been the practice of prior Administrations -- and it continues to be the practice of this Administration -- to protect the confidentiality of internal, deliberative materials. As you are also no doubt aware, the courts have encouraged the executive and legislative branches to work together to attempt to meet each other's vital needs -- namely the Congress' need for access to information that is available only from the Executive Branch and the Executive Branch's need to communicate internally in a frank and confidential manner. For that reason, this

Administration, like its predecessors, has always been willing to seek an accommodation of the interests of the Congress and the Executive Branch in cases where Congress has made a clear showing of need for the specific information at issue and where the specific information sought cannot be obtained from sources other than deliberative process materials. We stand ready to work with you to provide you with the information your Committee needs consistent with protecting the interests of the Executive Branch.

I am sure you also recognize the President's responsibility to safeguard state secrets, which in this case include some of our most sensitive human sources and technical methods. These sources and methods continue to provide intelligence to our ongoing efforts to bring peace to Bosnia and to our forces in the region who are so instrumental to that process.

You have also requested a copy of the Intelligence Oversight Board's (IOB) report. For the reasons stated in Judge Mikva's letter to you of October 26, 1995, as a matter of principle, this Administration, like previous Administrations, has taken the view that confidential communications from the IOB to the President should not be shared with the Congress. This view is rooted in the separation of powers between the two branches and an understanding that the confidentiality of the IOB's communications to the President is essential to the operation of this oversight mechanism. I am confident an appropriate accommodation can be worked out in this instance, as it has been worked out in the case of the IOB's interim Guatemala reports.

In your letter you also seek access to personnel for "such interviews and testimony as the committee may require." The [Administration][Executive branch] will, of course, make appropriate personnel available to the Committee, and the Congress, for briefings and testimony. Again, this should be done in a manner that accommodates Congress' need for access to information that is available only from the executive branch and the Executive Branch's

need to communicate internally in a frank and confidential manner.

Toward this end, it is long-standing Executive Branch practice that

agencies asked to testify on policy matters shall designate the appropriate official of the appropriate grade to do so. In addition,

members of the President's immediate staff, including those in the

White House Office and on the National Security Council staff, do not

testify before the Congress on matters of policy.

In your letter you also asked a series of questions. The Administration will be responding to your questions under separate cover.

Again, we stand ready to fully respond to your questions in a manner

that accommodates the legitimate interests and constitutional roles

of the Congress and the Executive Branch. [To facilitate this process, I would ask that you work directly with _____,

who

will be [leading][coordinating] the Executive Branch response to your questions.]

Sincerely,

Jack Quinn
Counsel to the President

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Alexander Vershbow to John Feeley, re: Bosnia Letter Draft (4 pages)	04/17/1996	P5 7114
002. email	Vershbow, Alexander R. to Baker, James E. re: Bosnia Qs and As (8 pages)	04/17/1996	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[04/17/1996-04/18/1996]

2006-0996-F
eh478

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]

MS Mail

7114

DATE-TIME 17 April 96 08:08
FROM Vershbow, Alexander R.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Bosnia Letter Draft [UNCLASSIFIED]
TO Feeley, John F.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

From: Baker, James E.
To: Danvers, William C.
CC: /R, Record at A1; Kreczko, Alan J.; Vershbow, Alexander R.
Subject: Bosnia Letter Draft [UNCLASSIFIED]
Date: Tuesday, April 16, 1996 01:33 PM

[[BOSLET.DOC : 2056 in BOSLET.DOC]]

Bill:

Here is the draft letter to Specter. Could you please clear it with your counterparts on behalf of their agencies. Thank you. (State, Defense, Justice, CIA).

ATTACHMENT
FILE DATE 16 April 96 13:31
ATTACHMENT
FILE NAME BOSLET.DOC
DRAFT 4/16/96 (1330)
DELIBERATIVE
DRAFT/DELIBERATIVE

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In your letter you also asked a series of questions. The Administration will be responding to your questions under separate cover.

Again, we stand ready to fully respond to your questions in a manner that accommodates the legitimate interests and constitutional roles of the Congress and the Executive Branch. [To facilitate this process, I would ask that you work directly with _____, who will be serving as the primary point of contact regarding Executive Branch responses to your letters.]

Sincerely,

Counsel to the President