

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. FOIA Marker	Folder Title: [Closed Folder Title] [partial] (1 page)	n.d.	P1/b(1)
002a. email	James Baker to Susan Rice and Pat Battenfield, re: Sudan Paper edits (2 pages)	02/20/1996	P1/b(1), P5
002b. memo	Susan Rice to Anthony Lake and Samuel Berger, re: [Sudan: Options] (1 page)	10/20/1995	P1/b(1), P5
002c. memo	Anthony Lake to the President, re: [Sudan: Options] (4 pages)	ca. 10/1995	P1/b(1), P5
002d. paper	Sudan: Discussion Draft (6 pages)	ca. 10/1995	P1/b(1), P5
002e. paper	Sudan: Discussion Draft (with annotations) (7 pages)	10/18/1995	P1/b(1), P5
002f. paper	Sudan: Discussion Draft (with annotations) (6 pages)	ca. 10/1995	P1/b(1), P5
002g. paper	Sudan: Discussion Draft (with annotations) (6 pages)	ca. 10/1995	P1/b(1), P5
002h. email	James Baker to Daniel Poneman, re: North Korea (1 page)	10/14/1994	P5 1471
002i. paper	Alternative Energy Capability Funding (5 pages)	ca. 10/1994	P5 1472
002j. memo	Suan Rice to Samuel Berger, re: Deputies Committee Meeting (7 pages)	10/14/1995	P1/b(1), P5
002k. agenda	Agenda for NSC Deputies Committee Meeting (1 page)	10/16/1995	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
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FOLDER TITLE:

[Closed Folder Title]

Kara Ellis
2006-1171-F
ke1314

RESTRICTION CODES

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

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

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

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

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

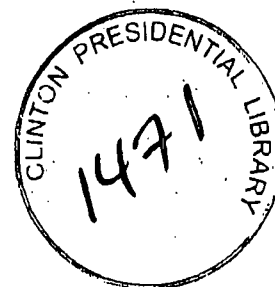
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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Baker, James E.

From: Baker, James E.
To: Poneman, Daniel B.
Cc: /R, Record at A1; Kreczko, Alan J.; Aoki, Steven; Wolin, Neal S.
Subject: North Korea [UNCLASSIFIED]
Date: Friday, October 14, 1994 8:38PM



ATTORNEY-CLIENT PRIVILEGED

Dan:

Here is the final draft of the legal authorities paper regarding a possible initial installment of fossil fuel. A couple of points:

1. The initial draft has been reviewed and cleared by agency counsel from DOE, State, DOD, and JCS. I have marked it draft because no counsel has seen the final product.
2. NSC, DOD, and DOE counsel do not believe a Nunn-Lugar formula is legally available. Nunn-Lugar funds are authorized for the newly independent states and therefore those moneys can not be used for a purpose for which they were not authorized or appropriated. Arguing that they were authorized and appropriated for "Nonproliferation" purposes does not work. DOE/GC is still not aware of a Curtis proposal along these lines and they have now inquired.
3. As stated in the conclusion, the use of any authority cited here is subject to the availability of appropriated funds, i.e., this only answers the threshold question.
4. I find the most compelling (and arguable) authorities to be found at DOE if they have the funds and State using 614 with ESF. If a DOD authority is used the EEE fund as discussed appears the only realistic authority.
5. In the event an in-kind transfer remains on the table, e.g., coal, the paper suggests two different authorities for such a transfer.
6. In case there is any doubt, State and NSC lawyers agree that the Draft Conventional Energy Assurance that I saw today is a non-binding political undertaking. Even if authority and funds are available for the initial installment, we could NOT bind ourselves to the longer range assistance. Basically we are providing a political assurance that we will seek to obtain the authorities and funds necessary to carry all this out.

<<File Attachment: NKALT.DOC>>