



Clinton Presidential Library

1200 President Clinton Avenue
Little Rock, AR 72201

Inventory for FOIA Request 2006-0527-F

Records on “Area 51”

Extent

24 folders, approximately 460 pages

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Freedom of Information Act (FOIA) (5 USC 552 as amended) and the Presidential Records Act (PRA) (44 USC 22) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (Title 17, USC) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Processed by

Staff Archivist, 2007. Previously restricted materials are added as they are released.

Scope and Content

The materials in FOIA 2006-0527-F are a selective, not necessarily all inclusive, body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials.

FOIA request 2006-0527-F contains materials from the White House Automated Records Management System Emails, NSC Records Management, and NSC Cable and NSC Email systems. “Area 51” is an unofficial title that often refers to an area in southern Nevada containing United States Air Force (USAF) facilities. The USAF does not recognize owning or operating any facility regarded as “Area 51.” They do recognize operations at the Nellis Range Complex which includes an Operating Location near Groom Lake, Nevada. However, much of the information regarding activities at these sites remains classified. During the Clinton Administration, the Operating location near Groom Lake was named in a lawsuit. In 1994, suit was filed against the USAF and the Environmental Protection Agency (EPA) alleging contractors at the Groom Lake site had been exposed to high levels of toxic chemicals. The suit claimed that the EPA had failed to enforce the Resource Conservation and Recovery Act resulting in high level chemical exposures. President Clinton signed a Presidential Determination in 1995

exempting the Air Force from disclosing classified information related to Groom Lake. The suit was eventually dismissed and the following appeal was also rejected.

The WHORM Subject Files contain no relevant records.

The WHORM Alpha Files contain no relevant records.

The White House Staff and Office Files contain no relevant records.

The Automated Records Management System (ARMS) Emails contains back and forth correspondence regarding a “Good Morning America” interview related to the Groom Lake lawsuit.

The NSC Cable, Email, and Records Management Systems contain Presidential Determinations regarding the Operating Location near Groom Lake, Nevada and memoranda concerning these Determinations. “Area 51” articles and a press briefing that references the Groom Lake lawsuit are included in the NSC Cable and Email systems.

System of Arrangement

Records responsive to this FOIA request were found in two collection areas—Clinton Presidential Records: ARMS Emails, and Clinton Presidential Records: NSC Cable, Email, and Records Management Systems. As policy, Staff and Office Files are processed at the folder level. That is, individual documents are not selected and removed from a folder for processing. WHORM Subject and WHORM Alpha files are processed at the document level. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area.

The WHORM Subject file was compiled by the White House Office of Records Management and is a series of categories designated by a letter/number combination. A complete listing of the categories with detailed descriptions is provided in our research room.

The following is a list of documents and folders processed in response to FOIA 2006-0527-F:

Clinton Presidential Records: Automated Records Management System (ARMS) Emails WHO

[Area 51]
[04/26/1995 – 04/18/2000] [OA/ID 500000]

Default

[Area 51]
[08/26/1999 [OA/ID 1100000]

Clinton Presidential Records: NSC Cable, Email, and Records Management Systems (RMS)

NSC Cables

January 1993-December 1994
[Area 51]
[11/22/1994] [OA/ID 505000]

NSC Emails

September 1994-September 1997 (MSMail-Record)

[Area 51]

[02/08/1996-03/18/1996] [OA/ID 590000]

September 1997-January 2001 (Exchange-Record)

[Area 51]

[09/04/1997-02/15/2000] [OA/ID 620000]

March 1997-January 2001 (Exchange-Non-Record)

[Area 51]

[09/15/1997-11/03/2000] [OA/ID 630000]

NSC Records Management System

PRS-Presidential Records

[Area 51]

9507055 [OA/ID 605]

PRS-Presidential Records

[Area 51]

9507055 [OA/ID 2318]

PRS-Presidential Records

[Area 51]

9507092 [OA/ID 605]

PRS-Presidential Records

[Area 51]

9600475 [OA/ID 1082]

PRS-Presidential Records

[Area 51]

9600475 [OA/ID 2327]

PRS-Presidential Records

[Area 51]

9606505 [OA/ID 1123]

PRS-Presidential Records

[Area 51]

9606505 [OA/ID 2345]

PRS-Presidential Records

[Area 51]

9700471 [OA/ID 1599]

PRS-Presidential Records

[Area 51]

9700471 [OA/ID 3220]

PRS-Presidential Records
[Area 51]
9700698 [OA/ID 1600]

PRS-Presidential Records
[Area 51]
9700698 [OA/ID 3221]

PRS-Presidential Records
[Area 51]
9706404 [OA/ID 1642]

PRS-Presidential Records
[Area 51]
9706404 [OA/ID 3240]

PRS-Presidential Records
[Area 51]
9706476 [OA/ID 1642]

PRS-Presidential Records
[Area 51]
9800538 [OA/ID 2011]

PRS-Presidential Records
[Area 51]
9800538 [OA/ID 3250]

PRS-Presidential Records
[Area 51]
9806405 [OA/ID 2059]

PRS-Presidential Records
[Area 51]
9806405 [OA/ID 3269]

Last modified: 06/12/2007

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Wendy A. Heistad to gstella Re: Area 51 (1 page)	03/28/1997	P6/b(6)
002. email	John Podesta to rplesser Re: Area 51 (1 page)	11/5/1998	P6/b(6)
003a. email	Ron Plesser to John Podesta Re: Area 51 [partial] (1 page)	11/05/1998	P5
003b. email	John Podesta to rplesser Re: Area 51 (1 page)	11/05/1998	P6/b(6)
004. email	Chkaboo@aol.com to HSham44987@aol.com Re: Area 51 (2 pages)	04/13/2000	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO 1993/01 - 1995/12 ([Area 51])
OA/Box Number: 500000

FOLDER TITLE:

[4/26/95 - 4/18/00]

2006-0527-F
ds222

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(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]

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: 72634.1031@compuserve.com@INET@EOPMRX

CREATION DATE/TIME:26-APR-1995 09:14:10.42

SUBJECT: Alien SR-71 Tomohawk Area 51 classified

TO: jean (carter_ja@A1@CD) (WHO)

READ:26-APR-1995 09:14:10.56

TEXT:

In the DC area on 1450 AM from midnight to 2 Saturday night, there's a UFO show on that might be worth listening to.

--gab

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

ATT CREATION TIME/DATE:26-APR-1995 09:13:00.00

ATT BODYPART TYPE:D

TEXT:

RFC-822-headers:

Received: from gatekeeper.eop.gov by PMDF.EOP.GOV (PMDF V4.3-13 #6879) id <01HPSFI4PHR4000I6L@PMDF.EOP.GOV>; Wed, 26 Apr 1995 09:10:53 -0400 (EDT)

Received: by gatekeeper.eop.gov (5.65/fma-120691); id AA15410; Wed, 26 Apr 95 09:11:45 -0400

Received: by arl-img-3.compuserve.com (8.6.10/5.941228sam) id JAA07029; Wed, 26 Apr 1995 09:12:13 -0400

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Wendy A. Heistad (CN=Wendy A. Heistad/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-1997 15:36:34.00

SUBJECT: Re: Area 51

TO: gstella (gstella @ pechan.com @ INET @ LNGTWY [UNKNOWN])

READ:UNKNOWN

TEXT:

Just curious, what are those "little blue fuzzy things?"

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Wendy A. Heistad to gstella Re: Area 51 (1 page)	03/28/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
 Automated Records Management System (Email)
 WHO 1993/01 - 1995/12 ([Area 51])
 OA/Box Number: 500000

FOLDER TITLE:

[4/26/95 - 4/18/00]

2006-0527-F
ds222

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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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:11-AUG-1997 15:35:13.00

SUBJECT: Area 51 -- GMA request

TO: Laura D. Schwartz (CN=Laura D. Schwartz/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Laura -- After our conversation last Friday, August 8th, I called GMA back that afternoon to advise them I would inquire about the President's science advisor (Jack Gibbons) relative to their request for an interview on Area 51. It turns out that Jack Gibbons will be away from the White House this week, so their request may be moot -- at least as far as we're concerned (I'm not convinced that Gibbons is the right person to tackle this topic). I've misplaced the piece of paper with her name on it (I think it was Meg, and she was a futures editor in NYC). Do you wish to follow through or should I call with a polite decline?

-- Jeff

Smith (6-6047)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura D. Schwartz (CN=Laura D. Schwartz/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-AUG-1997 16:56:04.00

SUBJECT: Re: Area 51 -- GMA request

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TEXT:

Did you get any info from her regarding what the interveiw would be about
re: Area 51?

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Laura D. Schwartz (CN=Laura D. Schwartz/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-AUG-1997 17:37:17.00

SUBJECT: RECEIVED: Re: Area 51 -- GMA request

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Re: Area 51 -- GMA request

was successfully received by:

CN=Laura D. Schwartz/OU=WHO/O=EOP

at:

08/11/97 05:36:07 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Laura D. Schwartz (CN=Laura D. Schwartz/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-AUG-1997 16:57:41.00

SUBJECT: RECEIVED: Area 51 -- GMA request

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Area 51 -- GMA request

was successfully received by:

CN=Laura D. Schwartz/OU=WHO/O=EOP

at:

08/11/97 04:55:27 PM

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	John Podesta to rpler Re: Area 51 (1 page)	11/5/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO 1993/01 - 1995/12 ([Area 51])
OA/Box Number: 500000

FOLDER TITLE:

[4/26/95 - 4/18/00]

2006-0527-F
ds222

RESTRICTION CODES

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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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003a. email	Ron Plessner to John Podesta Re: Area 51 [partial] (1 page)	11/05/1998	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO 1993/01 - 1995/12 ([Area 51])
OA/Box Number: 500000

FOLDER TITLE:

[4/26/95 - 4/18/00]

2006-0527-F
ds222

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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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003b. email	John Podesta to rpler Re: Area 51 (1 page)	11/05/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO 1993/01 - 1995/12 ([Area 51])
OA/Box Number: 500000

FOLDER TITLE:

[4/26/95 - 4/18/00]

2006-0527-F
ds222

RESTRICTION CODES

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- P1 National Security Classified Information [(a)(1) of the PRA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-NOV-1998 11:19:13.00

SUBJECT: RE: Area 51

TO: Mark Childress (CN=Mark Childress/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:
fyi

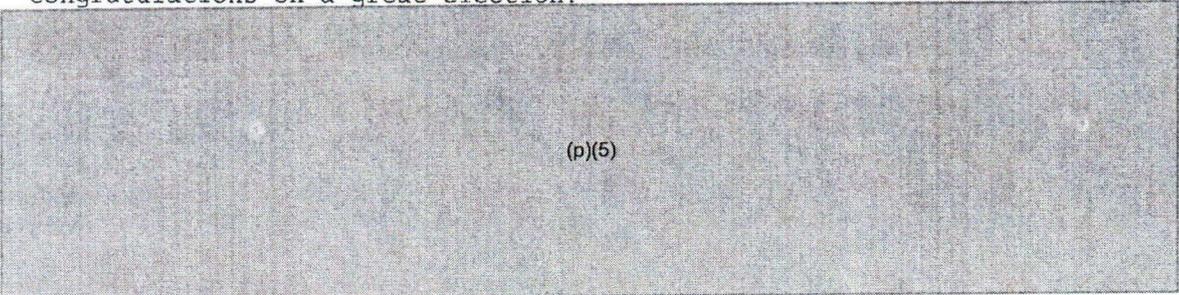
----- Forwarded by John Podesta/WHO/EOP on 11/05/98 11:18 AM -----

"Plesser, Ron - DC"
11/05/98 08:23:44 PM

Record Type: Record

To: John Podesta/WHO/EOP
cc:
Subject: RE: Area 51

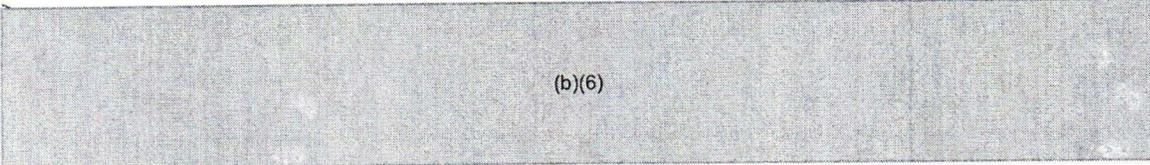
Listen, I do not ask for much. When the Governor elect of Minnesota comes in for a photo opp. I would love to ber there. A photo with you, Tony, me and the real Body would be priceless. Congratulations on a great election.



(p)(5)

COOBA-1

> -----Original Message-----
> From: John_Podesta@who.eop.gov [SMTP:John_Podesta@who.eop.gov]
> Sent: Thursday, November 05, 1998 2:07 PM
> To: rplesser@pipermar.com
> Subject: Area 51



(b)(6)

COOBA-1

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert.Sarvaideo (Robert.Sarvaideo@Gunter.AF.mil [UNKNOWN])

CREATION DATE/TIME:18-APR-2000 18:03:28.00

SUBJECT: Area 51

TO: andrew.jahn (andrew.jahn@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: bakerrt (bakerrt@hotmail.com [UNKNOWN])
READ:UNKNOWN

TO: Benny.Bell (Benny.Bell@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: berrywo (berrywo@pentagon.af.mil [UNKNOWN])
READ:UNKNOWN

TO: Bruce.Crull (Bruce.Crull@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: butch.willis (butch.willis@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: captdouge (captdouge@aol.com [UNKNOWN])
READ:UNKNOWN

TO: Cheryl.Hudak (Cheryl.Hudak@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Christina.Neal (Christina.Neal@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: chuck.dasey (chuck.dasey@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Danilo DeGuzman Jr. (CN=Danilo DeGuzman Jr./OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: colbob (colbob@erols.com [UNKNOWN])
READ:UNKNOWN

TO: dana.hawes (dana.hawes@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: dave.rolls (dave.rolls@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Delores.Thompson (Delores.Thompson@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Demaurice.Scott (Demaurice.Scott@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Doug.Brown (Doug.Brown@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: dugpeg (dugpeg@worldnet.att.net [UNKNOWN])

READ:UNKNOWN

TO: ellen.santaliz (ellen.santaliz@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Emily.Mattox (Emily.Mattox@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Frederick.Hoff (Frederick.Hoff@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: gen.haddad (gen.haddad@afosr.af.mil [UNKNOWN])
READ:UNKNOWN

TO: george.bauman (george.bauman@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: gery.martin (gery.martin@jpra.jfcom.mil [UNKNOWN])
READ:UNKNOWN

TO: gling (gling@usuhs.mil [UNKNOWN])
READ:UNKNOWN

TO: hopmeier (hopmeier@gnt.net [UNKNOWN])
READ:UNKNOWN

TO: James.Bickerton (James.Bickerton@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: James.Lucci (James.Lucci@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: James.Maupin (James.Maupin@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: James.Thompson (James.Thompson@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: James.Tomlin (James.Tomlin@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: jaysee (jaysee@worldnet.att.net [UNKNOWN])
READ:UNKNOWN

TO: Jeffrey.Barnes (Jeffrey.Barnes@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Jimmy.Sauls (Jimmy.Sauls@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: jlamb (jlamb@arra.state.az.us [UNKNOWN])
READ:UNKNOWN

TO: Joe.Stark (Joe.Stark@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: John.Hudson (John.Hudson@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: jose.laureano (jose.laureano@det.amedd.army.mil [UNKNOWN])

READ:UNKNOWN

TO: Joseph.Ivey (Joseph.Ivey@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: joseph_milligan (joseph_milligan@labat.com [UNKNOWN])
READ:UNKNOWN

TO: judith.mcknight (judith.mcknight@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: karl.friedl (karl.friedl@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Kenneth.Jackson (Kenneth.Jackson@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Kenneth.Jeter (Kenneth.Jeter@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Kimberly.Unick (Kimberly.Unick@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Kristopher.Felver (Kristopher.Felver@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: larry.bell (larry.bell@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Larry.Watkins (Larry.Watkins@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: lhaydenice (lhaydenice@aol.com [UNKNOWN])
READ:UNKNOWN

TO: Lonnie.Mead (Lonnie.Mead@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Matthew.Lofland (Matthew.Lofland@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: murrayro (murrayro@saic.com [UNKNOWN])
READ:UNKNOWN

TO: patricia.fritz (patricia.fritz@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Paul.Filhiol (Paul.Filhiol@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Peggy.Farmer (Peggy.Farmer@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: peggy.nathan (peggy.nathan@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: randy.federspill (randy.federspill@pentagon.af.mil [UNKNOWN])
READ:UNKNOWN

TO: Randy.Newton (Randy.Newton@Gunter.AF.mil [UNKNOWN])

READ:UNKNOWN

TO: rbrewer (rbrewer@dugway-emh3.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Robert.Jordan (Robert.Jordan@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: robert.vandre (robert.vandre@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Ronald.Bonecutter (Ronald.Bonecutter@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: spbruttig (spbruttig@aol.com [UNKNOWN])
READ:UNKNOWN

TO: Super70SS (Super70SS@cs.com [UNKNOWN])
READ:UNKNOWN

TO: Teofilo.Benavidez (Teofilo.Benavidez@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: thomas.mckenna (thomas.mckenna@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Timothy.McGee (Timothy.McGee@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Timothy.Smith (Timothy.Smith@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: tom_lillie (Tom_Lillie@ios.doi.gov [UNKNOWN])
READ:UNKNOWN

TO: tommy.shedd (tommy.shedd@det.amedd.army.mil [UNKNOWN])
READ:UNKNOWN

TO: Tracie.Tippins (Tracie.Tippins@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: Virgil.Decker (Virgil.Decker@Gunter.AF.mil [UNKNOWN])
READ:UNKNOWN

TO: WarEagle24239867 (WarEagle24239867@aol.com [UNKNOWN])
READ:UNKNOWN

TO: wwiesman (wwiesman@bioasyst.com [UNKNOWN])
READ:UNKNOWN

TEXT:
<http://abcnews.go.com/sections/science/DailyNews/area51000418.html>

BoB Sarvaideo

BoB Sarvaideo, Colonel, USAF, BSC

Director, Medical Information SPO

Comm. 334-416-4127

DSN 596-4127

Fax 334-416-2608

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Chkaboo@aol.com to HSham44987@aol.com Re: Area 51 (2 pages)	04/13/2000	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO 1993/01 - 1995/12 ([Area 51])
OA/Box Number: 500000

FOLDER TITLE:

[4/26/95 - 4/18/00]

2006-0527-F

ds222

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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Connie Smith (Connie Smith <conniesmith@erols.com> [UNKNOWN])

CREATION DATE/TIME:18-APR-2000 21:17:28.00

SUBJECT: Fw: AREA 51

TO: barbara mauldin (barbara mauldin <mauldinb@shawnee.edu> [UNKNOWN])
READ:UNKNOWN

TO: barry bulifant (barry bulifant <bdb1950@aol.com> [UNKNOWN])
READ:UNKNOWN

TO: candice smith (candice smith <candices@princeton.edu> [UNKNOWN])
READ:UNKNOWN

TO: Christine K. Baer (CN=Christine K. Baer/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TEXT:
-----Original Message-----

From: Chkaboo@aol.com <Chkaboo@aol.com>

To: HSham44987@aol.com <HSham44987@aol.com>

Cc: Linbug68@aol.com <Linbug68@aol.com>; LdyShadws@aol.com

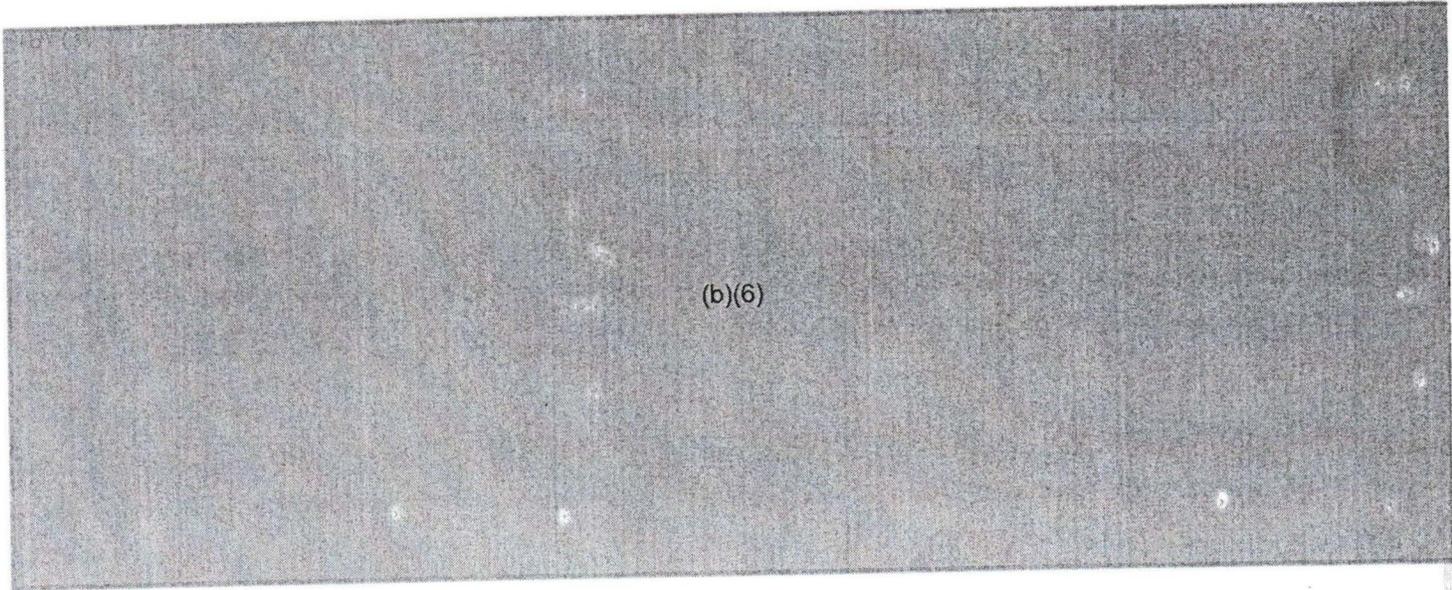
<LdyShadws@aol.com>; Qu2asabu10@aol.com <Qu2asabu10@aol.com>;

wgurs@snowhill.com <wgurs@snowhill.com>; jerlinruidoso@zianet.com

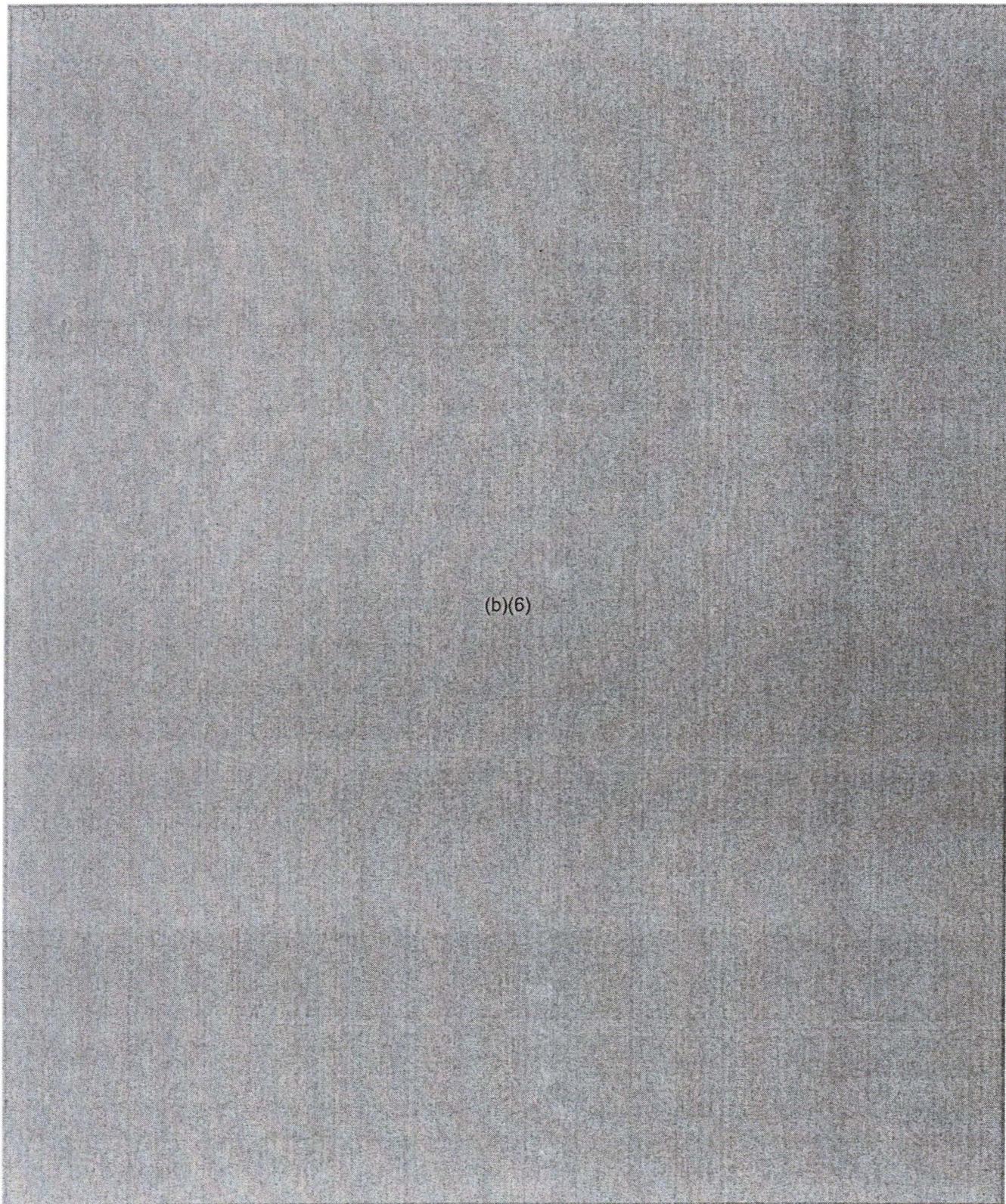
<jerlinruidoso@zianet.com>; conniesmith@erols.com <conniesmith@erols.com>

Date: Thursday, April 13, 2000 2:31 PM

Subject: AREA 51



(b)(6)



(b)(6)

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Jody Struebing to Kathy Albee et al. Re: Area 51 (1 page)	08/26/1999	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
Default ([Area 51])
OA/Box Number: 1100000

FOLDER TITLE:

[8/26/99]

2006-0527-F
ds223

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]

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Paul Chester <paul.chester@wcom.com> (Paul Chester <paul.chester@wcom.com>

CREATION DATE/TIME:26-AUG-1999 10:14:07.00

SUBJECT: FW: Area 51

TO: paul.chester@wcom.com (paul.chester@wcom.com [UNKNOWN])

READ:UNKNOWN

TEXT:

-----Original Message-----

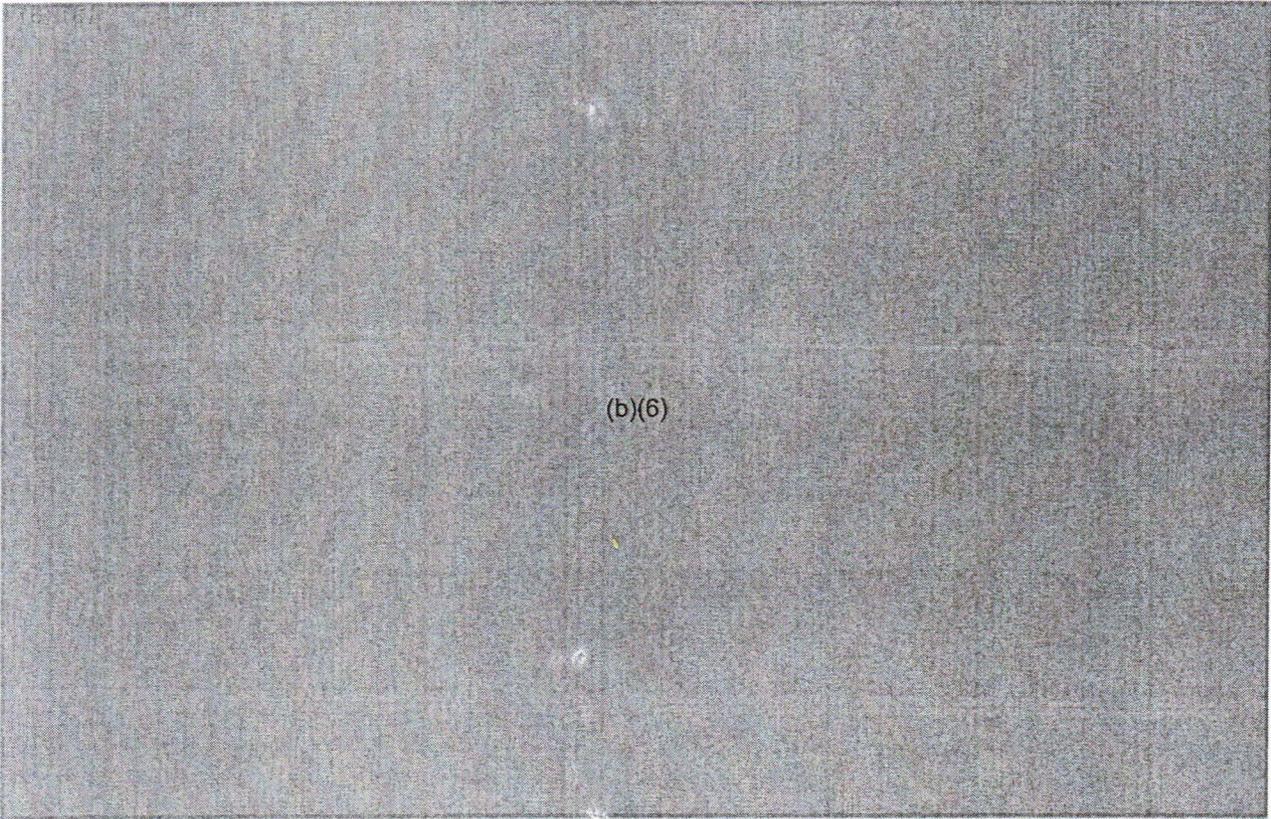
From: Jody Struebing [mailto:jstruebing@co.trawick.com]

Sent: Thursday, August 26, 1999 5:44 AM

To: 'Albee, Kathy'; 'Atkin, Tammy'; 'Chester, Paulie'; 'Durbin, Bill (home)'; 'Gunnoe John Maj CADRE/WGN'; 'Jim Begley'; 'Meyers, Steve (Buckley)'; 'Patino, Anne'; 'Savannah, Ham'; 'Steve Bjornstad'; 'Struebing, Becky'; 'Struebing, Lynn'; 'Warner, Buster'

Subject: Area 51

Importance: High



(b)(6)

[001]

Cable

PREC: PRIORITY
CLASS: UNCLASSIFIED
LINE1: PTTUZYUW RUEKJCS7895 3262243-UUUU--RHEHAAA RHEHWSR.
LINE2: ZNR UUUUU
LINE3: RHDLP0A T NTCC CAPODICHINO NAPLES IT
LINE4: RUCOCGA T USNS COMFORT
OSRI: RUEKJCS
DTG: 222138Z NOV 94
ORIG: SECDEF WASHINGTON DC//ATSD/PA DDI//
TO: AIG 8775
RUEHPU/AMEMBASSY PORT AU PRINCE HA//USIA//
RCCPDMA/NDHQ INT OTTAWA//DGINT//
INFO: ////
SUBJ: DOD NEWS BRIEFING - CONDUCTED ON TUESDAY, NOVEMBER 22,
TEXT:

UNCLAS SECTION 01 OF 03
SUBJ: DOD NEWS BRIEFING - CONDUCTED ON TUESDAY, NOVEMBER 22,
1994 AT 1:00 P.M. BY MR. KENNETH H. BACON, ATSD (PA) AT THE
PENTAGON

MR. BACON: GOOD AFTERNOON.

ON THANKSGIVING DAY SECRETARY PERRY WILL GO TO HAITI TO
SPEND THE DAY WITH TROOPS. THERE HE'LL TRAVEL TO A NUMBER OF
LOCATIONS. IT'S ONE OF HIS WAYS OF SAYING THANK YOU TO THE
TROOPS WHO HAVE DONE SUCH A GOOD JOB DOWN THERE.

THAT'S ALL I HAVE. I'M PREPARED TO TAKE YOUR QUESTIONS.

Q: DID YOU SAY HE'LL HAVE A MEAL DOWN THERE WITH THE
TROOPS? WHERE WOULD THAT BE, OR...

A: HE'S GOING TO BE TRAVELING AROUND TO SEVERAL LOCATIONS.
I THINK PROBABLY THE BEST THING TO DO IS EITHER TALK TO US LATER

IN DDI OR CONTACT THE JIB DOWN THERE. HE'S REALLY DOING THIS TO
SPEND TIME CHATTING WITH THE TROOPS AND NOT TO GET A LOT OF MEDIA
COVERAGE.

Q: ARE TURKEYS AND STUFF BEING SENT DOWN?

A: I THINK IT'S FAIR TO SAY THERE WILL BE A LOT OF TURKEYS
AND ALL THE FIXINGS.

Q: ON BOSNIA, HAS THERE BEEN ANY EVIDENCE THAT THE BOSNIAN-
SERBS HAVE GOTTEN THE MESSAGE THAT NATO INTENDED TO SEND
YESTERDAY WITH THIS AIR STRIKE?

A: WE'RE WATCHING THE SITUATION THERE. IT IS NOT A GOOD
SITUATION AND WE'RE HOPEFUL THAT THEY WILL GET THE MESSAGE. IF
THERE IS FIGHTING CONTINUING, WE STAND READY TO SEND THE MESSAGE
AGAIN IF NECESSARY.

Q: WHY HASN'T THERE BEEN A RESPONSE TO THE FIRING OF
GROUND-TO-AIR MISSILES AGAINST NATO AIRCRAFT? WHY IS THAT GOING
UNANSWERED?

A: THE MISSILES MISSED WIDELY, AS I UNDERSTAND IT. I ALSO
UNDERSTAND THAT THEY WERE FIRED FROM MOBILE SITES WHICH ARE HARD
TO FIND SOMETIMES. BEYOND THAT, I CAN'T GIVE YOU AN ANSWER.

Q: WHEN YOU SAY WE ARE PREPARED TO SEND THE MESSAGE AGAIN,

WHAT SORT OF MESSAGE WOULD IT BE? WOULD IT BE A MORE AGGRESSIVE OR STRONGER MESSAGE THAN THE PIN-PRICK STRIKE OF YESTERDAY?

A: WELL, THAT'S YOUR CHARACTERIZATION. THE STRIKE YESTERDAY SUCCEEDED IN DOING EXACTLY WHAT IT WAS SUPPOSED TO DO. IT HAD A LIMITED PURPOSE, AND THAT PURPOSE WAS ACHIEVED. SO I'M NOT BUYING YOUR CHARACTERIZATION OF IT. IT DID WHAT IT WAS SUPPOSED TO DO.

Q: IF BY SENDING A MESSAGE THE SERBS DON'T GET THE MESSAGE AND CONTINUE, THEN IT DIDN'T DO WHAT IT WAS SUPPOSED TO DO. THEREFORE WOULD A STRONGER ATTACK OR STRIKE BE IN ORDER?

A: THAT'S FOR THE UN AND NATO TO DECIDE. AS YOU KNOW, THE TWO-KEY CONCEPT REMAINS IN EFFECT. THERE ARE A NUMBER OF THINGS HAPPENING. ONE, CLEARLY, BOTH THE UN AND NATO ARE WATCHING THE SITUATION AND REACTION TO THE STRIKE YESTERDAY TO SEE WHAT HAPPENS AND TO SEE IF THERE'S ANY CHANGE IN SERB BEHAVIOR. THAT'S THE FIRST THING.

SECONDLY, IT'S WELL KNOWN THAT WE AND OUR ALLIES ARE DISCUSSING IN NATO AND AT THE UN A NUMBER OF STEPS THAT WE MIGHT TAKE. MANY OF YOU HAVE WRITTEN ABOUT THESE STEPS AND THEY INVOLVE THINGS LIKE EXCLUSION ZONES ON BIHAC, ASSISTED OPERATING

ZONES DEALING WITH AIR STRIKES, ETC. THESE ARE DIPLOMATIC INITIATIVES THAT WILL LEAD TO CHANGES ON THE GROUND THAT CAN BE TAKEN. THESE ARE UNDER CONSIDERATION. THAT CONSIDERATION IS ONGOING AND THERE SHOULD BE DECISIONS ON THAT.

AS I SAID, WE RETAIN THE RIGHT, BOTH NATO AND UNPROFOR, TO CARRY ON ADDITIONAL AIR STRIKES IF NECESSARY.

Q: HAND-TO-HAND COMBAT IS NOW BEING REPORTED IN THE SUBURBS AROUND BIHAC. IT'S SUPPOSED TO BE A SAFE HAVEN. HOW CAN YOU CLEANSE THAT AREA WITHOUT ENDANGERING THE PEOPLE IN THE SAFE AREA?

A: THAT'S ONE OF THE DIFFICULTIES WE FACE. THAT'S ONE OF THE REASONS WHY THIS ISN'T AN EASY PROBLEM TO DEAL WITH. NOTHING IN THIS AREA IS EASY TO DEAL WITH. IF THERE WERE EASY SOLUTIONS, WE WOULD HAVE FOUND THEM A LONG WHILE AGO. IT'S VERY COMPLEX, THERE ARE LIVES AT STAKE, AND WE'RE TRYING TO SORT OUR WAY THROUGH THIS AS BEST WE CAN.

Q: THERE ARE REPORTS THAT QUOTE UN SOURCES AS SAYING THAT THE SERBS HAVE USED A HELICOPTER GUNSHIP IN TODAY'S FIGHTING. CAN YOU ELABORATE ON THAT AT ALL?

A: I CAN'T ELABORATE ON IT. I'VE SEEN THE SAME REPORTS.

HELICOPTERS ARE ALSO VERY HARD TO FIND. THEY CAN POP UP AND SEE SOMETHING AND THEN GO BACK ONTO THE GROUND. THEY CAN MOVE VERY QUICKLY. SO BY THE TIME THE AIRCRAFT GET THERE, THEY'RE NO LONGER THERE.

Q: YOU SAID YOU ACHIEVED THE GOAL, I GUESS MAYBE I MISSED THIS YESTERDAY. WHAT EXACTLY WAS IT? WAS IT SENDING THIS MESSAGE, OR WERE YOU OUT TO DISABLE THE AIRPORT FOR A CERTAIN PERIOD OF TIME? WHAT EXACTLY...

A: THE MAIN GOAL WAS TO SHOW THAT UNPROFOR AND THE NATO ALLIES WORKING TOGETHER WERE PREPARED TO STRIKE IN A GIVEN SITUATION. ONE, WE SHOWED THAT WE WERE WILLING TO STRIKE. SECONDLY, THE GOALS OF THE STRIKE WERE TO DISABLE THE RUNWAYS, WHICH WE DID. THEY WERE TO SUPPRESS THE ANTI-AIRCRAFT FIRE, WHICH WE DID. AND THEY WERE TO SUPPRESS THE SAM STRIKES, OR THE SURFACE-TO-AIR MISSILE SITES, WHICH WE ALSO DID. THOSE ARE THE THREE TACTICAL GOALS THAT WERE SET OUT IN THE STRIKE, AND ALL THOSE WERE ACHIEVED.

THEY WERE NARROW GOALS. THOSE GOALS WERE ACHIEVED.

Q: SECRETARY PERRY WAS QUOTED THIS MORNING BY REPORTERS WHO ARE TRAVELING WITH HIM AS HE RETURNS FROM THIS TRIP,

INDICATING THAT IF THERE WERE ANOTHER STRIKE AGAINST AN AIRFIELD, THAT THIS TIME THE PLANES WOULD BE DESTROYED. IS THAT THE CORRECT POSITION OF THE SECRETARY OF DEFENSE?

A: THE SECRETARY OF DEFENSE ALWAYS STATES HIS POSITIONS CORRECTLY. (LAUGHTER)

Q: WHAT IS THE PENTAGON'S REACTION TO COMMENTS BY SENATOR HELMS THAT IF THE COMMANDER-IN-CHIEF, PRESIDENT CLINTON, TRAVELS TO HIS STATE, THAT HE SHOULD HAVE BODYGUARDS WITH HIM?

A: WHICH STATE IS THAT?

Q: NORTH CAROLINA.

A: THE PRESIDENT HAS TRAVELED WIDELY IN THE LAST FEW WEEKS AND MONTHS AMONG THE TROOPS, AND HE'S BEEN RECEIVED WITH WARMTH AND COURTESY AND ENTHUSIASM. I THINK WE ALL REMEMBER THE PICTURES OF THE PRESIDENT ADDRESSING MEMBERS OF THE 24TH DIVISION IN KUWAIT SEVERAL WEEKS AGO, SURROUNDED BY TROOPS AND THE WARM RESPONSE HE GOT THERE. I THINK THOSE PICTURES SPEAK FOR THEMSELVES AND THEY'RE AN ACCURATE PORTRAYAL OF HOW THE TROOPS FEEL ABOUT HIM.

Q: HOW DO YOU REACT TO SENATOR HELMS' ACCUSATION THAT PRESIDENT CLINTON ISN'T FIT TO BE COMMANDER-IN-CHIEF?
UNCLAS SECTION 02 OF 03

A: GENERAL SHALIKASHVILI HAS RESPONDED TO THAT. SENATOR DOLE HAS RESPONDED TO THAT. SECRETARY PERRY HAS RESPONDED TO THAT. I HAVE NOTHING MORE TO ADD.

Q: THE SPECIFIC QUOTE BY HELMS IS THAT THE PRESIDENT IS SO DISLIKED IN NORTH CAROLINA BY THE MILITARY THAT HE "BETTER WATCH OUT IF HE COMES DOWN HERE. HE'D BETTER HAVE HIS BODY GUARDS." DOES THE PRESIDENT OF THE UNITED STATES NEED A BODY GUARD IF HE VISITS U.S. TROOPS IN NORTH CAROLINA?

A: THE PRESIDENT OF THE UNITED STATES AS A MATTER OF COURSE ALWAYS TRAVELS WITH BODY GUARDS. I CITED TO YOU EARLIER PICTURES THAT YOU'VE SEEN, THAT YOUR NETWORK RAN, OF HIM BEING EMBRACED WARMLY BY TROOPS. WE'VE SEEN THAT IN KUWAIT, WE'VE SEEN IT IN NORFOLK, VIRGINIA, WE'VE SEEN IT IN ALASKA. HE WAS

RECENTLY IN HONOLULU AND DINED WITH THE COMMANDER, ADMIRAL MACKE OUT THERE, COMMANDER-IN-CHIEF OF THE PACIFIC REGION. EVERYWHERE HE GOES HE SEEMS TO GET A WARM RECEPTION. I THINK THE RECORD SPEAKS FOR ITSELF.

Q: IS IT YOUR UNDERSTANDING OR IS IT YOUR SCHEDULE THAT SECRETARY PERRY'S DECISION ON DEUTCH'S PROGRAM MEMORANDUM WILL BE

DELAYED UNTIL THE BUDGET IS SUBMITTED? OR DO YOU STILL EXPECT IT TO BE RELEASED IN DECEMBER?

A: THE SECRETARY SPOKE ABOUT A WEEK AGO AND SAID THEY WOULD NOT BE THIS MONTH. I LEAVE IT TO YOU.

THIS IS STILL BEING WORKED OUT. IT'S A COMPLEX SITUATION. WE'RE DOWN NOW TO THE FINAL DECISIONS IN THE BUDGET. JIGSAW PUZZLES GET EASIER AS YOU GET TO THE END BECAUSE IT'S MUCH EASIER TO SEE WHERE THE FEW REMAINING PIECES GO. WITH BUDGETS, IT SOMETIMES GETS MORE DIFFICULT TO FIT IN EVERYTHING YOU WANT TO FIT IN AS YOU GET DOWN TO THE END. THERE ARE STILL A LOT OF DECISIONS TO BE MADE AND THESE ARE AMONG THOSE DECISIONS. SO I CAN'T GIVE YOU ANY DEADLINE ON THAT.

Q: GUANTANAMO BAY. THERE HAVE BEEN ADDITIONAL ATTEMPTS BY CUBANS IN THE LAST DAY OR TWO TO SWIM BACK TO CUBA.

A: YES.

Q: CAN YOU GIVE US ANY IDEA ON NUMBERS?

A: THERE HAVE BEEN SEVERAL ATTEMPTS. ON NOVEMBER 21ST, THREE CUBANS ATTEMPTED TO SWIM TO CUBA. ONE WAS SUCCESSFUL. TWO WERE RECOVERED AND RETURNED TO THE CAMP. THAT'S THE LAST REPORT I HAVE OF PEOPLE TRYING TO SWIM. ON NOVEMBER 20TH, A GROUP OF 46 CUBANS LEFT IN THE MORNING AND ATTEMPTED TO SWIM. THIRTY WERE SUCCESSFUL, 16 WERE RECOVERED. THERE WAS ALSO A SECOND GROUP ON NOVEMBER 20TH THAT SET OUT TO SWIM OF 44 CUBANS. SO THERE HAVE BEEN A NUMBER OF CUBANS TRYING TO SWIM BACK.

I THINK THAT SOME OF THIS REFLECTS THE FRUSTRATION THAT THE CUBANS MAY FEEL IN THE SLOWNESS OF GETTING PROCESSED TO GO BACK INTO CUBA BY CUBA. THE ARRANGEMENT IS THAT WE SET ASIDE A NUMBER OF VISAS, 20,000 A YEAR, FOR CUBANS TO COME TO THE UNITED STATES. IN ORDER TO GET THOSE VISAS, THEY HAVE TO GO BACK TO CUBA AND APPLY. THE CUBANS HAVE BEEN RELUCTANT TO ALLOW LARGE NUMBERS OF PEOPLE BACK IN FROM GUANTANAMO BAY TO CUBA. THERE'S A VERY LENGTHY PROCESSING PROCEDURE. IF WE SUBMIT A LIST OF NAMES, THEN THEY SELECT ONLY A VERY, VERY, FEW OF THOSE NAMES TO GO BACK FOR PROCESSING. SO THERE'S A FAIR AMOUNT OF FRUSTRATION ON THE PART

OF THE CUBANS WHO MAY WANT TO GO BACK AND TRY TO TAKE ADVANTAGE OF THIS NEW SYSTEM OF GETTING VISAS.

Q: IS THERE ANY PROBLEM WITH CUBANS TRYING TO BREAK OUT OF THE CAMPS IN PANAMA AND JUST BLEND INTO THE PANAMANIAN POPULATION?

A: NOT THAT I'M AWARE OF. THERE HAVE BEEN VERY ISOLATED INCIDENTS OF THAT. NOTHING THAT I RECALL IN THE LAST WEEK OR TWO, BUT I'VE BEEN GONE FOR THE LAST WEEK AND I HAVEN'T BEEN FOLLOWING THIS. BUT I DO NOT THINK THAT THAT IS A PARTICULARLY GRAVE PROBLEM.

Q: CAN YOU GIVE US AN UPDATE ON THE COST OF RUNNING THE REFUGEE CAMPS AT GTMO?

A: THESE ARE THE LATEST FIGURES I HAVE. THE INITIAL ESTIMATES ARE \$100 MILLION TO START UP GUANTANAMO BAY FOR THE CUBAN OPERATION. THAT'S ASSUMING MORE CUBANS THAN ARE THERE NOW. IN ADDITION, \$20 MILLION A MONTH FOR FOOD, WATER, AND OTHER CONSUMABLE SUPPLIES.

Q: BACK TO BOSNIA. SECRETARY GENERAL WILLY CLAES

YESTERDAY IN A PHOTO OPPORTUNITY AT THE DEPARTMENT OF STATE WAS ASKED ABOUT THE UNILATERAL LIFTING OF THE ARMS EMBARGO THAT THE

CONGRESS IS CONTEMPLATING, AND HE BASICALLY SAID THAT WOULD BE DISASTROUS. THAT NATO WOULD HAVE TO WITHDRAW, THE UN WOULD HAVE TO WITHDRAW, AND THE U.S. WOULD HAVE TO COMMIT TROOPS TO PROTECT THOSE TROOPS IN THEIR WITHDRAWAL. HE SAID THIS IS NOT A GOOD THING. HE WILL CONTINUE TO LOBBY CONGRESS ON THIS PARTICULAR ISSUE. CAN YOU STATE WHAT PLANS THE UN MIGHT HAVE TO BACK UP A UN WITHDRAWAL IF INDEED THE U.S. CONGRESS UNILATERALLY LIFTS THE EMBARGO?

A: FIRST OF ALL, UNILATERAL WITHDRAWAL IS NOT AN ISSUE RIGHT NOW. AS YOU KNOW, WE HAVE A PROPOSAL BEFORE THE UNITED NATIONS SECURITY COUNCIL FOR A MULTILATERAL LIFT OF THE ARMS EMBARGO. THAT IS STILL UNDER CONSIDERATION. THE KEY TO THAT IS THAT IT WOULD BE LIFTED MULTILATERALLY AT THE END OF SIX MONTHS IF THE BOSNIAN SERBS DON'T ACCEPT THE CONTACT GROUP PEACE PLAN. THE GOAL OF EVERYTHING THAT'S HAPPENING RIGHT NOW IN BOSNIA IS TO PUT PRESSURE ON THE BOSNIAN SERBS TO ACCEPT THIS CONTACT GROUP'S PEACE PLAN. WE HOPE THAT THEY WILL DO THAT. THE END OF FIGHTING IS THE BEST WAY TO GO HERE. IT'S THE ONLY SOLUTION TO THE PROBLEM IN THIS TROUBLED AREA. BUT RIGHT NOW WE ARE PROMOTING THE MULTILATERAL LIFTING, NOT A UNILATERAL LIFTING.

Q: YESTERDAY TWO HIGH LEVEL DEFENSE OFFICIALS WERE SPEAKING ABOUT THE CYCLE OF ESCALATION AND RETALIATION. AND, MR. CLAES YESTERDAY SAID SOMETHING AT THE END ABOUT THE PEACE PROCESS COMING TO CONCLUSION AND AGREEMENT.

DOES THE DEPARTMENT OF DEFENSE SEE A TREND HERE IN THE FIGHTING THAT WILL LEAD RAPIDLY TO A SETTLEMENT AT THE TABLE OR WITH THE CONTACT GROUP?

A: IT IS OUR HOPE THAT THERE WILL BE PEACE QUICKLY IN BOSNIA.

Q: THERE ARE A COUPLE OF LAWSUITS OUTSTANDING AGAINST THE NELLIS AIR FORCE BASE COMPLEX, ALSO KNOWN AS AREA 51. WITHOUT COMMENTING ON THE SPECIFICS OF THE LAWSUIT, COULD YOU SAY IF THERE'S ANY THINKING HERE AT THE PENTAGON TO CHANGE THE CLASSIFICATION OF THOSE AREAS, TO ANY WAY ACKNOWLEDGE IN PUBLIC WHAT IT SEEMS EVERYONE KNOWS ABOUT?

A: WHAT DO PEOPLE KNOW?

Q: LET ME REPHRASE THE QUESTION. IS THERE ANY DISCUSSION GOING ON WITH THE JUSTICE DEPARTMENT NOW BETWEEN DOD AND JUSTICE TO LIFT THE SECRECY ON THAT AREA?

A: AS YOU RIGHTLY POINT OUT, THERE ARE PROJECTS IN AREAS UNCLAS FINAL SECTION OF 03 OUT IN THE NELLIS AIR FORCE BASE REGION THAT ARE CLASSIFIED. I THINK THEY WILL REMAIN CLASSIFIED FOR SOME TIME. THEY CAN'T BE DISCUSSED HERE FOR THAT REASON. THAT'S ALL I CAN TELL YOU RIGHT NOW.

Q: ON THE SUBJECT OF THE RECOMMENDATION TODAY THAT THE CHARGES BE DROPPED AGAINST THE F-15 PILOTS WHO MISTAKENLY SHOT DOWN THE BLACK HAWK HELICOPTERS IN APRIL. IT WOULD APPEAR THE WAY THE RECOMMENDATIONS ARE GOING, THAT ONLY ONE OF THE CASES IS GOING TO PROCEED TO COURT-MARTIAL, THAT AFTER THE PENTAGON HAD A

RATHER HIGH PROFILE BRIEFING IN WHICH IT LAID OUT A SERIES OF MISTAKES AND ERRORS... I'M JUST ASKING WHAT KIND OF A STATEMENT IS THIS SENDING IF IT APPEARS THAT ONLY ONE PERSON IS GOING TO FACE ANY SORT OF SERIOUS DISCIPLINE? EVEN THAT PERSON MAY YET BE

CLEARED OF CHARGES.

A: YOU'RE MAKING A LOT OF ASSUMPTIONS THAT I CAN'T MAKE RIGHT NOW. THESE CASES ARE, AS YOU POINT OUT, ARE CONTINUING. THEY'RE NOT OVER. THEY'RE PART OF THE LEGAL PROCESS. I CAN'T COMMENT ON THEM UNTIL THE LEGAL PROCESS IS COMPLETED.

Q: ONCE THOSE DECISIONS AND THOSE FINDINGS ARE COMPLETED INSIDE THE AIR FORCE JUDICIAL SYSTEM IS THERE ANY REVIEW BY THE SECRETARY OF THAT? OR DO THEY STAND? DO YOU KNOW?

A: MY BELIEF IS THAT THEY STAND. IF THERE'S A CONVICTION, IT STARTS A WHOLE NEW APPEAL PROCESS AND REVIEW PROCESS. BUT IF THEY'RE ACQUITTED OF THE CHARGES, THERE IS NO REVIEW AS I UNDERSTAND IT.

Q: DO YOU HAVE ANYTHING ON WHY THE ONE PILOT WAS NEVER CHARGED?

A: I DON'T HAVE ANY FURTHER COMMENTS ON THIS CASE. I HAVE NOTHING TO ADD.

PRESS: THANK YOU.

-END-

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SECT: SECTION: 01 OF 03
<^SECT>SECTION: 02 OF 03
<^SECT>SECTION: 03 OF 03

SSN: 7895
<^SSN>7896
<^SSN>7897

TOR: 941122174642 M1375774
<^TOR>941122174744 M1375775
<^TOR>941122174745 M1375776

DIST: SIT: NSC
□

M S M a i l

DATE-TIME 08 February 96 10:41
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT WSG Article on Groom Lake [UNCLASSIFIED]
TO Cullin, Brian P.
Fetig, James L.
Johnson, David T.
Naplan, Steven J.
Schuker, Jill A.
Wozniak, Natalie S.
CARBON_COPY Bass, Peter E.
Bell, Robert G.
Kreczko, Alan J.
Sestak, Joseph A.

TEXT_BODY

Heads Up

The WSJ on page one has a lengthy article about ongoing litigation against the Government at a classified Air Force facility in Nevada known as "the operating location near Groom Lake." The article incorrectly refers to "Area 51." We may get some inquiries, because as the article notes in the very last paragraph, consistent with the applicable statutes, President Clinton exempted the "operating location near Groom Lake" from any federal or state laws governing solid and hazardous waste that would require the disclosure of classified information. BUT NOTE: The President expressly stated in his exemption that it was not intended to "limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating lcoation near Groom Lake, Nevada, except thouse provisions, if any, that would require the disclosure of classified information."

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M S M a i l

DATE-TIME 18 March 96 09:41
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SUBJECT 60 Minutes story on Groom Lake [UNCLASSIFIED]
TO Cullin, Brian P.
 Fetig, James L.
 Johnson, David T.
 Naplan, Steven J.
 Schuker, Jill A.
 Wozniak, Natalie S.
CARBON_COPY Bass, Peter E.
 Bell, Robert G.
 Bendick, Gordon L.
 Burrell, Christina L.
 Danvers, William C.
 Davis, William K.
 Kreczko, Alan J.
 Sestak, Joseph A.

TEXT_BODY

Heads Up

BACKGROUND: 60 Minutes ran a story last night on the "operating location near Groom Lake," erroneously referred to as Area 51. While the story was nominally about the facility, the focus was plaintiffs' attorney's version of a suit filed against Sec. Perry, the National Security Adviser and Sec. of the Air Force (previously described below). This suit, however, was dismissed by the district court of Nevada on March 6. Plaintiffs will appeal. As they say, this is an effort to try the case in the media.

The most troublesome aspect of the story (from my perspective) was the discussion with Lee Hamilton, the only person interviewed for the story not associated with Jonathan Turley and plaintiffs. Hamilton criticized the Government's efforts, upheld by the court, to classify the results of the EPA inventory and inspection at the operating location. I believe he referred to the classification of "paint" as nonsense or silly. (Note: I asked Air Force/GC to consider whether it was appropriate to brief Hamilton on the operating location.)

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5002a

exemptions generally and has asked Air Force a number of questions about the operating location near Groom Lake.

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Please let me know if you need additional information. Thank you. Earlier guidance on a WSJ article, giving more information on the background to the suits, follows below.

From: Baker, James E.
 To: @PRESS - Public Affairs
 CC: /R, Record at A1; Bell, Robert G.; Sestak, Joseph A.; Kreczko, Alan J.; Bass, Peter E.
 Subject: WSG Article on Groom Lake [UNCLASSIFIED]
 Date: Thursday, February 08, 1996 10:41 AM

Heads Up

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[0022]

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M S M a i l

DATE-TIME 18 March 96 09:55
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: 60 Minutes story on Groom Lake [UNCLASSIFIED]
TO Fetig, James L.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

You are welcome.

From: Fetig, James L.
To: Baker, James E.
CC: /N, NonRecord at A1
Subject: RE: 60 Minutes story on Groom Lake [UNCLASSIFIED]
Date: Monday, March 18, 1996 09:47 AM

Thank you for being thorough as always.

From: Baker, James E.
To: @PRESS - Public Affairs
CC: /R, Record at A1; Bass, Peter E.; Bell, Robert G.; Kreczko, Alan J.; Sestak, Joseph A.; @LEGISLAT-Legislative Affairs
Subject: 60 Minutes story on Groom Lake [UNCLASSIFIED]
Date: Monday, March 18, 1996 09:41 AM

Heads Up

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M S M a i l

DATE-TIME 18 March 96 11:08
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: 60 Minutes story on Groom Lake [UNCLASSIFIED]
TO Cullin, Brian P.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

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From: Cullin, Brian P.
To: Baker, James E.
CC: @PRESS - Public Affairs
Subject: FW: 60 Minutes story on Groom Lake [UNCLASSIFIED]
Date: Monday, March 18, 1996 10:36 AM

Thanks, so far no interest but we'll use what you gave us.'Appreciate the heads up. Brian

From: Baker, James E.
To: @PRESS - Public Affairs
CC: /R, Record at A1; Bass, Peter E.; Bell, Robert G.; Kreczko, Alan J.; Sestak, Joseph A.; @LEGISLAT-Legislative Affairs
Subject: 60 Minutes story on Groom Lake [UNCLASSIFIED]
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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kelly J. Letts to Cross Hatches et al. Re: Democracy Whereabouts (2 pages)	08/29/1997	P6/b(6)
002. email	Natalie S. Wozniak to Philip J. Crowley et al. Re: Internal Transcript (40 pages)	01/05/1998	P6/b(6)
003. email	Susan J. Gregory to Mary O. McCarthy Re: Heads Up (2 pages)	03/17/1998	P1/b(1)
004. email	Kelly J. Letts to Cross Hatches et al. Re: Democracy Whereabouts (2 pages)	08/29/1997	P6/b(6)
005a. email	From: Christina L. McClellan [National Security Act] Re: Mornin' (1 page)	02/25/1999	P3/b(3), P6/b(6)
005b. email	From: Christina L. McClellan [National Security Act] Re: Mornin' (1 page)	02/25/1999	P3/b(3), P6/b(6)
005c. email	To: Christina L. McClellan [National Security Act] Re: Mornin' (1 page)	02/25/1999	P3/b(3), P6/b(6)
005d. email	From: Christina L. McClellan [National Security Act] Re: Mornin' (1 page)	02/25/1999	P3/b(3), P6/b(6)
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005f. email	From: Christina L. McClellan [National Security Act] Re: Mornin' (1 page)	02/25/1999	P3/b(3), P6/b(6)
005g. email	To: Christina L. McClellan [National Security Act] Re: Mornin' (1 page)	02/25/1999	P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange Record; September 1997-January 2001 ([Area 51])
 OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
 ds205

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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006a. email	To: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)
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006c. email	To: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)
006d. email	From: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)
006e. email	To: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)
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006j. email	From: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

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- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Maureen E. Tucker to Miles M. Lackey Re: Legislative Look Ahead (1 page)	02/15/2000	P6/b(6)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange Record; September 1997-January 2001 ([Area 51])
 OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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]
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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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kelly J. Letts to Cross Hatches et al. Re: Democracy Whereabouts (2 pages)	08/29/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

RESTRICTION CODES

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

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

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

RR. Document will be reviewed upon request.

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

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

Exchange Mail

DATE-TIME 9/4/97 9:53:24 AM
FROM Prendergast, John P.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Democracy Whereabouts [UNCLASSIFIED]
TO Ragan, Richard F.

CARBON_COPY

TEXT_BODY

Is that a trailer park address?

-----Original Message-----

From: Ragan,
Richard F.
Sent: Thursday, September 04, 1997 9:08 AM
To: Prendergast,
John P.
Subject: RE: Democracy Whereabouts [UNCLASSIFIED]

Area
51 ring a bell

-----Original Message-----

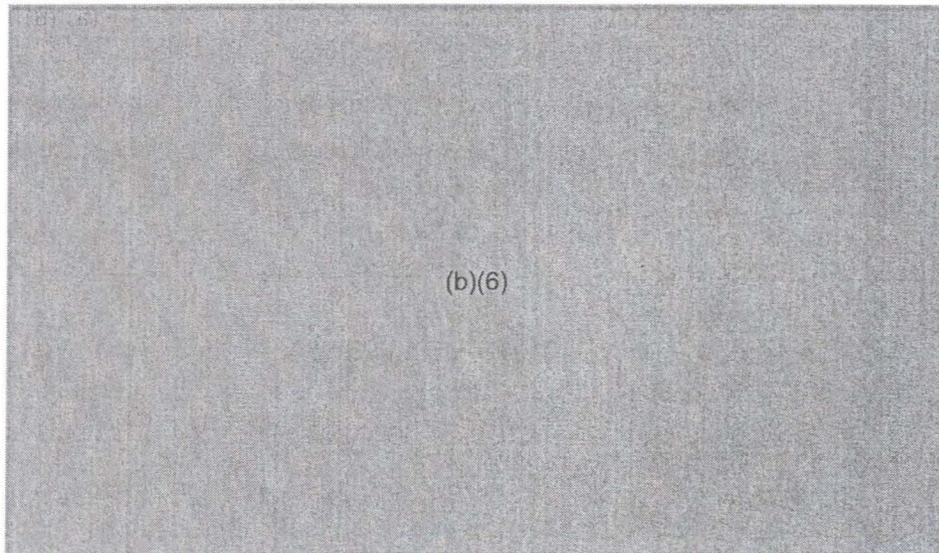
From: Prendergast,
John P.
Sent: Tuesday, September 02, 1997 11:04 AM
To: Ragan,
Richard F.
Subject: FW: Democracy Whereabouts [UNCLASSIFIED]

You've
got to tell me about Duck, NC.....

-----Original Message-----

From: Letts,
Kelly J.
Sent: Friday, August 29, 1997 2:24 PM
To: @CROSS - Cross
Hatches; @SDO-WHSR Senior Duty Officers; @ALLNSC - NSC Staff
Subject: Democracy
Whereabouts [UNCLASSIFIED]

(b)(6)



(b)(6)

Exchange Mail

DATE-TIME 9/15/97 6:05:29 PM
FROM Hunerwadel, Joan S.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: JO: Just a reminder that Jaime needs to bring copy of memo Area 51 --
thanks
[UNCLASSIFIED]
TO Quinn, Mary E.

CARBON_COPY

TEXT_BODY Mary, Alan brought this over to the General this morning. By the way you should not call this area 51 -- it's not correct and there was a court ruling about it and this term should not be used.

-----Original

Message-----

From: Quinn, Mary E.

Sent: Monday, September 15,

1997 5:55 PM

To: Hunerwadel, Joan S.

Subject: JO: Just a reminder

that Jaime needs to bring copy of memo Area 51 -- thanks [UNCLASSIFIED]

Mary,

Alan brought this over to the General this morning. By the way you should not call this area 51 -- it's not correct and there was a court ruling about it and this term should not be used.

Exchange Mail

DATE-TIME 11/3/97 11:15:35 AM
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT Operating Location near Groom Lake [UNCLASSIFIED]
TO Elkon, Nicole L.
Hurwitz, Marc I.
Kerrick, Donald L.
Quinn, Mary E.
Crowley, Philip J.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
Crowley, Philip J.

CARBON_COPY Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Sparks, John E.

TEXT_BODY Here is draft press guidance. Don Kerrick should clear before use.

TRANSLATED_ATTACHMENT GudGL.doc
If Raised Press Guidance:
Operating Location Near Groom Lake
(erroneously referred to as "Area 51")

Question: Has the President Exempted "Area 51" from the Public Disclosure Requirements of the Resource Conservation and Recovery Act?

Answer:

-- On September 26, the President renewed an existing exemption for the United States Air Force operating location near Groom Lake, Nevada, from any applicable requirement for the disclosure to unauthorized persons of classified

information concerning the location. The exemption does not limit the applicability or enforcement of any requirement of law other than those that might require the disclosure of classified information.

-- The exemption relates to two lawsuits under the Resource Conservation and Recovery Act; beyond that I am not going to comment on a matter potentially involving classified information and that is the subject of litigation.

FYI BACKGROUND ONLY: This is the third such Presidential exemption. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption. That ruling remains under appeal by both the plaintiffs and government, which argues among other things that a Presidential exemption under RCRA is not required in order to protect classified information.

Oral arguments are scheduled for November 5. Among other things, the Government will appeal the court's decision that a Presidential exemption is required to protect classified information. Plaintiffs will seek to over-turn the court's decisions to proceed with exhibits under seal and on attorney's fees in addition to challenging the lower court's dismissal of both cases. The 9th Circuit would likely rule six to twelve months later.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Natalie S. Wozniak to Philip J. Crowley et al. Re: Internal Transcript (40 pages)	01/05/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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]

Exchange Mail

DATE-TIME 3/4/98 3:32:06 PM
FROM Kerrick, Donald L.
CLASSIFICATION UNCLASSIFIED
SUBJECT 51 [UNCLASSIFIED]
TO Baker, James E.

CARBON_COPY

TEXT_BODY Jamie;

On a list of items SRB sent me he listed Area 51... Assume he wants an update on how we are coming along.. What do you suggest I say to him?

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Susan J. Gregory to Mary O. McCarthy Re: Heads Up (2 pages)	03/17/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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

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

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Kelly J. Letts to Cross Hatches et al. Re: Democracy Whereabouts (2 pages)	08/29/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

RESTRICTION CODES

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

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

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

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

Exchange Mail

DATE-TIME 9/4/97 9:07:51 AM
 FROM Ragan, Richard F.
 CLASSIFICATION UNCLASSIFIED
 SUBJECT RE: Democracy Whereabouts [UNCLASSIFIED]
 TO Prendergast, John P.

CARBON_COPY

TEXT_BODY Area 51 ring a bell

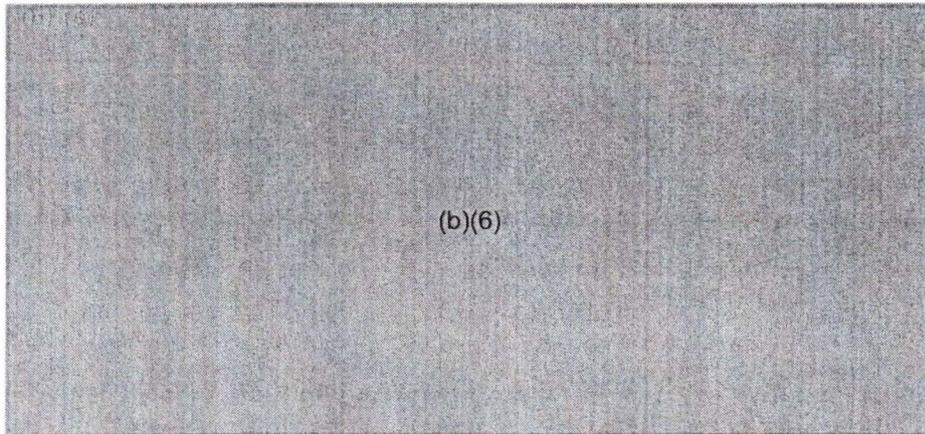
-----Original Message-----

From: Prendergast,
 John P.
 Sent: Tuesday, September 02, 1997 11:04 AM
 To: Ragan,
 Richard F.
 Subject: FW: Democracy Whereabouts [UNCLASSIFIED]

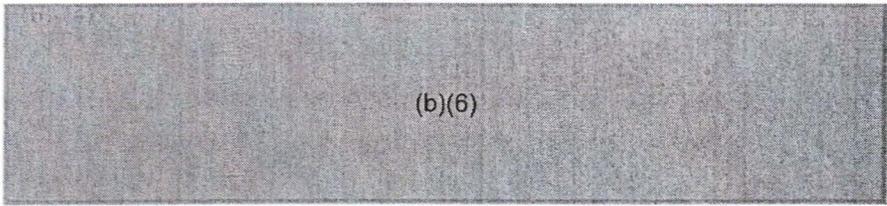
You've
got to tell me about Duck, NC.....

-----Original Message-----

From: Letts,
 Kelly J.
 Sent: Friday, August 29, 1997 2:24 PM
 To: @CROSS - Cross
 Hatches; @SDO-WHSR Senior Duty Officers; @ALLNSC - NSC Staff
 Subject: Democracy
 Whereabouts [UNCLASSIFIED]



(b)(6)



(b)(6)

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005a. email	From: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) 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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005b. email	From: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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]
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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005c. email	To: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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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- 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)]

- 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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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005d. email	From: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

RESTRICTION CODES

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

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RR. Document will be reviewed upon request.

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

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005e. email	To: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005f. email	From: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange Record; September 1997-January 2001 ([Area 51])
 OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005g. email	To: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

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 OA/Box Number: 620000

FOLDER TITLE:

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FOLDER TITLE:

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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).

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. email	To: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

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2006-0527-F
ds205

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.

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- 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]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006b. email	From: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act] 02/25/1999	P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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.

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- 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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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006c. email	To: Christina L. McClellan Re: Momin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

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2006-0527-F
ds205

RESTRICTION CODES

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

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- b(1) National security classified information [(b)(1) of the FOIA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006d. email	From: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

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Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
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FOLDER TITLE:

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006i. email	To: Christina L. McClellan Re: Mornin' (1 page)	[National Security Act]	02/25/1999 P3/b(3), P6/b(6)

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Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006j. email	From: Christina L. McClellan [National Security Act] Re: Mornin' (1 page)	02/25/1999	P3/b(3), P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

RESTRICTION CODES

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Exchange Mail

DATE-TIME 02/13/2000 2:53:38 PM
FROM Lackey, Miles M. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Bash, Brooks L. (EXSEC)
 Bradtke, Robert A. (EXSEC)
 Crocker, Bathsheba N. (NSA)
 Gray, Wendy E. (NSA)
 Jacobson, Tracey A. (ADMIN)
 Joshi, M. Kay (EXSEC)
 Millison, Cathy L. (EXSEC)
 Moretz, Sheila K. (NSA)
 Patterson, Pamela L. (NSA)
 Rudman, Mara E. (NSA)
 Scott-Perez, Marilyn L. (NSA)
 Storey, Sharon V. (NSA)
 Sutphen, Mona K. (NSA)

CARBON_COPY @ASIA - Asian Affairs
 @EXECSEC - Executive Secretary
 @LEGISLAT - Legislative Affairs
 @PRESS - Public Affairs
 @RUDMAN
 Bowles, Ian A. (ENV)
 Crocker, Bathsheba N. (NSA)
 Duncan, John D. (INTECON/DOS)
 Malinowski, Tomasz P. (SPCHW)
 Matthews, Sonyia (SPCHW)
 Mitsler, Elaine M. (INTECON)
 Naplan, Steven J. (MULTI)
 Orzulak, Paul K. (SPCHW)
 Patten, Wendy L. (MULTI)
 Schwartz, Eric P. (MULTI)
 Sutphen, Mona K. (NSA)
 Barnett, Cheryl E. (RUE)
 Huso, Ravic R. (ASIA)
 Joshlyn, Gay L. (ADMIN)
 Keith, James R. (ASIA)
 Lieberthal, Kenneth G. (ASIA)
 Pritchard, Charles (Jack) L. (ASIA)
 Bruns, Judson L. (Jay) (INTECON)
 Duncan, John D. (INTECON/DOS)
 Goldberg, David B. (INTECON/INTERN)

Hendricks, Lori A. (INTECON)
Lee, Malcolm R. (NEC)
Mitsler, Elaine M. (INTECON)
Samans, Richard (NEC)
Smith, Holly M. (INTECON/INTERN)
Abercrombie-Winstanley, Gina K. (NESA)
Camp, Donald A. (NESA)
Cooper, Kathleen H. (NESA)
Jones, Felicia A. (NESA)
Kaplan, Dean M. (RECORDS/NESA)
Malley, Robert (NESA)
Pollack, Kenneth M. (NESA)
Riedel, Bruce O. (NESA)
Avery, Dale R. (INTERAM)
Hollis, Caryn C. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Clarke, Richard A. (TNT)
Cressey, Roger W. (TNT)
Gordon-Hagerty, Lisa E. (TNT)
Green, Charles A. (TNT)
Hunker, Jeffrey A. (TNT)
Kurtz, Paul B. (TNT)
Liberatore, Joseph W. (TNT/INTERN)
Lieberson, Donna P. (TNT)
Montgomery, Mark C. (TNT)
Mulligan, George D. (TNT)
Noss, Heather L. (TNT/INTERN)
Robinson, Jack A. (TNT)
Rosa, Frederick M. (TNT)
Roundtree, Beverly (TNT)
Battenfield, Pat A. (AF)
Byrne, Catherine E. (AF)
Dempsey, Nora B. (AF)
O'Donohue, Peter A. (AF)
Smith, Gayle E. (AF)
Brzezinski, Mark F. (RUE)
Elkind, Jonathan H. (RUE)
Joshlyn, Gay L. (ADMIN)
Loring, Pamela (RUE)
Massey, Stephen M. (RUE/INTERN)
Medish, Mark C. (RUE)
Segal, Jack D. (NONPRO)
Tedstrom, John E. (RUE)
Weiss, Andrew S. (RUE)
Williams, Mary C. (ADMIN)
Brackman, Stella S. (DEFENSE)
Edwards, Joan K. (NONPRO)
Harris, Elisa D. (NONPRO)

Samore, Gary S. (NONPRO)
Segal, Jack D. (NONPRO)
Tucker, Maureen E. (NONPRO)
Gladura, Timothy L. (INTEL)
Howerton, Barbara E. (INTEL)
Knepper, Charlotte (INTEL)
McCarthy, Mary O. (INTEL)
Merchant, Brian T. (RECORDS/INTEL)
Mitchell, Donald A. (INTEL)
Smith, James A. (INTEL)
Andreasen, Steven P. (DEFENSE)
Binnendijk, Johannes A. (Hans) (DEFENSE)
Brackman, Stella S. (DEFENSE)
Cullom, Philip H. (DEFENSE)
Hill, Roseanne M. (DEFENSE)
Mitchell, Rebecca (Julie) J. (DEFENSE)
Peterman, David (Brian) (DEFENSE)
Pimentel, Betsy J. (DEFENSE)
Witkowsky, Anne A. (DEFENSE)
Hill, Christopher R. (SEE)
Holtzapple, Richard A.
Kaidanow, Tina S. (SEE)
Maxfield, Nancy H. (EUR)
Muir, Morgan C. (SEE)
Russ, Judith P. (SEE)
Sapiro, Miriam E. (SEE)
vonLipsey, Roderick K. (SEE)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
Blinken, Antony J. (EUR)
Davidson, Leslie K. (VP)
DeRosa, Mary B. (LEGAL)
Gobush, Matthew N. (PRESS)
Gray, Wendy E. (NSA)
Guarnieri, Valerie N. (MULTI)
Halperin, David E. (SPCHW)
Hammer, Michael A. (PRESS)
Hill, Christopher R. (SEE)
Holtzapple, Richard A.
Huff, Lindsey E. (PRESS)
Kaidanow, Tina S. (SEE)
Krass, Caroline D. (LEGAL)
Lackey, Miles M. (LEGIS)
Leavy, David C. (PRESS)
Malinowski, Tomasz P. (SPCHW)
Naplan, Steven J. (MULTI)
Rudman, Mara E. (NSA)
Russ, Judith P. (SEE)
Sapiro, Miriam E. (SEE)
Schwartz, Eric P. (MULTI)

Segal, Jack D. (NONPRO)
Sigler, Ralph H. (WHSR)
Stromseth, Jane E. (MULTI)
Tavlarides, Mark J. (LEGIS)
vonLipsey, Roderick K. (SEE)
Weiss, Andrew S. (RUE)
Widmer, Edward L. (Ted) (SPCHW)
Witkowsky, Anne A. (DEFENSE)
Bartlett, L. June (EXSEC)
Bash, Brooks L. (EXSEC)
Bradtke, Robert A. (EXSEC)
Gire, Cynthia L. (EXSEC)
Gray, Wendy E. (NSA)
Hilliard, Brenda I. (EXSEC)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Powell, Elliott (WHSR/EXSEC)
Sargeant, Stephen T. (EXSEC)
Wasserman, Elaine P. (EXSEC)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)
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Matthews, Sonyia (SPCHW)
Orzulak, Paul K. (SPCHW)
Widmer, Edward L. (Ted) (SPCHW)
Aragoncillo, Leandro A. (VP)
Babbitt, James F. (VP)
Beardsley, Tyler S. (VP)
Black, Steven K. (VP)
Bolan, Christopher J. (VP)
Brody, Richard J. (VP)
Davidson, Leslie K. (VP)

Dennett, Todd H. (VP)
 Fuerth, Leon S. (VP)
 Hinckley, Steedman (VP)
 Orfini, Michael H. (VP)
 Osius, Theodore G. (VP)
 Roberts, Michael W. (VP)
 Saunders, Richard M. (VP)
 Woolston, Ann E. (VP)

TEXT_BODY

PLEASE PASS TO SANDY, JIM AND MARA

Legislative Look Ahead
 Week
 of February 14, 2000

Coincidence? . . . or Foreign Conspiracy?

* Miles

and Mara have been called for jury duty on the same day (Monday).
 The summons says "Report to Area 51." You may never hear from either
 of us again!

SRB Action

* POTUS meetings with House Members

on China/PNTR scheduled for Monday, Tuesday and Thursday. The Monday
 meeting is for bi-partisan supporters . . . the subsequent meetings
 will be with a mix of Democratic Members; we have been working with
 Chuck Brain and the Lane group on points and Q&As;

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with Dick Gephardt on Thursday at 11:45 for a general foreign policy
 discussion at our request. Topics should be MEPP, Colombia, Africa
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a final set of points on Friday which includes a section from Mary
 McCarthy on NSA;

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Rangel about possible travel to North Korea (points will be coming
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- * Biden. I have not called Biden's staff to discuss a repeat performance -- waiting for the right moment;
- * Thomas/Feinstein on Taiwan/PNTR. I sent you a proposed list of invitees for a bipartisan meeting on Taiwan/PNTR with the Thomas/Feinstein group. Target would be the week of February 21;
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- * Cohen NMD Meetings. DoD has proposed a list (mostly Republicans but also a handful of Democrats) to come to the Pentagon over the next month. The idea is to one meeting per week -- beginning when the Senate returns next week. Q: do you want to join any of these meetings?
- * Colombia. I got the formal request from the House Democratic Caucus for you to come to a policy lunch on Colombia. I told them you would be happy to come, but that you are not available this week. Since the House is going on recess next week, we will be looking at a lunch meeting the week of February 28th;

The Week Ahead

The Senate is out this week -- the House is out next week -- how inconsiderate!

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Tuesday before the House Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources (Mica). This was not our preferred venue to kick off -- in large part because the key witnesses (Rand Beers, State; Brian Sheridan, DOD) will be in Colombia -- but lack of cooperation from Southcom, who insisted on sending Wilhelm -- and Mica's staff's threats of subpoenas -- made it difficult for other agencies to refuse. So ONDCP (McCaffrey), Southcom (Wilhelm), DEA (Ledwith), State (Romero), and DOD (Salazar) are expected to testify;

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* Albright's hearing before the HIRC (rescheduled from last week).

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* Wendy Sherman
will testify on North Korea before the HIRC;

Exchange Mail

DATE-TIME 02/13/2000 2:55:36 PM
FROM Lackey, Miles M. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Burrell, Christina L. (LEGIS)

CARBON_COPY**TEXT_BODY**

Chris,
 Would you pls fax this to Rebecca Waldorf and Chuck Brain?
 Thanks
 Miles

-----Original

Message-----

From: Lackey, Miles M. (LEGIS)

Sent: Sunday, February

13, 2000 2:54 PM

To: @NSA - Natl Security Advisor

Cc: @CHINAPNTR

- China PNTR; @ASIA - Asian Affairs; @INTECON - Economic Affairs;

@NESASIA - NE/South Asia; @INTERAM - Inter-American;

@TRANSNATIONAL

- Transnational Threats; @AFRICA - African Affairs; @RUSSIA -

Russia/Ukraine;

@NONPRO - Export Controls; @INTEL - Intelligence Programs; @DEFENSE

- Defense Policy; @SEE - Southeast European Affairs; @KOSOVO;

@EXECSEC

- Executive Secretary; @LEGAL - Legal Advisor; @LEGISLAT - Legislative

Affairs; @PRESS - Public Affairs; @SPEECH - NSC Speechwriters; @VP

- VP Natl Security Affairs

Subject: Legislative Look Ahead, Week

of February 14, 2000 [UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM
AND MARA

Legislative Look Ahead
Week of February 14, 2000

Coincidence?
... or Foreign Conspiracy?

* Miles and Mara have been called for jury duty on the same day (Monday). The summons says "Report to Area 51." You may never hear from either of us again!

SRB
Action

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Not Yet Scheduled

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The Week Ahead

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- * Wendy Sherman will testify on North Korea before the HIRC;

Exchange Mail

DATE-TIME 02/14/2000 7:54:33 AM
 FROM Smith, Gayle E. (AF)
 CLASSIFICATION UNCLASSIFIED
 SUBJECT RE: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
 TO Lackey, Miles M. (LEGIS)

CARBON_COPY Burrell, Christina L. (LEGIS)
 Lackey, Miles M. (LEGIS)
 Shapiro, Daniel B. (LEGIS)
 Tavlarides, Mark J. (LEGIS)
 Battenfield, Pat A. (AF)
 Byrne, Catherine E. (AF)
 Dempsey, Nora B. (AF)
 O'Donohue, Peter A. (AF)
 Smith, Gayle E. (AF)

TEXT_BODY

On Gephardt meeting and Africa dimension - suspect we need points on Nigeria and HIV-AIDS - those seemed to be the big ticket items for the delegation. Please let me know if Bret has indicated otherwise. [010a]

Also,
 recommend that you include an Africa trade bill point in the Rangel call on North Korea.

-----Original Message-----

From: Lackey,
 Miles M. (LEGIS)
 Sent: Sunday, February 13, 2000 2:54 PM
 To: @NSA
 - Natl Security Advisor
 Cc: @CHINAPNTR - China PNTR; @ASIA - Asian
 Affairs; @INTECON - Economic Affairs; @NESASIA - NE/South Asia;
 @INTERAM
 - Inter-American; @TRANSNATIONAL - Transnational Threats; @AFRICA
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 @INTEL - Intelligence Programs; @DEFENSE - Defense Policy; @SEE -
 Southeast European Affairs; @KOSOVO; @EXECSEC - Executive Secretary;
 @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @PRESS -
 Public Affairs; @SPEECH - NSC Speechwriters; @VP - VP Natl Security
 Affairs
 Subject: Legislative Look Ahead, Week of February 14, 2000
 [UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM AND MARA

Legislative
Look Ahead
Week of February 14, 2000

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[0106]

SRB Action

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DATE-TIME 02/14/2000 8:59:18 AM
FROM Burrell, Christina L. (LEGIS)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Lackey, Miles M. (LEGIS)

CARBON_COPY

TEXT_BODY

Done

-----Original Message-----

From: Lackey, Miles M. (LEGIS)

Sent: Sunday, February 13, 2000 2:56 PM

To: Burrell, Christina

L. (LEGIS)

Subject: FW: Legislative Look Ahead, Week of February
14, 2000 [UNCLASSIFIED]

Chris,
Would you pls fax this to Rebecca
Waldorf and Chuck Brain?
Thanks
Miles

-----Original Message-----

From: Lackey,
Miles M. (LEGIS)

Sent: Sunday, February 13, 2000 2:54 PM

To: @NSA

- Natl Security Advisor

Cc: @CHINAPNTR - China PNTR; @ASIA - Asian

Affairs; @INTECON - Economic Affairs; @NESASIA - NE/South Asia;

@INTERAM

- Inter-American; @TRANSNATIONAL - Transnational Threats; @AFRICA

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Southeast European Affairs; @KOSOVO; @EXECSEC - Executive Secretary;

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Affairs

Subject: Legislative Look Ahead, Week of February 14, 2000
[UNCLASSIFIED]

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Legislative
Look Ahead
Week of February 14, 2000

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* Tenet and DIA will testify
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Witkowsky and State, DOD and JCS will brief SASC staff on CFE;

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* POTUS
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before the HIRC;

Exchange Mail

DATE-TIME 02/14/2000 8:59:51 AM
FROM Weiss, Andrew S. (RUE)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Tavlarides, Mark J. (LEGIS)
 Lackey, Miles M. (LEGIS)

CARBON_COPY Brzezinski, Mark F. (RUE)
 Elkind, Jonathan H. (RUE)
 Joshlyn, Gay L. (ADMIN)
 Loring, Pamela (RUE)
 Massey, Stephen M. (RUE/INTERN)
 Medish, Mark C. (RUE)
 Segal, Jack D. (NONPRO)
 Tedstrom, John E. (RUE)
 Weiss, Andrew S. (RUE)
 Williams, Mary C. (ADMIN)
 Burrell, Christina L. (LEGIS)
 Lackey, Miles M. (LEGIS)
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 -- was that the main upshot of SRB's call?

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From: Lackey,
 Miles M. (LEGIS)
 Sent: Sunday, February 13, 2000 2:54 PM
 To: @NSA
 - Natl Security Advisor
 Cc: @CHINAPNTR - China PNTR; @ASIA - Asian
 Affairs; @INTECON - Economic Affairs; @NESASIA - NE/South Asia;
 @INTERAM
 - Inter-American; @TRANSNATIONAL - Transnational Threats; @AFRICA
 - African Affairs; @RUSSIA - Russia/Ukraine; @NONPRO - Export Controls;
 @INTEL - Intelligence Programs; @DEFENSE - Defense Policy; @SEE -
 Southeast European Affairs; @KOSOVO; @EXECSEC - Executive Secretary;
 @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @PRESS -
 Public Affairs; @SPEECH - NSC Speechwriters; @VP - VP Natl Security
 Affairs
 Subject: Legislative Look Ahead, Week of February 14, 2000

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meeting with bi-partisan group of House Members on PNTR;

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SUBJECT FW: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Medish, Mark C. (RUE)

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TEXT_BODY

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@LEGISLAT - Legislative Affairs
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Subject: Legislative Look Ahead, Week of February 14, 2000
[UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM AND MARA

Legislative
Look Ahead
Week of February 14, 2000

Coincidence? . . . or
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* Miles and Mara have been called for jury duty on the same day (Monday). The summons says "Report to Area 51." You may never hear from either of us again!

SRB Action

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meetings with House Members on China/PNTR scheduled for Monday, Tuesday and Thursday. The Monday meeting is for bi-partisan supporters . . . the subsequent meetings will be with a mix of Democratic Members; we have been working with Chuck Brain and the Lane group on points and Q&As;

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* SRB

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I have not called Biden's staff to discuss a repeat performance -- waiting for the right moment;

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DATE-TIME 02/14/2000 9:18:56 AM
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CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Lackey, Miles M. (LEGIS)
Gray, Wendy E. (NSA)
Rudman, Mara E. (NSA)

CARBON_COPY

TEXT_BODY

I believe "Area 51" is in Roswell, New Mexico.

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To: @NSA
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Cc: @CHINAPNTR - China PNTR; @ASIA - Asian
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Affairs
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[UNCLASSIFIED]

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Legislative
Look Ahead
Week of February 14, 2000

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DATE-TIME 02/14/2000 9:36:29 AM
FROM Segal, Jack D. (NONPRO)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Weiss, Andrew S. (RUE)
Tavlarides, Mark J. (LEGIS)
Lackey, Miles M. (LEGIS)

CARBON_COPY Brzezinski, Mark F. (RUE)
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TEXT_BODY

You'll definitely want a lawyer with you -- preferably Todd Buchwald from State. who's very reasonable. JS

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Legislative
Look Ahead
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DATE-TIME 02/14/2000 12:06:00 PM
FROM Medish, Mark C. (RUE)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Weiss, Andrew S. (RUE)

CARBON_COPY**TEXT_BODY**

I think you should meet with Lyles. I'm happy to participate in today's prep session. mm

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From: Weiss,
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Sent: Monday, February 14, 2000 9:16 AM
To: Medish,
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Cc: @RUSSIA - Russia/Ukraine
Subject: FW: Legislative
Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]

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CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
TO Medish, Mark C. (RUE)

CARBON_COPY**TEXT_BODY**

works for me.....we're looking at 6ish for prep session

-----Original

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Subject: RE: Legislative

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Andrew S. (RUE)

Sent: Monday, February 14, 2000 9:00 AM

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Maureen E. Tucker to Miles M. Lackey Re: Legislative Look Ahead (1 page)	02/15/2000	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange Record; September 1997-January 2001 ([Area 51])
OA/Box Number: 620000

FOLDER TITLE:

[9/4/97-2/15/00]

2006-0527-F
ds205

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

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

RR. Document will be reviewed upon request.

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

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

Exchange Mail

DATE-TIME 02/15/2000 8:21:57 AM
 FROM Tucker, Maureen E. (NONPRO)
 CLASSIFICATION UNCLASSIFIED
 SUBJECT RE: Legislative Look Ahead, Week of February 14, 2000 [UNCLASSIFIED]
 TO Lackey, Miles M. (LEGIS)

CARBON_COPY

TEXT_BODY

[REDACTED]

(b6)

[007]

-----Original

Message-----

From: Lackey, Miles M. (LEGIS)

Sent: Sunday, February

13, 2000 2:54 PM

To: @NSA - Natl Security Advisor

Cc: @CHINAPNTR

- China PNTR; @ASIA - Asian Affairs; @INTECON - Economic Affairs;

@NESASIA - NE/South Asia; @INTERAM - Inter-American;

@TRANSNATIONAL

- Transnational Threats; @AFRICA - African Affairs; @RUSSIA -

Russia/Ukraine;

@NONPRO - Export Controls; @INTEL - Intelligence Programs; @DEFENSE

- Defense Policy; @SEE - Southeast European Affairs; @KOSOVO;

@EXECSEC

- Executive Secretary; @LEGAL - Legal Advisor; @LEGISLAT - Legislative

Affairs; @PRESS - Public Affairs; @SPEECH - NSC Speechwriters; @VP

- VP Natl Security Affairs

Subject: Legislative Look Ahead, Week

of February 14, 2000 [UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM
 AND MARA

Legislative Look Ahead
 Week of February 14, 2000

Coincidence?
 ... or Foreign Conspiracy?

* Miles and Mara have been called
 for jury duty on the same day (Monday). The summons says "Report

to Area 51." You may never hear from either of us again!

SRB
Action

* POTUS meetings with House Members on China/PNTR scheduled for Monday, Tuesday and Thursday. The Monday meeting is for bi-partisan supporters . . . the subsequent meetings will be with a mix of Democratic Members; we have been working with Chuck Brain and the Lane group on points and Q&As;

* SRB meeting with Dick Gephardt on Thursday at 11:45 for a general foreign policy discussion at our request. Topics should be MEPP, Colombia, Africa (i.e., his trip), and Russia. We also need to be prepared for the F-15 issue;

* SRB call to Porter Goss on Colombia. I sent you a final set of points on Friday which includes a section from Mary McCarthy on NSA;

* SRB makes follow-up call to Jim Jeffords on Tibetan human rights case (points with Mona);

* SRB call to Charlie Rangel about possible travel to North Korea (points will be coming shortly);

SRB Action Items
Not Yet Scheduled

* Biden. I have not called Biden's staff to discuss a repeat performance -- waiting for the right moment;

* Thomas/Feinstein on Taiwan/PNTR. I sent you a proposed list of invitees for a bipartisan meeting on Taiwan/PNTR with the Thomas/Feinstein group. Target would be the week of February 21;

* Warner. I have spoken with State and Defense about having a meeting at the WH with Warner for a discussion on Kosovo. We are still discussing who should be invited to join Warner. In any case, it can't be scheduled until next week because the Senate is out this week;

* Cohen NMD Meetings. DoD has proposed a list (mostly Republicans but also a handful of Democrats) to come to the Pentagon over the next month. The idea is to one meeting per week -- beginning when the Senate returns next week. Q: do you want to join any of these meetings?

* Colombia. I got the formal request from the House Democratic Caucus for you to come to a policy lunch on Colombia. I told them you would be happy to come, but that you are not available this week. Since the House is going on recess next week, we will be looking at a lunch meeting the week of February 28th;

The Week Ahead

The Senate is out this week -- the House is out next week -- how inconsiderate!

* Monday

* POTUS meeting with bi-partisan group of House Members on PNTR;

* Miles out on jury duty;

* Tuesday

* POTUS meeting with group of Democratic House Members on PNTR;

* The first hearing on our Colombia assistance package will take place Tuesday before the House Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources (Mica). This was not our preferred venue to kick off -- in large part because the key witnesses (Rand Beers, State; Brian Sheridan, DOD) will be in Colombia -- but lack of cooperation from Southcom, who insisted on sending Wilhelm -- and Mica's staff's threats of subpoenas -- made it difficult for other agencies to refuse. So ONDCP (McCaffrey), Southcom (Wilhelm), DEA (Ledwith), State (Romero), and DOD (Salazar) are expected to testify;

* Holbrooke testifies before HIRC on U.N. peacekeeping in Congo;

* Lackey, Samore and Weiss(?) will meet with Levin's staff to discuss amendments to Russia/Iran legislation;

* Wednesday

* Albright's hearing before the HIRC (rescheduled from last week).

- * Stanley Roth will testify before HIRC/Asia on Indonesia;
- * General Kadish will testify on ballistic missile defense program before two HASC Subcommittees;
- * The Vice Chiefs will testify in closed session on the military readiness budget before the HAC Defense Subcommittee;
- * Tenet and DIA will testify in closed session on worldwide threats before the HASC;
- * Ann Witkowsky and State, DOD and JCS will brief SASC staff on CFE;
- * Thursday
- * POTUS meeting with group of Democratic House Members on PNTR;
- * Hearing on Colombia before the HPSCI on Thursday -- not clear yet if it will be open or closed. Witnesses will include State (Beers), DOD, ONDCP, USAID, and possibly CIA;
- * General Clark will testify on EUCOM budget before HASC;
- * Wendy Sherman will testify on North Korea before the HIRC;

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	John N. Dowling to William F. Wechsler Re: My Plans (1 page)	05/19/1998	P6/b(6)
002. email	John N. Dowling to Keirn C. Brown Re: Our Plans (1 page)	05/19/1998	P6/b(6)
003. email	John N. Dowling to William F. Wechsler Re: My Plans (1 page)	05/19/1998	P6/b(6)
004a. email	Leslie K. Davidson to Richard J. Brody & Richard M. Saunders Re: Provenance (1 page)	01/24/2000	P1/b(1)
004b. email	Richard J. Brody to Richard M. Saunders & Leslie K. Davidson Re: Provenance (1 page)	01/24/2000	P1/b(1)
005a. email	Richard J. Brody to Leslie K. Davidson & Richard M. Saunders Re: Provenance (1 page)	01/24/2000	P1/b(1)
005b. email	Leslie K. Davidson to Richard J. Brody & Richard M. Saunders Re: Provenance (1 page)	01/24/2000	P1/b(1)
005c. email	Richard J. Brody to Richard M. Saunders & Leslie K. Davidson Re: Provenance (2 pages)	01/24/2000	P1/b(1)
006a. email	Miles M. Lackey to James E. Baker et al. Re: Document Request (1 page)	02/02/2000	P1/b(1)
006b. email	James E. Baker to Mary O. McCarthy et al. Re: Document Request (2 pages)	02/01/2000	P1/b(1)
007a. email	Mary O. McCarthy to Miles M. Lackey Re: Document Request (1 page)	02/01/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Non-Record; March 1997-January 2001 ([Area 51])
 OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007b. email	Miles M. Lackey to James E. Baker et al. Re: Document Request (1 page)	02/02/2000	P1/b(1)
007c. email	James E. Baker to Mary O. McCarthy et al. Re: Document Request (2 pages)	02/01/2000	P1/b(1)
008. email	Daniel R. K. Sanborn to Thomas S. Marsh Re: The Drugging (1 page)	04/24/2000	P6/b(6)
009a. email	Thomas S. Marsh to Daniel R. K. Sanborn Re: The Drugging (1 page)	04/24/2000	P6/b(6)
009b. email	Daniel R. K. Sanborn to Thomas S. Marsh Re: The Drugging (1 page)	04/24/2000	P6/b(6)
010. email	Nicole M. Grandrimo to Charles A. Green Re: It's Been a Good Run (1 page)	11/03/2000	P6/b(6)
011. email	Nicole M. Grandrimo to Charles A. Green Re: It's Been a Good Run (1 page)	11/03/2000	P6/b(6)

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Exchange Mail

DATE-TIME 9/15/97 5:54:44 PM
FROM Quinn, Mary E.
CLASSIFICATION UNCLASSIFIED
SUBJECT JO: Just a reminder that Jaime needs to bring copy of memo Area 51 -- thanks
[UNCLASSIFIED]
TO Hunerwadel, Joan S.

CARBON_COPY
TEXT_BODY

Exchange Mail

DATE-TIME 11/3/97 7:04:52 AM

FROM Crowley, Philip J.

CLASSIFICATION UNCLASSIFIED

SUBJECT McCurry Question on Area 51 [UNCLASSIFIED]

TO Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Sparks, John E.

CARBON_COPY Crowley, Philip J.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.

TEXT_BODY Jamie, just a reminder that we will need some talking points on the national security determination regarding Area 51. There is a Canadian journalist coming to McCurry's briefing this afternoon who plans to ask about it. I know the language required is pretty precise, so will appreciate your guidance.

PJ

Exchange Mail

DATE-TIME 11/3/97 12:03:25 PM
FROM Crowley, Philip J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Revised Groom Lake [UNCLASSIFIED]
TO Crowley, Philip J.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT

GudGL_.doc
GROOM LAKE
November 3, 1997

FOR USE IF ASKED

Question: Has the President Exempted "Area 51" from the Public Disclosure Requirements of the Resource Conservation and Recovery Act?

-- On September 26, the President renewed an existing exemption for the United States Air Force operating location near Groom Lake, Nevada, from any applicable requirement for the disclosure to unauthorized persons of classified information concerning the location. The exemption does not limit the applicability or enforcement of any requirement of law other than those that might require the disclosure of classified information.

-- The exemption relates to two lawsuits under the Resource Conservation and Recovery Act; beyond that I am not going to comment on a matter potentially involving classified information and that is the subject of litigation.

FYI BACKGROUND ONLY: This is the third such Presidential

exemption. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption. That ruling remains under appeal by both the plaintiffs and government, which argues among other things that a Presidential exemption under RCRA is not required in order to protection classified information.

Oral arguments are scheduled for November 5. Among other things, the Government will appeal the court's decision that a Presidential exemption is required to protect classified information. Plaintiffs will seek to over-turn the court's decisions to proceed with exhibits under seal and on attorney's fees in addition to challenging the lower court's dismissal of both cases. The 9th Circuit would likely rule six to twelve months later.

Exchange Mail

DATE-TIME 3/4/98 4:55:55 PM
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: OLNGL [UNCLASSIFIED]
TO Kerrick, Donald L.

CARBON_COPY

TEXT_BODY Air Force has called with some edits to the tasking memo. Have not connected yet. I would say to SRB: we will have the tasking memo for you to sign shortly and that all parties know that time spent drafting does not defer deadline for answering questions we all know are coming. Depending on comments, we could in fact have this to Sandy when he returns. The missing pieces remain discussion with DOE and DCI and alerting them that memo is coming, which I understand to be in your AOR.

-----Original Message-----

From: Kerrick,
Donald L.
Sent: Wednesday, March 04, 1998 3:32 PM
To: Baker, James
E.
Subject: 51 [UNCLASSIFIED]

Jamie;

On a list of items SRB
sent me he listed Area 51... Assume he wants an update on how we
are coming along.. What do you suggest I say to him?

Withdrawal/Redaction Marker

Clinton Library

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001. email	John N. Dowling to William F. Wechsler Re: My Plans (1 page)	05/19/1998	P6/b(6)

COLLECTION:

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NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

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RR. Document will be reviewed upon request.

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Clinton Library

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002. email	John N. Dowling to Keirm C. Brown Re: Our Plans (1 page)	05/19/1998	P6/b(6)

COLLECTION:

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Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

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Exchange Mail

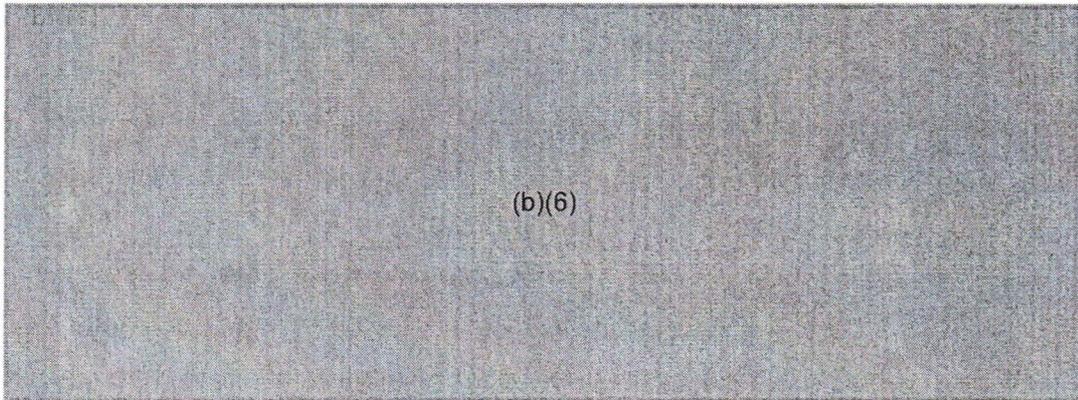
DATE-TIME 5/19/98 1:12:11 PM
FROM Wechsler, William F.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: My Plans for CEE Directorate [UNCLASSIFIED]
TO Dowling, John N. (Nick)

CARBON_COPY

TEXT_BODY too believable

-----Original Message-----

From: Dowling, John
N. (Nick)
Sent: Tuesday, May 19, 1998 1:11 PM
To: Wechsler, William
F.
Subject: My Plans for CEE Directorate [UNCLASSIFIED]



(b)(6)

[002]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	John N. Dowling to William F. Wechsler Re: My Plans (1 page)	05/19/1998	P6/b(6)

COLLECTION:

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OA/Box Number: 630000

FOLDER TITLE:

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Exchange Mail

DATE-TIME 10/6/98 8:48:32 PM
FROM Marsh, Thomas S
CLASSIFICATION UNCLASSIFIED
SUBJECT Just doesn't cut it [UNCLASSIFIED]
TO Sanborn, Daniel R. K.
Dean, Susan W.
Starks, Tali T.
Hasman, Thomas M.

CARBON_COPY**TEXT_BODY**

^Earthy explanation offered for mysterious Lake Havasu circles<

LAKE HAVASU CITY, Ariz. (AP) Green circles that have been cropping up in a grassy amphitheater in Rotary Community Park had early-morning walkers fluttering their fingers to simulate a descending spaceship.

With a secret military operation only a couple of hours' drive north Nellis Air Force Base's Area 51, many were wondering about the circles' origin.

One walker claimed he had seen an Air Force truck pull into the park, its driver snap some photographs, then leave. Others claimed to have heard mysterious noises after 10 p.m., the park's closing time.

But there's a very earthy answer, says Bart Wagner, parks division manager of the city's parks and recreation director.

Mushrooms.

``They're just like the fairy rings in Rip Van Winkle, which he entered and fell asleep for 20 years," said Larry Mick, Lake Havasu High School biology and physical sciences teacher.

Under the grass is the mycelium,
the mushroom, and like an
earthworm, it feeds on dead grass and
water and it releases
nutrients that create the green grass rings.
The mushrooms
themselves are the fruity manifestation of the hidden
underground
organism, Mick and Wagner explained.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. email	Leslie K. Davidson to Richard J. Brody & Richard M. Saunders Re: Provenance (1 page)	01/24/2000	P1/b(1)

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OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

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Withdrawal/Redaction Marker

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COLLECTION:

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FOLDER TITLE:

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- 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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005a. email	Richard J. Brody to Leslie K. Davidson & Richard M. Saunders Re: Provenance (1 page)	01/24/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

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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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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- 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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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005b. email	Leslie K. Davidson to Richard J. Brody & Richard M. Saunders Re: Provenance (1 page)	01/24/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005c. email	Richard J. Brody to Richard M. Saunders & Leslie K. Davidson Re: Provenance (2 pages)	01/24/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. email	Miles M. Lackey to James E. Baker et al. Re: Document Request (1 page)	02/02/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006b. email	James E. Baker to Mary O. McCarthy et al. Re: Document Request (2 pages)	02/01/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Non-Record; March 1997-January 2001 ([Area 51])
 OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007a. email	Mary O. McCarthy to Miles M. Lackey Re: Document Request (1 page)	02/01/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007b. email	Miles M. Lackey to James E. Baker et al. Re: Document Request (1 page)	02/02/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007c. email	James E. Baker to Mary O. McCarthy et al. Re: Document Request (2 pages)	02/01/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	Daniel R. K. Sanborn to Thomas S. Marsh Re: The Drugging (1 page)	04/24/2000	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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

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- P2 Relating to the appointment to Federal office [(a)(2) 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)]

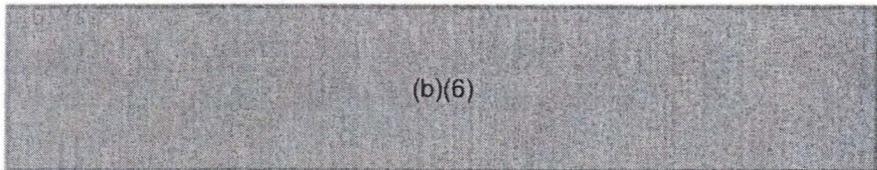
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Exchange Mail

DATE-TIME 04/24/2000 3:16:16 PM
 FROM Sanborn, Daniel R. K. (Records)
 CLASSIFICATION UNCLASSIFIED
 SUBJECT RE: The drugging has begun [UNCLASSIFIED]
 TO Marsh, Thomas S (RECORDS)

CARBON_COPY

TEXT_BODY



(b)(6)

[008]

-----Original Message-----

From: Marsh,
 Thomas S (RECORDS)
 Sent: Monday, April 24, 2000 15:13 PM
 To: Daniel
 Sanborn; David Goldberg; Tali Starks; Travis Good
 Subject: The drugging
 has begun [UNCLASSIFIED]

^Conspiracy theories rise over Elian photos

WASHINGTON (AP) Some point to a missing tooth. Others say it's the hair. Still others allege signs of government-induced drugging. In the hours since young Elian Gonzalez was taken from the home of his Miami relatives, conspiracy theories abound over photos of the child released after he arrived at a military base to be with his father. Attorneys for Elian's father, Juan Miguel Gonzalez, released pictures of the family Saturday after government officials brought the 6-year-old Cuban boy to Andrews Air Force Base, just outside of Washington. Critics have closely scrutinized the father's photo with one

captured during the raid just hours earlier by a free-lance photographer for The Associated Press.

In the AP photograph, Elian is being held by a friend as a government agent holds an automatic rifle.

In the pictures with his father, critics say Elian's hair is longer than in the AP photo and that he appears to no longer have a missing tooth.

Rep. Lincoln

Diaz-Balart, a Florida Republican who represents the Miami area,

said he saw signs that the government was "brainwashing" the child.

"I saw a little Band-Aid (in the Maryland pictures),"

Diaz-

Balart said Saturday evening on CNN's "Evans, Novak, Hunt and Shields."

"I think the drugging has already begun."

But Deputy Attorney General Eric Holder said on NBC's "Meet the Press," "I have no knowledge that he was given any kind of drugs."

Marisleysis Gonzalez, the 21-year-old cousin who says Elian thinks

of her as a surrogate mother, declared Sunday at a Washington news

conference "That is not Elian. Look how short the hair looks when

he was taken out of the house and look how long the hair is in the picture

that they show today."

Kendall Coffey, an attorney

for the Miami relatives, said

in an interview with ABC's "This

Week" that he had taken no position

on the allegations of doctored

photos but, "He seems to have a good

bit more hair. And unless

they were developing some hair product with

the boy on the flight

up to the north, then our community is very, very

suspicious."

Joan Brown Campbell of the National Council of Churches, a friend

of Juan Miguel Gonzalez who was present when father and son were reunited, criticized those alleging a conspiracy.

``He had

his arms around his father," she said on ABC's ``This Week."

``There was real affection there that cannot be manufactured."

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009a. email	Thomas S. Marsh to Daniel R. K. Sanborn Re: The Drugging (1 page)	04/24/2000	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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

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

RR. Document will be reviewed upon request.

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

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009b. email	Daniel R. K. Sanborn to Thomas S. Marsh Re: The Drugging (1 page)	04/24/2000	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

RESTRICTION CODES

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Exchange Mail

DATE-TIME 04/24/2000 3:20:22 PM
 FROM Marsh, Thomas S (RECORDS)
 CLASSIFICATION UNCLASSIFIED
 SUBJECT RE: The drugging has begun [UNCLASSIFIED]
 TO Sanborn, Daniel R. K. (Records)

CARBON_COPY
 TEXT_BODY

(b)(6)

[009a]

-----Original Message-----

From: Sanborn,
 Daniel R. K. (Records)
 Sent: Monday, April 24, 2000 3:16 PM
 To: Marsh,
 Thomas S (RECORDS)
 Subject: RE: The drugging has begun [UNCLASSIFIED]

(b)(6)

[009b]

-----Original Message-----

From: Marsh,
 Thomas S (RECORDS)
 Sent: Monday, April 24, 2000 15:13 PM
 To: Daniel
 Sanborn; David Goldberg; Tali Starks; Travis Good
 Subject: The drugging
 has begun [UNCLASSIFIED]

^Conspiracy theories rise over Elian
 photos

WASHINGTON (AP) Some point to a missing tooth. Others
 say
 it's the hair. Still others allege signs of government-induced
 drugging.
 In the hours since young Elian Gonzalez was taken from

the home of his
Miami relatives, conspiracy theories abound over
photos of the child
released after he arrived at a military base
to be with his father.

Attorneys for Elian's father, Juan Miguel
Gonzalez, released
pictures of the family Saturday after government
officials brought the

6-year-old Cuban boy to Andrews Air Force
Base, just outside of Washington.

Critics have closely scrutinized
the father's photo with one
captured during the raid just hours
earlier by a free-lance photographer
for The Associated Press.

In the AP photograph, Elian is being held
by a friend as a government
agent holds an automatic rifle.

In the pictures with his father,
critics say Elian's hair
is longer than in the AP photo and that
he appears to no longer have
a missing tooth.

Rep. Lincoln

Diaz-Balart, a Florida Republican who represents
the Miami area,

said he saw signs that the government was "brainwashing"
the
child.

"I saw a little Band-Aid (in the Maryland pictures),"

Diaz-

Balart said Saturday evening on CNN's "Evans, Novak, Hunt
and Shields."

"I think the drugging has already begun."

But Deputy Attorney General Eric Holder said on NBC's "Meet
the
Press," "I have no knowledge that he was given any kind of drugs."

Marisleysis Gonzalez, the 21-year-old cousin who says Elian
thinks
of her as a surrogate mother, declared Sunday at a Washington
news
conference "That is not Elian. Look how short the hair looks when

he was taken out of the house and look how long the hair is in
the picture
that they show today."

Kendall Coffey, an attorney

for the Miami relatives, said in an interview with ABC's "This Week" that he had taken no position on the allegations of doctored photos but, "He seems to have a good bit more hair. And unless they were developing some hair product with the boy on the flight up to the north, then our community is very, very suspicious."

Joan Brown Campbell of the National Council of Churches, a friend of Juan Miguel Gonzalez who was present when father and son were

reunited, criticized those alleging a conspiracy.

"He had his arms around his father," she said on ABC's "This Week."

"There was real affection there that cannot be manufactured."

UNCLASSIFIED - FOUO

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Baltimore Sun
August 8, 2000

UFO Theorists Mining NSA Site For X-Files

Spy agency flooded with requests after reports go on Web

By Laura Sullivan, Sun Staff

Two years ago, the National Security Agency began posting previously classified documents on its Web site to deflect the growing number of requests each year for information about flying saucers and space aliens. But the plan backfired.

Rather than relieving suspicions that the agency is hiding information about unidentified flying objects, the result has been more people than ever demanding to see UFO documents. A record 36,000 people perused the UFO page last month.

What has piqued UFO believers' interest is not so much what the documents on the Web site say - often little or nothing between the blacked-out censored sections - but their extraordinary volume: thousands of pages of unofficial reports and antiquated radio interceptions from abroad.

Among the postings from the files of nation's most-secret spy agency is a National Enquirer article with the headline, "Take UFOs Seriously or Be Prepared for Sneak Invasion By Space Aliens."

All of this is fueling speculation among believers who wonder why, for something that doesn't exist, the agency has collected a ton of records.

The NSA staff, burdened with hundreds of written requests under the Freedom of Information Act, is unamused. Staff members say the time required for the UFO requests slows down the response time for all requests.

The agency hasn't kept exact numbers about UFO requests. But Pamela Phillips, chief of FOIA/Privacy Act Services, said the increase in letters asking about UFOs has been "significant," forcing the office to hire several additional staff members.

Phillips said the "conspiracies" that believers are deriving from the postings can be easily explained.

"These documents contain the term UFO, but they are not necessarily about aliens," she said. "They just contain the term which describes an object that was flying that was unidentified" at the time.

As for the Enquirer article - which one UFO enthusiast says proves that the weekly tabloid known for its alien abduction stories has been right all along - Phillips says it's more likely that it was clipped for amusement and found on someone's desk after they retired.

Much of the latest increase in requests is a result of better technology. In the past, people interested in viewing the agency's files would have to find its address and know whom to write to, then type and mail

a letter. Now, people can use the agency's online request form to ask for documents, made even easier with a ready-made letter template. Visitors can send in multiple requests in seconds.

The agency hasn't added to the UFO page since its first posting two years ago, but it plans to soon, Phillips said, especially for the most commonly requested items.

Agency officials said most of the UFO requests they receive ask for information about specific words pulled from the online documents. Enthusiasts believe the agency categorizes documents under keywords - and they just haven't hit on the right word yet.

In pre-Internet times, most requests for documents with a keyword would center on popular tales such as "Area 51," "Roswell," or "Philadelphia Experiment." Today, the keywords are more numerous, prompting agency officials to compile lists of common ones - such as "snowbird" and "sigma" - and the results of those searches, so they don't duplicate their efforts.

Even with lists and a stack of frequently requested documents close by, agency officials say it's hard to keep up with requests that are similar but change by a single word. Every request, no matter how similar to a previous one must be queried again and given the same attention.

Believers say what the documents don't say is most interesting.

"The fact that they're releasing this stuff and it's so blacked out, the theories just flurry," said John Greenwald, who has collected UFO documents from NSA and other agencies for more than five years and posts them on his Web site, "The Black Vault."

"Maybe it has nothing to do with aliens, that's a possibility," said Greenwald, of California. "But I've never found so many documents this blacked out before, and that adds to the fascination."

To Greenwald and other enthusiasts, it comes as no surprise that so many people are perusing the security agency's UFO documents. One batch of papers deals with an alleged "spotting" in Iran in the 1970s, which has captured the imaginations of many believers.

The NSA apparently intercepted radio communications of an Iranian pilot who said he had temporarily lost control of his airplane when he encountered something in the air that he couldn't identify.

The documents on the Web - at <http://nsa.gov/docs/efoia/released/ufo.html> - shed no additional light on this situation, which only adds to viewers' curiosity.

"More people than ever are interested in this stuff," said Peter Gersten, an Arizona-based attorney and director of Citizens Against UFO Secrecy. "Each year you get more and more people, especially young people. With 'X-Files' and 'Star Wars,' it's exotic. It's entertaining. It's the greatest mystery of all time."

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. email	Nicole M. Grandrimo to Charles A. Green Re: It's Been a Good Run (1 page)	11/03/2000	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record; March 1997-January 2001 ([Area 51])
OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

2006-0527-F
ds204

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]

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OA/Box Number: 630000

FOLDER TITLE:

[9/15/97-11/3/00]

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

Exchange Mail

DATE-TIME 11/03/2000 10:24:57 AM
FROM Green, Charles A. (TNT)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: It's been a good run [UNCLASSIFIED]
TO Grandrimo, Nicole M. (TNT/INTERN)

CARBON_COPY

TEXT_BODY No problem!

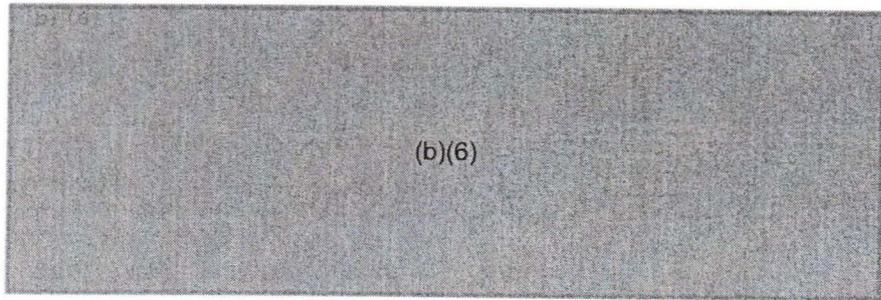
-----Original Message-----

From: Grandrimo, Nicole
M. (TNT/INTERN)

Sent: Friday, November 03, 2000 9:51 AM

To: Green,
Charles A. (TNT)

Subject: It's been a good run [UNCLASSIFIED]



[011]

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 605				
Document ID: 9507055				
Stack: V	Row: 44	Section: 6	Shelf: 1	Position: 3

~~TOP SECRET~~
NSC/RMO PROFILE

RECORD ID: 9507055
RECEIVED: 25 SEP 95 10

TO: BROWNER, C
WIDNALL, S

DECLASSIFIED
E.O. 12958, As Amended,
White House Guidelines, August 28, 1997.
By DMS NARA, Date 5/11/07

FROM: PRESIDENT

DOC DATE: 29 SEP 95
SOURCE REF: PD95-45

KEYWORDS: LEGAL ISSUES
ENVIRONMENT

PD

PERSONS:

SUBJECT: PD 95 45 CONCERNING AIR FORCE OPERATIONS AT GROOM LAKE

ACTION: PRES SGD PD 95-45

DUE DATE: 28 SEP 95 STATUS: C

STAFF OFFICER: KRECZKO

LOGREF:

FILES: PA

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO
KRECZKO
NSC CHRON



COMMENTS: _____

DISPATCHED BY [Signature] DATE 9/29 BY HAND W/ATTCH

OPENED BY: NSASK CLOSED BY: NSJWF DOC 3 OF 3

~~TOP SECRET~~

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 LAKE
002 PRESIDENT
003

Z 95092618 FWD TO PRESIDENT FOR DECISION
Z 95092715 FOR SIGNATURE
X 95092916 PRES SGD PD 95-45

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

002 950927
002 950927
003 950929 BROWNER, C
003 950929 WIDNALL, S

VICE PRESIDENT
WH CHIEF OF STAFF
DUSAULT, P
SAUNDERS, T

~~TOP SECRET~~

UNCLASSIFIED with
~~TOP SECRET/CODEWORD~~
Attachment

DECLASSIFIED 7055
E.O. 12958, As Amended,
White House Guidelines, August 28, 1997
By DMNARA, Date 5/11/07

THE WHITE HOUSE
WASHINGTON

September 27, 1995

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE

SUBJECT: RCRA Exemption for the Operating Location at Groom Lake

Purpose

To exempt the Air Force from public disclosure requirements concerning the inspection and inventory of hazardous waste at the "operating location near Groom Lake, Nevada."

Background

Lawsuits have been brought against EPA, the Air Force and other government officials for failure to enforce the requirements of the Resource Conservation and Recovery Act (RCRA) at a classified AF operating location near Groom Dry Lake Bed, Nevada (the operating location). Plaintiffs allege EPA failed to (1) conduct a RCRA inspection; (2) compile an inventory of wastes and (3) publicly disclose the inspection and inventory.

Subsequent to this suit, the EPA, in agreement with the Air Force, conducted a RCRA inspection and compiled a RCRA inventory. The Air Force has committed to conducting its activities at the operating location in accordance with RCRA requirements. EPA agrees that annual RCRA inspections will be conducted at the operating location. On this basis, the district court has granted summary judgment for the Government regarding plaintiffs' inspection and inventory claims.

The only remaining issue is RCRA's requirement of public disclosure of the inspection and inventory. The Secretary of the Air Force presented a classified affidavit to the Court explaining that public disclosure would compromise sensitive national security information. She explained that the presence of certain chemicals or chemical compounds could reveal military operational capabilities or the nature and scope of classified operations and could provide critical information on the makeup

UNCLASSIFIED with
~~TOP SECRET/CODEWORD~~
Attachment

CC: Vice President
Chief of Staff

~~TOP SECRET~~

PHOTOCOPY

WJC HANDWRITING

~~TOP SECRET~~

2

DECLASSIFIED
E.O. 12958, As Amended,
White House Guidelines, August 28, 1997
By DMS NARA, Date 5/11/97

UNCLASSIFIED with
~~TOP SECRET/CODEWORD~~
Attachment

and vulnerability of materials analyzed. The court agreed the information was appropriately classified but found that it could only be protected from disclosure if you invoked authority under RCRA to exempt the location from RCRA's disclosure requirements.

The Justice Department and Air Force believe the RCRA statute should be read to include an implicit exception for classified information, and they are appealing the judge's decision on that basis. However, given the uncertainties of an appeal and the sensitivity of the information at stake, Deputy Secretary of Defense White and the Secretary of the Air Force have recommended that you provide a statutory exemption to the operating location. EPA Administrator Browner has concurred on the basis of the Air Force's determination that the information must remain classified.

The proposed exemption is worded narrowly, to exempt the location only from disclosure requirements and not from applicable environmental standards. It needs to be filed with the court by October 2.

I concur in the recommendation, as do Ab Mikva and Katie McGinty. The classified declaration of Air Force Secretary Widnall at Tab C elaborates on the need to keep the information concerning the operating location at Groom Lake classified.

RECOMMENDATION

That you sign the exemption at Tab A.

Attachments

- Tab A Draft Presidential Determination
- Tab B Unclassified Declaration of Secretary Widnall to the Court
- Tab C Classified Declaration of Secretary Widnall
- Tab D Incoming Recommendation from Deputy Secretary White

UNCLASSIFIED with
~~TOP SECRET/CODEWORD~~
Attachment

~~TOP SECRET~~

OSD RECEIPT FOR CLASSIFIED MATERIAL				
TO: (Title of Office or Organization)			Number	
Secretary of the Air Force			K 169418	
FROM: (Office and Telephone)		Classification	Date of Transfer	
Description of Material being Transferred (Do Not Enter Classified Info)				
DD. 95-45				
(Copy Info (For Copy Numbered Items, Use Inclusive Copy Nos. With # Sign))				
No. of Originals	No. of Carbons	No. of Repro Cys	No. of Encls	No. Cys of each Encl
1	0	0	0	0
Date Received	Typed Or Printed Name and Signature of Recipient			
9/29/95	ROBERTSON [Signature]			

SD Form 120, JUL 85

Custodian Copy, to be retained by Originator / Custodian

Original
for
USAF

THE WHITE HOUSE
WASHINGTON

September 29, 1995

Presidential Determination
No. 95-45

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified
Information Concerning the Air Force's Operating
Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. § 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this Determination in the Federal Register.

William J. Clinton

copy for
EPA

THE WHITE HOUSE
WASHINGTON

September 29, 1995

Presidential Determination
No. 95-45

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
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The Secretary of the Air Force is authorized and directed to publish this Determination in the Federal Register.

William J. Clinton

**SECAF
UNCLASSIFIED
DECLARATION**

DR. WIDNALL

21 FEB 1995

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

John Doe I, John Doe II, John Doe III,
John Doe IV, John Doe V, and John Doe VI,

Plaintiffs,

v.

Carol M. Browner, Administrator,
Environmental Protection Agency,

Defendant.

Civil: CV-S- 94-795-PMP

Handwritten:
Widnall
519

and

Helen Frost, John Doe I, John Doe II, John Doe III,
John Doe IV, John Doe V, and John Doe VI,

Plaintiffs,

v.

William Perry, Secretary of Defense,
Anthony Lake, National Security Adviser, and
Sheila Widnall, Secretary of the Air Force,

Defendants.

Civil: CV-S-94-714-PMP

UNCLASSIFIED DECLARATION AND CLAIM OF MILITARY AND STATE

SECRETS PRIVILEGE OF SHEILA E. WIDNALL, SECRETARY OF THE AIR FORCE

I, SHEILA E. WIDNALL, HEREBY DECLARE THE FOLLOWING TO BE TRUE AND CORRECT:

1. Official Duties: I am the Secretary of the United States Air Force and the head of the Department of the Air Force. In that capacity, I exercise the statutory functions specified in section 8013 of Title 10, U.S. Code. I am responsible for the formulation of Air Force policies and programs that are fully consistent with the national security directives of the President and the Secretary of Defense, including those that protect national security information relating to the defense and foreign relations of the United States. As the Secretary of the Air Force, I exercise authority over the operating location near Groom Lake, Nevada, and the information associated with that operating location. As the head of an agency with control over the information associated with the operating location near Groom Lake, I am the proper person to assert the military and state secrets privilege with regard to that information. Under Executive Order 12356, I exercise original TOP SECRET classification authority, which permits me to determine the proper classification of national security information on behalf of the United States. Executive Order No. 12356, Sec. 1.2, 47 Fed. Reg. 20,105 (1982), reprinted in 50 U.S. Code Section 401 (1991); Presidential Order of May 7, 1982, Officials Designated to Classify National Security Information, reprinted in 50 U.S. Code Section 401 (1991).

2. Purpose: This Declaration is made for the purpose of advising the court of the national security interests in and the security classification of information that may be relevant to the above captioned lawsuits. The statements made herein are based on (a) my personal consideration of the matter; (b) my personal knowledge; and (c) my evaluation of information made available to me in my official capacity. I have concluded that release of certain information relevant to these lawsuits would necessitate disclosure of properly classified information about the Air Force

operating location near Groom Lake, Nevada. I am satisfied that the information described in the classified Declaration is properly classified. I have further determined that the information described in the classified Declaration, if released to the public, could reasonably be expected to cause exceptionally grave damage to the national security. It is not possible to discuss publicly the majority of information at issue without risking the very harm to the national security that protection of the information is intended to prevent.

3. Security Classification: Under Information Security Oversight Office guidance, “[c]ertain information that would otherwise be unclassified may require classification when combined or associated with other unclassified information.” (32 CFR 2001.3(a)) Protection through classification is required if the combination of unclassified items of information provides an added factor that warrants protection of the information taken as a whole. This theory of classification is commonly known as the mosaic or compilation theory. The mosaic theory of classification applies to some of the information associated with the operating location near Groom Lake. Although the operating location near Groom Lake has no official name, it is sometimes referred to by the name or names of programs that have been conducted there. The names of some programs are classified; all program names are classified when they are associated with the specific location or with other classified programs. Consequently, the release of any such names would disclose classified information.

4. National Security Information: As the head of the agency responsible for information regarding the operating location near Groom Lake, I have determined that information that concerns this operating location and that falls into any of the following categories, is validly classified:

- a. Program(s) name(s)
- b. Mission(s);
- c. Capabilities;
- d. Military plans, weapons, or operations;
- e. Intelligence sources and methods;
- f. Scientific or technological matters;
- g. Certain physical characteristics;
- h. Budget, finance, and contracting relationships;
- i. Personnel matters; and,

j. Security sensitive environmental data. The following are examples of why certain environmental data is sensitive to the national security. Collection of information regarding the air, water, and soil is a classic foreign intelligence practice, because analysis of these samples can result in the identification of military operations and capabilities. The presence of certain chemicals or chemical compounds, either alone or in conjunction with other chemicals and compounds, can reveal military operational capabilities or the nature and scope of classified operations. Similarly, the absence of certain chemicals or chemical compounds can be used to rule out operations and capabilities. Revealing the composition of the chemical waste stream provides the same kind of exploitable information as does publishing a list of the chemicals used and consumed. Analysis of waste material can provide critical information on the makeup as well as the vulnerabilities of the material analyzed. Disclosure of such information increases the risk to the lives of United States personnel and decreases the probability of successful mission accomplishment.

5. Role of State and Federal Environmental Agencies: Since 1990, appropriately cleared representatives of Nevada's Department of Conservation and Natural Resources have been

authorized access to the operating location near Groom Lake. The state representative's role is and has been to monitor and enforce compliance with environmental laws and regulations and to advise on remedial efforts, if required. Appropriately cleared officers of the U.S. Environmental Protection Agency were recently granted access to the operating location near Groom Lake for inspection and enforcement of environmental laws. Federal inspectors from the Environmental Protection Agency commenced an inspection pursuant to the Solid Waste Disposal Act, commonly referred to as a "RCRA inspection," at the operating location near Groom Lake, Nevada on December 6, 1994. The Air Force has taken these steps to ensure full compliance with all applicable environmental laws. At the same time that the operating location near Groom Lake is being inspected for environmental compliance, it is essential to the national security that steps also be taken to prevent the disclosure of classified information.

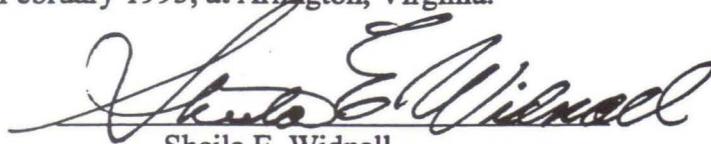
6. Invoking Military and State Secrets Privilege: It is my judgment, after personal consideration of the matter, that the national security information described in this Declaration and in the classified Declaration, concerning activities at the U.S. Air Force operating location near Groom Lake, Nevada, constitutes military and state secrets. As a result, disclosure of this information in documentary or testimonial evidence must be barred in the interests of national security of the United States. Pursuant to the authority vested in me as Secretary of the Air Force, I hereby invoke a formal claim of military and state secrets privilege with respect to the disclosure of the national security information listed in paragraph four of this Declaration and more fully discussed in the classified Declaration, whether through documentary or testimonial evidence.

7. Environmental Compliance: Although I have found it necessary to invoke the military and state secrets privilege, I believe it important to comment on the Air Force's commitment to full compliance with the environmental laws of the United States. Our goal is to be the best possible

environmental steward of the lands comprising the Nellis Range. To meet that goal we are cooperating and will continue to cooperate with both federal and state environmental agencies.

8. Under penalty of perjury, and pursuant to section 1746 of Title 28, U.S. Code, I certify and declare that the foregoing statements are true and correct.

Executed this 21 day of February 1995, at Arlington, Virginia.

A handwritten signature in cursive script, reading "Sheila E. Widnall", written over a horizontal line.

Sheila E. Widnall
Secretary of the Air Force

MEMORANDUM FOR THE SECRETARY OF THE AIR FORCE AND
THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY

SUBJECT: Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. § 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that, in the absence of such a Presidential exemption, RCRA or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.



SECRETARY OF THE AIR FORCE
WASHINGTON

SEP 25 1995

MEMORANDUM FOR THE DEPUTY SECRETARY OF DEFENSE

SUBJECT: Request to Seek Presidential Exemption for Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

I recommend and request that you seek from the President an exemption from disclosure of classified information concerning an Air Force operating location near Groom Lake in the Nellis Range Complex in Nevada. This request is necessitated by a judicial decision in a lawsuit against the Environmental Protection Agency, Kasza v. Browner, No. CV-S-94-795-PMP. Administrator Browner concurs in this request, as does the Department of Justice Environment and Natural Resources Division, which is defending EPA in the lawsuit.

The Kasza case is one of two citizen environmental suits pending in federal district court in Nevada concerning the operating location near Groom Lake. The activities undertaken at the operating location are crucial to national security. The nature of the activities requires that virtually all information about the location be classified. Indeed, until recently the Air Force had never publicly acknowledged that it had an operating location there; as of today, that is virtually the only information about the location we have made public. To protect national security in the pending litigation, I have made a formal claim of the military and state secrets privilege. My unclassified declaration invoking the privilege is attached. My classified declaration, which provides detailed information about the operating location and its national security significance, can be made available to you on request and is available to the President through NSC staff.

Plaintiffs in the Kasza case sought to compel EPA to inspect the operating location and to obtain from the Air Force (or prepare itself) an inventory concerning the operating location and then to make public the report of inspection and the inventory under the Resource Conservation and Recovery Act (RCRA). In the second related suit against the Department of Defense, the Air Force, and the National Security Advisor, plaintiffs have alleged that the Air Force violated RCRA at the operating location, and they seek declaratory and injunctive relief and civil monetary penalties. Although it is not the subject of either lawsuit or related to this request for a Presidential exemption, plaintiffs' counsel has also claimed (a) his clients have knowledge of criminal violations at the operating location and (b) his clients suffered personal injury due to environmental violations. EPA and the Justice Department are investigating the claims of criminal conduct.

Earlier this year, the government moved to dismiss the Kasza case as moot because EPA had conducted the inspection and the Air Force had delivered the inventory to EPA. The report of the inspection and the inventory are classified. The government has also sought dismissal of the second suit based on the military and state secrets privilege; under a well-established line of precedent, where as here the suit cannot be prosecuted or defended without disclosing classified information that would cause serious harm to national security, it must be dismissed.

On August 30, the court decided the Kasza motion, dismissing plaintiffs' inspection and inventory claims as moot. After reviewing the inspection report and inventory, the court concluded that EPA, with the Air Force's full cooperation, "has conducted a thorough inspection of the operating location near Groom Lake . . . in full compliance with the requirements of RCRA" and that "the Air Force is adequately providing information to EPA . . . in compliance with RCRA." The court also found that the inspection report and inventory are properly classified and fall within the scope of the military and state secrets privilege I invoked. Nevertheless, the court held that the documents are subject to public disclosure under RCRA section 3007(b), 42 U.S.C. § 6927(b). The judge recognized that disclosure would conflict with 18 U.S.C. § 793, which makes it a felony to disclose national security information to unauthorized people, and with E.O. 12356, which provides for the classification of information and restricts access to classified information. He concluded, however, that the only alternatives were (1) declassify and disclose the documents or (2) obtain a Presidential exemption from disclosure, pursuant to section 6001(a) of RCRA, 42 U.S.C. § 6961(a), which authorizes the President to exempt federal facilities from compliance with certain obligations if he determines that it is "in the paramount interest of the United States" to do so. An exemption under section 6001(a) can last for one year, subject to renewal. The court gave EPA until October 2, 1995, to report which course it would pursue.

I am advised that the court's order is legally tenuous from several perspectives. First, there are grounds for believing that the court interpreted the statute incorrectly. Second, the order, which appears to require either that the Air Force declassify a document or that the President exercise his discretion to grant an exemption, raises separation of powers concerns. Third, there is a question whether the exemption provision, which on its face concerns the obligations of federal waste management facilities, may properly be invoked to relieve EPA of any of its statutory obligations. Moreover, if extended to other comparable statutory requirements and to other classified activities, the opinion is of concern.

If the Kasza case were standing alone, review of the court's order through reconsideration and the appellate process would be the likely strategy. However, delay attendant to judicial review poses risks to national security because of the second suit against the Air Force. The court will not dismiss the case against the Air Force as long as there is an open question whether the inspection report and inventory will be made public. Because the pendency of the case against the Air Force and attendant leaks by plaintiffs have created significant national security risks, it is important that we pursue the most protective course. We believe that course is obtaining Presidential affirmation of the protected status of these documents while at the same time seeking legal review of the order. The Department of Justice, which is defending both cases, and EPA agree with this recommendation.

The decision memorandum we propose to have the President sign exempts the Air Force's operating location near Groom Lake from any provision of hazardous waste law that might require disclosure of classified information concerning the operating location. The memorandum makes clear that other environmental obligations are not diminished. It also reserves the question whether the court was correct in ruling that an exemption is actually needed, which will be the subject of further litigation. We ask that it be returned in time for EPA to be able to report to the court that it has been granted by the October 2 deadline.

We believe that the action requested here is consistent with protecting the environment and national security. The Air Force is fully committed to complying with the environmental laws and being a good steward of the land entrusted to its care, including classified locations. The Air Force also is, and must be, committed to protecting national security and, necessarily, sensitive classified information. We do not believe these goals are mutually exclusive. We are working in cooperation with the EPA to ensure that both goals are fulfilled.

A handwritten signature in cursive script, appearing to read "Santa E. Widner".

1 Attachment
a/s

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

John Doe I, John Doe II, John Doe III,
John Doe IV, John Doe V, and John Doe VI.

Plaintiffs.

v.

Civil: CV-S-94-795-PMP

Carol M. Browner, Administrator,
Environmental Protection Agency.

Defendant.

and

Helen Frost, John Doe I, John Doe II, John Doe III,
John Doe IV, John Doe V, and John Doe VI.

Plaintiffs.

v.

Civil: CV-S-94-714-PMP

William Perry, Secretary of Defense,
Anthony Lake, National Security Adviser, and
Sheila Widnall, Secretary of the Air Force.

Defendants.

UNCLASSIFIED DECLARATION AND CLAIM OF MILITARY AND STATE

SECRETS PRIVILEGE OF SHEILA E. WIDNALL, SECRETARY OF THE AIR FORCE

I, SHEILA E. WIDNALL, HEREBY DECLARE THE FOLLOWING TO BE TRUE AND CORRECT:

1. Official Duties: I am the Secretary of the United States Air Force and the head of the Department of the Air Force. In that capacity, I exercise the statutory functions specified in section 8013 of Title 10, U.S. Code. I am responsible for the formulation of Air Force policies and programs that are fully consistent with the national security directives of the President and the Secretary of Defense, including those that protect national security information relating to the defense and foreign relations of the United States. As the Secretary of the Air Force, I exercise authority over the operating location near Groom Lake, Nevada, and the information associated with that operating location. As the head of an agency with control over the information associated with the operating location near Groom Lake, I am the proper person to assert the military and state secrets privilege with regard to that information. Under Executive Order 12356, I exercise original TOP SECRET classification authority, which permits me to determine the proper classification of national security information on behalf of the United States. Executive Order No. 12356, Sec. 1.2, 47 Fed. Reg. 20,105 (1982), reprinted in 50 U.S. Code Section 401 (1991), Presidential Order of May 7, 1982, Officials Designated to Classify National Security Information, reprinted in 50 U.S. Code Section 401 (1991).

2. Purpose: This Declaration is made for the purpose of advising the court of the national security interests in and the security classification of information that may be relevant to the above captioned lawsuits. The statements made herein are based on (a) my personal consideration of the matter, (b) my personal knowledge; and (c) my evaluation of information made available to me in my official capacity. I have concluded that release of certain information relevant to these lawsuits would necessitate disclosure of properly classified information about the Air Force

operating location near Groom Lake, Nevada. I am satisfied that the information described in the classified Declaration is properly classified. I have further determined that the information described in the classified Declaration, if released to the public, could reasonably be expected to cause exceptionally grave damage to the national security. It is not possible to discuss publicly the majority of information at issue without risking the very harm to the national security that protection of the information is intended to prevent.

3. Security Classification: Under Information Security Oversight Office guidance, "[c]ertain information that would otherwise be unclassified may require classification when combined or associated with other unclassified information." (52 CFR 2001.3(a)) Protection through classification is required if the combination of unclassified items of information provides an added factor that warrants protection of the information taken as a whole. This theory of classification is commonly known as the mosaic or compilation theory. The mosaic theory of classification applies to some of the information associated with the operating location near Groom Lake. Although the operating location near Groom Lake has no official name, it is sometimes referred to by the name or names of programs that have been conducted there. The names of some programs are classified; all program names are classified when they are associated with the specific location or with other classified programs. Consequently, the release of any such names would disclose classified information.

4. National Security Information: As the head of the agency responsible for information regarding the operating location near Groom Lake, I have determined that information that concerns this operating location and that falls into any of the following categories, is validly classified:

- a. Program(s) name(s)
- b. Mission(s);
- c. Capabilities;
- d. Military plans, weapons, or operations;
- e. Intelligence sources and methods;
- f. Scientific or technological matters;
- g. Certain physical characteristics;
- h. Budget, finance, and contracting relationships;
- i. Personnel matters; and

j. Security sensitive environmental data. The following are examples of why certain environmental data is sensitive to the national security. Collection of information regarding the air, water, and soil is a classic foreign intelligence practice, because analysis of these samples can result in the identification of military operations and capabilities. The presence of certain chemicals or chemical compounds, either alone or in conjunction with other chemicals and compounds, can reveal military operational capabilities or the nature and scope of classified operations. Similarly, the absence of certain chemicals or chemical compounds can be used to rule out operations and capabilities. Revealing the composition of the chemical waste stream provides the same kind of exploitable information as does publishing a list of the chemicals used and consumed. Analysis of waste material can provide critical information on the makeup as well as the vulnerabilities of the material analyzed. Disclosure of such information increases the risk to the lives of United States personnel and decreases the probability of successful mission accomplishment.

5. Role of State and Federal Environmental Agencies: Since 1990, appropriately cleared representatives of Nevada's Department of Conservation and Natural Resources have been

authorized access to the operating location near Groom Lake. The state representative's role is and has been to monitor and enforce compliance with environmental laws and regulations and to advise on remedial efforts, if required. Appropriately cleared officers of the U.S. Environmental Protection Agency were recently granted access to the operating location near Groom Lake for inspection and enforcement of environmental laws. Federal inspectors from the Environmental Protection Agency commenced an inspection pursuant to the Solid Waste Disposal Act, commonly referred to as a "RCRA inspection," at the operating location near Groom Lake, Nevada on December 6, 1994. The Air Force has taken these steps to ensure full compliance with all applicable environmental laws. At the same time that the operating location near Groom Lake is being inspected for environmental compliance, it is essential to the national security that steps also be taken to prevent the disclosure of classified information.

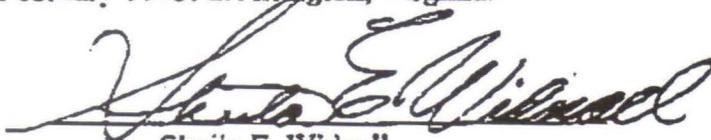
6. Invoking Military and State Secrets Privilege: It is my judgment, after personal consideration of the matter, that the national security information described in this Declaration and in the classified Declaration, concerning activities at the U.S. Air Force operating location near Groom Lake, Nevada, constitutes military and state secrets. As a result, disclosure of this information in documentary or testimonial evidence must be barred in the interests of national security of the United States. Pursuant to the authority vested in me as Secretary of the Air Force, I hereby invoke a formal claim of military and state secrets privilege with respect to the disclosure of the national security information listed in paragraph four of this Declaration and more fully discussed in the classified Declaration, whether through documentary or testimonial evidence.

7. Environmental Compliance: Although I have found it necessary to invoke the military and state secrets privilege, I believe it important to comment on the Air Force's commitment to full compliance with the environmental laws of the United States. Our goal is to be the best possible

environmental steward of the lands comprising the Nellis Range. To meet that goal we are cooperating and will continue to cooperate with both federal and state environmental agencies.

8. Under penalty of perjury, and pursuant to section 1746 of Title 28, U.S. Code, I certify and declare that the foregoing statements are true and correct.

Executed this 21 day of February, 1995, at Arlington, Virginia.



Sheila E. Widnall
Secretary of the Air Force

I, SHEILA E. WIDNALL, HEREBY DECLARE THE FOLLOWING TO BE TRUE AND CORRECT:

1. Official Duties: I am the Secretary of the United States Air Force and the head of the Department of the Air Force. In that capacity, I exercise the statutory functions specified in section 8013 of Title 10, U.S. Code. I am responsible for the formulation of Air Force policies and programs that are fully consistent with the national security directives of the President and the Secretary of Defense, including those that protect national security information relating to the defense and foreign relations of the United States. As the Secretary of the Air Force, I exercise authority over the operating location near Groom Lake, Nevada, and the information associated with that operating location. As the head of an agency with control over the information associated with the operating location near Groom Lake, I am the proper person to assert the military and state secrets privilege with regard to that information. Under Executive Order 12356, I exercise original TOP SECRET classification authority, which permits me to determine the proper classification of national security information on behalf of the United States. Executive Order No. 12356, Sec. 1.2, 47 Fed. Reg. 20,105 (1982), reprinted in 50 U.S. Code Section 401 (1991); Presidential Order of May 7, 1982, Officials Designated to Classify National Security Information, reprinted in 50 U.S. Code Section 401 (1991).

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- b. Mission(s);
- c. Capabilities;
- d. Military plans, weapons, or operations;
- e. Intelligence sources and methods;
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- g. Certain physical characteristics;
- h. Budget, finance, and contracting relationships;
- i. Personnel matters; and,

j. Security sensitive environmental data. The following are examples of why certain environmental data is sensitive to the national security. Collection of information regarding the air, water, and soil is a classic foreign intelligence practice, because analysis of these samples can result in the identification of military operations and capabilities. The presence of certain chemicals or chemical compounds, either alone or in conjunction with other chemicals and compounds, can reveal military operational capabilities or the nature and scope of classified operations. Similarly, the absence of certain chemicals or chemical compounds can be used to rule out operations and capabilities. Revealing the composition of the chemical waste stream provides the same kind of exploitable information as does publishing a list of the chemicals used and consumed. Analysis of waste material can provide critical information on the makeup as well as the vulnerabilities of the material analyzed. Disclosure of such information increases the risk to the lives of United States personnel and decreases the probability of successful mission accomplishment.

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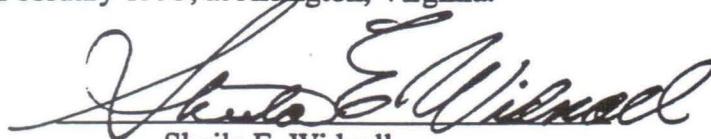
6. Invoking Military and State Secrets Privilege: It is my judgment, after personal consideration of the matter, that the national security information described in this Declaration and in the classified Declaration, concerning activities at the U.S. Air Force operating location near Groom Lake, Nevada, constitutes military and state secrets. As a result, disclosure of this information in documentary or testimonial evidence must be barred in the interests of national security of the United States. Pursuant to the authority vested in me as Secretary of the Air Force, I hereby invoke a formal claim of military and state secrets privilege with respect to the disclosure of the national security information listed in paragraph four of this Declaration and more fully discussed in the classified Declaration, whether through documentary or testimonial evidence.

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environmental steward of the lands comprising the Nellis Range. To meet that goal we are cooperating and will continue to cooperate with both federal and state environmental agencies.

8. Under penalty of perjury, and pursuant to section 1746 of Title 28, U.S. Code, I certify and declare that the foregoing statements are true and correct.

Executed this 21 day of February 1995, at Arlington, Virginia.

A handwritten signature in cursive script, reading "Sheila E. Widnall". The signature is written in black ink and is positioned above the printed name and title.

Sheila E. Widnall
Secretary of the Air Force



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

7095



25 SEP 1995

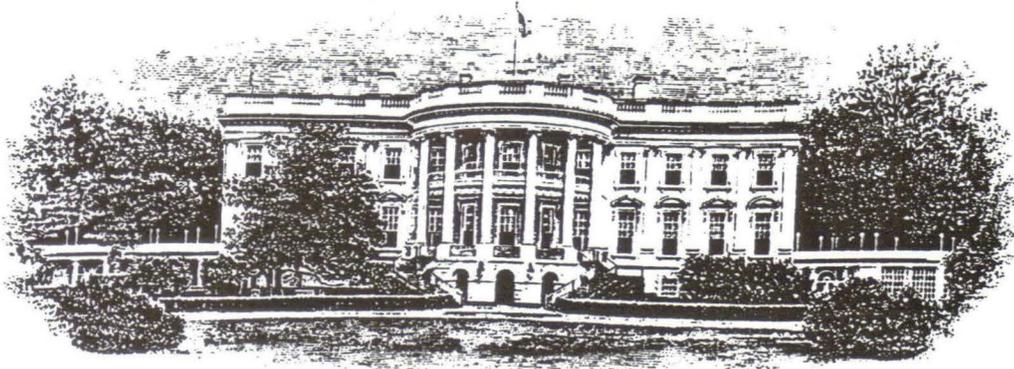
MEMORANDUM FOR PRESIDENT CLINTON
THROUGH MR. LAKE

SUBJECT: Classified Information Concerning the Air Force's Operating Location near Groom Lake, Nevada

A recent Federal district court decision has raised a question whether certain documents, even though properly classified, must nonetheless be disclosed pursuant to an environmental statute, the Resource Conservation and Recovery Act (RCRA). The documents concern an Air Force operating location near Groom Lake, Nevada. Although this legal ruling will be challenged, it is important that the continued protection for this classified information be clearly and promptly affirmed. Accordingly, for reasons addressed in the attached memorandum from Secretary Widnall, I concur in her request and recommendation that you issue the proposed exemption under RCRA for the operating location near Groom Lake from any requirement to disclose classified information to unauthorized persons. I note that EPA Administrator Browner and the Justice Department's Environment and Natural Resources Division concur in this recommendation.

Attachment
a/s

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506



DATE: 9/29/95

FAX#: 703-693-9355

TO: MATT SLATER

PHONE: 703-697-4406

FROM: NATIONAL SECURITY COUNCIL
Vicki DARNES

PHONE: 202-456-9218

SUBJECT: PD-95-45

COMMENTS: _____

copy faxed per request from Slater
me 9/29/95

THE WHITE HOUSE

WASHINGTON

September 29, 1995

Presidential Determination
No. 95-45

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified
Information Concerning the Air Force's Operating
Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. § 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this Determination in the Federal Register.

William J. Clinton

OSD RECEIPT FOR CLASSIFIED MATERIAL				
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Secretary of the Air Force			K 169418	
FROM: (Office and Telephone)		Classification	Date of Transfer	
Description of Material being Transferred (Do Not Enter Classified Info)				
PD. 95-45				
(Copy Info (For Copy Numbered Items, Use Inclusive Copy Nos. With # Sign)				
No. of Originals	No. of Carbons	No. of Repro Cys	No. of Encls	No. Cys of each Encl
1	0	0	0	0
Date Received	Typed Or Printed Name and Signature of Recipient			
9/29/95	ROBERTSON SA [Signature]			

SD Form 120, JUL 85

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RECORD ID: 9507092
RECEIVED: 26 SEP 95 12

TO: PRESIDENT

FROM: WHITE, JOHN

DOC DATE: 25 SEP 95
SOURCE REF:

KEYWORDS: LEGAL ISSUES

SECURITY

PERSONS:

SUBJECT: CLASSIFIED INFORMATION RE AIR FORCE OPERATING LOCATION NEAR GROOM
LAKE NEVADA

ACTION: SEE 9507055 FOR FINAL ACTION

DUE DATE: 29 SEP 95 STATUS: C

STAFF OFFICER: KRECZKO

LOGREF: 9507055

FILES: WH

NSCP:

CODES:

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FOR ACTION

FOR CONCURRENCE

FOR INFO

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CAO ASSIGNED ACTION REQUIRED

Z 95092612 PREPARE MEMO FOR LAKE
X 95100214 SEE 9507055 FOR FINAL ACTION

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NSC/RMO PROFILE

RECORD ID: 9507092
RECEIVED: 26 SEP 95 12

TO: PRESIDENT

FROM: WHITE, JOHN

DOC DATE: 25 SEP 95
SOURCE REF:

KEYWORDS: LEGAL ISSUES

SECURITY

PERSONS:

SUBJECT: CLASSIFIED INFORMATION RE AIR FORCE OPERATING LOCATION NEAR GROOM
LAKE NEVADA

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 29 SEP 95 STATUS: S

STAFF OFFICER: KRECKO

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FILES: WH

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KRECKO

FOR CONCURRENCE

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DOC 1 OF 1

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TO: PRESIDENT

SUSPENSE

FROM: WHITE, JOHN

DOC DATE: 25 SEP 95
SOURCE REF:

KEYWORDS: LEGAL ISSUES

SECURITY

PERSONS:

SUBJECT: CLASSIFIED INFORMATION RE AIR FORCE OPERATING LOCATION NEAR GROOM
LAKE NEVADA

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 29 SEP 95 STATUS: S

STAFF OFFICER: KRECKO

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
KRECKO

FOR CONCURRENCE

FOR INFO
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UNCLASSIFIED



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



25 SEP 1995

MEMORANDUM FOR PRESIDENT CLINTON
THROUGH MR. LAKE

SUBJECT: Classified Information Concerning the Air Force's Operating Location near Groom Lake, Nevada

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Attachment
a/s

John White



UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9600475
RECEIVED: 26 JAN 96 15

TO: PRESIDENT

FROM: LAKE
GRIFFIN, P

DOC DATE: 30 JAN 96
SOURCE REF:

KEYWORDS: LEGAL ISSUES
AIR FORCE

CONGRESSIONAL

PERSONS:

SUBJECT: RPT TO CONGRESS ON PRES EXEMPTION RE OPERATING LOCATION NEAR GROOM
LAKE

ACTION: PRESIDENT SGD PER WH EXEC CLERK DUE DATE: 30 JAN 96 STATUS: C

STAFF OFFICER: BAKER

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER
BELL
DANVERS
KRECKO
NSC CHRON

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DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9600475

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 BAKER
002 LAKE
003 PRESIDENT
003

Z 96012615 PREPARE MEMO FOR LAKE
Z 96012915 FWD TO PRESIDENT FOR SIG
Z 96013011 FOR SIGNATURE
X 96013117 PRESIDENT SGD PER WH EXEC CLERK

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH FOR ACTION</u>	<u>DISPATCH FOR INFO</u>
003	960130		VICE PRESIDENT
003	960130		WH CHIEF OF STAFF

UNCLASSIFIED

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National Security Council
The White House

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 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
 BYPASSED WW DESK: _____ DOCLOG ve A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
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Sens	_____	_____	_____
Soderberg	_____	_____	_____
Berger	_____	_____	_____
Lake	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>1</u>	<u>ve 1/31</u>	<u>AS</u>
Records Mgt.	<u>2</u>	<u>ve 1/31</u>	<u>N</u>
_____	_____	_____	_____
_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS:

Exec Sec Office has diskette _____

Rec'd 1/30 6:30am
 National Security Council
 The White House

PROOFED BY: _____ LOG # 0475
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	SEQUENCE	TO	INITIAL/DATE	DISPOSITION
Harmon				
Dohse	<u>1</u>		<u>S</u>	
Sens				
Soderberg	<u>2</u>		<u>No</u>	
Berger				
Lake	<u>3</u>		<u>Natl Sec Advisor has seen</u>	
Situation Room				<u>GRIFFIN</u>
West Wing Desk	<u>4</u>		<u>ASU 1/30</u>	<u>P</u>
Records Mgt.				

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS:

Needs to be
 submitted to
 the hill by
Jan 31 ↑

Exec Sec Office has diskette yes

THE WHITE HOUSE

WASHINGTON

ACTION

January 30, 1996

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

President sgd per WH
Executive Clerk 1/30/96FROM: ANTHONY LAKE
PATRICK GRIFFINSUBJECT: Report to Congress on the Presidential Exemption
Concerning the Operating Location Near Groom LakePurpose

To report to the Congress pursuant to the Resource Conservation and Recovery Act (RCRA).

Background

On September 29, you exempted the Air Force operating location near Groom Lake, Nevada, (the operating location) "from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information" to unauthorized persons. The exemption was granted in the context of litigation over the Government's compliance with RCRA at the operating location.

Under RCRA, you are required to report each January to the Congress all exemptions granted during the previous year and the reasons for doing so. In addition to noting that the exemption was necessary to protect national security (without providing details), the report indicates that the exemption was not intended to limit the applicability or enforcement of any requirement of law applicable to the operating location except those provisions, if any, that would require disclosure of classified information.

This report has been coordinated with the Departments of Defense and Justice as well as the EPA.

RECOMMENDATION

That you sign the attached letters.

Attachments

- Tab A Letter to Speaker of the House
- Tab B Letter to President of the Senate

THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), notification is hereby given that on September 29, 1995, I issued Presidential Determination 95-45 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 95-45 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

The Honorable Newt Gingrich
Speaker of the
House of Representatives
Washington, D.C. 20515

Presidential Documents

Presidential Determination No. 95-45 of September 29, 1995

Presidential Determination on Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

Memorandum for the Administrator of the Environmental Protection Agency (and) the Secretary of the Air Force

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in *Kasza v. Browner* (D. Nev. CV-S-94-795-PMP) and *Frost v. Perry* (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. § 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this Determination in the *Federal Register*.

William Clinton

THE WHITE HOUSE,
Washington, September 29, 1995.

(FR Doc. 95-23244
Filed 10-6-95; 10:54 am
Billing code 3910-01-M

CLINTON LIBRARY PHOTOCOPY



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THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), notification is hereby given that on September 29, 1995, I issued Presidential Determination 95-45 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 95-45 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20515

Presidential Documents

Presidential Determination No. 95-45 of September 29, 1995

Presidential Determination on Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

Memorandum for the Administrator of the Environmental Protection Agency [and] the Secretary of the Air Force

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in *Kasza v. Browner* (D. Nev. CV-S-94-795-PMP) and *Frost v. Perry* (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. § 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this Determination in the *Federal Register*.

William Clinton

THE WHITE HOUSE,
Washington, September 29, 1995.

IFR Doc. 95-23244
Filed 10-6-95: 10:54 am
Billing code 3910-01-M

CLINTON LIBRARY PHOTOCOPY

Honorable Newt Gingrich
Speaker of the House
U. S. House of Representatives
Washington, D. C. 20515

Honorable Albert Gore, Jr.
President
U. S. Senate
Washington, D. C. 20515

Dear Mr. Speaker and Mr. President:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), which requires that I "report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with [my] reason for granting each such exemption," I notify you that on September 29, 1995, I issued Presidential Determination 95-45 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No 95-45 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is therefore in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795- PMP). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

I am forwarding copies of this notification to the Chairman and Ranking Minority member of each of the following committees: House Committee on Resources; House Committee on National Security; Senate Committee on Environment and Public Works; and Senate Committee on Armed Services.

Sincerely,

Attachment:

Presidential Determination 95-45

cc:

Chairman and Ranking Minority Member:

House Committee on Resources

House Committee on National Security

Senate Committee on Environment and Public Works

Senate Committee on Armed Services

Administrator, Environmental Protection Agency

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

0475

January 26, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN KRECZKO *AK JB*

FROM: JAMES BAKER *JB AK*

SUBJECT: Report to Congress on Presidential Exemption
Concerning the Operating Location Near Groom Lake

In September the President exempted the Air Force operating location near Groom Lake, Nevada, from any applicable provisions of hazardous or solid waste laws that would require disclosure of classified information. The exemption was granted in the context of litigation (Browner) over the Government's compliance with the Resource Conservation and Recovery Act (RCRA).

Under RCRA, the President is required to report each January to the Congress all exemptions granted during the previous year and the reasons for doing so. This is the first such report during this Administration. The attached report has been coordinated with the Departments of Defense and Justice as well as the EPA; it should be submitted to Congress no later than January 31.

As to the status of the litigation, we are doing well. On January 10, the district court determined that the EPA had completed its statutory duties with regard to the inspection and inventory of the operating location, rendering the Browner case moot. The court also ruled that the Government has "complied with RCRA's public disclosure requirements by virtue of the Presidential Determination," and has entered final judgment in the case.

In a companion case, Perry, in which you are a named defendant, the court is continuing to consider cross motions for summary judgment. We are optimistic in light of the court's ruling in Browner. Notwithstanding these successes, we will need to consider whether to appeal one aspect of the court's ruling: that in the absence of a Presidential exemption EPA has a nondiscretionary duty under RCRA to disclose classified information.

CLINTON LIBRARY PHOTOCOPY

Concurrence by: Bob Bell, Bill Danvers, and David Sandalow ^{13/157}

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

- Tab I Memorandum for the President
- Tab A Letter to Speaker of the House
- Tab B Letter to President of the Senate
- Tab II Incoming Correspondence

Stat 5



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



26 JAN 1996

MEMORANDUM FOR PRESIDENT CLINTON
THROUGH MR. LAKE

SUBJECT: Congressional Notification of Presidential Exemption Concerning the Air Force's Operating Location Near Groom Lake, Nevada

I recommend you provide the enclosed report to Congress pursuant to section 6001(a) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6961(a).

Section 6001(a) requires that you "report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with [your] reason for granting each such exemption." You granted such an exemption on September 29, 1995, in Presidential Determination 95-45, which protects classified information concerning the Air Force's operating location near Groom Lake, Nevada, from public disclosure. The enclosed report provides notice to Congress of the exemption.

The EPA Office of General Counsel and the Department of Justice Environment and Natural Resources Division have reviewed the report and concur with the Department of Defense that this report should be provided.

Attachment:
A/S

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 1123				
Document ID: 9606505				
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UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9606505
RECEIVED: 25 SEP 96 14

TO: BROWNER, C
WIDNALL, S

FROM: PRESIDENT

DOC DATE: 29 SEP 96
SOURCE REF:

KEYWORDS: LEGAL ISSUES
PD

ENVIRONMENT

PERSONS:

SUBJECT: PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION NEAR
GROOM LAKE

ACTION: PRES SGD PD 96-54

DUE DATE: 28 SEP 96 STATUS: C

STAFF OFFICER: BAKER

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER
KRECKO
NSC CHRON

COMMENTS: _____

DISPATCHED BY SP DATE 9/30 BY HAND W/ATTCH

OPENED BY: NSTSM CLOSED BY: NSGP DOC 5 OF 5

UNCLASSIFIED

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UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9606505

DOC ACTION OFFICER

001 BAKER
002 BAKER
003 LAKE
004 PRESIDENT
005

CAO ASSIGNED ACTION REQUIRED

Z 96092519 APPROPRIATE ACTION
Z 96092610 ADD-ON / APPROPRIATE ACTION
Z 96092617 FWD TO PRESIDENT FOR SIG
Z 96092712 FOR SIGNATURE
X 96093010 PRES SGD PD 96-54

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

004 960927
004 960927
005 960929 BROWNER, C
005 960929 WIDNALL, S
005 960929
005 960929

DISPATCH FOR INFO

VICE PRESIDENT
WH CHIEF OF STAFF
BURNS, W
CONROY, R
DUSAULT, P
SAUNDERS, T

UNCLASSIFIED

National Security Council
The White House

REC'd 9/26
3pm

PROOFED BY: _____ LOG # 6505
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
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Sens	_____	_____	_____
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Berger	<u>2</u>	<u>ML</u>	_____
Lake	<u>3</u>	Natl Sec Advisor has seen	<u>VENAS</u> <u>9/27</u>
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	<u>he 9/27</u>	<u>D STM</u>
Records Mgt.	<u>4</u>	<u>9/30</u>	<u>N/R</u>
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A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: E-mail notification - Baker, Kuczko, Bell
 Sindalov up
cross

COMMENTS: Must have POTUS
signature by 9/29

Exec Sec Office has diskette Yes

National Security Council
The White House

Rec'd 9/20
3PM

PROOFED BY: _____ LOG # 6505
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Harmon	_____	_____	_____
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Sens	_____	_____	_____
Soderberg	<u>copy</u> ✓	_____	_____
Berger	<u>2</u>	<u>ML</u>	_____
Lake	<u>3</u>	Nat. Sec Advisor has seen	<u>release 9/27</u>
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	<u>he 9/27</u>	<u>SD STM</u>
Records Mgt.	<u>4</u>	<u>OPS 9/30</u>	<u>N/R</u>
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A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: E-mail notification - Baker, Kuczko, Bell
Sundalow QUP
ED CROSS

COMMENTS: Must have POTUS
signature by 9/29

Exec Sec Office has diskette Yes

THE WHITE HOUSE

WASHINGTON

September 28, 1996

Presidential Determination
No. 96-54

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified
Information Concerning the Air Force's
Operating Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

William J. Clinton

THE WHITE HOUSE
WASHINGTON

September 27, 1996

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE 

SUBJECT: Presidential Determination on RCRA Exemption for
the Operating Location at Groom Lake

President sgd per WH
Executive Clerk Sept. 29, 1996
SFR

Purpose

To continue to exempt the Air Force from public disclosure requirements concerning the inspection and inventory of hazardous waste at the Air Force "operating location near Groom Lake."

Background

On September 29, 1995, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information regarding an Air Force facility near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. As a result, the attached exemption should be **signed by September 29**. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption.

That ruling is now being appealed, as is plaintiffs' challenge to the sufficiency of your original exemption. In the interim, Deputy Secretary of Defense White and Secretary of the Air Force Widnall recommend that you renew the exemption to provide continued protection for national security information while the matter is on appeal. EPA Administrator Browner and Department of Justice, Environmental and Natural Resources Division concur in this recommendation as does Katie McGinty. As with last year's exemption, the attached document is worded narrowly, to exempt the location only from disclosure requirements and not from applicable environmental standards.

RECOMMENDATION

That you sign the exemption at Tab A.

Attachments

Tab A Presidential Determination

Tab B Incoming Correspondence from the Deputy Secretary of
Defense

DRAFT

September 29, 1996

Presidential Determination
No. _____

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified Information Concerning
the Air Force's Operating Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. § 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this Determination in the Federal Register.



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

Staff
6505



25 SEP 1996

MEMORANDUM FOR PRESIDENT CLINTON
THRU: MR. LAKE

SUBJECT: Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

On September 29, 1995, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force operating location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. The exemption was necessitated by a Federal district court ruling that held that classified information could not be withheld from public disclosure under RCRA absent such an exemption. That ruling is now being appealed. In the meantime, and for reasons addressed in the attached memorandum from Secretary Widnall, I concur in her request and recommendation that you renew the exemption to provide continued protection for the full one-year statutory period while the matter is on appeal.

I note that EPA Administrator Browner and the Justice Department's Environment and Natural Resources Division concur in this recommendation.

Attachment:
SECAF Memo

THE WHITE HOUSE
WASHINGTON

September 27, 1996

96 SEP 27 P12:40

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *J*

FROM: ANTHONY LAKE *AL*

SUBJECT: Presidential Determination on RCRA Exemption for
the Operating Location at Groom Lake

Purpose

To continue to exempt the Air Force from public disclosure requirements concerning the inspection and inventory of hazardous waste at the Air Force "operating location near Groom Lake."

Background

✓ On September 29, 1995, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information regarding an Air Force facility near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. As a result, the attached exemption should be **signed by September 29**. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption.

That ruling is now being appealed, as is plaintiffs' challenge to the sufficiency of your original exemption. In the interim, Deputy Secretary of Defense White and Secretary of the Air Force Widnall recommend that you renew the exemption to provide continued protection for national security information while the matter is on appeal. EPA Administrator Browner and Department of Justice, Environmental and Natural Resources Division concur in this recommendation as does Katie McGinty. As with last year's exemption, the attached document is worded narrowly, to exempt the location only from disclosure requirements and not from applicable environmental standards.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

6505

September 25, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN KRECZKO *AK*

FROM: JAMES E. BAKER *JB*

SUBJECT: Presidential Determination on Continuation of RCRA
Exemption for Groom Lake

Last year, the President exempted the "Operating Location near Groom Lake" from the public disclosure requirements of the Resource Conversation Recovery Act in order to protect national security information. By statute, the exemption is effective for one year.

With the concurrence of EPA and Justice, the Deputy Secretary of Defense is recommending that the President renew the Groom Lake exemption. As with last year's exemption, the continuation expressly notes that it is not intended to limit the applicability or enforcement of any requirement of law applicable to the facility except those concerning the disclosure of classified information. To ensure continued protection of classified information the **President should sign the attached exemption by September 29.**

Katie McGinty concurs in this recommendation.

Concurrence by: *JB* Bob Bell and David Sandalow

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum for the President

Tab A Presidential Determination

Tab B Incoming Correspondence from the Deputy Secretary of
Defense

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9606505
RECEIVED: 25 SEP 96 14

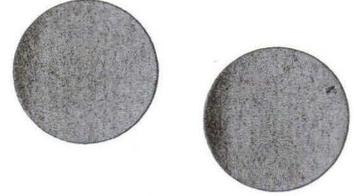
TO: LAKE

FROM: BAKER

DOC DATE: 25 SEP 96
SOURCE REF:

KEYWORDS: LEGAL ISSUES
PD

ENVIRONMENT



PERSONS:

SUBJECT: PD ON CONTINUATION OF RCRA EXEMPTION FOR GROOM LAKE

ACTION: APPROPRIATE ACTION

DUE DATE: 28 SEP 96 STATUS: S

STAFF OFFICER: BAKER

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
BAKER

FOR CONCURRENCE
BELL
SANDALOW

FOR INFO
KRECZKO

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY:

DOC 1 OF 1

NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

LOG 9606505
DATE 29 SEP 96

SUBJECT: PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION NEAR
DOCUMENT CLASSIFICATION: UNCLASSIFIED

EXTERNAL DISTRIBUTION:	DATE	TIME	SIGNATURE
MS. CAROL M. BROWNER ENVIRONMENTAL PROTECTION AGENCY VIA ROOM 1135, WEST TOWER 401 M STREET, SW WASHINGTON, DC 20460	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>0 + 1</u>
DR. SHEILA WIDNALL DEPARTMENT OF DEFENSE	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>0 + 1</u>
MR. WILLIAM J. BURNS DEPARTMENT OF STATE ROOM 7224, MAIN STATE 2201 C STREET, N.W. WASHINGTON, D.C. 20520	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>
MS. RYAN CONROY AGENCY FOR INTL DEVELOPMENT ROOM 5945, NEW STATE 2201 C STREET, NW WASHINGTON, DC 20523	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>
MR. PHILIP DUSAULT OFFICE OF MANAGEMENT & BUDGET INTL SECURITY AFFAIRS ROOM 10002 NEOB	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>
MR. TIM SAUNDERS WH EXECUTIVE CLERK ROOM 5 OEOB	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>

DATE, TIME, SIGN THE RECEIPT AND RETURN TO: NSC RECORDS MGNT, ROOM 379 OEOB

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE

SUBJECT: Presidential Determination on RCRA Exemption for
the Operating Location at Groom Lake

Purpose

To continue to exempt the Air Force from public disclosure requirements concerning the inspection and inventory of hazardous waste at the Air Force "operating location near Groom Lake."

Background

On September 29, 1995, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information regarding an Air Force facility near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. As a result, the attached exemption should be **signed by September 29**. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption.

That ruling is now being appealed, as is plaintiffs' challenge to the sufficiency of your original exemption. In the interim, ~~the~~ Deputy Secretary of Defense White and Secretary of the Air Force Widnall recommend that you renew the exemption to provide continued protection for national security information while the matter is on appeal. EPA Administrator Browner and Department of Justice, Environmental and Natural Resources Division concur in this recommendation as does Katie McGinty. As with last year's exemption, the attached document is worded narrowly, to exempt the location only from disclosure requirements and not from applicable environmental standards.

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 1599				
Document ID: 9700471				
Stack: V	Row: 45	Section: 2	Shelf: 4	Position: 3

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9700471
RECEIVED: 24 JAN 97 14

TO: PRESIDENT

FROM: BERGER
HILLEY, J

DOC DATE: 31 JAN 97
SOURCE REF:

KEYWORDS: LEGAL ISSUES
CONGRESSIONAL

DEFENSE POLICY

PERSONS:

SUBJECT: RPT TO CONGRESS ON PRES EXEMPTION RE OPERATION LOCATION NEAR
GROOM LAKE

ACTION: PRESIDENT SGD PER WH EXEC CLERK DUE DATE: 28 JAN 97 STATUS: C

STAFF OFFICER: BAKER

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER
DANVERS
FICKLIN
KRECKO
NSC CHRON
SANDALOW
SESTAK

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY: NSDRS

DOC 2 OF 2

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9700471

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 BERGER
002 PRESIDENT
002

Z 97013018 FWD TO PRESIDENT FOR SIG
Z 97013119 FOR SIGNATURE
X 97013120 PRESIDENT SGD PER WH EXEC CLERK

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

002 970131
002 970131

VICE PRESIDENT
WH CHIEF OF STAFF

National Security Council
The White House

rec'd 1/30
6:45am

PROOFED BY: _____ LOG # 0471
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG ~ A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>JD</u> Harmon	<u>1</u>	<u>[Signature]</u>	
Dohse			
Kerrick	<u>copy</u>		
Steinberg	<u>2</u>	<u>[Signature]</u>	
Berger		<u>[Signature]</u>	
Situation Room		Deputy Natl Sec Advisor	
West Wing Desk	<u>3/4</u>	<u>has seen</u> <u>1/31 CK</u>	<u>DA</u>
Records Mgt.	<u>5</u>	<u>Walter</u> <u>1/31</u>	<u>~</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS: Report due to Congress by
1/31.

'97 JAN 30 PM 6:17

Exec Sec Office has diskette _____

National Security Council
The White House

rec'd 1/30
6:45pm

PROOFED BY: _____ LOG # 0471
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG ~ A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>WJ</u> Harmon	<u>1</u>	<u>[Signature]</u>	_____
Dohse	_____	_____	_____
Kerrick	<u>copy</u>	_____	_____
Steinberg	<u>2</u>	<u>[Signature]</u>	_____
Berger	_____	<u>[Signature]</u>	_____
Situation Room	_____	Deputy Natl Sec Advisor	_____
West Wing Desk	<u>3/4</u>	<u>has seen</u> <u>ret 3/1 CK</u>	<u>[Signature]</u>
Records Mgt.	<u>5</u>	<u>Walter</u> <u>1/31</u>	<u>[Signature]</u>
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_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS: Report due to Congress by
1/31.

'97 JAN 30 PM 6:17

Exec Sec Office has diskette _____

THE WHITE HOUSE

WASHINGTON

ACTION

January 31, 1997

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER *SB*
JOHN HILLEY *JH**President and per WH
Executive Clerk 1/31/97*SUBJECT: Report to Congress on the Presidential Exemption
Concerning the Operating Location Near Groom LakePurpose

To report to the Congress pursuant to the Resource Conservation and Recovery Act (RCRA).

Background

On September 28, you exempted the Air Force operating location near Groom Lake, Nevada, (the operating location) "from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information" to unauthorized persons. You first granted such an exemption in 1995 in the context of litigation over the Government's compliance with RCRA at the location.

Under RCRA, you are required to report each January to the Congress all exemptions granted during the previous year and the reasons for doing so. In addition to noting that the exemption was necessary to protect national security (without providing details) the report indicates that the exemption was not intended to limit the applicability or enforcement of any requirement of law applicable to the operating location except those provisions, if any, that would require disclosure of classified information.

This report has been coordinated with CEQ as well as the Departments of Defense and Justice and the EPA.

RECOMMENDATION

That you sign the attached letters.

Attachments

- Tab A Letter to Speaker of the House
- Tab B Letter to President of the Senate

CLINTON LIBRARY PHOTOCOPY

cc: Vice President
Chief of Staff

THE WHITE HOUSE
WASHINGTON

Dear Mr. Speaker:

Consistent with Section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), notification is hereby given that on September 28, 1996, I issued Presidential Determination 96-54 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 96-54 exempted the U.S. Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

The Honorable Newt Gingrich
Speaker of the
House of Representatives
Washington, D.C. 20515

Tuesday, October 8, 1996

Title 3—

Presidential Determination No. 96-54 of September 28, 1996

The President

Presidential Determination on Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

Memorandum for the Administrator of the Environmental Protection Agency [and] the Secretary of the Air Force

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in *Kasza v. Browner* (D. Nev. CV-S-94-795-PMP) and *Frost v. Perry* (D. Nev. CV-S-94-714-PMP) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

William Clinton

THE WHITE HOUSE,
Washington, September 28, 1996.

[FR Doc. 96-25959
Filed 10-7-96; 8:45 am]
Billing code 3910-01-M

CLINTON LIBRARY PHOTOCOPY

THE WHITE HOUSE
WASHINGTON

Dear Mr. President:

Consistent with Section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), notification is hereby given that on September 28, 1996, I issued Presidential Determination 96-54 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 96-54 exempted the U.S. Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D. C. 20510

Title 3—

Presidential Determination No. 96-54 of September 28, 1996

The President

Presidential Determination on Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

Memorandum for the Administrator of the Environmental Protection Agency [and] the Secretary of the Air Force

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in *Kasza v. Browner* (D. Nev. CV-S-94-795-PMP) and *Frost v. Perry* (D. Nev. CV-S-94-714-PMP) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

William Clinton

THE WHITE HOUSE,
Washington, September 28, 1996.

(FR Doc. 96-25959
Filed 10-7-96; 8:45 am)
Billing code 3910-01-M

CLINTON LIBRARY PHOTOCOPY

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

0471

January 30, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ALAN KRECZKO *AK*

FROM: JAMES BAKER *JB*

SUBJECT: Report to Congress on Presidential Exemption
Concerning the Operating Location Near Groom Lake

In September the President exempted the Air Force operating location near Groom Lake, Nevada, from any applicable provisions of hazardous or solid waste laws that would require disclosure of classified information. The exemption was first granted last year in the context of litigation (Browner) over the Government's compliance with the Resource Conservation and Recovery Act (RCRA).

Under RCRA, the President is required to report each January to the Congress all exemptions granted during the previous year and the reasons for doing so. This is the second such report during this Administration. The attached report has been coordinated with CEQ as well as the Departments of Defense and Justice and the EPA; it should be submitted to Congress no later than January 31.

Concurrence by: Joe Sestak, Bill Danvers, and David Sandalow *JS*

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

- Tab I Memorandum for the President
- Tab A Letter to Speaker of the House
- Tab B Letter to President of the Senate
- Tab II Incoming Correspondence

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 1600				
Document ID: 9700698				
Stack: V	Row: 45	Section: 2	Shelf: 5	Position: 1

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9700698
RECEIVED: 03 FEB 97 18

TO: PRESIDENT

FROM: WHITE, J

DOC DATE: 30 JAN 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
ENVIRONMENT

AIR FORCE
CONGRESSIONAL

PERSONS:

SUBJECT: CONGRESSIONAL NOTIFICATION OF PRES EXEMPTION CONCERNING AIR FORCE
OPERATING LOCATION NEAR GROOM LAKE NEVADA

ACTION: SEE 9700471 FOR FINAL ACTION

DUE DATE: 06 FEB 97 STATUS: C

STAFF OFFICER: KRECKZO

LOGREF: 9700471

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

KRECKZO
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY: NSGP

DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9700698

DOC ACTION OFFICER

001 SESTAK
001
001 KRECKO
001

CAO ASSIGNED ACTION REQUIRED

Z 97020318 PREPARE MEMO FOR BERGER
Z 97020408 ACTION TRANSFERRED
Z 97020408 PREPARE MEMO FOR BERGER
X 97020410 SEE 9700471 FOR FINAL ACTION

0698



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



30 JAN 1997

MEMORANDUM FOR PRESIDENT CLINTON
THROUGH MR. BERGER

SUBJECT: Congressional Notification of Presidential Exemption Concerning the Air Force's Operating Location Near Groom Lake, Nevada

I recommend you provide the enclosed report to Congress pursuant to section 6001(a) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6961(a).

Section 6001(a) requires that you "report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with [your] reason for granting each such exemption." You granted such an exemption on September 28, 1996, in Presidential Determination 96-54, which protects classified information concerning the Air Force's operating location near Groom Lake, Nevada, from public disclosure. The enclosed report provides notice to Congress of the exemption.

The EPA Office of General Counsel and the Department of Justice Environment and Natural Resources Division have reviewed the report and concur with the Department of Defense that this report should be provided.

Attachment:
A/S

Dear Mr. Speaker:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), notification is hereby given that on September 28, 1996, I issued Presidential Determination 96-54 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 96-54 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795- PMP), appeal pending (9th Cir. Nos. 96-15535 and 96-15537). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

The Honorable Newt Gingrich
Speaker of the
House of Representatives
Washington, D.C. 20515

Dear Mr. President:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), notification is hereby given that on September 28, 1996, I issued Presidential Determination 96-54 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 96-54 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795- PMP), appeal pending (9th Cir. Nos. 96-15535 and 96-15537). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

The Honorable Albert Gore, Jr.
President
U. S. Senate
Washington, D. C. 20510

Presidential Documents

Title 3—

Presidential Determination No. 96-54 of September 28, 1996

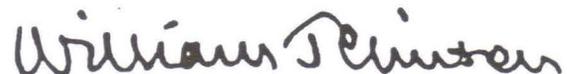
The President

Presidential Determination on Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada**Memorandum for the Administrator of the Environmental Protection Agency [and] the Secretary of the Air Force**

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in *Kasza v. Browner* (D. Nev. CV-S-94-795-PMP) and *Frost v. Perry* (D. Nev. CV-S-94-714-PMP) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.



THE WHITE HOUSE,
Washington, September 28, 1996.

[FR Doc. 96-25959
Filed 10-7-96; 8:45 am]
Billing code 3910-01-M

TO: PRESIDENT

FROM: WHITE, J

DOC DATE: 30 JAN 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
ENVIRONMENT

AIR FORCE
CONGRESSIONAL

PERSONS:

SUBJECT: CONGRESSIONAL NOTIFICATION OF PRES EXEMPTION CONCERNING AIR FORCE
OPERATING LOCATION NEAR GROOM LAKE NEVADA

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 06 FEB 97 STATUS: S

STAFF OFFICER: SESTAK

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
SESTAK

FOR CONCURRENCE
BELL
DANVERS
SANDALOW
SEATON

FOR INFO
KRECZKO
RAGAN
SCHWARTZ

Kreczko

COMMENTS: _____

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OPENED BY: NSDRS CLOSED BY: DOC 1 OF 1

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9700698
RECEIVED: 03 FEB 97 18

TO: PRESIDENT

FROM: WHITE, J

DOC DATE: 30 JAN 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
ENVIRONMENT

AIR FORCE
CONGRESSIONAL

PERSONS:

SUBJECT: CONGRESSIONAL NOTIFICATION OF PRES EXEMPTION CONCERNING AIR FORCE
OPERATING LOCATION NEAR GROOM LAKE NEVADA

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 06 FEB 97 STATUS: S

STAFF OFFICER: SESTAK

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
SESTAK

FOR CONCURRENCE
BELL
DANVERS
SANDALOW
SEATON

FOR INFO
KRECKO
RAGAN
SCHWARTZ

COMMENTS: _____

*records mgt. This has
been completed under
0471*

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OPENED BY: NSDRS

CLOSED BY:

DOC 1 OF 1

FOIA MARKER

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UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9706404
RECEIVED: 22 SEP 97 14

TO: WIDNALL, S
BROWNER, C

FROM: PRESIDENT

DOC DATE: 26 SEP 97
SOURCE REF:

KEYWORDS: SECURITY

PERSONS: BAKER

SUBJECT: PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION NEAR
GROOM LAKE

ACTION: PRESIDENT SGD PD 97-35

DUE DATE: 27 SEP 97 STATUS: C

STAFF OFFICER: BAKER

LOGREF: 9700471 9700698

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER
NSC CHRON

COMMENTS: _____

DISPATCHED BY JP DATE 9/29 BY HAND W/ATTCH

OPENED BY: NSSWD

CLOSED BY: NSGP

DOC 4 OF 4

UNCLASSIFIED

CLINTON LIBRARY PHOTOCOPY

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9706404

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 BERGER	Z 97092320 FWD TO PRESIDENT FOR SIGNATURE
002 PRESIDENT	Z 97092408 FOR SIGNATURE
002 EXECSEC	Z 97092522 FOR FURTHER ACTION
003 PRESIDENT	Z 97092522 FOR SIGNATURE
004	X 97092910 PRESIDENT SGD PD 97-35

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH FOR ACTION</u>	<u>DISPATCH FOR INFO</u>
002	970924		VICE PRESIDENT
002	970924		WH CHIEF OF STAFF
003	970925		VICE PRESIDENT
003	970925		WH CHIEF OF STAFF
004	970926	WIDNALL, S	BURNS, W
004	970926	BROWNER, C	CONROY, R
004	970926		DUSAULT, P
004	970926		SAUNDERS, T

THE WHITE HOUSE
WASHINGTON

6404

9/24

Sandy:

Following our talk this morning, Jamie, Rob and I talked... WE HAVE redone the memo to the President taking into account our trip there next month.

Request you initial off on memo to the President. WE will send to the ROAD. Ed Rice is our Rep. Jamie has reconsidered and believes POTUS should actually sign/OK since a court case is involved.

(10)

National Security Council
The White House

PROOFED BY: _____ LOG # 6404 Redo
 URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG Kj A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
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Rice	_____	_____	_____
Davies	_____	_____	_____
Kerrick	<u>2</u>	<u>(10) See NOTE</u>	_____
Steinberg	<u>copy</u>	<u>[Signature]</u>	_____
Berger	<u>3</u>	<u>[Signature]</u>	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	<u>TMA 9.25</u>	<u>A stem</u>
Records Mgt. →	<u>5</u>	<u>TMA 9.29</u>	<u>D</u>
→	<u>6</u>	_____	<u>D</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS: Must be signed
by Sep. 27

Exec Sec Office has diskette: yes _____

National Security Council
The White House

PROOFED BY: _____ LOG # 6404
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG PR A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff	_____	_____	_____
Rice	_____	_____	_____
Davies	<u>1</u>	<u>8/23 updates</u>	_____
Kerrick	<u>2</u>	<u>(10) 9/23</u>	_____
Steinberg	<u>copy</u>	_____	_____
Berger	<u>copy</u>	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	<u>Stein D</u>	_____
Records Mgt.	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:
 COMMENTS:
 '97 SEP 23 AM 7:21
 Sandy: Routine extension of
 existing policy.... Jimieal I
 are look at a trip in 2d
 week of October. Unless you
 feel otherwise, will push to
 have this autopenned with
 sac's name from you.
 Exec Sec Office has diskette yes
 ———— OK ————

National Security Council
The White House

PROOFED BY: _____

LOG # 6404 Redo

URGENT NOT PROOFED: _____

SYSTEM (PRS) NSC INT ARS

BYPASSED WW DESK: _____

DOCLOG Kj A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>Kj</u> Cosgriff	<u>1</u>	<u>Kj 9/24</u>	_____
Rice	_____	_____	_____
Davies	_____	_____	_____
Kerrick	<u>2</u>	<u>(10) See NOTE</u>	_____
Steinberg	<u>copy</u>	_____	_____
Berger	<u>3</u>	<u>A</u>	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	<u>TMA 9.25</u>	<u>A stem</u>
Records Mgt. →	<u>5</u>	<u>TMA 9.29</u>	<u>D</u>
→	<u>6</u>	_____	<u>D</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS: Must be signed
By Sep. 27

Exec Sec Office has diskette Yes

National Security Council
The White House

PROOFED BY: _____ LOG # 6404
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG PR A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff	_____	_____	_____
Rice	_____	_____	_____
Davies	<u>1</u>	<u>8/23 w/edats</u>	_____
Kerrick	<u>2</u>	<u>(D) 9/23</u>	_____
Steinberg	<u>copy</u>	_____	_____
Berger	<u>copy</u>	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	_____	<u>Stein D</u>
Records Mgt.	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS:

'97 SEP 23 PM 7:21

Sandy: Routine extension of
 existing policy.... Jamieson I
 are look at a trip in 2d
 week of October. Unless you
 feel otherwise, will push to
 have this autopenned with
 SAC security from you.
 OK _____

Exec Sec Office has diskette yes

9/24

Sandy:

Following our talk this morning, Jamie, Rod and I talked... WE HAVE redone the memo to the President taking into account our trip there next month.

Request you initial off on memo to the President. WE will send to the ROAD. Ed Rice is our Rep. Jamie has reconsidered and believes POTUS should actually sign/OK since a COURT case is involved.

(10)

THE WHITE HOUSE
WASHINGTON

September 26, 1997

Presidential Determination
No. 97-35

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified
Information Concerning the Air Force's
Operating Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)), from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

William J. Clinton

THE WHITE HOUSE

WASHINGTON

September 25, 1997

President sgd per WH
Executive Clerk TMA 9.26ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER *A*SUBJECT: Presidential Determination on RCRA Exemption for
the Operating Location at Groom LakePurpose

To continue to exempt the Air Force from public disclosure requirements concerning the inspection and inventory of hazardous waste at the Air Force "operating location near Groom Lake."

Background

You have twice issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. As a result, the attached exemption should be **signed by September 27**. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption.

That ruling remains under appeal. In the interim, Deputy Secretary of Defense Hamre and Secretary of the Air Force Widnall recommend that you renew the exemption to provide continued protection for national security information. EPA Administrator Browner and the Department of Justice's Environmental and Natural Resources Division concur in this recommendation as does Katie McGinty. As with last year's exemption, the attached document is worded to exempt the location only from disclosure requirements and not from applicable environmental standards.

Continuation of this exemption does not prejudice our review of the health and environmental record at the Air Force location. General Kerrick and Jamie Baker are scheduled to visit the

location in mid-October. As you know, Secretary Cohen is also taking an interest in the matter. We will report back to you, and to Bill, after General Kerrick's trip.

RECOMMENDATION

That you sign the exemption at Tab A.

Attachments

Tab A Presidential Determination

Tab B Incoming Correspondence from the Deputy Secretary of
Defense



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

20 SEP 1997

MEMORANDUM FOR PRESIDENT CLINTON
THROUGH: MR. BERGERSUBJECT: Classified Information Concerning the Air Force's Operating Location
Near Groom Lake, Nevada

On September 28, 1996, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force operating location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. The exemption was necessitated by a Federal district court ruling that held that classified information could not be withheld from public disclosure under RCRA absent such an exemption. That ruling is now being appealed. In the meantime, and for reasons addressed in the attached memorandum from Secretary Widnall, I concur in her request and recommendation that you renew the exemption to provide continued protection for the full one-year statutory period while the matter is on appeal.

I note that EPA Administrator Browner and the Justice Department's Environment and Natural Resources Division concur in this recommendation.

A handwritten signature in black ink, appearing to read "John J. Ham".

Attachment:
SECAF Memo



SECRETARY OF THE AIR FORCE
WASHINGTON

SEP 19 1997

MEMORANDUM FOR THE DEPUTY SECRETARY OF DEFENSE

FROM: SECRETARY OF THE AIR FORCE, SHEILA E. WIDNALL

Prepared by: Mr. Slater, SAF/GC, 697-4406

A handwritten signature in black ink, appearing to read "Sheila E. Widnall", written over the typed name.

SUBJECT: Renewal of Presidential Exemption for Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada - ACTION
MEMORANDUM

PURPOSE: Protect classified information concerning the operating location near Groom Lake

DISCUSSION: I recommend and request that you seek from the President a renewal of the exemption he issued on September 28, 1996, protecting from public disclosure classified information concerning an Air Force operating location near Groom Lake in the Nellis Range Complex in Nevada. By statute, the exemption granted last year is effective for one year, unless renewed. The exemption was prompted by a judicial decision in a lawsuit against the Environmental Protection Agency, Kasza v. Browner, which is now on appeal to the U.S. Court of Appeals for the Ninth Circuit. In the meantime, continued protection through a renewed exemption is necessary.

As discussed in the memoranda requesting the exemption the last two years, the activities undertaken at the operating location near Groom Lake are crucial to national security. The nature of the activities requires that virtually all information about the location remain classified. To protect national security in the pending litigation, I have made a formal claim of the military and state secrets privilege, which the court has found procedurally and substantively proper.

In the ruling at issue, the court nonetheless held that classified information must be produced pursuant to the public disclosure provisions of Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), unless an exemption is granted by the President pursuant to Section 6001(a) of RCRA, 42 U.S.C. § 6961(a). EPA, through briefs filed by the Justice Department, has contested that construction, arguing that RCRA is properly interpreted as not mandating disclosure of classified information, which is consistent with other statutes, the common law, and separation of powers considerations. That issue is now on appeal. To protect classified information concerning the operating location near Groom Lake while the issue is litigated, the President granted such an exemption on September 29, 1995, which he renewed on September 28, 1996. To ensure continued protection of the information during the appeal process, a further renewal is required now.

The text of the proposed exemption is the same as that granted last year. It exempts the Air Force's operating location near Groom Lake from any provision of hazardous waste law that might require disclosure of classified information concerning the operating location. It also makes clear that other environmental obligations are not diminished. We ask that the exemption be executed and made effective on (but in all events not later than) September 28, 1997, the one-year anniversary of the previous exemption.

COORDINATION: As was true last year, EPA Administrator Browner concurs in this request for exemption, as does the Department of Justice's Environment and Natural Resources Division, which is defending EPA in the pending litigation.

OSD/GC _____

RECOMMENDATION: I recommend you send to the President the enclosed memorandum and proposed Presidential Determination.

Attachment:
A/S

DEPSECDEF DECISION:
_____ Approved
_____ Disapproved
_____ Other

Presidential Determination
No. _____

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified Information
Concerning the Air Force's Operating Location Near Groom
Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

6404
Redo

September 24, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH:

ALAN KRECZKO *AK*

FROM:

JAMES E. BAKER *JB*

SUBJECT:

Continuation of RCRA Exemption for Operating
Location Near Groom Lake

The President has twice exempted the "Operating Location near Groom Lake" from the public disclosure requirements of the Resource Conversation Recovery Act in order to protect national security information. By statute, the exemption is effective for one year.

With the concurrence of EPA and Justice, the Deputy Secretary of Defense is recommending that the President renew the exemption. Katie McGinty concurs as well. As with last year's exemption, the continuation expressly notes that it is not intended to limit the applicability or enforcement of any requirement of law applicable to the facility except those concerning the disclosure of classified information. To ensure continued protection of classified information the **President should sign the attached exemption by September 27.**

Subsequent to receiving concurrence on the attached memorandum to the President, we have added a paragraph noting that execution of this determination does not prejudice our review of the health record and current conditions at the location and that you will report back to the President after General Kerrick's trip.

Concurrence by: Bob Bell and David Sandalow *3 previous attempts*

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum for the President

Tab A Presidential Determination

Tab B Incoming Correspondence from the Deputy Secretary of
Defense

FACSIMILE COVER SHEET

**AIR FORCE GENERAL COUNSEL
SAF/GC
1740 AIR FORCE PENTAGON
WASHINGTON, DC 20330-1740**

I CERTIFY THAT THE MATERIAL BEING TRANSMITTED
IS UNCLASSIFIED AND FOR OFFICIAL USE ONLY

TO: Jamie Baker
Company: _____
Phone: 202-456-9111
Fax: 202-456-9110

FROM: Matt Slater
COMPANY: **SAF/GC**
PHONE: 703-697-0941 (DSN: 2270941)
FAX: 703-693-9355 (DSN: 223-9355)

DATE: 9/22/97

PAGES INCLUDING THIS
COVER PAGE: 5

SUBJECT: Groom Lake

COMMENTS: _____

THE WHITE HOUSE
WASHINGTON

'97 SEP 24 AMB:27

September 24, 1997

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER (P) F02

SUBJECT: Presidential Determination on RCRA Exemption for
the Operating Location at Groom Lake

Purpose

To continue to exempt the Air Force from public disclosure requirements concerning the inspection and inventory of hazardous waste at the Air Force "operating location near Groom Lake."

Background

You have twice issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. As a result, the attached exemption should be **signed by September 27**. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption.

That ruling remains under appeal. In the interim, Deputy Secretary of Defense Hamre and Secretary of the Air Force Widnall recommend that you renew the exemption to provide continued protection for national security information. EPA Administrator Browner and the Department of Justice's Environmental and Natural Resources Division concur in this recommendation as does Katie McGinty. As with last year's exemption, the attached document is worded to exempt the location only from disclosure requirements and not from applicable environmental standards.

RECOMMENDATION

That you sign the exemption at Tab A.

Attachments

Tab A Presidential Determination

Tab B Incoming Correspondence from the Deputy Secretary of
Defense

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified
Information Concerning the Air Force's Operating
Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this Determination in the Federal Register.



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



20 SEP 1997

MEMORANDUM FOR PRESIDENT CLINTON
THROUGH: MR. BERGER

SUBJECT: Classified Information Concerning the Air Force's Operating Location
Near Groom Lake, Nevada

On September 28, 1996, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force operating location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. The exemption was necessitated by a Federal district court ruling that held that classified information could not be withheld from public disclosure under RCRA absent such an exemption. That ruling is now being appealed. In the meantime, and for reasons addressed in the attached memorandum from Secretary Widnall, I concur in her request and recommendation that you renew the exemption to provide continued protection for the full one-year statutory period while the matter is on appeal.

I note that EPA Administrator Browner and the Justice Department's Environment and Natural Resources Division concur in this recommendation.

Attachment:
SECAF Memo



SECRETARY OF THE AIR FORCE
WASHINGTON

SEP 19 1997

MEMORANDUM FOR THE DEPUTY SECRETARY OF DEFENSE

FROM: SECRETARY OF THE AIR FORCE, SHEILA E. WIDNALL

Prepared by: Mr. Slater, SAF/GC, 697-4406

A handwritten signature in black ink, appearing to read "Sheila E. Widnall", is written over the typed name and extends to the right.

SUBJECT: Renewal of Presidential Exemption for Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada - ACTION MEMORANDUM

PURPOSE: Protect classified information concerning the operating location near Groom Lake

DISCUSSION: I recommend and request that you seek from the President a renewal of the exemption he issued on September 28, 1996, protecting from public disclosure classified information concerning an Air Force operating location near Groom Lake in the Nellis Range Complex in Nevada. By statute, the exemption granted last year is effective for one year, unless renewed. The exemption was prompted by a judicial decision in a lawsuit against the Environmental Protection Agency, Kasza v. Browner, which is now on appeal to the U.S. Court of Appeals for the Ninth Circuit. In the meantime, continued protection through a renewed exemption is necessary.

As discussed in the memoranda requesting the exemption the last two years, the activities undertaken at the operating location near Groom Lake are crucial to national security. The nature of the activities requires that virtually all information about the location remain classified. To protect national security in the pending litigation, I have made a formal claim of the military and state secrets privilege, which the court has found procedurally and substantively proper.

In the ruling at issue, the court nonetheless held that classified information must be produced pursuant to the public disclosure provisions of Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), unless an exemption is granted by the President pursuant to Section 6001(a) of RCRA, 42 U.S.C. § 6961(a). EPA, through briefs filed by the Justice Department, has contested that construction, arguing that RCRA is properly interpreted as not mandating disclosure of classified information, which is consistent with other statutes, the common law, and separation of powers considerations. That issue is now on appeal. To protect classified information concerning the operating location near Groom Lake while the issue is litigated, the President granted such an exemption on September 29, 1995, which he renewed on September 28, 1996. To ensure continued protection of the information during the appeal process, a further renewal is required now.

The text of the proposed exemption is the same as that granted last year. It exempts the Air Force's operating location near Groom Lake from any provision of hazardous waste law that might require disclosure of classified information concerning the operating location. It also makes clear that other environmental obligations are not diminished. We ask that the exemption be executed and made effective on (but in all events not later than) September 28, 1997, the one-year anniversary of the previous exemption.

COORDINATION: As was true last year, EPA Administrator Browner concurs in this request for exemption, as does the Department of Justice's Environment and Natural Resources Division, which is defending EPA in the pending litigation.

OSD/GC _____

RECOMMENDATION: I recommend you send to the President the enclosed memorandum and proposed Presidential Determination.

Attachment:

A/S

DEPSECDEF DECISION:

_____ Approved
_____ Disapproved
_____ Other

Presidential Determination
No. _____

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified Information
Concerning the Air Force's Operating Location Near Groom
Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

6404

September 22, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER (D) *fb*

THROUGH: ALAN KRECZKO *AK*

FROM: JAMES E. BAKER *JB*

SUBJECT: Continuation of RCRA Exemption for Operating
Location Near Groom Lake

The President has twice exempted the "Operating Location near Groom Lake" from the public disclosure requirements of the Resource Conversation Recovery Act in order to protect national security information. By statute, the exemption is effective for one year.

With the concurrence of EPA and Justice, the Deputy Secretary of Defense is recommending that the President renew the exemption. As with last year's exemption, the continuation expressly notes that it is not intended to limit the applicability or enforcement of any requirement of law applicable to the facility except those concerning the disclosure of classified information. To ensure continued protection of classified information the **President should sign the attached exemption by September 27.**

Katie McGinty concurs in this recommendation.

Concurrence by: *JB*
Bob Bell and David Sandalow

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum for the President

Tab A Presidential Determination

Tab B Incoming Correspondence from the Deputy Secretary of
Defense

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER

SUBJECT: Presidential Determination on RCRA Exemption for
the Operating Location at Groom Lake

Purpose

To continue to exempt the Air Force from public disclosure requirements concerning the inspection and inventory of hazardous waste at the Air Force "operating location near Groom Lake."

Background

You have twice issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. As a result, the attached exemption should be **signed by September 27**. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption.

That ruling remains under appeal. In the interim, ~~the~~ Deputy Secretary of Defense Hamre and Secretary of the Air Force Widnall recommend that you renew the exemption to provide continued protection for national security information. EPA Administrator Browner and ^{the} Department of Justice ^{'s} Environmental and Natural Resources Division ^{do} concur in this recommendation as does Katie McGinty. As with last year's exemption, the attached document is worded to exempt the location only from disclosure requirements and not from applicable environmental standards.

Hasman, Thomas M.

From: Hasman, Thomas M.
Sent: Monday, September 29, 1997 10:21 AM
To: Baker, James E.; Kreczko, Alan J.; Bell, Robert G.; Sandalow, David B.
Cc: @CROSS - Cross Hatches; @WWD - West Wing Desk; @UP - APNSA Special Assistants;
@ENVIRON - Environmental; @LEGAL - Legal Advisor; @DEFENSE - Defense Policy
Subject: Package 6404 - PD on RCRA Exemption for the Operating Location at Groom Lake
[UNCLASSIFIED]

This is to inform you that through the White House Executive Clerk, package 6404 "Presidential Determination on RCRA Exemption for the Operating Location at GRoom Lake" was signed by the President on Friday, September 26, 1997.

Records Management will be dispatching this PD today.

NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

LOG 9706404
DATE 26 SEP 97

SUBJECT: PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION NEAR
DOCUMENT CLASSIFICATION: UNCLASSIFIED

EXTERNAL DISTRIBUTION:	DATE	TIME	SIGNATURE
DR. SHEILA WIDNALL DEPARTMENT OF DEFENSE	_____	_____	_____
			PRINT LAST NAME: _____
			COPY: <u>ORIGINAL + 1</u>
MS. CAROL M. BROWNER VIA ROOM 1135, WEST TOWER 401 M STREET, SW WASHINGTON, DC 20460 ENVIRONMENTAL PROTECTION AGENCY	_____	_____	_____
			PRINT LAST NAME: _____
			COPY: <u>2</u>
MR. WILLIAM J. BURNS ROOM 7224, MAIN STATE 2201 C STREET, N.W. WASHINGTON, D.C. 20520 DEPARTMENT OF STATE	_____	_____	_____
			PRINT LAST NAME: _____
			COPY: <u>2</u>
MS. RYAN CONROY ROOM 5945, NEW STATE 2201 C STREET, NW WASHINGTON, DC 20523 AGENCY FOR INTL DEVELOPMENT	_____	_____	_____
			PRINT LAST NAME: _____
			COPY: <u>2</u>
MR. PHILIP DUSAULT INTL SECURITY AFFAIRS ROOM 10002 NEOB OFFICE OF MANAGEMENT & BUDGET	_____	_____	_____
			PRINT LAST NAME: _____
			COPY: <u>2</u>
MR. TIM SAUNDERS ROOM 5 OEOB WH EXECUTIVE CLERK	_____	_____	_____
			PRINT LAST NAME: _____
			COPY: <u>2</u>

DATE, TIME, SIGN THE RECEIPT AND RETURN TO: NSC RECORDS MGNT, ROOM 379 OEOB

PAGE 01 OF 01 PAGES

CLINTON LIBRARY PHOTOCOPY

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This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 1642				
Document ID: 9706476				
Stack: V	Row: 45	Section: 3	Shelf: 8	Position: 1

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9706476
RECEIVED: 24 SEP 97 13

TO: PRESIDENT

FROM: HAMBRE, JOHN

DOC DATE: 20 SEP 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
LEGAL ISSUES
PD

MILITARY BASES
ENVIRONMENT

PERSONS:

SUBJECT: DRAFT PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION
NEAR GROOM LAKE NEVADA

ACTION: SEE 9706404 FOR FURTHER ACTION DUE DATE: 30 SEP 97 STATUS: C

STAFF OFFICER: SEATON LOGREF: 9700471 9700698

FILES: PA NSCP: CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

COMMENTS: _____

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OPENED BY: NSSWD CLOSED BY: NSSWD DOC 1 OF 1

CLINTON LIBRARY PHOTOCOPY

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 12958, As Amended,
White House Guidelines, August 28, 1997
By DMS NARA, Date 5/17/07

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 SEATON
001 OMB
001

X 97092413 PREPARE MEMO FOR BERGER
Z 97092418 COMMENTS/CONCURRENCE
X 97093014 SEE 9706404 FOR FURTHER ACTION

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9706476
RECEIVED: 24 SEP 97 13

TO: PRESIDENT

FROM: HAMBRE, JOHN

DOC DATE: 20 SEP 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
LEGAL ISSUES
PD

MILITARY BASES
ENVIRONMENT

PERSONS:

SUBJECT: DRAFT PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION
NEAR GROOM LAKE NEVADA

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 30 SEP 97 STATUS: S

STAFF OFFICER: SEATON

LOGREF: 9700471 9700698

FILES: PA

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
SEATON

FOR CONCURRENCE
KRECKO
OMB
SANDALOW

FOR INFO
BOUCHARD
DOBBINS

*Close
Howe 6404*

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSSWD

CLOSED BY:

DOC 1 OF 1

DECLASSIFIED

E.O. 12958, As Amended,

White House Guidelines, August 28, 1997

By DM NARA, Date 5/17/07

~~CONFIDENTIAL~~

CLINTON LIBRARY PHOTOCOPY

Presidential Determination
No. _____

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified Information
Concerning the Air Force's Operating Location Near Groom
Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



20 SEP 1997

MEMORANDUM FOR PRESIDENT CLINTON
THROUGH: MR. BERGER

SUBJECT: Classified Information Concerning the Air Force's Operating Location
Near Groom Lake, Nevada

On September 28, 1996, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force operating location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. The exemption was necessitated by a Federal district court ruling that held that classified information could not be withheld from public disclosure under RCRA absent such an exemption. That ruling is now being appealed. In the meantime, and for reasons addressed in the attached memorandum from Secretary Widnall, I concur in her request and recommendation that you renew the exemption to provide continued protection for the full one-year statutory period while the matter is on appeal.

I note that EPA Administrator Browner and the Justice Department's Environment and Natural Resources Division concur in this recommendation.

Attachment:
SECAF Memo

SEP 24 11:42

NATIONAL SECURITY COUNCIL

ID 9706476

REFERRAL

DATE: 24 SEP 97

MEMORANDUM FOR: OMB

10002

DOCUMENT DESCRIPTION: TO: PRESIDENT

SOURCE: HAMBRE, JOHN

DATE: 20 SEP 97

SUBJ: DRAFT PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION
NEAR GROOM LAKE NEVADA

REQUIRED ACTION: COMMENTS/CONCURRENCE

DUE DATE: 27 SEP 97

COMMENT:

FOR

SWD
JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9706476
RECEIVED: 24 SEP 97 13

TO: PRESIDENT

FROM: HAMBRE, JOHN

DOC DATE: 20 SEP 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
LEGAL ISSUES
PD

MILITARY BASES
ENVIRONMENT

PERSONS:

SUBJECT: DRAFT PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION
NEAR GROOM LAKE NEVADA

ACTION: SEE 9706404 FOR FURTHER ACTION DUE DATE: 30 SEP 97 STATUS: C

STAFF OFFICER: SEATON

LOGREF: 9700471 9700698

FILES: PA

NSCP:

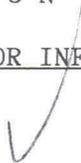
CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO



COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSSWD CLOSED BY: NSSWD DOC 1 OF 1

CLINTON LIBRARY PHOTOCOPY

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 12958, As Amended,
White House Guidelines, August 28, 1997
By DM5 NARA, Date 5/17/07

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 SEATON
001 OMB
001

X 97092413 PREPARE MEMO FOR BERGER
Z 97092418 COMMENTS/CONCURRENCE
X 97093014 SEE 9706404 FOR FURTHER ACTION

TO: PRESIDENT

FROM: HAMBRE, JOHN

DOC DATE: 20 SEP 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
LEGAL ISSUES
PD

MILITARY BASES
ENVIRONMENT

PERSONS:

SUBJECT: DRAFT PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION
NEAR GROOM LAKE NEVADA

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 30 SEP 97 STATUS: S

STAFF OFFICER: SEATON

LOGREF: 9700471 9700698

FILES: PA

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
SEATON

FOR CONCURRENCE
KRECKO
OMB
SANDALOW

FOR INFO
BOUCHARD
DOBBINS

*No action required. Legal already
handled this under log # 6404.*

*J. B. Seaton
9/25/97*

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSSWD CLOSED BY: DOC 1 OF 1



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

20 SEP 1997



MEMORANDUM FOR PRESIDENT CLINTON
THROUGH: MR. BERGER

SUBJECT: Classified Information Concerning the Air Force's Operating Location
Near Groom Lake, Nevada

On September 28, 1996, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force operating location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. The exemption was necessitated by a Federal district court ruling that held that classified information could not be withheld from public disclosure under RCRA absent such an exemption. That ruling is now being appealed. In the meantime, and for reasons addressed in the attached memorandum from Secretary Widnall, I concur in her request and recommendation that you renew the exemption to provide continued protection for the full one-year statutory period while the matter is on appeal.

I note that EPA Administrator Browner and the Justice Department's Environment and Natural Resources Division concur in this recommendation.

Attachment:
SECAF Memo

SEP 24 11:42

CLINTON LIBRARY PHOTOCOPY

990307070 9903

NATIONAL SECURITY COUNCIL

ID 9706476

REFERRAL

DATE: 24 SEP 97

MEMORANDUM FOR: OMB

10002

DOCUMENT DESCRIPTION: TO: PRESIDENT

SOURCE: HAMBRE, JOHN

DATE: 20 SEP 97

SUBJ: DRAFT PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION
NEAR GROOM LAKE NEVADA

REQUIRED ACTION: COMMENTS/CONCURRENCE

DUE DATE: 27 SEP 97

COMMENT:

FOR

JWD
JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 2011				
Document ID: 9800538				
Stack: V	Row: 45	Section: 4	Shelf: 4	Position: 3

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (2 pages)	01/31/1998	P1/b(1)
001b. email	Joseph F. Bouchard to Joan S. Hunerwadel Re: Report to Congress [partial] (1 page)	01/27/1998	P6/b(6)
001c. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (1 page)	ca. 1/1998	P1/b(1)
001d. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (1 page)	ca. 1/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Records Management
 ([Area 51])
 OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F
ds218

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]

CLINTON LIBRARY PHOTOCOPY

TO: GINGRICH, NEWT
GORE, A

FROM: PRESIDENT

DOC DATE: 31 JAN 98
SOURCE REF:

KEYWORDS: LEGAL ISSUES

CONGRESSIONAL

PERSONS:

SUBJECT: RPT TO CONGRESS ON PRES EXEMPTION CONCERNING OPERATING LOCATION
NEAR GROOM LAKE

ACTION: PRESIDENT SGD LTRS

DUE DATE: 29 JAN 98 STATUS: C

STAFF OFFICER: BAKER

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER
BOUCHARD
FICKLIN
NSC CHRON
RUDMAN
SANDALOW

COMMENTS: DISPATCHED BY THE WH EXECUTIVE CLERK

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTTS

CLOSED BY: NSDRS

DOC 3 OF 3

DECLASSIFIED

E.O. 12958, As Amended,
White House Guidelines, August 28, 1997
By DMS NARA, Date 5/17/97

~~SECRET~~

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 BERGER	Z 98012917 FWD TO PRESIDENT FOR SIGNATURE
002 PRESIDENT	Z 98013112 FOR SIGNATURE
002	X 98020413 PRESIDENT SGD PER WH EXEC CLERK
003	X 98020413 PRESIDENT SGD LTRS

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH FOR ACTION</u>	<u>DISPATCH FOR INFO</u>
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003	980131	RGINF	
003	980131	GORE, A	

THE WHITE HOUSE
WASHINGTON

0538

Sandy;
a para has been
added, as you
suggested.

(12)

National Security Council
The White House

PROOFED BY: _____ LOG # 05380
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG D A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>K</i> Cosgriff	_____	_____	_____
Rice	<u>1</u>	<u>Ⓟ 1/29</u>	_____
Davies	_____	_____	_____
Kerrick	<u>2</u>	<u>Ⓟ 1/29</u>	<u>See Note</u>
Steinberg	<u>3</u>	_____	_____
Berger	<u>4</u>	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>5</u>	<u>Ⓟ 1/30</u>	<u>STEIN</u>
Records Mgt. →	<u>6</u>	<u>TMA 2.2</u>	<u>N</u>
→	<u>7</u>	_____	<u>N</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: BYPASSED STEIN - COPIES W/INTO STAFF SEC AND CLERK FOR EXEC SEC

COMMENTS: Report Needs to be submitted by Jan 31

'98 JAN 29 am 3:19

↳ to Congress!

Exec Sec Office has diskette yes

Log # 0539

ADDITIONAL COMMENTS

Fm (2) To SRB Date 1/29

This is a routine
report... Not a new
exemption...

Fm _____ To _____ Date _____

THE WHITE HOUSE
WASHINGTON

January 31, 1998

Dear Mr. Speaker:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 26, 1997, I issued Presidential Determination No. 97-35 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 97-35 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a district court decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP), the relevant appeal which, was subsequently dismissed as moot (9th Cir. Nos. 96-15535 and 96-15537; decided January 8, 1998). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

William J. Clinton

The Honorable Newt Gingrich
Speaker of the
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

January 31, 1998

Dear Mr. President:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 26, 1997, I issued Presidential Determination No. 97-35 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

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Sincerely,



The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

September 26, 1997

Presidential Determination
No. 97-35

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified
Information Concerning the Air Force's
Operating Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)), from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

William J. Clinton

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 2, 1998

TEXT OF A LETTER FROM THE PRESIDENT
TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND THE PRESIDENT OF THE SENATE

January 31, 1998

Dear Mr. Speaker: (Dear Mr. President:)

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 26, 1997, I issued Presidential Determination No. 97-35 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

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Sincerely,

WILLIAM J. CLINTON

#

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (2 pages)	01/31/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Area 51])
OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F
ds218

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]

CLINTON LIBRARY PHOTOCOPY



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



JAN 27 1998

~~0645~~
0538

MEMORANDUM FOR THE PRESIDENT
THROUGH THE NATIONAL SECURITY ADVISOR

SUBJECT: Congressional Notification of Presidential Exemption under Section 6001(a) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6961(a).

I recommend you provide the enclosed report to Congress pursuant to section 6001(a) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6961(a).

Section 6001(a) requires that you "report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with [your] reason for granting each such exemption." You granted such an exemption on September 26, 1997, in Presidential Determination 97-35, which protects classified information concerning the Air Force's operating location near Groom Lake, Nevada, from public disclosure. The enclosed report provides notice to Congress of the exemption.

The EPA Office of General Counsel and the Department of Justice Environment and Natural Resources Division have reviewed the report and concur with the Department of Defense that this report should be provided.

Attachment:
a/s

JAN 28 11:13

January 29, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: JAMES BAKER *JB*

SUBJECT: Report to Congress on Presidential Exemption
Concerning the Operating Location Near Groom Lake *Issue*

Don
Notes to POTUS (revised)
needs to remind
him we are
otherwise working
Issue
A

Under the Resource Conservation and Recovery Act (RCRA), the President is required to report each January to the Congress all exemptions granted during the previous year and the reasons for doing so. This is the third such report during this Administration. The language is consistent with earlier reports with the addition of language noting the 9th Circuit's January 8 ruling that the litigation giving rise to the President's exercise of the exemption is moot.

The 9th Circuit upheld the validity and scope of the President's exemption, but declined to address the Government's argument that an exemption is not required because criminal statutes already preclude disclosure of classified information.

The report should be submitted to Congress no later than January 31.

Concurrence by: *JB for* Joe Bouchard, Mara Rudman and David Sandalow

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

- Tab I Memorandum for the President
- Tab A Letter to Speaker of the House
- Tab B Letter to President of the Senate
- Tab II Incoming Correspondence

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. email	Joseph F. Bouchard to Joan S. Hunerwadel Re: Report to Congress [partial] (1 page)	01/27/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Area 51])
OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F
ds218

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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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]

CLINTON LIBRARY PHOTOCOPY

Hunerwadel, Joan S.

From: Bouchard, Joseph F.
Sent: Tuesday, January 27, 1998 7:31 AM
To: Hunerwadel, Joan S.
Subject: RE: Report to Congress re Groom Lake [UNCLASSIFIED]

I clear for Defense Policy.

(b)(6)

[0016]

Joe Bouchard

-----Original Message-----

From: Hunerwadel, Joan S.
Sent: Monday, January 26, 1998 8:31 PM
To: Bouchard, Joseph F.; Rudman, Mara E.; Sandalow, David B.
Subject: Report to Congress re Groom Lake [UNCLASSIFIED]

Could we please have your clearance on the attached report to Congress no later than OOB Wednesday, 28 January. This has to be submitted to Congress no later than January 31. David, Jamie said you would be clearing for CEQ as well.

Thanks for your help.

<< File: 0538ag.doc >> << File: 0538bc.doc >> << File: 0538ng.doc >> << File: 0538sb.doc >>

Hunerwadel, Joan S.

From: Sandalow, David B.
Sent: Wednesday, January 28, 1998 10:32 AM
To: Hunerwadel, Joan S.; Bouchard, Joseph F.; Rudman, Mara E.
Subject: RE: Report to Congress re Groom Lake [UNCLASSIFIED]

I clear (for NSC/Environment and CEQ).

-----Original Message-----

From: Hunerwadel, Joan S.
Sent: Monday, January 26, 1998 8:31 PM
To: Bouchard, Joseph F.; Rudman, Mara E.; Sandalow, David B.
Subject: Report to Congress re Groom Lake [UNCLASSIFIED]

Could we please have your clearance on the attached report to Congress no later than OOB Wednesday, 28 January. This has to be submitted to Congress no later than January 31. David, Jamie said you would be clearing for CEQ as well.

Thanks for your help.

<< File: 0538ag.doc >> << File: 0538bc.doc >> << File: 0538ng.doc >> << File: 0538sb.doc >>

Hunerwadel, Joan S.

From: Rudman, Mara E.
Sent: Tuesday, January 27, 1998 8:37 PM
To: Hunerwadel, Joan S.
Cc: Bouchard, Joseph F.; Sandalow, David B.; @LEGISLAT - Legislative Affairs
Subject: RE: Report to Congress re Groom Lake [UNCLASSIFIED]

We're fine with it.

-----Original Message-----

From: Hunerwadel, Joan S.
Sent: Monday, January 26, 1998 8:31 PM
To: Bouchard, Joseph F.; Rudman, Mara E.; Sandalow, David B.
Subject: Report to Congress re Groom Lake [UNCLASSIFIED]

Could we please have your clearance on the attached report to Congress no later than OOB Wednesday, 28 January. This has to be submitted to Congress no later than January 31. David, Jamie said you would be clearing for CEQ as well.

Thanks for your help.

<< File: 0538ag.doc >> << File: 0538bc.doc >> << File: 0538ng.doc >> << File: 0538sb.doc >>

Hunerwadel, Joan S.

From: Sandalow, David B.
Sent: Wednesday, January 28, 1998 10:32 AM
To: Hunerwadel, Joan S.; Bouchard, Joseph F.; Rudman, Mara E.
Subject: RE: Report to Congress re Groom Lake [UNCLASSIFIED]

I clear (for NSC/Environment and CEQ).

-----Original Message-----

From: Hunerwadel, Joan S.
Sent: Monday, January 26, 1998 8:31 PM
To: Bouchard, Joseph F.; Rudman, Mara E.; Sandalow, David B.
Subject: Report to Congress re Groom Lake [UNCLASSIFIED]

Could we please have your clearance on the attached report to Congress no later than OOB Wednesday, 28 January. This has to be submitted to Congress no later than January 31. David, Jamie said you would be clearing for CEQ as well.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001c. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (1 page)	ca. 1/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Area 51])
OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F
ds218

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]

CLINTON LIBRARY PHOTOCOPY

Withdrawal/Redaction Marker

Clinton Library

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CLINTON LIBRARY PHOTOCOPY

THE WHITE HOUSE
WASHINGTON

Dear Mr. President:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), notification is hereby given that on September 26, 1997, I issued Presidential Determination 97-35 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 97-35 exempted the United States Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a district court decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP), the relevant appeal from which was subsequently dismissed as moot (9th Cir. Nos. 96-15535 and 96-15537; decided January 8, 1998). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20515

Enclosure

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 2059				
Document ID: 9806405				
Stack: V	Row: 45	Section: 5	Shelf: 9	Position: 3

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9806405
RECEIVED: 17 SEP 98 14

TO: BROWNER, C
PETERS, F W

FROM: PRESIDENT

DOC DATE: 25 SEP 98
SOURCE REF:

KEYWORDS: LEGAL ISSUES
PD

ACCESS

PERSONS:

SUBJECT: PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION NEAR
GROOM LAKE

ACTION: PRESIDENT SGD PD 98-36

DUE DATE: 23 SEP 98 STATUS: C

STAFF OFFICER: BAKER

LOGREF: 9507055 9507092

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER
NSC CHRON

COMMENTS: _____

DISPATCHED BY SP DATE 9/28 BY HAND W/ATTCH

OPENED BY: NSJWF

CLOSED BY: NSGP

DOC 4 OF 4

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9806405

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 BAKER	Z 98091714 PREPARE MEMO FOR BERGER
002 BERGER	Z 98092413 FWD TO PRESIDENT FOR SIGNATURE
003 PRESIDENT	Z 98092413 FOR SIGNATURE
004	X 98092809 PRESIDENT SGD PD 98-36

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH FOR ACTION</u>	<u>DISPATCH FOR INFO</u>
003	980924		VICE PRESIDENT
003	980924		WH CHIEF OF STAFF
004	980925	BROWNER, C	KENNEY, K
004	980925	PETERS, F W	CONROY, R
004	980925		DUSAULT, P
004	980925		SAUNDERS, T

UNCLASSIFIED

National Security Council
The White House

9/23
1536

PROOFED BY: _____ LOG # 10405
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG TTC A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>h</i> Cosgriff	_____	_____	_____
Rice	<u>1</u>	<u>@9/23</u>	_____
Davies	_____	_____	_____
Kerrick	_____	_____	_____
Steinberg	<u>2</u>	<u>[Signature]</u>	_____
Berger	<u>3</u>	<u>[Signature]</u>	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	_____	<u>D</u>
Records Mgt.	_____	_____	_____
_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

1998 SEP 23 01:17:44
COMMENTS:

*Need signed by 9/25
Groom Lake*

Exec Sec Office has diskette isp _____

National Security Council
The White House

9/23
1530

PROOFED BY: _____

LOG # 6405

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT ARS

BYPASSED WW DESK: _____

DOCLOG TR AVO _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>h</i> Cosgriff	_____	_____	_____
Rice	<u>1</u>	<u>@9/23</u>	_____
Davies	_____	_____	_____
Kerrick	_____	_____	_____
Steinberg	<u>2</u>	<u>[Signature]</u>	_____
Berger	<u>3</u>	<u>[Signature]</u>	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	_____	<u>D</u>
Records Mgt.	_____	_____	_____
_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

198 SEP 23 11:21 AM
COMMENTS:

*Need signed by 9/25
Groom Lake*

Exec Sec Office has diskette up

THE WHITE HOUSE

WASHINGTON

September 25, 1998

Presidential Determination
No. 98-36

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified
Information Concerning the Air Force's Operating
Location Near Groom Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada, (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP), from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

William J. Clinton

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

6405

September 23, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: JAMES E. BAKER *JB*

SUBJECT: Continuation of RCRA Exemption for Operating
Location Near Groom Lake

Since 1995, the President has exempted the "Operating Location near Groom Lake" from the public disclosure requirements of the Resource Conversation Recovery Act in order to protect national security information. By statute, the exemption is effective for one year, unless renewed.

With the concurrence of EPA and Justice, the Deputy Secretary of Defense is recommending that the President renew the exemption. Katie McGinty concurs as well. As with last year's exemption, the continuation expressly notes that it is not intended to limit the applicability or enforcement of any requirement of law applicable to the facility except those concerning the disclosure of classified information. To ensure continued protection of classified information the **President should sign the attached exemption by September 25.**

In response to questions from the President, you requested that Defense, CIA and Energy review certain questions with respect to the Operating Location. A summary of this review was sent to the President in August, and is presently with John Podesta. Execution of this determination would not prejudice the President's satisfaction with this review.

Concurrence by: *JB*
Joe Bouchard and David Sandalow

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum for the President
Tab A Presidential Determination
Tab B Incoming Correspondence

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9806405
RECEIVED: 17 SEP 98 14

TO: PRESIDENT
BERGER

FROM: HAMRE, J

DOC DATE: 15 SEP 98
SOURCE REF:

KEYWORDS: LEGAL ISSUES
PD

ACCESS

PERSONS:

SUBJECT: RENEWAL OF PRES EXEMPTION - RCRA - FOR CLASSIFIED INFO RE GROOM LAKE

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 23 SEP 98 STATUS: S

STAFF OFFICER: BAKER

LOGREF: 9507055 9507092

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
BAKER

FOR CONCURRENCE

FOR INFO

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJWF

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

September 25, 1998

Presidential Determination
No. _____

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

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The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.

William J. Clinton



Clinton Presidential Library

1200 President Clinton Avenue
Little Rock, AR 72201

March 27, 2008

Grant Cameron
649 Silverstone Avenue
Winnipeg, Manitoba
Canada R3T2V8

FOIA Case: 2006-0527-F

Dear Mr. Cameron:

Enclosed please find your copies you have requested from FOIA case 2006-0527-F. I have also included your copy of the receipt for payment. I apologize for the delay in getting these shipped to you.

If you have any questions regarding your FOIA, please contact our staff at (501) 244-2877 or by email at Clinton.library@nara.gov. Your case log number is 2006-0527-F. Please have this number accessible for reference during any future contact concerning this FOIA request.

Sincerely,

Dana Simmons
Archivist/FOIA Coordinator
William J. Clinton Presidential Library