JAMES B. STEINBERG – "DEEP DIVE"

I. Introduction

James Braidy Steinberg is the current dean of the Lyndon B. Johnson School of Public Affairs of the University of Texas. He served as Deputy National Security Advisor and Director of the State Department's Policy Planning Staff under President Clinton.

Steinberg produced the completed questionnaire and attachments, the completed SF 86, the completed OGE 450¹, his 401k and investment reports, federal tax returns from 2005-07, and a District of Columbia tax return for part of 2005. Steinberg indicated that because there is no state income tax in Texas, he did not file state tax returns for the remainder of 2005 and 2006-07 (during his residency in Texas).

Because Steinberg was not able to travel to Washington during the time allotted for this assignment, Team Leader Robert Wilkins traveled to Austin and interviewed him on October 30 in a suite at the Courtyard Marriott adjacent to the airport. The interview took place at 2:30 pm and lasted approximately two hours.

II. Comment on Public Vet Memo

The Public Vet memo deals with Steinberg's public record fairly comprehensively, and it accurately captures the subjects it covers. (One small nit – the Public Vet memo inaccurately describes him as maintaining "an active DC bar license"; his bar membership is actually on "inactive" status.) The Public Vet memo does not, however, address three potentially controversial issues that are reported in the media and other public sources: the Gilbert Chagoury meeting, the accusation of treason by Navy Lt. Commander Jack Daly, and the Clinton administration's purported failure to detain Osama bin Laden in 1996. In addition, the Public Vet memo may downplay the possibility of conservative attacks on Steinberg's criticism of the Bush Administration's "global war on terror" and his commitment to multilateral solutions to problems facing the U.S. All of these issues are discussed below.

As a Clinton Administration official, Steinberg received occasional criticism for subordinating policy to politics, for making "communications an end in itself," and for being a "savvy climber and a master of spin." (New York Times, June 12, 2000; The New Republic, May 17, 1999; The New Republic, Oct. 6, 1997). In the context of Washington politics, this is hardly severe criticism.

III. Substantive Views & Writings

Over the past 20 years, Steinberg has written and spoken extensively on foreign policy and national security issues. To a much lesser extent, he has written and spoken about domestic policy. Our team attempted to locate and read everything in the public domain that Steinberg had either written or said. With one exception², as of the time of this writing, we have obtained and read all of the publications listed on his curriculum vitae, as well as certain publications and speeches he does not list. (Steinberg has a forthcoming book, *Difficult Transitions: Foreign Policy Troubles at the Outset of Presidential Power*, that is scheduled for release in the next few months. We have read the speeches and articles that form the basis for the book, and Steinberg reported in his interview that there is nothing

¹ Because Steinberg had just recently completed the OGE 450 form, we allowed him (with the approval of Christine Varney) to submit that form in lieu of the SF 278, given their similarities. As described below, we obtained information from Steinberg about all of the relevant issues covered in the SF 278. ² We have not yet read a paper entitled "Democracy and Regional Security" in *Building a New Vision for Asia-Pacific Democracy and Human Rights* (published by Asia Pacific Democratic Cooperation Forum, 2002). A copy of the book should be available in the Library of Congress, and Team Leader Robert Wilkins will endeavor to obtain it, read Steinberg's article and report anything noteworthy by COB November 3.

materially different in the book from those speeches and articles.) In addition, we searched Lexis/Nexis for all news articles and reports containing his name in the same paragraph as "national security" or "policy planning" from 1993 to the present, and we have reviewed all 1600 hits generated by the search. We also performed various Internet searches. (Steinberg reported during the interview that he wrote a blog for a brief period of time on TalkingPointsMemo.com; our search indicated that Steinberg participated in the "America Abroad" foreign policy blog of TPM in the July 2005 time period, but his specific blog entries are no longer available on the website.) In addition to locating more of his statements, interviews and commentary, this research gave us more insight into how commentators and other experts in the field evaluated his views.

A. Terrorism, Homeland Security and Intelligence

Steinberg is a strong proponent of "addressing the challenges of radical extremists who use the tools of terror." (Steinberg, The National Security of Taiwan, Japan and the United States - and How to Achieve it (speech), Sept. 8, 2007). However, he has criticized the Bush administration for making antiterrorism the overwhelming focus of U.S. foreign and national security policy. The "Global War on Terror," he has said, is a "bumper sticker" slogan that oversimplifies the many complex challenges facing the U.S. (Id.) "[The administration] ha[s] this sort of grand Bush doctrine to fight evil, but they haven't developed an elaborate set of policies on the second order of problems. If it can't be fit into the template of counterterrorism and the fight against evil, they don't have any strategies." (Washington Post, April 21, 2002)

Steinberg believes that terrorism is a tactical problem, not a strategic one, and maintains that by treating it as a strategic problem, the Bush administration has: (i) validated the terrorists' view that the Muslim and non-Muslim worlds are engaged in an ideological clash of civilizations; (ii) overemphasized the importance of military force; (iii) undermined the U.S.'s commitment to the rule of law; and (iv) diverted attention and resources from other pressing issues. Mr. Steinberg prefers "a more multi-faceted U.S. strategy that includes both regional geopolitical, economic and transnational challenges," including not only terrorism, but climate change, public health and nuclear proliferation. (Steinberg, The Challenges of American Foreign Policy (speech), Sept. 16, 2007) Explaining his views, Mr. Steinberg has said, "Although conflict remains in the world today, there is no serious ideological challenge to the primacy of basic values of democracy and personal freedom – not even in the Islamic world, though some see fundamentalist Islam as just such a rival." (Steinberg, Sept. 8, 2007 Tapei speech)

Steinberg has also written and spoken extensively on the Bush Administration's domestic response to 9/11, and particularly, the creation of the Department of Homeland Security. Steinberg and his then-colleagues at Brookings opined that while the creation of DHS had some merit, the new agency was "larger and more complex than desirable or necessary." (*Protecting the American Homeland: One Year On*, page x (2003)).

With respect to intelligence, Steinberg advocates the creation of a new domestic intelligence agency similar to the United Kingdom's MI5 and the removal of intelligence responsibilities from the FBI. His basic thesis is that the FBI's traditional criminal investigation approach is ineffective in the context of intelligence gathering and analysis. He advocates placing this new agency either in the Justice Department (separate from the FBI) or under the Director of National Intelligence, and he maintains that sufficient steps should be taken "to ensure full integration of the domestic and foreign aspects of counterterrorism operations." (*Protecting the Homeland 2006/2007*, page 25 (2006)). The proposal to create a domestic intelligence agency has drawn some criticism, but through his work on the 2002 Markle Task Force Report and in subsequent writings, Steinberg has been careful to emphasize that additional safeguards are needed to ensure the protection of civil liberties and the proper use of intelligence data. Those caveats have done much to blunt the criticism.

B. Military and Diplomatic Policy

1. General Outlook

Steinberg has consistently argued that U.S. interests are best served by building broad coalitions and strengthening alliances with other nations. Typifying his views, he wrote in 1993 that "[t]he United States cannot achieve its objectives acting in isolation from its allies." (Steinberg, *European Defense and the Future of Transatlantic Cooperation*, at 53-54 (1993)) Similarly, as deputy National Security Advisor, he cautioned that the U.S. cannot maintain its position of world leadership if, as neoconservatives William Kristol and Robert Kagan urged, it "reject[ed] the global buddy system." (Steinberg, Letter to *New York Times* editor, Oct. 28, 1999)

Steinberg does not, however, believe that unilateral U.S. action is always inappropriate. He generally favors trying to win international support first, but recognizes that the U.S. must act alone to protect its interests when the international community, including the U.N., either fails or is too slow to respond. To win what he sees as the essential support of other nations, Steinberg advocates a foreign policy that expands its central focus beyond counterterrorism (see above), promotes democracy through means other than military force, seeks broad cooperation with emerging powers like India and China, commits to free trade (see below), and values international law and multinational institutions.

2. U.S. Response to 9/11

Following 9/11, Steinberg advocated building a coalition of supportive nations, including Arab and majority-Muslim states, prior to launching attacks against Afghanistan, believing it imperative to show the Muslim world that the U.S. was not against Muslims, but against al Qaeda and its enablers, like the Taliban. Steinberg argued vigorously in favor of maintaining and strengthening this coalition as the U.S. expanded the war on terror. Among other things, he said: "If we're going to act, we need to be able to convince the world that we were justified in our actions" (NBC, Sept. 11, 2001); "We cannot solve this problem alone, however powerful we are." (U.S. News & World Report, Sept. 24, 2001). Steinberg worried that if the main goal of the U.S. in Afghanistan were regime change, rather than denying al Qaeda a sanctuary, coalition support for combating terrorism might begin to falter. Steinberg's views on coalition-building drew sharp criticism from hawkish neoconservatives like Richard Perle, who favored a more unilateralist approach and believed that regime change (in both Afghanistan and Iraq) was necessary to deter other nations from harboring or enabling terrorists.

3. Iraq

The extensive description of Steinberg's evolving views on the Iraq War in the Public Vet memo (at pp. 4-5) is accurate.

Despite his own belief in the propriety of withdrawal of U.S. combat troops from Iraq, Steinberg recently has cautioned that "deep operational constraints ... will make it difficult to remove forces perhaps as dramatically as Obama and some of his supporters would like." (Steinberg, *The Daily Yomiuri*, June 21, 2008). Recently, Michael O'Hanlon, who joined him in 2004 and 2005 as a co-author of op-eds advocating a timeline for withdrawal, has broken from Steinberg on Iraq. As William Kristol wrote in an October 27, 2008 column, O'Hanlon now believes that "Obama's Iraq position is extremely risky and that getting all American combat forces out of Iraq by April 2010 ... is very imprudent." (*New York Times*, Oct. 27, 2008)

4. Preventive Use of Force

The extensive description of Steinberg's views on the preventive use of force in the Public Vet memo (at pp. 5-6) is accurate.³ Consistent with his position that the preventive use of force is appropriate in limited circumstances, Steinberg has defended the Clinton administration's use of force in Bosnia, Iraq and Kosovo and, as noted, believed the U.S. acted justifiably in attacking Iraq based on the intelligence it had and Hussein's noncompliance with U.N. resolutions.

5. International Law

Steinberg has broadly argued that, consistent with both its values and its interest in building support from other nations, especially in Europe and Asia, the U.S. should take a "more affirmative approach" to international law and international institutions than conservatives advocate. (Steinberg, *The Challenges of American Foreign Policy* (speech), Sept. 8, 2007) Prior to any Supreme Court rulings on the issue, Steinberg signed a statement declaring that the Geneva Conventions apply to all combatants detained in the war on terror, including those held at Guantanamo. In more recent speeches, he also has implicitly criticized the Bush administration for diminishing the world standing of the U.S., and making it tougher to tackle global problems, by violating international treaty obligations.

6. Euro-U.S. Relations

Steinberg has written extensively on European-U.S. relations. Consistent with his multilateralist orientation, he believes in the efficacy of NATO and has long favored NATO expansion, to include Russian membership. Correspondingly, he supports burnishing U.S. relations with an expanded, fully-integrated EU, and has criticized what he calls the Bush administration's "divide and conquer ... approach to Europe." (Steinberg, *The U.S. Has a State in Europe's Success: EU Constitution* (2003)) In 2005, Steinberg was one of many leading American and European foreign policy experts to sign a detailed Euro-U.S. "compact" that stressed the importance of bridging the emergent Euro-U.S. divide. The compact's signatories appear largely to be centrist-liberal, but include several more conservative voices, including Robert Kagan and Francis Fukuyama.

7. U.S.-Asian Relations

Steinberg believes the U.S. should strengthen ties with all emerging Asian powers, including China, India and Japan, and should try to refrain from pursuing policies that pit any one of them against another. He has advocated including Japan and India on the U.N. Security Council, and believes that India's playing an enhanced role in Asia will contribute to regional stability and prosperity. Steinberg has criticized the Bush administration for viewing China and the U.S. as locked in a zero sum game, where any power gains by China result in power losses to the U.S. Steinberg has long believed that the U.S. should move closer to, rather than "contain," China in order to achieve regional stability. Although he has not shied away from criticizing China's human rights record or emphasizing that the U.S. must clearly indicate which Chinese courses of action are both acceptable and unacceptable, he reportedly "was one of the architects of Mr. Clinton's decision in 1994 to sever the link between human rights and trade with China." (New York Times, June 12, 2000) And in several more recent speeches touting the importance of strengthening U.S.-Chinese ties, he has not mentioned human rights.

8. Free Trade

The Public Vet memo's discussion of Steinberg's commitment to free trade is accurate.

C. Domestic Policy

Steinberg reported in his interview that he does not consider himself to be an expert on domestic or U.S. urban policy. Nonetheless, he did write or edit some works on urban policy during his time at Rand (over 15 years ago), and he has sporadically commented on domestic policy issues since then. In

³ In his interview, Steinberg emphasized the phrase "preventive use of force," as opposed to "preventive war."

an introduction to a collection of essays on U.S. urban policy, Steinberg wrote that "Undocumented immigration will continue, short of enacting draconian measures, which have never been politically acceptable to the nation. Therefore, policy should be designed to help both these immigrants and the communities in which they live to deal with the consequences." *Urban America: Policy Choices for Los Angeles and the Nation*, intro at page 6 (Rand 1992). Given the contentiousness of the debate over immigration policy, this statement could be seen as controversial by some. Steinberg reported in the interview that his introduction to this report was merely a summary of the views of the essay authors, not his own; however, in recent years, he has criticized protectionist and harsh anti-immigration policies as inhibiting the growth of the U.S. economy.

IV. Financial Summary

Our review of Steinberg's financial reports and questionnaire responses revealed no reportable issues, with one exception noted below. Our search of the public records databases in Lexis/Nexis for criminal, civil and bankruptcy court records revealed no reportable information. In addition, we were advised by Christine Varney that the analysis of his 2005-2007 tax returns revealed no reportable issues. As of the time of this writing, we have not received his credit report and were advised that the campaign would obtain it in the near future.

The only reportable issue is that Steinberg indicated on his questionnaire that he became aware of his failure to pay taxes related to domestic help in 1993 (following the Zoe Baird nomination), but that he promptly filed all appropriate papers and paid all back taxes and penalties. He reported during the interview that the penalties were later waived, that the issue was resolved prior to him joining the Clinton Administration in fall 1993, and that he has retained all of the documentation reflecting same.

Steinberg and his wife, Sherbourne Abbott, file joint tax returns, and they own homes in Austin, Texas and Washington, DC. Steinberg has given numerous speeches and consulted with various clients on foreign policy issues to supplement his income at Brookings and at the LBJ School. The lengthy list of speeches and engagements is attached to his questionnaire response. From November 2005 to August 2008, he was affiliated with the Glover Park Group in Washington, DC as a consultant. Steinberg reports that he has never done any lobbying work and that he has not met with any U.S. officials on behalf of the clients with whom he has consulted about foreign policy. Steinberg reported during the interview that, to the best of his recollection, he has received "outside" compensation in excess of \$5,000 from a single source in the following circumstances: from the Japanese newspapers for speeches (usually \$7000-10,000 per speech), for a series of six speeches to the World Taiwanese Congress (approximately \$37,000), from the Center for a New American Security for consulting and planning over a two-year period (totaling about \$30,000), and for his consulting for the Glover Park Group, for which he was paid from \$7,500-\$10,000 per month. Steinberg advised that he is reimbursed directly by the university for work-related travel, but that the university may in turn be reimbursed by others for some of that travel.

V. Affiliations & Clients

Steinberg is affiliated with a number of mainstream foreign policy organizations and institutions, such as the Pacific Council on International Policy, the Center for a New American Security, the Council on Foreign Relations and the International Institute for Strategic Studies. As described above, Stenberg has actively spoken and consulted with numerous groups since he left the Clinton Administration in 2000. Many of his clients were foreign newspapers, non-profit organizations, companies and governments. None of these affiliations appear to be problematic.

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⁴ We also note that an essay in this report advocated policies to remedy inequalities in income and wealth distribution in U.S. society. While Steinberg was merely the editor of this report, we mention it here because of the present controversy over "wealth redistribution" in the presidential campaign.

VI. Health, Family & Other Personal Issues

Steinberg has been married to Sherbourne Abbott for 14 years, and they have two daughters aged 4 and 6 who were adopted from China. Steinberg reports that he is in good health and that he has no major medical or mental health conditions (other than repercussions from a serious back injury that occurred many years ago). He appears to be in fit condition. Other details will be reported orally.

VII. Controversies\Liabilities

1. Sandy Berger, Mary McCarthy and Edward Lincoln

With respect to the issues related to Sandy Berger, Mary McCarthy and Edward Lincoln raised in the Public Vet memo, our research revealed that these are not significant controversies. Steinberg reported during the interview that he was not involved at all in the defense or prosecution of Sandy Berger's case and that he made no public or private statements about the matter. Regarding Mary McCarthy, Steinberg reported that his statement to *The Washington Post* was not a comment about the specific allegations against her, which he knew nothing about, but was merely an assessment of her character and trustworthiness based on his knowledge of her and her work. As for Edward Lincoln, Steinberg indicated that Lincoln was relieved of his duties at Brookings for performance, rather than political, reasons and that there were no lawsuits or other fallout from the matter.

2. Jack Daly

In 2000, U.S. Navy Lt. Commander Jack Daly accused Steinberg, Deputy Secretary of State Strobe Talbott, Deputy Undersecretary of Defense Jan Lodal, NSC staff aide Robert Bell and Ambassador James Collins of treason for allegedly mishandling and covering up a 1997 encounter with a suspected Russian spy ship. In May 1997, Daly was photographing the Kapitan Man while the vessel was near Puget Sound. Daly suffered severe eye damage from exposure to a purported laser attack launched from the Russian vessel. Daly alleges that after his attack, in an effort to maintain smooth relationships with Russia, the government officials tipped off the Russian Embassy to the fact that the U.S. would be searching the ship, and then ordered only a limited search of the ship three days after the incident. Daly further alleges that Steinberg and the other individuals were involved in interagency decision-making sessions that resulted in the United States failing to hold Russia accountable for the attack. Daly testified before the House Armed Services Committee in 1999 regarding the incident. Daly was represented by Judicial Watch in an unsuccessful lawsuit against the Russian owners of the vessel, and the Navy denied the recommendation of its Inspector General to award him the Purple Heart. The incident is covered in detail in the book "Betrayal: How the Clinton Administration Undermined American Security" by Bill Gertz.

3. Gilbert Chagoury Meeting

In July 1997, when U.S.-Nigerian relations were strained because of dictator Sani Abacha's execution of nine of his political opponents, Steinberg, as deputy National Security Advisor, agreed to a meeting with Gilbert Chagoury, a wealthy businessman who had close ties to Abacha and who had recently given \$460,000 to a voter registration group closely aligned with the DNC. Steinberg volunteered this as a potentially controversial matter in his questionnaire, and he indicated that he was contacted about the incident last June by a Wall Street Journal reporter. We found only a few news articles about the meeting. Steinberg indicated in the interview that the sole purpose of the meeting was to ask Chagoury to deliver the message to the Abacha administration that the U.S. had serious concerns about corruption, human rights and other issues in Nigeria.

4. "Difficult Transitions"

The Public Vet memo (at pp. 8-9) accurately explains that, in op-eds and speeches plugging his forthcoming book, Difficult Transitions, Steinberg has said that campaign promises regarding withdrawal from Iraq, "fair" trade and aggressive action against Iran might prove difficult to keep.

Steinberg also has asserted more generally that campaign promises regarding foreign policy may well go unfulfilled because candidates lack access to the information needed to make fully-informed decisions. Steinberg's assertions may be taken to suggest that Senator Obama has engaged in making false or empty commitments during the course of his campaign. In addition, to the extent that Steinberg's past statements on Iraq and other issues vary to any degree from the views of Senator Obama, partisans will likely seize on those differences to attempt to weaken or embarrass a new administration.

5. Counter-terrorism and Multilateralism

Although clearly devoted to rooting out global terrorism, Steinberg does not believe, as many conservatives do, that counterterrorism (a/k/a "the Global War on Terror") should be the "organizing principle" of U.S. foreign policy. Nor does he think that fundamentalist Islam, like communism in the mid-20th century, poses an existential threat to "basic values of democracy and personal freedom." Steinberg also has said that the primary goal of military action against terrorist-harboring nations like Afghanistan should be to prevent them from offering sanctuary to terrorists, rather than regime change. Additionally, at times, Steinberg has mentioned the importance of using pre-emptive law enforcement techniques to fight terrorism. Conservatives often deride all of these positions as "soft" on terror.

Steinberg's commitment to diplomatically-achieved, multilateral support for U.S. responses to the threats to our interests runs deep, coloring nearly all of his foreign and national security policy prescriptions. Conservatives often belittle these views, too, as weak.

6. Alleged Failure to Detain Osama bin Laden in 1996.

In response to criticism, Steinberg has asserted that the Clinton Administration recognized al Qaeda as a serious threat and used all available tools to defeat it. However, on several occasions, when pressed about the Clinton Administration's purported failure to accept an offer from Sudan to turn over Osama bin Laden in 1996, Steinberg has defended any such decision by saying the U.S. would not have had sufficient evidence to detain him.

VIII. Conclusion

Throughout his career, Mr. Steinberg has taken measured positions and avoided serious controversy. As a result, we do not envision any real obstacles to his confirmation to a cabinet-level position or to his appointment to a top White House post. Nevertheless, Mr. Steinberg's positions on foreign and national security policy might give putative early critics of an Obama administration – particularly hawkish, conservative critics – an opportunity to reinforce Sen. McCain's campaign theme that Senator Obama and his advisors inappropriately view our dangerous world through rose-colored glasses and erroneously advocate "soft" rather than "hard," power solutions to the grave threats facing the U.S.

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Attachments:

Appendix A: Public Vet Memo

Appendix B: Subject's Written Responses to Questionnaire

Appendix C: Subject's SF 86 Appendix D: Subject's OGE 450