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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name CULVAHOUSE, ARTHUR B.:FILES

Withdrawer

DLB 2/18/2014

File Folder IRAN/ARMS TRANSACTION: THOMAS
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11

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164198	MEMO	PAUL SCHOTT STEVENS TO FRANK CARLUCCI, RE: SUBPOENA	2	5/7/1987	B1
164199	SUBPEONA	RE: INVESTIGATION	1	4/30/1987	B1
164200	LETTER	THOMAS WILSON TO CONG. LEE HAMILTON	2	5/5/1987	B1

The above documents were not referred for declassification review at time of processing

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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164198 MEMO

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PAUL SCHOTT STEVENS TO FRANK CARLUCCI,
RE: SUBPOENA

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164200 LETTER

2 5/5/1987 B1

THOMAS WILSON TO CONG. LEE HAMILTON

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Washington, D.C. 20505

4 May 1987

The Honorable Daniel K. Inouye, Chairman
Select Committee on Secret Military Assistance
to Iran & the Nicaraguan Opposition
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Press reports continue to circulate that the House and Senate Select Committees on Secret Military Assistance to Iran and the Nicaraguan Opposition may ask employees of the Central Intelligence Agency's clandestine services to testify under oath in public hearings. While I and other Agency officials in discussions with your staff have already outlined the serious problems this would pose for us, I believe this issue is so critical that I want to make our great concern and the reasons for objecting to public testimony absolutely clear. I also want to apprise the Committee that I have consulted with National Security Adviser Carlucci, and he has informed me that this is a matter of importance to the President.

Let me emphasize at the outset that any Agency employee is available to the Select Committees to testify under oath in a closed session. As you know, CIA personnel have already given sworn depositions to Committee staff. The Agency is fully prepared to work with the Committees to produce expeditiously for public release a declassified version of any such testimony. Indeed, I am prepared to commit all necessary resources to ensure that testimony taken in executive session is sanitized and declassified for public use within 24 hours. Accordingly, the issue is not whether information from Agency employees can be put before the public, but whether it is necessary or appropriate for CIA clandestine services employees to appear in open Committee proceedings.

First, there is the issue of precedent. As far as I can determine, no active duty member of the CIA clandestine service has ever testified under oath in a public hearing before the Congress. Although the question of public testimony was considered during the Church and Pike Committee hearings of the 1970s, both those Committees accepted the Agency's argument against public exposure of its employees other than the Director. ~~Both the Senate and House Intelligence Committees~~ have also respected this principle through the years.

It is also important to keep in mind that virtually any staff employee the Committee may wish to call as a witness must travel or live abroad to carry out his or her duties. Public exposure could eliminate the possibility of future service abroad because of personal and operational security problems and reluctance of foreign governments to allow known Agency employees to be stationed in their countries. Although it is true that the names of some of these employees may have appeared in the media, this does not necessarily confirm affiliation with the Agency. On the other hand, public testimony before Congress would confirm official CIA affiliation, and when linked with photographs appearing in the media, would confirm identity as well. I appreciate plans apparently under consideration by Committee staff to prohibit television and still photography of Agency employees, but I question whether these plans are workable or seemly for an Agency official.

Apart from the public disclosure of the identities of our personnel, we are deeply concerned about the kinds of information our witnesses may be asked to furnish in open session. Even with detailed advance preparation and negotiations with staff, there is no way to ensure that a Member will not press for an answer that would require the revelation of highly sensitive information. In short, there would be no way to control the course of an interrogation being played out in public. In this regard, there are rules and safeguards built into the Resolutions establishing the Committees themselves (especially on the Senate side) that require Congressional compliance with detailed procedures in connection with any demand for open session disclosure of classified identities and/or information.

Finally, the appearance of clandestine service employees in public hearings would risk serious consequences for our relationships overseas and our ability to conduct clandestine operations.

For all these reasons, I urge your careful consideration of this issue. I know that the Congress shares with the Executive Branch the goal of making U.S. intelligence as strong as possible. We also share the belief that U.S. intelligence should operate under vigorous Congressional scrutiny. At the same time, an effective secret intelligence agency must remain secret. I ask the Committees to join us in keeping it that way and request an opportunity to discuss this matter further before any final decision is made to call as a witness any member of the Agency's clandestine service. A copy of this letter is also being provided to Vice Chairman Rudman.

Sincerely,

Robert M. Gates
Robert M. Gates

Acting Director of Central Intelligence

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