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Folder Title: Iran/Arms Transaction: Alleged Drug
Smuggling (1)
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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name CULVAHOUSE, ARTHUR B.:FILES

Withdrawer

DLB 2/20/2014

File Folder IRAN/ARMS TRANSACTION: ALLEGED DRUG
SMUGGLING (1 OF 2)

FOIA

S643

Box Number CFOA 1129

SYSTEMATIC

43

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164250	LETTER	JOHN KERRY TO COLIN POWELL	2	1/25/1988	B1
164251	MEMO	PAULA BOGGS TO ARTHUR CULVAHOUSE, RE: GENERAL NOREIGA	1	2/5/1988	B1
164252	MEMO	PAULA BOGGS TO NICHOLAS ROSTOW, RE: IRAN-CONTRA LEGAL TASK FORCE DOCUMENTS CONCERNING GENERAL NORIEGA	2	2/10/1988	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]

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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.

UNCLASSIFIED W/
SECRET ATTACHMENT

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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re-do

Am 2/20/88

February 1, 1988

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: NICHOLAS ROSTOW *R*
SUBJECT: Letter from Senator Kerry

Attached at Tab I is a draft response from you to Senator Kerry's letter to General Powell (Tab II). It is quite heavy handed and based on our conversation Friday. Please mark it up as you wish. I have had Senator Kerry's letter stamped "SECRET". At Tab III, is a copy of the letter I have recommended to General Powell for his signature.

Attachments:

Tab I Draft Response to Senator Kerry
Tab II Letter from Senator Kerry
Tab III Proposed letter from General Powell to Senator Kerry

UNCLASSIFIED W/
SECRET ATTACHMENT

DRAFT

Dear Mr. Chairman:

General Powell has referred your letter of January 25, 1988, concerning Oliver North's notes of meetings with General Noriega and alleged drug traffickers, to me for reply.

Your letter concerns a person under investigation by Independent Counsel Walsh, and of course no decision about ultimate release of such materials could be made without Judge Walsh's approval. On a practical level, moreover, our Interagency Classification Review Group, established to review for declassification document requests arising out of the Iran-Contra investigations, is engaged in fulfilling massive requests from the House Select Committee to Investigate Covert Arms Transfers to Iran and can not take on new requests until the end of February. At such time, your request will be reviewed and Judge Walsh will be consulted. In any event, material cited in your letter has remained classified and probably will have to remain so.

I also should like to call to your attention the fact that your letter contained classified information and should have been appropriately marked. We have marked your letter and all copies thereof SECRET and recommend that you do the same with respect to copies you may have retained. Further, I understand some information in the diaries contains compartmented, classified information. Appropriate care therefore should be exercised with respect to the maintenance of the security of such information. This would include references and access to it. Finally, I note that the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition has determined to transmit its files and documents in its care to the Senate Select Committee on Intelligence, which has facilities for keeping such sensitive material. Ultimately, that Committee will have responsibility with respect to access.

Sincerely,

The Honorable John F. Kerry
Chairman
Subcommittee on Terrorism, Narcotics
and International Operations
United States Senate
Washington, D.C. 20510-6225

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WITHDRAWAL SHEET

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



THE WHITE HOUSE

WASHINGTON

Dear Mr. Chairman:

Thank you for your letter of January 25, 1988. I have forwarded your request to Arthur B. Culvahouse, Jr., Counsel to the President, who handles correspondence regarding matters relating to Iran-Contra subjects. You will be hearing from him shortly.

Sincerely,

The Honorable John F. Kerry
Chairman
Subcommittee on Terrorism, Narcotics
and International Operations
United States Senate
Washington, D.C. 20510-6225

THE WHITE HOUSE
WASHINGTON



Date: 2/2/88

TO: C. DEAN MCGRATH

FROM: ARTHUR B. CULVAHOUSE, JR.
Counsel to the President

FYI: _____

Could you please provide your
comments as soon as possible?

COMMENT: _____

Thank you.

ACTION: _____

Dear Senator Kerry:

Colin Powell, Assistant to the President for National Security Affairs, has referred to me your letter of January 25, 1988, wherein you request declassification of certain documents furnished to the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition. These documents apparently include classified portions of the diaries of Lieutenant Colonel Oliver North. You also request access to records, apparently in the custody of the National Security Council, relating to meetings between Lieutenant Colonel North and certain foreign officials.

The documents described in your letter concern persons and subject matters which are, or may be, under law enforcement investigation by Independent Counsel Lawrence E. Walsh. Pursuant to longstanding and appropriate Executive Branch policy, we would not declassify or otherwise provide such documents without the concurrence of the law enforcement officials (in this case, Judge Walsh) conducting the investigation. The President's decision to cooperate fully with the Senate and House Select Committees investigating the Iran-Contra matter reflected his considered judgment that the need for an immediate public investigation, by entities empowered to grant use immunity to witnesses, outweighed traditional principles protecting ongoing law enforcement investigations, exceedingly sensitive national security information and internal White House deliberations. We have been careful to maintain those important principles in other contexts. In addition, our Inter-Agency Classification Review Group, established to review for declassification document requests arising out of the Iran-Contra and other investigations, is fulfilling very substantial and sensitive declassification requests from the House Select Committee to Investigate Covert Arms Transfers to Iran, from Independent Counsel Walsh, and from other independent counsel, and it simply cannot consider new requests for the balance of February. At that time, and assuming that the Subcommittee has obtained the concurrence of Judge Walsh, we would be pleased to consider your request; however, it is likely that much of the material cited in your letter probably will have to remain classified. Finally, since the information from Lieutenant Colonel North's diaries apparently was provided to the Senate Select Committee directly by Lieutenant Colonel North, we are concerned that such information might have been provided to the Senate Select Committee pursuant to restricted access agreements.

I also respectfully call to your attention that your letter of January 25, 1988, contained classified information and should have been appropriately marked. We have marked your letter and all copies thereof in our files "SECRET" and respectfully recommend that your office does the same with respect to any file copies that you may have retained.

Sincerely,

The Honorable John F. Kerry
Chairman
Subcommittee on Terrorism, Narcotics
and International Operations
United States Senate
Washington, D.C. 20510-6225

THE WHITE HOUSE
WASHINGTON



February 2, 1988

NOTE FOR: Arthur B. Culvahouse, Jr.
FROM: Dean McGrath
SUBJECT: Proposed Response to
Senator Kerry

I've reviewed the proposed response to Senator Kerry and agree that it's time to try and get the genie back in the bottle.

However, consistent with my view that any unsigned letter or memorandum is fair game for revision, I've marked a few editorial changes. I don't consider any of them legally significant.

Attachment

DRAFT

Dear Senator Kerry:

Colin Powell, Assistant to the President for National Security Affairs, has referred to me your letter of January 25, 1988, wherein you request declassification of certain documents furnished to the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition. These documents apparently include classified portions of the diaries of Lieutenant Colonel Oliver North. You also request access to records, apparently in the custody of the National Security Council, relating to meetings between Lieutenant Colonel North and certain foreign officials.

STER.

The documents described in your letter concern persons and subject matters which are, or may be, under ~~law enforcement~~ investigation by Independent Counsel Lawrence E. Walsh. Pursuant to longstanding and appropriate Executive Branch policy, we would not ~~declassify or otherwise~~ provide such documents without the concurrence of the law enforcement officials (in this case, Judge Walsh) conducting the investigation. The President's decision to cooperate fully with the Senate and House Select Committees investigating the Iran-Contra matter reflected his considered judgment that the need for an immediate public investigation, by entities empowered to grant use immunity to witnesses, outweighed traditional principles protecting ongoing law enforcement investigations, exceedingly sensitive national security information and internal White House deliberations. We have been careful to maintain those important principles in other contexts. In addition, ~~our~~ Inter-Agency Classification Review Group, ~~established~~ to review for declassification document requests arising out of the Iran-Contra and other investigations, ~~is~~ fulfilling very substantial and sensitive declassification requests from the House Select Committee to Investigate Covert Arms Transfers to Iran, from Independent Counsel Walsh, and from other independent counsel, ~~and it~~ simply cannot consider new requests for the balance of February. At that time, and assuming that the Subcommittee has obtained the concurrence of Judge Walsh, we would be pleased to consider your request; however, it is likely that much of the material cited in your letter ~~probably~~ will have to remain classified. Finally, since the information from Lieutenant Colonel North's diaries apparently was provided to the Senate Select Committee directly by Lieutenant Colonel North, we ~~are concerned~~ that such information might have been provided to the Senate Select Committee pursuant to restricted access agreements.

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-2-

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Sincerely,

The Honorable John F. Kerry
Chairman
Subcommittee on Terrorism, Narcotics
and International Operations
United States Senate
Washington, D.C. 20510-6225

DRAFT

THE WHITE HOUSE
WASHINGTON



Date: 2/2/88

TO: C. DEAN MCGRATH

FROM: ARTHUR B. CULVAHOUSE, JR.
Counsel to the President

FYI: _____

Could you please provide your
comments as soon as possible?

COMMENT: _____

Thank you.

ACTION: _____

DRAFT

Dear Senator Kerry:

Colin Powell, Assistant to the President for National Security Affairs, has referred to me your letter of January 25, 1988, wherein you request declassification of certain documents furnished to the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition. These documents apparently include classified portions of the diaries of Lieutenant Colonel Oliver North. You also request access to records, apparently in the custody of the National Security Council, relating to meetings between Lieutenant Colonel North and certain foreign officials.

The documents described in your letter concern persons and subject matters which are, or may be, under law enforcement investigation by Independent Counsel Lawrence E. Walsh. Pursuant to longstanding and appropriate Executive Branch policy, we would not declassify or otherwise provide such documents without the concurrence of the law enforcement officials (in this case, Judge Walsh) conducting the investigation. The President's decision to cooperate fully with the Senate and House Select Committees investigating the Iran-Contra matter reflected his considered judgment that the need for an immediate public investigation, by entities empowered to grant use immunity to witnesses, outweighed traditional principles protecting ongoing law enforcement investigations, exceedingly sensitive national security information and internal White House deliberations. We have been careful to maintain those important principles in other contexts. In addition, our Inter-Agency Classification Review Group, established to review for declassification document requests arising out of the Iran-Contra and other investigations, is fulfilling very substantial and sensitive declassification requests from the House Select Committee to Investigate Covert Arms Transfers to Iran, from Independent Counsel Walsh, and from other independent counsel, and it simply cannot consider new requests for the balance of February. At that time, and assuming that the Subcommittee has obtained the concurrence of Judge Walsh, we would be pleased to consider your request; however, it is likely that much of the material cited in your letter probably will have to remain classified. Finally, since the information from Lieutenant Colonel North's diaries apparently was provided to the Senate Select Committee directly by Lieutenant Colonel North, we are concerned that such information might have been provided to the Senate Select Committee pursuant to restricted access agreements.

-2-

I also respectfully call to your attention that your letter of January 25, 1988, contained classified information and should have been appropriately marked. We have marked your letter and all copies thereof in our files "SECRET" and respectfully recommend that your office does the same with respect to any file copies that you may have retained.

Sincerely,

The Honorable John F. Kerry
Chairman
Subcommittee on Terrorism, Narcotics
and International Operations
United States Senate
Washington, D.C. 20510-6225

THE WHITE HOUSE

WASHINGTON

February 2, 1988

Dear Senator Kerry:

Colin Powell, Assistant to the President for National Security Affairs, has referred to me your letter of January 25, 1988, wherein you request declassification of certain documents furnished to the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition. These documents apparently include classified portions of the diaries of Lieutenant Colonel Oliver North. You also request access to records, apparently in the custody of the National Security Council, relating to meetings between Lieutenant Colonel North and certain foreign officials.

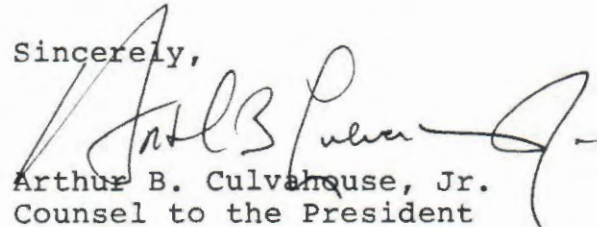
The documents described in your letter concern persons and subject matters which are, or may be, under investigation by Independent Counsel Lawrence E. Walsh. Pursuant to longstanding and appropriate Executive Branch policy, we would not declassify or provide documents that are part of an ongoing investigation without the concurrence of the law enforcement officials conducting the investigation (in this case, Judge Walsh). The President's decision to cooperate fully with the Senate and House Select Committees investigating the Iran-Contra matter reflected his considered judgment that the compelling need for an immediate inquiry, by entities empowered to grant use immunity to witnesses, outweighed traditional principles protecting ongoing law enforcement investigations, exceedingly sensitive national security information, and internal White House deliberations. We have been careful to maintain those important principles in other contexts.

In addition, we have established an Inter-Agency Review Group to review for declassification documents arising out of the Iran-Contra and other investigations. This group is currently committed to fulfilling very substantial and sensitive declassification requests from the House Select Committee to Investigate Covert Arms Transfers to Iran, from Independent Counsel Walsh, and from other independent counsel. The group simply cannot consider new requests for the balance of February. At that time, and assuming that the Subcommittee has obtained the concurrence of Judge Walsh, we would be pleased to consider your request; however, it is likely that much of the material cited in your letter will have to remain classified.

Finally, since the information from Lieutenant Colonel North's diaries apparently was provided to the Senate Select Committee directly by Lieutenant Colonel North, we note that such information might have been provided to the Senate Select Committee pursuant to restricted access agreements.

I also respectfully call to your attention that I am advised that your letter of January 25, 1988, contained classified information and should have been appropriately marked. We have marked your letter and all copies thereof in our files "SECRET" and respectfully recommend that your office does the same with respect to any file copies that you may have retained.

Sincerely,

A handwritten signature in dark ink, appearing to read "Art B. Culvahouse, Jr.", with a stylized flourish at the end.

Arthur B. Culvahouse, Jr.
Counsel to the President

The Honorable John F. Kerry
Chairman
Subcommittee on Terrorism, Narcotics
and International Operations
United States Senate
Washington, D.C. 20510-6225

cc: Lieutenant General Colin L. Powell

THE WHITE HOUSE

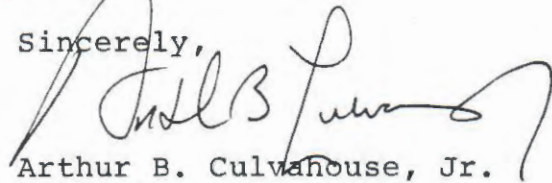
WASHINGTON

February 2, 1988

Dear Senator McConnell:

The enclosed copy of my letter to Senator John F. Kerry is provided for your information. Please feel free to contact me if you have any questions regarding that letter.

Sincerely,



Arthur B. Culvahouse, Jr.
Counsel to the President

The Honorable Mitch McConnell
Ranking Minority Member
Subcommittee on Terrorism, Narcotics
and International Operations
United States Senate
Washington, D.C. 20510-6225

Enclosure

THE WHITE HOUSE

WASHINGTON

February 2, 1988

Dear Senator Kerry:

Colin Powell, Assistant to the President for National Security Affairs, has referred to me your letter of January 25, 1988, wherein you request declassification of certain documents furnished to the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition. These documents apparently include classified portions of the diaries of Lieutenant Colonel Oliver North. You also request access to records, apparently in the custody of the National Security Council, relating to meetings between Lieutenant Colonel North and certain foreign officials.

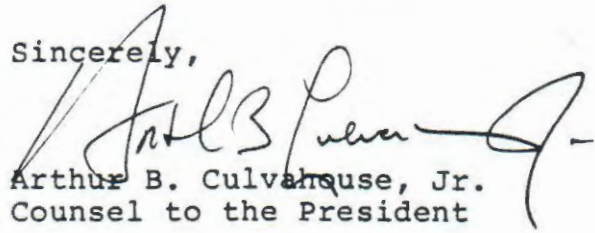
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Sincerely,



Arthur B. Culvahouse, Jr.
Counsel to the President

The Honorable John F. Kerry
Chairman
Subcommittee on Terrorism, Narcotics
and International Operations
United States Senate
Washington, D.C. 20510-6225

cc: Lieutenant General Colin L. Powell

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

THE WHITE HOUSE
WASHINGTON

4

Date: 2/8/88

TO: PAULA BOGGS
C. DEAN MCGRATH
LT. GEN. COLIN L. POWELL
WILLIAM L. BALL, III
NICHOLAS ROSTOW
ALLISON FORTIER

FROM: **ARTHUR B. CULVAHOUSE, JR.**
Counsel to the President

FYI: ✓

COMMENT:

ACTION:

CLAIBORNE PELL, RHODE ISLAND, CHAIRMAN

JOSEPH R. BIDEN, JR., DELAWARE
PAUL S. SARBANES, MARYLAND
EDWARD ZORINSKY, NEBRASKA
ALAN CRANSTON, CALIFORNIA
CHRISTOPHER J. DODD, CONNECTICUT
JOHN F. KERRY, MASSACHUSETTS
PAUL SIMON, ILLINOIS
TERRY SANFORD, NORTH CAROLINA
BROCK ADAMS, WASHINGTON
DANIEL P. MOYNIHAN, NEW YORK

JESSE HELMS, NORTH CAROLINA
RICHARD G. LUGAR, INDIANA
NANCY L. KASSEBAUM, KANSAS
RUDY BOSCHWITZ, MINNESOTA
LARRY PRESSLER, SOUTH DAKOTA
FRANK H. MURKOWSKI, ALASKA
PAUL S. TRIBLE, JR., VIRGINIA
DANIEL J. EVANS, WASHINGTON
MITCH MCCONNELL, KENTUCKY

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

GERYLD B. CHRISTIANSON, STAFF DIRECTOR
JAMES P. LUCIER, MINORITY STAFF DIRECTOR

February 5, 1988

Arthur B. Culvahouse, Jr.
Counsel to the President
The White House
Washington, D. C. 20500

Dear Mr. Culvahouse:

Thank you for your prompt response to my letter of January 25, 1988 requesting declassification of certain documents.

As you know, my letter referred to allegations concerning drug trafficking into the United States and individuals related to drug trafficking which have arisen in connection with the Committee's ongoing investigation. In the course of that investigation, the Committee has determined that the North notebooks provided to the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition may be able to shed light on those allegations and help determine whether or not they are true.

The Committee staff also believes that the documents requested from the North notebooks are relevant to determining whether allegations that Lieutenant Colonel North met with Panamanian General Noreiga are true or false. Establishing exactly what happened at these meetings, if they in fact took place as has been alleged in press accounts, is essential to the Committee's work in investigating narcotics trafficking into the U.S.

Accordingly, I attached a request for the full declassification of 50 pages of documents from the North notebooks covering 20 dates, a request which is clearly limited in scope to matters directly within the jurisdiction of the Committee, and which I had hoped would have been released in a fashion sufficiently timely to permit their use at a hearing scheduled to take place February 9 and 10, 1988. Hundreds of pages of those diaries have already been declassified at the request of the Select Committee, and there are references to drug trafficking and drug traffickers in the public diary pages.

2 62:38

While I appreciate the large number of requests for declassification you have received and the related problems of criminal investigations, the Subcommittee which I chair is considering issues of considerable urgency.

The President has made stopping the flow of narcotics a national security priority. We agree with his assessment that the issue is a national security question and are working to improve our ability to combat drugs.

None of the materials we have requested involve internal deliberations of the executive branch. They may involve materials relating to alleged contacts between a high level government official and a foreign military officer since indicted for running a major criminal conspiracy and are therefore an appropriate and necessary subject for our review.

Pursuant to your directive, I have been in contact with the Office of Independent Counsel Walsh. During our initial contact and throughout our dealings with his office, I took precautions to guarantee that our inquiry, done in accordance with your request, would in no way taint the Independent Counsel's investigation.

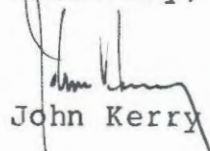
This morning, I received a call from a Mr. Guy Struve to notify me that after appropriate review, Mr. Walsh's office takes no position one way or the other regarding the Committee's request. They do not oppose the declassification from the standpoint of their investigation and in their view the decision to declassify the materials we request is yours.

Again, while I understand that you have considerable demand for the declassification of documents, I respectfully call to your attention that none of the requests involve a currently active Congressional investigation but rather the requests are for the release of information from prior, concluded hearings. Our requests involve timely material and it is inappropriate to place ours behind other requests.

Therefore, with this letter I reiterate my request for the expeditious declassification of the materials we have requested.

Thank you again for your prompt response. I am looking forward to working with you to resolve this problem expeditiously.

Sincerely,



John Kerry

~~TOP SECRET~~

UNCLASSIFIED INFORMATION
OF CLASSIFIED BY DISCURE

dlh
2/20/19

CLASSIFIED MATERIAL

~~TOP SECRET~~

CLASSIFIED MATERIAL

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