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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

CULVAHOUSE, ARTHUR B.:FILES

File Folder

IRAN/ARMS TRANSACTION: 1984/1985 PRESIDENTIAL FINDINS ON TERRORISM - LICENSE TO KILL (2 OF 2)

Box Number

CFOA 1131

Withdrawer

DLB 5/14/2014

FOIA

S643

SYSTEMATIC

137

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164953	MEMO	CULVAHOUSE TO WILLIAM LANDERS, NICHOLAS ROSTOW, RE: PRESIDENTIAL FINDINGS	1	10/5/1988	B1
164954	FINDING	RE: LEBANON	2	11/13/1984	B1
164955	PAPER	SCOPE OF ACTIVITY/LEBANON	2	ND	B1
164956	MEMO	DUPLICATE OF #164953	1	10/5/1988	B1

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

- Freedom of Information Act - [5 U.S.C. 552(b)]
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 - B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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 - B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]
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164955	PAPER SCOPE OF ACTIVITY/LEBANON	2	ND	B1

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THE WHITE HOUSE
WASHINGTON

Date: 10/5

TO: Dean M² Gnath
Dan Leuw

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

FYI: _____

COMMENT: _____

ACTION: See my comments.

*sent 10/5
- aeb*

DRAFT

THE WHITE HOUSE
Office of the Press Secretary

PRESS BRIEFING
BY
MARLIN FITZWATER

October 5, 1988
The Briefing Room

10:39 A.M. EDT

MR. FITZWATER: First of all, Olympic athletes visit the White House.

Q Will Bush be here? (Laughter.)

MR. FITZWATER: I don't know.

Q That's a good question.

MR. FITZWATER: Monday, October 24, at 11:00 a.m. the United States Olympic team has been invited by the President to come pay us a visit.

Q Monday the what?

MR. FITZWATER: The 24th of October.

Q Leave your steroids at home. (Laughter.)

Q How many people are you expecting for this?

MR. FITZWATER: The entire team. I don't know how many.

Q You mean the U.S. team?

MR. FITZWATER: Yes, yes.

The President --

Q That's a lot of people.

Q How about the astronauts?

MR. FITZWATER: -- on October 4, at 6:17 p.m. or so thereabouts, sent a message to Soviet General Secretary Gorbachev congratulating him on his new position. (Laughter.)

Q Landslide election victory.

Q It was a hard-fought election.

MR. FITZWATER: In keeping with not passing these out, I will give you a paragraph from it. He says, "The people of the United States look forward to continuing the process of dialogue that you and I have established, which is aimed at steady progress toward a more stable, more peaceful and safer world. Please accept my hearty congratulations." President Reagan.

Q Who was his media advisor, Marlin? (Laughter.)

Q Marlin, a White House official has quoted -- a Reagan administration official is quoted today in The Washington

MORE

#2326-10/05

Times saying that there were KGB and Interior Ministry troops in Red Square in the days leading up to this emergency meeting last week. Is there any truth to that, as far as you know?

MR. FITZWATER: (Laughter.) How would I know?

Q There always are.

MR. FITZWATER: I don't know.

Q The mobilization --

MR. FITZWATER: I don't know, Nick.

All right. Let's see here. We leave at 7:10 for the cornerstone-laying ceremony for the Holocaust Memorial.

Q What?

Q What? Tonight?

MR. FITZWATER: At 11:10 a.m. this morning.

Q 7/11.

MR. FITZWATER: What did I say?

Q Seven.

MR. FITZWATER: Oh, I'm sorry. I thought I said 11. Speak up. Get a grip, Marlin. At 11:10 a.m.

Q Are you coaching Quayle or anything? (Laughter.)

Q Bush. He's coaching Bush.

MR. FITZWATER: And the President meets at 3:45 p.m. with Yury and Tanya Ziemann.

Q Who are they?

MR. FITZWATER: Yury and Tanya Ziemann, with their younger daughter, 12-year-old Vera, arrived in the United States on August 12, 1988, after a wait of more than a decade for permission to leave the Soviet Union. I don't believe Vera is with them this afternoon.

MS. ARSHT: She is, Marlin.

MR. FITZWATER: She is? I am corrected. She is.

President and Mrs. Reagan telephoned to congratulate them on the evening of their arrival. The Ziemann's oldest daughter, Galena, and her husband Viktor, were permitted to emigrate in 1987, and they are now living in Brighton, Massachusetts. Yury, Tanya and Vera are living in Belmont, Massachusetts. Vera's enrolled in a school there in Cambridge, and Yury is a mathematician and computer scientist.

Q Land of opportunity.

Q Back -- can you do a schedule question here for a minute?

MR. FITZWATER: Yes.

Q On the cornerstone-laying ceremony --

MR. FITZWATER: Yes?

Q I know he departs at 11:10 a.m., but the actual

ceremony is not until noon, is it? And what does he do after he gets there? Is there a reception or something?

MR. FITZWATER: Do you have a detailed schedule? I do not have one.

MS. ARSHT: -- had it yesterday.

MR. FITZWATER: Ben, is there one back there?

MR. JARRATT: It's in the President's schedule.

MR. FITZWATER: It's in the President's schedule. All right, let's take a look at this.

Q In other words, do we have to get there before noon?

MR. FITZWATER: Yes.

All right, let's see. The President leaves at 11:10 a.m., arrives there, and there is a reception.

Q Closed?

MR. FITZWATER: Yes. Met by Mr. Harvey Meyerhoff, who is Chairman of the U.S. Holocaust Memorial Council. The President makes his remarks at 11:55 a.m. So it's open coverage. I would -- I don't know -- what's good advice for when to get there -- 11:30 a.m.? Anyway, he talks at 11:55 a.m.

Q Indoors or out?

MR. FITZWATER: The President concludes remarks at 12:10 p.m. I think this is outside, isn't it, Ben? There is no indoors, is there?

MR. JARRATT: It's outdoors.

MR. FITZWATER: Yes, I mean it's -- they've got the ground cleared there, and it's -- I drive by every morning. But I'm assuming it's -- well, it has to be outside.

Q Is there any coverage of the Ziemann meeting?

MR. FITZWATER: Yes. Coverage is still uncertain. I'll have to let you know later. There will be some kind of coverage, but we just don't know exactly what --

Q Are you open for questions, Marlin?

Q Coverage of what?

MR. FITZWATER: Sure. Go ahead.

Q We have some.

Q What about the "license to kill" directives that the President signed in '84, '85?

MR. FITZWATER: I would make several points on that. First of all, that Executive Order #12333, signed on December, 1981 prohibits assassinations by anyone. Secondly, that the finding involved in this story was provided to the Independent Counsel and available to the Iran-Contra committees. Thirdly, at the time --

Q What does that mean?

MR. FITZWATER: Let me just finish, Helen. At the time the signing was fine. It was provided to the House and Senate Intelligence Committees.

MORE

*may be partially wrong on CIA
we need to redouble
our checks on this. I have one
down at the Tower Board and
North Suite materials?*

#2326-10/05

Number four, the finding was rescinded by omission in a May 12, 1986 terrorism finding. And in May, 1987 the finding was formally and specifically rescinded, following review by the NSC of all findings.

Q What was the last --

Q Can you go back?

Q What was the last date?

MR. FITZWATER: May, 1987.

Q Can you just go back on one of those last things.

MR. FITZWATER: That's all in Bob Woodward's story by the way. There's nothing new there. I simply think it's important to recount the history of this for the record.

Q I believe he says the committees were not informed at the time it was signed. *what was true facts?*

MR. FITZWATER: No, he says they were.

Q No, I think that was the second one he said they were told.

Q I believe it was the second one.

Q The first one they were not.

MR. FITZWATER: Let me continue. Bob Woodward discusses this finding in his book on the CIA, chapter 20, pages 393 to 406, in which he explains the finding was not -- I repeat not -- intended to authorize assassinations. Woodward says in his own book that this was not the President's intent when he signed the finding. I responded to that chapter in his book on this subject on September 28, 1987 by saying that the President did not authorize assassinations, that was not the intent of the finding, and that the President's Executive Order of December of 1981 was the United States policy on assassination. The written and declared policy of the government and the President is that Executive Order which prohibits assassinations.

In summary, this is an old story being rehashed again, interestingly timed, and it has no foundation.

Q Why interestingly timed?

Q Well then, how do you explain the language of the order itself?

MR. FITZWATER: I would love to use Woodward's own language in his book to explain that, and I refer you to it, wish you all take a chance to read that. But I would say simply that as I said back in September, it was a counter-terrorism finding designed to deal with terrorism activities, but it did not authorize assassination.

Q What then was the meaning of the good faith provision?

MR. FITZWATER: I don't know. I can't go through and interpret it, nor will I.

Q It isn't being -- it is being interpreted as giving license, meaning immunity --

MR. FITZWATER: It was --

Q -- to killers.

MR. FITZWATER: It was interpreted that way by Bob Woodward, who did not interpret it that way in his book.

Q Well, wasn't that -- How does the President interpret it?

MR. FITZWATER: I just said no, it wasn't then, it isn't now.

Q What did it mean then? What was its purpose?

MR. FITZWATER: It was designed to authorize counter-terrorism activities.

Q Including illegal activity?

Q Well, doesn't counter-activity include activity which could result in deaths?

MR. FITZWATER: Well, I won't go through all that.

Q Blowing up terrorist headquarters for example.

MR. FITZWATER: I'm not going to go through and get --

Q You said timely. You're saying this is a political jab at Bush?

MR. FITZWATER: Oh, I'll let you judge for yourself. I think what --

Q Well no, what do you say?

Q Well, what did you mean by interestingly timed?

Q You can't get by with this innuendo.

MR. FITZWATER: I'll let you judge for yourself.

Q What about reporting to the committee? Woodward says that it was not -- the original finding was not reported to the committee.

MR. FITZWATER: Woodward says in his book --

Q Or not until much later in any case.

MR. FITZWATER: Woodward says in his book that President Reagan ordered Casey to report it to the committees and Casey did.

Q It says in the article that it wasn't.

MR. FITZWATER: Well.

Q Well, what's the fact?

MR. FITZWATER: He's got a credibility problem.

Q Well, what's the fact?

MR. FITZWATER: The fact is it was.

Q It was?

MR. FITZWATER: The fact is it was.

Q At the time of the signing?

MORE

Need to confirm

#2326-10/05

MR. FITZWATER: That's right.

MR. FITZWATER: What?

MR. FITZWATER: The Independent Counsel has it, the Iran-Contra Counsel has it. What?

MR. FITZWATER: He's making these charges. Bob Woodward is the only one who says there's an assassination attempt. It's not in the findings, it's not in any of the documents, it's not come from any of the committees. It's come from Bob Woodward. Ask him where he gets it.

MR. FITZWATER: Well, I'm not going to give you a specific definition. One, because I don't know and, two, because we wouldn't discuss it anyway. But the purpose was to authorize counterintelligence activities to combat terrorism.

MR. FITZWATER: I'm not going to go into that.

Q -- and they were deemed to be lawful --

MR. FITZWATER: The point is that they did not authorize assassinations, period.

Q How do you know? You just told us you didn't know.

Q You said you don't know.

MR. FITZWATER: I said they did not authorize assassinations.

Q How do you know that?

MR. FITZWATER: Because there's an executive order in effect that said they didn't. Because the President says they didn't, they didn't.

Q Well, these superceded the executive order.

MR. FITZWATER: No, no, no.

Q I want to try once more on timing. Are you relating its timing, the timing of the publication to the imminence of the elections?

MR. FITZWATER: Oh, I leave that to you.

Q Then what did you mean by interesting timing, Marlin?

Q Part of the problem here is definition of the word "assassination" because counterterrorism actions involve freeing hostages, for instance, or forestalling some sort of paramilitary

operation. You could have legal activity that wouldn't fall under the definition of assassination. Isn't this part of the problem?

MR. FITZWATER: Well, I won't give a definition. As I said, it's been thoroughly discussed during the hearings and I don't need to go into it again.

Q But activities short of going out and simply knocking somebody off -- rescuing a hostage which might result in death -- would that be authorized under this finding here?

MR. FITZWATER: I won't comment.

Q Why was it rescinded? After 80 people were killed at Beirut when they blew up a building?

MR. FITZWATER: The timing was -- I don't know all the reasons for it, but they rescinded -- when a new terrorism finding was made in May of 1986 it was omitted, but I don't know why. And then when they were all reviewed again in May of '87, it was formally and specifically rescinded. But I don't have -- I don't know the reason.

Q Marlin, it strikes me as uncharacteristic of you to say that something is interestingly timed and then say -- and then refuse to say what you mean. Are you saying that it's politically motivated? If it is, why don't you just say that? If it's not, why don't you say that? I mean, I don't really know what you mean.

MR. FITZWATER: It is very unique of me -- (laughter) -- but I think this is an extraordinary cheap shot. It's not true. It impugns the President in a way that the author himself has denied in previously written stories and --

Q So you do think it impugns the President.

MR. FITZWATER: Well, I won't say the words, but you can --

Q But, Marlin, you've raised --

Q That's not fair, Marlin.

MR. FITZWATER: What do you mean it's not fair? Don't talk to me about fairness.

Q Well, say what you mean then. Don't leave innuendoes. If you want to say something, say it.

MR. FITZWATER: Bob, go ahead.

Q You're not Larry Speakes.

Q If it's a cheap shot, why don't you say very clearly why the order was rescinded?

MR. FITZWATER: I just don't know why.

Q Can we find that out? That seems sort of crucial.

MR. FITZWATER: I assume -- I'll ask and see. I just don't know all the rationale. There were new orders -- new findings issued, dealt with in different ways, but why, I don't know.

Q You're saying what your saying about this on the basis of asserting that there's really no new information in this article -- is that fundamentally the point you're trying to make? Therefore, there is no timely reason that this article appears at this time?

MR. FITZWATER: There is no new information in the article.

Q Do you need someone to explain what you mean?

Q Marlin, the article this morning goes a little bit beyond what was in the book because I read what was in the book this morning before coming in here. And Woodward is not saying that the finding was a license to kill. What he's referring to is the discussion within the government, within the administration, within the Congress. So I'm not quite sure what it is you're taking issue with.

MR. FITZWATER: The Washington Post headline this morning says license to kill.

Q Well, let's not talk about The Washington Post headline -- read the story.

MR. FITZWATER: But I have to respond to the headline. I have to respond to the impression --

Q No, you should be responding to the story.

MR. FITZWATER: And the story and the impression that is given by that story to the reader is license to kill.

Q It says that some may have interpreted it that way.

MR. FITZWATER: Well, the author interpreted it that way. He gave no --

Q No --

MR. FITZWATER: And the editors interpreted it that way. They put it in the headline.

Q So you're responding to the headline. You're mad about the headline.

MR. FITZWATER: I'm responding to the impression of the story, which is often the case. If you want to talk about inuendo.

Q How does the President feel about it?

MR. FITZWATER: He thinks it's very unfair. It's all been -- the matter has all been rehashed before.

Q Did you talk to him about it, Marlin?

Q These words out of his mouth or yours?

MR. FITZWATER: My words.

Q Does this good faith authorization exist today in any other form, any other order --

MR. FITZWATER: No.

Q -- or was it totally rescinded?

MR. FITZWATER: Totally rescinded, as he says in the story.

Q The ubiquitous Mr. Abul Hassan Bani Sadr tells the BBC that a shipment of arms furnished by the U.S. government has recently been delivered to Iran. Is that true?

MR. FITZWATER: No, it's not true of U.S. arms of any kind, no.

Q No, no, a shipment of arms furnished by the United States --

MR. FITZWATER: No, that's not true.

Q It could be anybody's arms, but they were furnished by the United States, he says.

MR. FITZWATER: Not true.

Q That's absolutely not true?

Q No third countries?

MR. FITZWATER: Not true.

Q No, I'm serious. I mean, he's making these charges. I want to -- I'd like a serious response.

MR. FITZWATER: Those charges are not true. None of them, top to bottom. Bani Sadr is full of beans. (Laughter.)

Q Do you have a reaction to the Honduran foreign minister's appeal to the United Nations to expel the Contras from Honduras?

MR. FITZWATER: Ooh, I overlooked that story completely. Do we have any guidance from State on that. I don't. I'm sorry, Mic. I heard that on the radio this morning and knew I should look into it, and didn't.

Q Did we expect that kind of message from the Hondurans? Have they been communicating that to the U.S. privately?

MR. FITZWATER: I don't know on a specific basis. We've been talking to them about the problem, of course, of the Contras are moving into Honduras to gather food and supplies and camps and what have you. But I just don't know about this specific move on their part. I will check that out. I just don't know.

Q Marlin?

Q Are we in turn encouraging Honduras to continue to harbor these Contras?

MR. FITZWATER: Well, of course. I mean, we've appreciated their using the land and supply bases and that sort of thing.

Q Well, if you just heard about it this morning on the radio, and the indications are that this was sort of a -- that the U.S. was blindsided by this speech up in the U.N., did we expect this from the Hondurans?

MR. FITZWATER: No, that -- I don't think that's fair in the sense that I just didn't know about it, but I don't know whether the State Department was aware of it or not. I'd have to call Abrams and see what he knew.

Q Do you think Bani Sadr's comments are also politically motivated, and interestingly timed?

MR. FITZWATER: I don't know. They're interestingly timed, yes.

Q Bani Sadr is sticking by his story on Lawless. I wanted to know, is Lawless still a CIA agent, and has the U.S. government tracked him down to find out what he's doing -- assuming your denials still stand?

MR. FITZWATER: I don't know that for sure in terms of tracking him down. I don't -- he's not operating under our instruction or our direction or anything like that. What his private status is, I don't know, Mary.

Q By "our" do you mean White House or do you mean the administration?

MR. FITZWATER: The administration.

Q Marlin, to take you back to the Woodward story on one point, can you shed any light on why that good-faith exception was originally put in these findings and then omitted and subsequently specifically rescinded, suggesting that people found that language either to be too general or inappropriate for some reason? Can you shed any light on that?

MR. FITZWATER: I can't really. The -- as I said, the entire executive order -- I mean, the finding, rather -- was rescinded and replaced with a different one. The initial one related just to Lebanon -- the one that has this language in it. The next one was related to world-wide terrorism. And my assumption is, it had to do with the whole focus of the later finding, but I don't know specifically.

Q If I can return to the Lawless thing for a minute, you, the President, other administration officials have been quite categorical the last two days in denying any negotiations, deals, et cetera, et cetera. Has somebody checked to make sure that Mr. Lawless is not operating over there, saying that he's representing the United States, whether mistakenly or not? I mean, is this just some -- are you just enunciating policy or has somebody looked in to this to see that its not true?

MR. FITZWATER: We have looked into it to the extent of knowing that he's not under the direction of a government agency or working for one or representing anyone.

Q And that includes Vice President Bush?

MR. FITZWATER: Yes, that includes Vice President Bush. I don't know about whether anybody's talked to him or looked into what he's doing on his own. One of the phenomenon we have here is that there are a lot of people out bidding on their own. There are a lot of individuals saying they represent the government who don't. They have a lot of people who are trying to be brokers, who are trying to make a name for themselves, some trying to make money, some whose motives no one understands.

Q But you're satisfied he's got no charter from the United States government, any agency in the government, to represent the United States?

MR. FITZWATER: We are assured that by all the government agencies that are of any relevance.

Q Would they tell you?

Q Back on the Woodward story --

MR. FITZWATER: I hope so.

Q -- he quotes someone he identifies as a key source involved with the counter-terrorism findings, in saying that its that "astounding blank check and truly a license to kill provision." Are you doubting the voracity of that quote or are you saying that the person who said that had political motivations?

MR. FITZWATER: I don't know. It's a blind quote, who

Any new
facts?
Need to
achieve
Marlin's
87
Person
was an
man

knows where it came from.

Q Is the President going to --

MR. FITZWATER: It's not true. I don't know who -- anybody could --

Q But earlier you said it was Woodward making the charge. He is quoting someone making that charge. I mean that's the person that you said --

MR. FITZWATER: It's no name, how do I know who it is. As far as I'm concerned, it's Woodward, he's got to stand behind his sources.

Q Is the President going to watch the debate?

Q About the Contras, I understand that one of the leaders of the Contras has said that he is reaching to the President asking him to request the release of the frozen weapons, the \$16.5 million, because two of the conditions have been met. Has the letter been received, and second, is the President going to act on it?

MR. FITZWATER: I'll have to check the status of the letter. We are considering that possibility. There are a number of conditions which you're obviously aware of. We are analyzing that possibility, but a final decision has not been made at this point.

Q When do you expect a final decision to be made?

MR. FITZWATER: I just can't say.

Q This is for release of --

MR. FITZWATER: Yes, the Byrd Amendment authorized the release of \$16 million in lethal material that had been purchased earlier and was not delivered into Nicaragua. And it sets forth three or four findings that the President would make in requesting that release. I'm not sure I can remember them, but one was that the Sandinistas had -- were not -- had given up on the peace process or -- I'd better not try to characterize the words. But I can get that for you.

Q But you say you think they have met these three or four conditions?

MR. FITZWATER: Well, Ann says the letter indicates two of the three and I think we probably agree with that. But the question is --

Q Which is what?

MR. FITZWATER: Well, let me see if I've got it here. I know I had it yesterday, but I may not have it today.

Q Haven't the cease-fire negotiations resumed?

MR. FITZWATER: I don't believe I have it and I'd better get it for you, Helen, so I've got the words. But the words are in the law, three or four findings that have to be made, and I think it is true that three or four of them -- two out of three we -- are obvious that they had met. The third one I'm not sure about.

Q In his letter he mentions that the aid of the Soviet Union -- Soviet bloc to Nicaragua is going on the same levels.

MR. FITZWATER: Right.

Q And that Nicaragua has more or less failed to --

MR. FITZWATER: Have we seen the letter, Roman? Are you familiar with it?

MR. POPADIUK: As of last night, we hadn't gotten it --

Q -- to fulfill the Esquipulas II agreement -- I mean -- against internal position?

MR. FITZWATER: Yes.

Q So you seem to agree with this argument that two of the conditions have been met?

MR. FITZWATER: I would say informally, yes.

Q Who is the letter from, Marlin?

MR. FITZWATER: Who's it from, Ann? I don't know a thing about this.

Q Alfredo Cesar.

MR. FITZWATER: Maybe we haven't received it yet. They give you a copy first? You got that internal mail system of theirs?

Here we go -- Byrd Amendment. In order to provide military aid under the Byrd Amendment, the following procedure must be carried out. The President must find that Nicaragua has caused a crisis in Central America. He must then consult with the four Central American democracies and report to Congress justifying his request. The justification must contain two out of the following three: a, there is a continuing unacceptable level of Soviet aid, which -- that's certainly the case; there is a Sandinista violation of the Esquipulas Agreement, and we believe that's the case; and the Sandinistas have initiated an all out attack against the Contras. I think that's the open question.

Q If the Hondurans are --

MR. FITZWATER: If these conditions are met, the President would be authorized to have transported to the Contras up to \$16.5 million of military aid that has already been appropriated and is currently under the control of Honduras. Additionally, if it is determined that it is desirable, the President could interchange military items needed by the Contras of comparable value with the material currently being held by Honduras. So, that's the -- that's what's in the law.

Q But he hasn't met with these other democracies yet to trigger any of this, has he?

MR. FITZWATER: No, not in a formal sense. We've had meetings and consultations and so forth.

Q Do you need a formal consultation, or can you do it informally?

MR. FITZWATER: Now, that I don't know.

Q So, what do these weapons do? Just prolong --

MR. FITZWATER: Anyway, the status is that all of this is under consideration and -- but we haven't made a formal decision yet.

Q Well, who wrote the letter?

MR. FITZWATER: The letter, I don't know anything about. This is what's in the Byrd Amendment.

Q Does there have to be yet another vote, also, to

release this?

MR. FITZWATER: Yes.

Q And you don't have enough time to do that, do you?

MR. FITZWATER: Well, that's another issue. It was raised yesterday in the leadership meeting -- concerned about having time to have another vote, and that we need to be considering this. And General Powell assured them that it was under consideration. But that's the only status I have.

Q Well, you could call --

Q Well, when are you going to -- don't you have to make a decision within the next or so for it to be meaningful?

MR. FITZWATER: Well, I don't know. We've had some indications that Congress is going to be in session next week. So, the timing is not clear.

Q Is there any thought to -- within the administration to a special session -- calling Congress into act on this issue?

MR. FITZWATER: I don't think there's a lot of sentiment for that. (Laughter.)

Q Will the President watch the debate tonight, and does he have any advice for Quayle?

MR. FITZWATER: He will watch the debate tonight. He gave Senator Quayle the benefit of his advice last Sunday afternoon, but I don't have --

Q Saturday.

MR. FITZWATER: -- any public -- Saturday, rather. I don't have any public --

Q What was his advice?

MR. FITZWATER: Well, they talked about just the President's experience in debates -- how it ebbs and flows.

Q The California Highway?

Q Stay off the Pacific Coast Highway. (Laughter.)

Q Tell him to stay off the California Highway?

MR. FITZWATER: Helen, is that nice?

Q Well, how will he watch it? I mean, will he be in the family quarters with Mrs. Reagan, or will somebody else be there?

MR. FITZWATER: I don't think they'll have any guests. They -- the same way they watched the Dukakis-Bush debate -- in the Residence.

Q What did you find out about the Education Department's refusal to fund the education --

MR. FITZWATER: I was afraid you were going to ask that question. Well, I tell you, I went back and read the story and I couldn't understand it. And I read the Department of Education's advice and I couldn't understand that either.

Q That makes a bunch of us. (Laughter.)

MR. FITZWATER: We posted it yesterday, but if any of you

figured it out --

Q I read your posting. What does it mean?
(Laughter.)

MR. FITZWATER: I don't know. It's all gobbledygook to me. But as near as I can tell, the Education Department did deny funding to this group because they didn't think the proposal was adequate and had trouble with the content of it. But that it was not due to not having anything on Nazis or Ku Klux Klan.

Q Then what was it then?

MR. FITZWATER: That, I don't know. Apparently the substance -- they thought that it was misdirected and wasn't the right quality and had some other -- I just don't have a very detailed explanation, frankly. But that's the best I can do for you, Bob, at the moment.

Q What does the White House think of that decision?
Do you have any reactions at all?

MR. FITZWATER: Well, they certainly -- they probably are very good and valid reasons why they didn't choose that grantee. I mean, it looked from the beginning like a story of a grantee who was miffed because they didn't get their money. And somebody always gets a no and they certainly have the right to do that. Now, if there's anything in there having to do with the Ku Klux Klan and Nazis -- certainly don't agree with that. I mean, that's deplorable and just on its face cannot be condoned and is -- I just can't believe it's true.

Q But do you -- since we're talking a great deal about the timing of stories today, is it somewhat embarrassing to have this story come out on the eve of the day when the President's going to be laying the cornerstone for the Holocaust --

MR. FITZWATER: Well, it would be better not to have had it come out today. (Laughter.)

Q Can you confirm that the Soviets have dropped the condition -- the exclusion of aircraft fighters -- aircrafts from the conventional talks?

MR. FITZWATER: The Soviets did what?

Q Dropped the demand that they had before that the fighters be excluded from the conventional talks.

MR. FITZWATER: I haven't heard that.

Q It's in The New York Times today.

MR. FITZWATER: I didn't read it.

THE PRESS: Thank you.

END

11:09 A.M. EDT

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Domestic disinformation

Washington Post reporters Bob Woodward and Walter Pincus last week committed the domestic equivalent of disinformation in "revealing" the existence of a 1984 intelligence finding that authorized counter-terrorist covert action operations. The reporters and their anonymous "sources" say that the language of the finding constituted a "license to kill" and violated the standing ban on assassinations in the president's 1981 executive order governing the intelligence community.

The zip went out of the story when it became clear that it was neither new — several papers printed accounts of the order a couple of years ago — nor true.

The facts are that Mr. Reagan in November 1984 signed a finding, as a presidential authorization of covert action is called, containing language that, according to the Post's account, said that properly authorized covert actions undertaken in good faith "must be and are deemed to be lawful." Nameless sources allege that the wording was designed to "circumvent the assassination ban" and was "an astounding blank check and truly a 'license to kill' provision." A former administration intelligence official told The Washington Times last week the Post's story was "utterly false." "No administration officials involved in developing the finding believed, or had any reason to believe, that it involved assassination. . . . It was never its purpose and therefore no officials expressed concern about this."

As White House press spokesman Marlin Fitzwater pointed out, the Post's story contradicted what Mr. Woodward reported in his 1987 book, "Veil: The Secret Wars of the CIA, 1981-1987." The book says that CIA General Counsel Stanley Sporkin believed Mr. Reagan's 1984 finding was not intended to autho-

rize assassinations, and in the Post story Mr. Woodward and Mr. Pincus wrote, "As far as can be determined, no one was killed as a result of the intelligence findings Reagan signed." This includes an incident in which Lebanese intelligence officials set off a car bomb in Beirut intended to kill a terrorist leader. The device instead slaughtered more than 80 other people. A congressional investigation found that the CIA had no connection with the Lebanese bombing. But the Post account conveniently omitted that fact as well as Mr. Sporkin's legal opinion. Finally, the White House revised the questionable language of the 1984 finding with more explicit findings in 1985 and 1986.

So where's the beef? The Post's story appeared at a particularly opportune time — in the last mile of the presidential race and just as funeral dirges were about to be sung for the "48 Hours Bill," which would require the administration to give 48 hours notice to the intelligence committees of any new covert action. Speaker Jim Wright's spillage about alleged CIA provocations of the Sandinistas has cooled congressional ardor for the bill, at least for the rest of the session.

The 48 hours legislation remains beloved by those who seek further weakening of the intelligence agencies, oppose all covert action and want Congress to make, manage and manipulate foreign policy at all levels. Last week's "story" may provide a pretext for reviving the bill, and those who demand an intelligence community strong enough to meet the challenges of the 1990s ought to be on their guard. Those forces also ought to point out that most evidence for the 48-hour rule relies, as did the Post story, on sensation and fiction, not fact.

White House denies backing secret assassinations

By Mary Belcher
and Bill Gertz
THE WASHINGTON TIMES

The White House and Vice President George Bush angrily denied a published report yesterday that President Reagan in 1984 and 1985 authorized secret counterterrorism activities that would have circumvented a government ban on assassinations.

White House spokesman Marlin Fitzwater, responding to the story in The Washington Post, implied that the allegations were a politically-motivated "cheap shot" designed to embarrass Mr. Bush, the Republican candidate for president.

"This is an old story being rehashed again, interestingly timed,

and has no foundation," Mr. Fitzwater said. "I think this [report] is an extraordinary cheap shot.

"It [the story] is not true," he said. "It impugns the president in a way that the author himself has denied in previously written stories."

Mr. Fitzwater noted that the article's co-author, Post Assistant Managing Editor Bob Woodward, in his 1987 book "Veil" reported that Mr. Reagan, in approving covert counterterrorism activities in Lebanon, did not intend to supersede a 1981 executive order on intelligence activities that bans anyone in government from carrying out assassinations. The 1981 order is still in effect.

Asked about the controversy at a photo session, Mr. Reagan said he was "quite upset" by the assertion

that he signed the 1984 and 1985 orders, which the Post quoted "sources" as describing as "a license to kill."

The article said Mr. Bush "would have been given a copy of or access to the finding."

But on the campaign trail yesterday, Mr. Bush told reporters: "If I were not in polite company, I'd tell you what I think about a report like that."

Pressed on whether the story was true, Mr. Bush said: "Absolutely not. To circumvent the law against assassination is absolutely absurd.

"It's ironic that these outrageous charges surface from time to time," he said. "You just have to gun them down."

Contacted yesterday, Post Manag-

ing Editor Leonard Downie Jr. declined, through a secretary, to comment on the White House denial of the story.

The Post article alleged that Mr. Reagan approved secret directives that gave U.S. intelligence agencies wide latitude in conducting covert intelligence operations against terrorists.

According to the article, the directives, before they were rescinded, sanctioned actions that were considered lawful if carried out in "good faith."

Mr. Fitzwater said the language in question was unofficially withdrawn in May 1986 when it was replaced by another counterterrorism finding, but denied that it could have been interpreted as having approved as-

sassinations. The spokesman said the finding was "formally and specifically rescinded" following a National Security Council review in May 1987.

The Post report said the 1984 finding was withdrawn after a 1985 car bombing in Beirut, which was carried out by Lebanese intelligence officers whom U.S. officials regarded as potentially useful for their counterterrorism efforts.

A congressional investigation later found that the CIA had no connection with the car bombing. U.S. intelligence officials have blamed The Post report of the 1985 bombing for inspiring terrorists to commit the hijacking of a TWA Flight 847 in 1985 that led to the killing of U.S. Navy diver Robert Stetham.

A former administration intelligence official familiar with the finding described The Post's story as "utterly false" and said the article did not appear tied to any current event, but instead was intended as "an embarrassment to Bush."

"No administration officials involved in developing the finding believed, or had any reason to believe, that it involved assassination," said the former official, who declined to be named. "It was never its purpose and therefore no officials expressed concern about this."

The only exception, according to an intelligence source, was then-Deputy CIA Director John McMahon, who opposed the administration's aggressive counterterrorism policy.

THE WASHINGTON POST

Reagan Rebuts Post Report on CIA Antiterror Orders

Reuter

President Reagan yesterday denied a Washington Post report that he signed intelligence findings in 1984 and 1985 authorizing aggressive covert antiterrorism operations that some government officials at the time considered to be a license to kill for the Central Intelligence Agency.

"No, back in 1981, I issued a directive that the United States would not permit assassinating anyone in any of the things that we were doing and that continues to this day," Reagan said when asked about the report at a White House photo session.

The president said he was "quite upset" about the story in yesterday's Post, which said he had signed secret orders in 1984

and 1985 authorizing aggressive covert activities against terrorists and stating any implementing actions would be deemed lawful if taken in "good faith."

According to unidentified sources quoted in the article, the language provoked disputes within the government as it was widely considered "a license to kill" that contradicted Reagan's 1981 executive order forbidding direct or indirect involvement in assassinations by U.S. intelligence agents.

"This is an old story being rehashed again, interestingly timed, and has no foundation," spokesman Marlin Fitzwater told reporters at his daily news briefing.

Fitzwater said Bob Woodward, who wrote the article with Walter Pincus, had

disclosed the secret antiterrorism order, known as a finding, in a 1987 book on the CIA, "VEIL: The Secret Wars of the CIA 1981-1987" and had written that it was not intended to authorize assassinations.

"I think this [the article] is an extraordinary cheap shot. It impugns the president in a way that the author [Woodward] himself has denied in previously written stories," Fitzwater said.

Woodward's book generally discussed the administration's development of a counterterrorism finding; the Post story yesterday reported for the first time the exact language in the finding, which one source said was developed by the administration to "circumvent" the assassination ban.

The authorizations "deemed" as lawful any covert actions, including potentially violent ones, taken in "good faith" against terrorists. The book and the article quoted officials who said they thought the finding opened the door to potential involvement in assassinations.

Yesterday, Fitzwater declined to answer questions about the meaning of the language in the findings. Although he confirmed, as the Post reported, that the findings had been rescinded, he declined to say why they had been withdrawn.

The orders at issue—actually one presidential finding that went through several revisions—were rescinded in early 1987 as part of a shakeup of the National Security Council (NSC).

That shakeup was prompted by the disclosure of the NSC role in the Iran-contra affair.

1984 Order Gave CIA Latitude

Reagan's Secret Move To Counter Terrorists Called 'License to Kill'

By Bob Woodward
and Walter Pincus

Washington Post Staff Writers

President Reagan signed intelligence authorizations in 1984 and 1985 for aggressive covert operations against terrorists that said any actions taken under the orders would be "deemed" lawful if conducted in "good faith," according to informed sources.

This language provoked disputes in the government because it was generally considered "a license to kill," sources said. An executive order then—and now—in effect also signed by Reagan specifically banned any direct or indirect involvement by U.S. intelligence agents in assassinations.

But key administration officials wanted to undertake preemptive operations that could result in killings—for example, blowing up a known terrorist hideout in Beirut—to combat increasing terrorist activity, the sources said. These officials also wanted legal protection from the existing executive order that prohibited any U.S. government participation in assassination, the sources said.

One source familiar with the details of the findings said the language was specifically designed to "circumvent the assassination ban," the latest version of which was signed Dec. 4, 1981, by Reagan.

Officials at the Central Intelligence Agency, including then-Director William J. Casey, wanted such language to protect U.S. field officers and the foreign strike teams contemplated by the intelligence findings, sources said.

A key source involved with the counterterrorist findings said they were an "astounding blank check and truly a 'license to kill' provision." A former White House official called the orders the "go-anywhere, do-anything" authority.

As far as could be determined, no one was killed as a result of the intelligence findings Reagan signed.

Knowledge of this finding was tightly held, but it was known to key officials. White House officials

See FINDINGS, A19, Col. 1

Two Findings Targeted Terrorists

FINDINGS, From A1

have said that Vice President Bush would have been given a copy of or access to the finding.

A spokesman for Bush had no immediate comment last night. James A. Baker III, Bush's presidential campaign chairman, who was White House chief of staff when Reagan signed the 1984 finding, declined to comment.

The Reagan administration's decision to undertake potentially violent actions to counter terrorism grew out of intense frustration with continued car-bombings of U.S. facilities and the taking of hostages in Lebanon, sources said. Reagan signed the first finding with the so-called license-to-kill language on Nov. 13, 1984, just days after his landslide reelection victory. The House and Senate intelligence committees were not told of the critical language of the finding, the sources said.

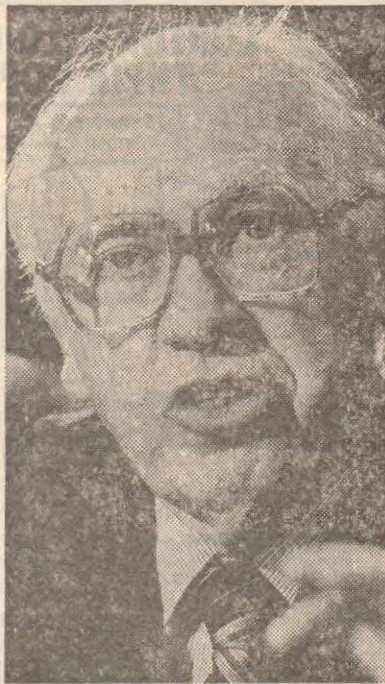
That finding was rescinded on April 10, 1985, a month after a car bomb exploded in Beirut near the residence of Mohammed Hussein Fadlallah, leader of the Hezbollah faction of Iranian fundamentalists that the United States has tied to terrorist actions including the 1983 bombing of the U.S. Marine Corps compound in Lebanon.

The 1985 explosion killed more than 80 people, but not Fadlallah. The bombing was carried out by a group of Lebanese intelligence officers who U.S. officials originally considered potential assets for antiterrorist operations envisioned in the Nov. 13, 1984, intelligence finding.

However, sources have said that Casey—frustrated by his agency's failure to act rapidly—asked Saudi Arabia to fund and organize the Fadlallah bombing as an "off-the-books" operation outside official U.S. channels.

A month later, in May 1985, The Washington Post reported that Lebanese intelligence agents had been responsible for the Fadlallah bombing, and that Reagan's order authorizing preemptive antiterrorist activity had been rescinded.

This report provoked concern in the congressional committees charged with overseeing covert activities, which demanded an explanation from the administration. They were then given the language of the Nov. 13, 1984, finding. Com-



WILLIAM J. CASEY
... wanted to protect CIA officers

mittee members raised questions about its apparently broad authorization of actions that could evade the prohibition on any involvement in assassinations. The CIA assured the committees that the order had been rescinded and no longer applied, sources said.

However, after the hijacking of TWA Flight 847 in June 1985, Reagan signed a second finding on Aug. 11, 1985, finding was signed on May 12, 1986, without the disputed language.

This time the committees were briefed quite soon after the finding was signed, and they continued to raise questions about this provision of the order. Yet another intelligence finding on antiterrorist activity superseding the Aug. 11, 1985, finding was signed on May 12, 1986, without the disputed language. It remains in force.

Interviews here and abroad and a detailed review of records compiled during investigations into the Iran-contra affair show that the full extent and scope of the White House secret war against terrorists operated on many tracks, and some aspects of it are still secret.

The language in the 1984 and 1985 findings is somewhat ambiguous. The orders state that actions undertaken in good faith and as part of an approved operation "must be and are deemed" to be lawful. As one source said, the language is "inconsistent," the drafters seemed to want to have it both ways, insisting that all actions "must be" lawful

but also stating that they "are deemed" lawful in advance.

"It's enough for any lawyer to drive a truck through," the source said, "but it makes it clear that [the administration] foresaw few limits" on the counterterrorist operations.

Officials involved at the time said there was an intense debate in the administration about the language in the findings. Participants in the debate knew that the language could be taken as a means of circumventing the ban on assassination, informed sources said.

But others said the "must-be" formulation was a deliberate effort to introduce ambiguity. Inclusion of those words satisfied lawyers and officials who feared the finding conflicted with the presidential ban on any involvement in assassination, according to several sources.

The language used in the Nov. 13, 1984, finding offered protection for U.S. officials and intelligence operatives similar to that contained in the first finding Reagan issued on the secret Iranian arms sales. In that Iran finding of Dec. 5, 1985, the president gave retroactive approval, stating that "All prior actions taken by U.S. Government officials in furtherance of this effort are hereby ratified."

The Iran arms sales were one manifestation of the frustrations that mounted in the top ranks of the administration in 1985. It was during that year that Casey went to the Saudis to get them first to try to assassinate and then to bribe Fadlallah.

Robert C. McFarlane, then Reagan's national security adviser, began the arms sales to Iran, and John M. Poindexter, then the national security deputy, concentrated on a secret attempt to get Egypt to attack Libya as part of a plan to oust Libyan leader Moammar Qadhafi.

During this period, June 1985, then-National Security Council staff aide Oliver L. North commenced an operation with McFarlane's approval to use two Drug Enforcement Administration agents to bribe others for the freedom of the American hostages at \$1 million apiece.

Counterterrorism had become a "cult" inside the White House and there was "a surge of let's go get the terrorists," according to a key U.S. official.

Staff researcher William F. Powers Jr. contributed to this report.