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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name CULVAHOUSE, ARTHUR B.:FILES

Withdrawer

DLB 5/14/2014

File Folder IRAN/ARMS TRANSACTION: NORTH/POINDEXTER
CLASSIFIED DISCOVERY REQUEST (9 OF 13)

FOIA

S643

Box Number CFOA 1131

SYSTEMATIC

143

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164970	CHART	RE: STATUS OF DISCOVERY	2	ND	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]
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- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

THE WHITE HOUSE
WASHINGTON

Date:

8/05/88

TO:

NANCY

FROM:

C. DEAN McGRATH
Associate Counsel
to the President

ACTION

- For your information
- For your review & comment
- As we discussed
- For your files
- Please see me
- Return to me after your review

COMMENTS:

PRESS GUIDANCE RE: JUDGE GESELL'S ORDER VACATING TRIAL DATE

- o The Administration has cooperated fully with Independent Counsel Walsh's investigation. We have provided him with thousands of documents, aggregating hundreds of thousands of pages, much of which originally was highly classified. The Administration has worked with the Independent Counsel since the indictment was returned on March 16 to declassify the information which he expects to introduce at trial as part of his prosecution case. We have been told that the information that has been declassified is sufficient to allow the Independent Counsel to prosecute his case.

- o On July 8, Judge Gesell ordered the Government to provide 20 items of highly sensitive classified information to defendant Oliver North by August 1. Two weeks ago the Independent Counsel informed the Court that it would take several months to locate and produce all documents responsive to some of those items. The affected agencies and departments have been working diligently to provide the discovery ordered by the Court. The Independent Counsel has commended the members of the interagency group for their tireless efforts.

- o On August 1 the agencies and departments provided as much information as reasonably could be located by that date. Today Judge Gesell vacated the September 20 trial date,

ordered that discovery be completed by October 10, and ~~set~~
~~October 20~~ for a hearing on the classified information
problems presented by the case. No new trial date has been
set. The relevant departments and agencies will do all that
they can to meet the new discovery deadline set by the
Court. They also will work with the Independent Counsel to
arrive at solutions -- consistent with national security
considerations -- to the questions presented by the use of
classified information at trial.

THE WHITE HOUSE
WASHINGTON

7

Date: 8/9/88

FOR: ABC

✓

FROM: **WILLIAM J. LANDERS**
Associate Counsel to the President

In an effort to expedite discovery Judge Jessel allowed the IC to "dump" a number of documents in the defense SCIF without full review by the interagency group. Not all of these documents are classified, but they are being treated that way until it is determined that they in fact are not classified. North contends he hasn't gotten answers when he asks if a document is classified. The IC says he hasn't asked and

That if he had, he could
have had the services of
The Intraagency group during
July.

In large measure I agree
with Hessel's characterization.
In fact, when I heard about
this bit of sniping I asked
Chris Dexter when we were
all going to be allowed to
get out of the sand box.

THE WHITE HOUSE
WASHINGTON

Date: 9 Aug.

TO:

Bill Landers

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

FYI: _____

COMMENT: *what is this all*

about? (on page 2)

ACTION: _____

813

A.B.

Fig 1

if

this

hasn't

come

to

your

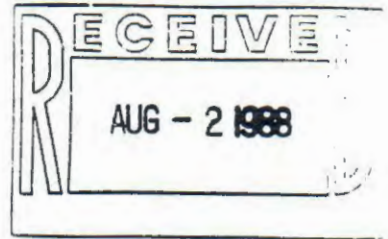
attention



A.L.

OFFICE OF
INDEPENDENT COUNSEL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA



UNITED STATES OF AMERICA

v.

OLIVER L. NORTH

)
)
)
)
)

Criminal No. 88-0080-02

ORDER

Recent motions and the submissions filed on August 1, 1988 affect the CIPA § 5 in camera hearing scheduled to begin August 8, 1988 and accordingly, in an effort to focus that hearing, the Court advises counsel as follows.

The Court will confine the August 8, 1988 hearing to the redactions indicated as relating to counts other than 1-3 in the Memorandum of the Government Submitting Exhibit List Pursuant to Subparagraph (8) of July 8, 1988 Order, and only those items which defendant North contends are relevant and material to counts other than counts 1-3, inclusive, that are listed in Attachment A to Second Notice of Defendant Oliver L. North Pursuant to Section 5 of the Classified Information Procedures Act.

To accomplish the foregoing, it is necessary that the parties have the actual documents in controversy available for the Court at the hearing. The absence of a coherent and mutually accepted numbering system identifying the documents makes it impossible for the Court's Security Officer to identify and extract these papers from the SCIF. Independent Counsel shall

007746

provide at the hearing copies of every document mentioned in its Memorandum noted above and defendant North shall provide the documents representing items listed in Attachment A which relate to the counts specified.

The Court expects that at the hearing counsel for North will particularize in detail his basis for contending that the redacted classified information is relevant and material to the defense and establish the relevance and materiality of the additional classified documents he wishes to use at trial. The Court also expects that Independent Counsel will be prepared to make a commitment concerning procedures for disclosing to the jury classified information presented publicly in summarized or camouflaged form.

Again, the Court seeks a degree of mutual cooperation. For instance, the Court has noted that defendant North contends he has not been advised in all instances whether or not a document he desires is classified. Surely counsel can resolve this simple question before August 8, 1988.

SO ORDERED.


UNITED STATES DISTRICT JUDGE

August 2, 1988.

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OFFICE OF INDEPENDENT COUNSEL
SUITE 701 WEST
555 THIRTEENTH STREET, N.W.
WASHINGTON, D.C. 20004
(202) 383-8940

August 10, 1988

MEMORANDUM CONCERNING DOCUMENT PRODUCTION
PURSUANT TO JULY 8, 1988 ORDER

This memorandum provides guidance to the affected agencies concerning the meaning of the term "senior government officials" for purposes of the production of documents under subparagraph (2) on page 6 of the Court's July 8, 1988 Further Memorandum and Order re CIPA and Trial Schedule.

To ensure that the agencies' search for documents responsive to the Court's Order does not miss any potentially responsive documents, "senior government officials" should be construed to include all officials who were, at the relevant time, members of the National Security Council, Cabinet officers, heads of relevant agencies, and other responsible officials down to the level of Assistant Secretary. The following are illustrations of officials who would be included under this definition of "senior government officials" within the affected departments and agencies:

White House/National Security Council

President
Vice-President
President's Chief of Staff
Assistant to the President for National
Security Affairs
Deputy Assistant to the President for National
Security Affairs (including Mr. Fortier for
the entire relevant period, irrespective of his
title at any given time)

Department of State

Secretary
Deputy Secretary
Undersecretaries
Assistant Secretaries

Department of Defense

Secretary
Deputy Secretary
Under Secretary
Assistant Secretaries
Secretaries of the Army, Navy and Air Force
Joint Chiefs of Staff

Central Intelligence Agency

Director of Central Intelligence/CIA
Deputy Director of Central Intelligence/CIA
Director of Intelligence
Director of Operations

National Security Agency

Director
Deputy Director

As an added precaution, within CIA you should include the
Chiefs of the Latin American Division and the Central American
Task Force.

GENERAL COUNSEL MEETING RE: DISCOVERY

AUGUST 11, 1988

AGENDA

- I. Current Status of Compliance with July 8 Order (20 items, PDB and CAJIT) (See Tab A)
- A. PDB and CAJIT completed
 - B. Four items (Nos. 1, 14, 17 and 19) completed; one item (No. 15) unknown
 - C. Remaining 15 items can be completed by October 10 with the following exceptions:
 - all 15 items for NSC
 - item 2 (CIA and DOD)
 - items 3 and 4 (CIA and DOD)
 - items 7 and 10-13 (DOD)
 - items 8 and 9 (DOD)
- II. Further Compliance with July 8 Order
- A. Overlap with categories of information that cannot be publicly disclosed (Item Nos. 2; 3 and 4; 7 and 10-13; 8 and 9; 16)
 - Note: July 8 order does not require disclosure of operational details of any program, except to extent such information is in documents concerning funding, senior knowledge, North's involvement or use of the Erria.
 - B. Withhold some documents from defense, but provide them to the court under Section 4 of CIPA.
 - establish uniform criteria for withholding from defense
 - C. Obtain OIC guidance/assistance
 - define "senior government official" for each agency
 - provide additional resources (e.g., agents to review files)
 - D. Impact on Interagency Review
 - current review of documents for Poindexter, Hakim, Secord discovery
 - current review North's office material
 - Query: need to review additional discovery material in North case.
- III. Briefing of Court on Information that Cannot be Publicly Disclosed

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TALKING POINTS
General Counsel Meeting -- August 11, 1988


- Gesell order last Friday was welcome news in sense it created opportunity for better environment to address national security issues and more time to produce documents.
- Real tribute to Bill Landers, Russ Bruemmer and others who worked long hours to prepare Walsh filing of early last week.
- Problem remains:
Still have to produce by Oct. 10 the 20 items in July 8 discovery order as perhaps modified by Judge in July 27 motions hearing.
 - (1) Problem of insufficient time and resources to meet schedule.
 - (2) Problem of sensitivity of documents, including a portion that the Intelligence Community would not agree be publicly disclosed and would not provide to the defense.
 - (3) Secret^s filing -- when give to Walsh; when file with court.
- We, at the White House, have thought about issues, consult with Chief of Staff and others:
 - (A) Try to comply with Oct. 10 discovery order in its entirety, devote whatever resources required. If cannot meet 100% compliance, much better forum, environment and Judge Walsh support to seek relief if 95% already done after superhuman effort. *Some posture on many respects as clearly last spring.*
 - (B) File all documents produced either with defense or with court under CIPA. Withhold nothing. Clear from Congressional briefings that withholding altogether is not satisfactory.
 - (C) Get Secret^s filing ready and give to Walsh. Do not press to provide to court at this time. Court on notice that some information cannot be publicly disclosed.

THE WHITE HOUSE

WASHINGTON

August 25, 1988

MEMORANDUM FOR ELIZABETH KEEFER
THOMAS BENJAMIN
MAURICE WHITE
JAMES ALSUP
DAN LEVIN

FROM: WILLIAM J. LANDERS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Document Production

The Office of Independent Counsel has requested that one copy of any documents that have been located to date that are responsive to the July 8 Order be delivered to that office by August 31 for delivery to the defense SCIF. Please be sure to send these copies to the OIC to the attention of Chris Mixter. In addition, if the delivery of the documents constitutes full compliance with any item set forth in the Order -- either because all documents have been produced or because there are no responsive documents -- please inform the OIC of that fact in a transmittal letter.

I will be on vacation until September 7, 1988. I have informed Chris Mixter that he should bring any questions or problems directly to your attention. However, please be sure to coordinate and clear any responses amongst yourselves.