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WITHDRAWAL SHEET

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File Folder IRAN/ARMS TRANSACTION: PRESIDENT'S
INTELLIGENCE OVERSIGHT BOARD MEETING AND
REPORT - APRIL 3, 1987

FOIA
S643

Box Number CFOA 1129

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142

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164965	LETTER	WILLIAM WEBSTER TO GLENN CAMPBELL	2	8/6/1987	B1
164966	LETTER	COPY OF 164965, WITH SLIGHT NOTATION	2	8/6/1987	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]

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


THE WHITE HOUSE

WASHINGTON

April 2, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
CHIEF OF STAFF TO THE PRESIDENT

KENNETH L. DUBERSTEIN
DEPUTY CHIEF OF STAFF TO THE PRESIDENT

FROM: ARTHUR B. CULVAHOUSE, JR. 
COUNSEL TO THE PRESIDENT

SUBJECT: President's Intelligence Oversight Board
Appointment and Report

Attached is a copy of my staffing memorandum to the President for his 11:30 a.m. meeting with the Intelligence Oversight Board. A copy of this memorandum should be provided to the President through the normal staffing process.

I suggest that the President be given a prebriefing on this issue during the 9:00 a.m. staff time. Simply put, the President's Intelligence Oversight Board Interim Report is badly flawed as it concludes that Messrs. Regan, Poindexter, Casey violated Presidential directives and perhaps U.S. law by not keeping the Intelligence Oversight Board fully informed of covert action findings. The report should not be publicly released, even though a public release apparently will be recommended by Dr. Campbell and his fellow Board members. The Intelligence Oversight Board has the authority, under its Executive Order, to submit the report, but the President has the discretion to require that the report be kept confidential in the interests of not prejudicing individuals subject to the ongoing Congressional and Independent Counsel investigations.

Attachment

THE WHITE HOUSE

WASHINGTON

April 2, 1987

MEMORANDUM FOR THE PRESIDENT

FROM: ARTHUR B. CULVAHOUSE, JR. *ABC.*
COUNSEL TO THE PRESIDENT

SUBJECT: Meeting with President's Intelligence Oversight Board

You are scheduled to meet for ten minutes with the members of the President's Intelligence Oversight Board at 11:30 a.m. on Friday, April 3. The Intelligence Oversight Board is chartered by Executive Order to assure the legality of intelligence community activities and to inform the President of intelligence activities that violate the Constitution, U.S. law, or Presidential order and directives. The members of the Board are Dr. W. Glenn Campbell, Charles J. Meyers and Charles Tyroler II. You will be staffed by Howard Baker and me.

The Intelligence Oversight Board has requested the meeting to present its two page "Interim Report" regarding the "Iranian arms sales and related matters." The Board's Interim Report, a copy of which is attached, states that the Board has been conducting an "inquiry" and "investigation".

The Board's Interim Report states that "contrary to law and established practice," certain former senior officials (including Don Regan, John Poindexter, and Bill Casey) failed to keep the President's Intelligence Oversight Board apprised of covert action findings and possible violations of law. The Board's Interim Report further asserts that its counsel attempted in the Fall of 1986 to alert the NSC staff (through the NSC General Counsel) that NSC staff was actively supporting military operations in Nicaragua.

Dr. Campbell advised Senator Baker today that the Board intends to urge that you publicly release the Interim Report. Senator Baker and I strongly urge you not to publicly release the report. Dr. Campbell has been advised that of Senator Baker's opinion.

Under the Executive Order which created the President's Intelligence Oversight Board, the Board is entitled to present reports to you, but you have the final determination on whether or not to publicize a report. It is well within

your authority to determine that the release of the Interim Report could inappropriately prejudice the rights of individuals currently subject to investigation. The reasons why we believe that the Report should not be publicly released are as follows:

- ° The report states that Messrs. Regan, Poindexter and Casey "knew or certainly should have known" that they were required "by law and established practice" to apprise the Board of covert action findings and possible violations of law. The Iran/Contra matter is subject to ongoing investigations, and we believe that it would be very inappropriate and prejudicial to these three men for such an assertion by the President's Intelligence Oversight Board to be publicized at this time. The Tower Board, which conducted an extensive inquiry, generally refrained from determinations that named individuals might have violated legal requirements. The Intelligence Oversight Board, with a single professional staff member in a four paragraph report, seemingly should have avoided such conclusions.
- ° Publicizing the President's Intelligence Oversight Board report simply will create additional controversy without furthering the public's understanding of the facts. The Intelligence Oversight Board Interim Report is more of a grievance that the Board was not being kept fully informed by the Intelligence Community (which complaint may be justified), but the Interim Report simply is not based on sufficient investigation and new facts to merit release into the public domain.
- ° The Interim Report makes factual statements about individuals which cannot be verified at this time, or, in the case of the allegation involving the NSC General Counsel, have been denied.

RECOMMENDATION: Mr. President, Howard Baker and I respectfully recommend that you: receive the Board's report; thank the Board for its efforts and many years of service; assure the Board that you will continue to rely upon their oversight of the intelligence community; and take the report under advisement and decide against publicly releasing the Intelligence Oversight Board's Report at this time.

Attachment

THE WHITE HOUSE
WASHINGTON

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

April 2, 1987

FOR: THE PRESIDENT
FROM: PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD
SUBJECT: Interim Report

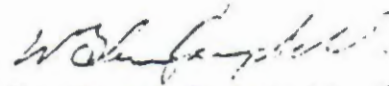
Your Intelligence Oversight Board, pursuant to its responsibilities under Executive Order 12334, has been conducting an inquiry into the Iranian arms sales and related matters. Our investigation is still in progress and we expect to be able to report our conclusions to you in the near future. This is an interim report.

(1) Contrary to law and established practice, senior officials of the Intelligence Community failed to keep your Board apprised of covert action findings and possible violations of law. Specifically, the November 1985 flight carrying arms to Iran, a possible violation of the Hughes-Ryan Amendment requiring a Presidential Finding for covert activities, was not reported to this Board as required by your Executive Order 12334. Further, (2) a long standing requirement to brief the Board on covert action findings, reaffirmed by you in January 1983, and again confirmed in September 1985 by the Director of Central Intelligence, required that the Board be briefed on the Presidential Finding of January 17, 1986. This requirement was not met (3) Had these requirements of law and established practice been respected, we are confident that your Board could have rendered a valuable service by carefully monitoring and giving you its independent advice on the legality and prudence of these intelligence activities (4) Those who knew or certainly should have known of the above requirements include former Chief of Staff Donald T. Regan, former National Security Adviser John M. Poindexter and former Director of Central Intelligence William J. Casey.


One recommendation that will undoubtedly result from our inquiry will be to confirm the role of this Board in the review of covert action findings. The Board can help you only when fully informed. That this Board can help protect the Executive against unwise intelligence activities is underlined by the fact that late in October 1986 the Board's Counsel sought to alert the Assistant to the President for National Security Affairs of impending public disclosures regarding NSC staff involvement in Central America that would lead directly to the White House.

In spite of the fact that both the Iranian initiative and the involvement of the National Security Council staff in support of military operations in Nicaragua had been kept from this Board, our Counsel developed independent information that led

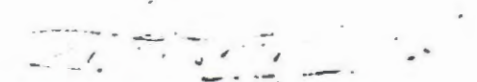
to the belief that members of the NSC staff were deeply involved in such operations in Nicaragua. Although there was no reason to question the legality of these activities at that time, the Board's Counsel informed the NSC's General Counsel of his concerns and warned of the consequences of not dealing with them.



W. Glenn Campbell
Chairman



Charles J. Meyers, Esq.
Member



Charles Tyroler, II
Member

Intelligence Oversight Board
Report

Comments to IHG

- 1) Report, if released or leaked, will generate another series of bad stories in the press. Its release will hurt the Administration and the President and will generate controversy.
- 2) It is an interim report; the current timing is not optimal. If there needs to be a report, in the Board's judgement, then wait for the final report.
- 3) The interim report seems to conclude that certain senior officials, by name, violated the law by failing to keep the Board apprised of covert action findings and of other potential violations of law. Those people are under investigation, and the release of the report will prejudice their cases and generate hard feelings by them toward the President. The Board should not get into the business of finding guilt or innocence.
- 4) The filing of the report will certainly cause the Board to be requested to testify on the Hill, and the Board's records and "investigation" files will be subpoenaed by the Independent Counsel. That will not be good for the President or the Board.
- 5) These matters already are being investigated. Why doesn't the Board withhold its interim report and final report until it has the benefit of the Congressional findings?
- 6) Release of the report certainly will result in the Board's general counsel becoming a witness in the House and Senate hearings.

SENSITIVE/EYES ONLY

THE WHITE HOUSE

WASHINGTON

April 9, 1987

Re: President's Intelligence Oversight
Board Interim Report

Dear Mr. Attorney General:

Enclosed is a copy of the Interim Report, dated April 2, 1987, of the President's Intelligence Oversight Board. As you know, the President's Intelligence Oversight Board presented this Interim Report to the President on April 3, 1987.

The President did not request the Interim Report, and, due to its sensitivity and potential prejudicial impact upon individuals who may be the subject of ongoing investigations, the President determined that the Interim Report should not be publicly released. The President further directed that the Interim Report be closely held and safeguarded and treated as if it were classified information. Accordingly, copies of the Report are maintained only in two locations in The White House (in the confidential file safe at central records and in my safe), in addition to whatever copies the President's Intelligence Oversight Board may have.

As you know, under Section 2(b) of Executive Order 12334, the President's Intelligence Oversight Board is instructed to forward to the Attorney General reports it receives concerning intelligence activities that the Board believes may be unlawful. It is unclear to me whether the Board's April 2 Interim Report concludes that violations of law may have occurred, or simply that certain senior officials of the intelligence community failed to follow "established practice" in keeping the Board advised of covert action findings. I further note that Section 4 of Executive Order 12334 requires Inspectors General and General Counsel of the intelligence community, to the extent permitted by law, to report to the Board intelligence activities that such officials have reason to believe may be unlawful or contrary to Executive Order or Presidential directive. Since the individuals named in the Report did not serve in such positions, it is likewise unclear to me whether the Board believes that the requirements of Section 4 of Executive Order 12334 were not followed.

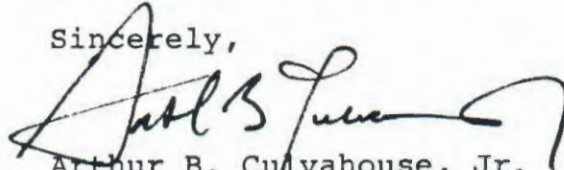
SENSITIVE/EYES ONLY

SENSITIVE/EYES ONLY

2

From our discussions, I know that you share the President's view that the Report should remain confidential. You also might wish to know that I have provided a copy of the Interim Report to Judge Walsh with the understanding that it be closely safeguarded and accorded confidential treatment.

Sincerely,



Arthur B. Culvahouse, Jr.
Counsel to the President

The Honorable Edwin Meese III
Attorney General
United States Department of Justice
10th Street and Constitution Avenue, N.W.
Room 5111
Washington, D.C. 20530

Enclosure

SENSITIVE/EYES ONLY

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

April 2, 1987

FOR: THE PRESIDENT
FROM: PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD
SUBJECT: Interim Report

Your Intelligence Oversight Board, pursuant to its responsibilities under Executive Order 12334, has been conducting an inquiry into the Iranian arms sales and related matters. Our investigation is still in progress and we expect to be able to report our conclusions to you in the near future. This is an interim report.

(1) Contrary to law and established practice, senior officials of the Intelligence Community failed to keep your Board apprised of covert action findings and possible violations of law. Specifically, the November 1985 flight carrying arms to Iran, a possible violation of the Hughes-Ryan Amendment requiring a Presidential Finding for covert activities, was not reported to this Board as required by your Executive Order 12334. Further, (2) a long standing requirement to brief the Board on covert action findings, reaffirmed by you in January 1983, and again confirmed in September 1985 by the Director of Central Intelligence, required that the Board be briefed on the Presidential Finding of January 17, 1986. This requirement was not met (3) Had these requirements of law and established practice been respected, we are confident that your Board could have rendered a valuable service by carefully monitoring and giving you its independent advice on the legality and prudence of these intelligence activities. (4) Those who knew or certainly should have known of the above requirements include former Chief of Staff Donald T. Regan, former National Security Adviser John M. Poindexter and former Director of Central Intelligence William J. Casey.

One recommendation that will undoubtedly result from our inquiry will be to confirm the role of this Board in the review of covert action findings. The Board can help you only when fully informed. That this Board can help protect the Executive against unwise intelligence activities is underlined by the fact that late in October 1986 the Board's Counsel sought to alert the Assistant to the President for National Security Affairs of impending public disclosures regarding NSC staff involvement in Central America that would lead directly to the White House.

In spite of the fact that both the Iranian initiative and the involvement of the National Security Council staff in support of military operations in Nicaragua had been kept from this Board, our Counsel developed independent information that led

knowledge publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(i) *United States person* means a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

3.5 *Purpose and Effect.* This Order is intended to control and provide direction and guidance to the Intelligence Community. Nothing contained herein or in any procedures promulgated hereunder is intended to confer any substantive or procedural right or privilege on any person or organization.

3.6 *Revocation.* Executive Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is revoked.

Executive Order 12334—President's Intelligence Oversight Board

SOURCE: The provisions of Executive Order 12334 of Dec. 4, 1981, appear at 46 FR 59955, 3 CFR, 1981 Comp., p. 216, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by assuring the legality of activities of the Intelligence Community, it is hereby ordered as follows:

SECTION 1. There is hereby established within the White House Office, Executive Office of the President, the President's Intelligence Oversight Board, which shall be composed of three members. One member, appointed from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman. Members of the Board shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience and independence. The Board shall utilize such full-time staff and consultants as authorized by the President.

SEC. 2. The Board shall:

(a) Inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the United States, Executive orders, or Presidential directives;

(b) Forward to the Attorney General reports received concerning intelligence activities that the Board believes may be unlawful;

(c) Review the internal guidelines of each agency within the Intelligence Community concerning the lawfulness of intelligence activities;

(d) Review the practices and procedures of the Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive order or Presidential directive; and

(e) Conduct such investigations as the Board deems necessary to carry out its functions under this Order.

SEC. 3. The Board shall, when required by this Order, report directly to the President. The Board shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the Board shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other agencies of the Intelligence Community.

SEC. 4. The heads of departments and agencies of the Intelligence Community shall, to the extent permitted by law, provide the Board with all information necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community shall, to the extent permitted by law, report to the Board concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

SEC. 5. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

SEC. 6. Members of the Board shall serve without compensation, but may receive transportation, expense, and per diem allowances as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

Executive Order 12356—National security information

SOURCE: The provisions of Executive Order 12356 of Apr. 2, 1982, appear at 47 FR 14874 and 15557, 3 CFR, 1982 Comp., p. 166, unless otherwise noted.

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

29 June 1987

TO: JOHN TUCK
DEPUTY ASSISTANT TO THE PRESIDENT AND
EXECUTIVE ASSISTANT TO THE CHIEF OF STAFF

FROM: BRETTON G. SCIARONI ^{BGS}
COUNSEL

SUBJECT: Board Meeting with Baker, Carlucci and Webster

As you know, after the Board's April 3, 1986 meeting with the President, Senator Baker had Mr. Culvahouse convey to the Board his desire to have a meeting with the Board and the National Security Adviser and the Director of Central Intelligence. That meeting was initially delayed because of the necessity to wait for Judge Webster's confirmation.

However, now that nearly three months has elapsed since the initial proposal by Senator Baker, it is imperative that the meeting occur next week. The Chairman of the Board and one of the members have commitments for the rest of the month of July, and it seems unlikely that such a meeting will occur in August. Therefore, next week will be the last opportunity to hold the meeting until the fall. Please let me know which day next week will be convenient for the other proposed participants.

Copy to: Arthur E. Culvahouse, Jr.
Counsel to the President

THE WHITE HOUSE
WASHINGTON

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

April 16, 1987

FOR: ARTHUR E. CULVAHOUSE, JR.
COUNSEL TO THE PRESIDENT

FROM: ERETTON G. SCIARONI *EGS*
COUNSEL

SUBJECT: Proposed Meeting with the President's Intelligence Oversight Board

At our meeting on April 3, 1987 you stated that Senator Baker had proposed that the Board hold an early meeting with himself, Mr. Carlucci, Judge Webster and you. As we understood it, the purpose of the meeting is to discuss the ways in which the Board's role can be clearly defined and strengthened in various respects.

As you know, the Board can effectively assist the President only when fully informed of significant developments. Consequently, we are interested in measures that will make certain that we can successfully discharge our responsibilities in the future.

Our next board meeting is on Friday, April 24, 1987. We would be happy to hold the meeting any time during the day that is convenient for Senator Baker and for the other proposed participants. Please let me know as soon as possible when the meeting will be held.

THE WHITE HOUSE

WASHINGTON

July 20, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
CHIEF OF STAFF TO THE PRESIDENT

FRANK C. CARLUCCI
ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

WILLIAM H. WEBSTER
DIRECTOR OF CENTRAL INTELLIGENCE

FROM: ARTHUR B. CULVAHOUSE, JR. *ABC*
COUNSEL TO THE PRESIDENT

SUBJECT: Meeting in Howard Baker's Office,
5:00 p.m., Monday, July 20, 1987

The four of us are scheduled to meet at 5:00 p.m. on Monday, July 20, in Howard Baker's office at the White House.

The purpose of the meeting is to consider a request by the President's Intelligence Oversight Board (created by Executive Order 12334) to meet with the Chief of Staff to the President, the National Security Adviser and the Director of Central Intelligence. At such a meeting, it is anticipated that the Intelligence Oversight Board will request that it be provided contemporaneous copies of all covert action findings. As Howard Baker and Frank Carlucci are aware, the Intelligence Oversight Board this Spring issued an "Interim Report", based upon a staff "investigation", concluding that three former high ranking Executive Branch officials acted "contrary to law and established practice" in failing to keep the Intelligence Oversight Board aware of the Iranian arms transactions and related matters. The Intelligence Oversight Board further stated that former DCI William Casey had agreed to provide the Intelligence Oversight Board with copies of special activities findings.

Relatedly, I believe that the President's Intelligence Oversight Board is likely to be criticized in the final reports to be issued sometime this Fall by the House and Senate Select Committees investigating the Iran/Contra matters. As you know, the President's Special Review Board (the Tower Board) and press commentators criticized the

Intelligence Oversight Board for exceeding its impartial oversight role by issuing a legal opinion to LtCol Oliver North concluding that the National Security Council was not covered by the Boland Amendments. Accordingly, I believe that it might be prudent to discuss, preliminarily and internally, potential preemptive actions that might be taken to respond to these past and probable future criticisms of the Intelligence Oversight Board. In short, any discussion with the Intelligence Oversight Board regarding its access to special activities findings also should include consideration of operational and structural changes designed to enhance the Board's intelligence oversight function and to moot any changes therein to be recommended by Congress.

✓

July 20, 1987

I. Request for Notification of Findings.

II. Restructuring.

- A. Merge with PFIAB and/or Subcommittee of PFIAB
- B. Additional Members of Staff with Intelligence and Legal Backgrounds
- C. New Membership and/or New Chairman with Access to Findings and MONS

knowledge publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(i) *United States person* means a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

3.5 *Purpose and Effect.* This Order is intended to control and provide direction and guidance to the Intelligence Community. Nothing contained herein or in any procedures promulgated hereunder is intended to confer any substantive or procedural right or privilege on any person or organization.

3.6 *Revocation.* Executive Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is revoked.

Executive Order 12334—President's Intelligence Oversight Board

SOURCE: The provisions of Executive Order 12334 of Dec. 4, 1981, appear at 46 FR 59955, 3 CFR, 1981 Comp., p. 216, unless otherwise noted.

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by assuring the legality of activities of the Intelligence Community, it is hereby ordered as follows:

SECTION 1. There is hereby established within the White House Office, Executive Office of the President, the President's Intelligence Oversight Board, which shall be composed of three members. One member, appointed from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman. Members of the Board shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience and independence. The Board shall utilize such full-time staff and consultants as authorized by the President.

SEC. 2. The Board shall:

(a) Inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the United States, Executive orders, or Presidential directives;

(b) Forward to the Attorney General reports received concerning intelligence activities that the Board believes may be unlawful;

(c) Review the internal guidelines of each agency within the Intelligence Community concerning the lawfulness of intelligence activities;

(d) Review the practices and procedures of the Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive order or Presidential directive; and

(e) Conduct such investigations as the Board deems necessary to carry out its functions under this Order.

SEC. 3. The Board shall, when required by this Order, report directly to the President. The Board shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the Board shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other agencies of the Intelligence Community.

SEC. 4. The heads of departments and agencies of the Intelligence Community shall, to the extent permitted by law, provide the Board with all information necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community shall, to the extent permitted by law, report to the Board concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

SEC. 5. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

SEC. 6. Members of the Board shall serve without compensation, but may receive transportation, expense, and per diem allowances as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

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OVERSIGHT BOARD MEETING AND REPORT - APRIL 3, 1987

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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.

THE WHITE HOUSE
WASHINGTON


A.B.,

Your thoughts on the attached.



Rhett

Let me know —

NOV 23 5 41 15-70




THE WHITE HOUSE
WASHINGTON
September 21, 1987



Dear Kathy,

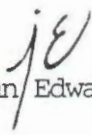
Dr. Campbell asked that I get this letter for the President to you. If you have any questions or guidance for me please feel free to call me on X2530.




FYI Dr. Campbell was in town yesterday and today for the first time since his heart surgery and is doing great. He will be back in town this Sunday and plans to attend the Ronald Reagan Foundation Luncheon on Monday.

Thank you,

VI


Joan Edwards



SECRET

THE WHITE HOUSE
WASHINGTON

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

September 21, 1987

Dear Mr. President:

We urgently request an early meeting with you, preferably this Monday, September 28, 1987, to discuss the operations and authority of your Board.

We attended a meeting on this subject with Senator Baker, Judge Webster and Mr. Carlucci on July 31, 1987. Our understanding of the agreement reached at the meeting was summarized in a letter written the same day to Senator Baker (copy attached). Our understanding was subsequently confirmed by Judge Webster in a letter to us dated August 6, 1987 (copy attached).

Finally, on September 9, 1987 we received a letter from Senator Baker (copy attached) which we feel does not adequately respond to our letter nor reflect the agreement we thought had been reached. We so informed Senator Baker in a memorandum dated September 10, 1987 (copy attached) and asked for a meeting with him. This had not taken place, nor been scheduled, despite our best efforts.

Respectfully,

W. Glenn Campbell
Chairman

Charles Tyroler, II
Charles Jarvis Meyers
Members

By direction:

Joan K. Edwards
Secretary

The President
The White House
Washington, D. C.

Copy to: Senator Howard H. Baker, Jr.
Chief of Staff to the President

SECRET

REGRADED UNCLASSIFIED
WHEN SEPARATED FROM
SECRET ATTACHMENT

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

July 31, 1987

Dear Senator Baker:

We much appreciated and enjoyed our meeting with you and your colleagues this morning, and were happy to find that all of us are in agreement.

To summarize our understanding of that agreement:

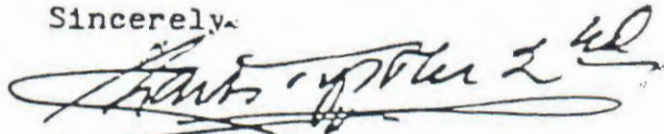
The Board will receive bi-annual briefings on all covert actions being undertaken, at least one to be conducted by the Director of Central Intelligence.

The Board will receive the same timely briefings on new Presidential findings as are to be accorded to the Congress. We recognize that the President may decide to have neither of us briefed or to have one of us and not the other.

In accordance with Executive Order 12334, the Board will report directly to the President, who in his sole discretion will determine whether or not to make such reports public. The Board will continue its past consistent practice of not granting interviews to the media.

We have reviewed this letter with Dr. Campbell in California who asks that you consider him a signer.

Sincerely,



Charles Tyroler, II
Member



Charles Jarvis Meyers
Member

The Honorable Howard H. Baker, Jr.
Chief of Staff to the President
The White House
Washington, D. C.

Copies to:
The Honorable William Webster
Director of the Central Intelligence
The Honorable Frank C. Carlucci
Assistant to the President
for National Security Affairs

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IRAN/ARMS TRANSACTION: PRESIDENT'S INTELLIGENCE
OVERSIGHT BOARD MEETING AND REPORT - APRIL 3, 1987

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<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restric-</i> <i>tions</i>
164966	LETTER COPY OF 164965, WITH SLIGHT NOTATION	2	8/6/1987	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]

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

THE WHITE HOUSE

WASHINGTON

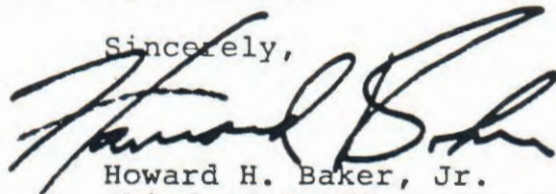
August 31, 1987

Gentlemen:

I have received your letter of July 31, 1987 setting forth your understanding of the arrangements discussed at our meeting of even date therewith. You should be aware that the procedures for notifying Congress of Presidential findings are presently under review and that the precise notification procedures have not yet been finalized or approved by the President. In addition, the arrangements proposed by Bill Webster for notification to the President's Intelligence Oversight Board also are subject to being countermanded by the President should he so determine (as acknowledged in your letter).

The Counsel to the President has pointed out that although your letter is addressed to me as Chief of Staff, Executive Order 12334 requires certain activities to be reported to the Intelligence Oversight Board by the "intelligence community," which by definition does not include the National Security Council or the White House Staff; and, more importantly, that the current procedures for notifying Congress (as well as the anticipated new procedures) provide that Congressional notification is to be carried out by the Director of Central Intelligence or the head of such other agency or entity that has operational control of the special activity. Accordingly, the Director of Central Intelligence or the head of such other agency or entity should bear the responsibility for consultation with the Intelligence Oversight Board subject, as aforesaid, to other Presidential determination. Finally, consistent with normal intelligence policy and coordination procedures, I respectfully suggest that the Assistant to the President for National Security Affairs should continue to be the point of contact within the White House staff for the President's Intelligence Oversight Board.

Sincerely,



Howard H. Baker, Jr.
Chief of Staff to the President

The Honorable W. Glenn Campbell
The Honorable Charles Jarvis Meyers
The Honorable Charles Tyroler, II
President's Intelligence Oversight Board
The White House
Washington, D.C. 20500

cc: The Honorable Frank C. Carlucci
The Honorable William H. Webster

REC'd & initialed
SEPT 9, 1987
jhe

THE WHITE HOUSE

WASHINGTON

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

September 10, 1987

TO: SENATOR HOWARD H. BAKER, JR.
CHIEF OF STAFF TO THE PRESIDENT

FROM: PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD
W. GLENN CAMPBELL, CHAIRMAN
CHARLES TYROLER, II
CHARLES JARVIS MEYERS

SUBJECT: Letter of August 31, 1987

We believe our letter of July 31, 1987 states the agreements reached on that date at our meeting with you, Judge Webster and Mr. Carlucci. Judge Webster agrees; please see his letter of 6 August 1987.

The letter of August 31, 1987 received in our White House office on September 9 does not, in our view, comport with the agreements reached on July 31, and we do feel that we can operate effectively under the provisions of the August letter. We of course agree that the President is free to make both general and particular rules on intelligence briefings for PIOB. That principle is made express in our July 31 letter, but that letter also makes clear the general rule on briefings of the Board. The August 31 letter leaves the matter confused, at best.

We note further that reporting directly to the President is the procedure specified by Executive Order No. 12334 and, in the light of recent events, we believe that is the procedure best adapted to the performance of our duties under the Executive Order.

We request a meeting on this matter with you on September 23.

REGRADED UNCLASSIFIED WHEN
SEPARATED FROM CLASSIFIED
ENCLOSURE

SECRET

THE WHITE HOUSE
WASHINGTON

Date: 9/28/87



TO: JOHN TUCK

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

FYI: _____

COMMENT: For HHB's signature.

ACTION: _____



THE WHITE HOUSE

WASHINGTON

September 28, 1987

Gentlemen:

In order to alleviate the concerns which you have expressed in connection with the procedures for notifying the President's Intelligence Oversight Board of special activities findings, permit me to amplify my understanding.

I agree that the basic understanding is set forth in the letter to the Board dated August 6, 1987, from the Director of Central Intelligence. As recognized in your letter to me of July 31, 1987, the President may decide to brief neither Congress nor the Board, or to brief one of Congress or the Board and not the other.

As you know, the current procedures for notifying Congress provide that Congressional notification of special activities is to be carried out by the Director of Central Intelligence (or the head of such other agency or entity that has operational control of the special activity). I understand Bill Webster's August 6 letter as confirming that the CIA will assume the similar responsibility for consultation with the Board. The point I was trying to make in my August 31 letter is that the National Security Adviser to the President and the Chief of Staff to the President are not in a position to assure in each case that briefings have been provided to the Board and that, as an institutional matter, the Board should look to the Central Intelligence Agency for such briefings. Of course, in matters of importance or urgency, Frank Carlucci and I remain available for consultation with the Board.

There is no dispute regarding whether the Board reports directly to the President as specified under Executive Order No. 12334. Of course the Board reports directly to the President. No one suggests otherwise. What I do suggest, and as stated in my August 31 letter, is that the White House staff contact for the Board henceforth should be the National Security Adviser to the President, just as the National Security Adviser serves as the senior staff point of contact within the White House for the Executive Branch intelligence community.

I hope that the foregoing clarifies any concerns that the Board might have.

Sincerely,

Howard H. Baker, Jr.
Chief of Staff to the President

President's Intelligence Oversight Board
Old Executive Office Building
Room 331
Washington, D.C. 20500

THE WHITE HOUSE

WASHINGTON

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

September 26, 1987

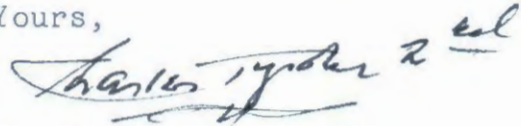
Dear Mr. Culvahouse,

This is in response to your letter of 25 September, and enclosure.

You have alleviated the Board's concerns and your draft letter from Senator Baker is satisfactory.

Thank you for your understanding and cooperation.

Yours,

A handwritten signature in cursive script, appearing to read "Charles Tyroler, II", with a flourish at the end.

Charles Tyroler, II
Member

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

THE WHITE HOUSE

WASHINGTON

September 25, 1987

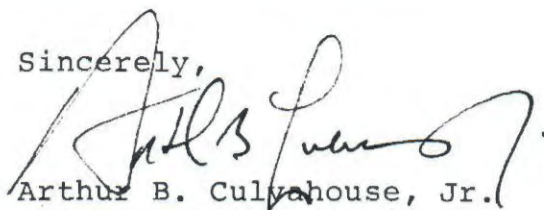
Dear Mr. Tyroler:

Pursuant to our telephone conversation earlier this week, enclosed is a draft letter to the President's Intelligence Oversight Board from the Chief of Staff to the President, which is designed to clarify the misunderstandings arising from earlier correspondence. As I explained to you, I do not think there is any disagreement, and I believe that Howard Baker's draft letter should alleviate any concerns that the President's Intelligence Oversight Board might have. I would welcome any substantive comments from the Board as we would hope to clarify this matter as quickly as possible and thereby avoid any unnecessary procedural meetings with the Chief of Staff or the President.

Permit me to emphasize one point that must be clear -- in light of the Board's recent criticisms of former senior White House staff. Howard Baker and Frank Carlucci will not have operational responsibility for notifying the President's Intelligence Oversight Board of special activities findings. Under current law and Executive branch procedures, Congressional notification clearly is the responsibility and jurisdiction of the Central Intelligence Agency. Current procedures for clearance, execution and notification of findings are designed with that arrangement in mind. Accordingly, while Howard Baker and Frank Carlucci have agreed with Bill Webster that the Board should be notified of findings contemporaneously with notification to Congress, and while they support that policy, they cannot in practical terms be viewed as enforcers or guarantors of that policy on a day-to-day operating basis.

I look forward to receiving the Board's comments with respect to the enclosed draft letter.

Sincerely,



Arthur B. Culyhouse, Jr.
Counsel to the President

Mr. Charles Tyroler, II
Member, President's Intelligence
Oversight Board
Old Executive Office Building
Room 331
Washington, D.C. 20500

cc: W. Glenn Campbell
Charles Jarvis Meyers

D R A F T

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

Gentlemen:

In order to alleviate the concerns which you have expressed in connection with the procedures for notifying the President's Intelligence Oversight Board of special activities findings, permit me to amplify my understanding.

I agree that the basic understanding is set forth in the letter to the Board dated August 6, 1987, from the Director of Central Intelligence. As recognized in your letter to me of July 31, 1987, the President may decide to brief neither Congress nor the Board, or to brief one of Congress or the Board and not the other.

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to assure in each case that briefings have been provided to the Board and that, as an institutional matter, the Board should look to the Central Intelligence Agency for such briefings. Of course, in matters of importance or urgency, Frank Carlucci and I remain available for consultation with the Board.

There is no dispute regarding whether the Board reports directly to the President as specified under Executive Order No. 12334. Of course the Board reports directly to the President. No one suggests otherwise. What I do suggest, and as stated in my August 31 letter, is that the White House staff contact for the Board henceforth should be the National Security Adviser to the President, just as the National Security Adviser serves as the senior staff point of contact within the White House for the Executive Branch intelligence community.

I hope that the foregoing clarifies any concerns that the Board might have.

Sincerely,

Howard H. Baker, Jr.
Chief of Staff to the President

THE WHITE HOUSE

WASHINGTON

September 29, 1987

Gentlemen:

In order to alleviate the concerns which you have expressed in connection with the procedures for notifying the President's Intelligence Oversight Board of special activities findings, permit me to amplify my understanding.

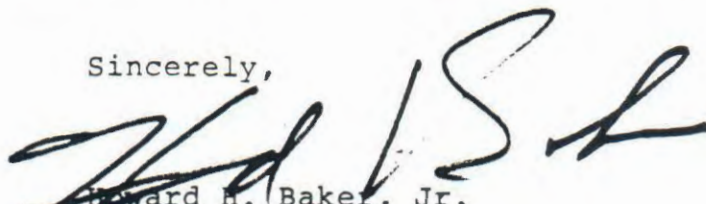
I agree that the basic understanding is set forth in the letter to the Board dated August 6, 1987, from the Director of Central Intelligence. As recognized in your letter to me of July 31, 1987, the President may decide to brief neither Congress nor the Board, or to brief one of Congress or the Board and not the other.

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I hope that the foregoing clarifies any concerns that the Board might have.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. H. Baker, Jr.', written in a cursive style.

Edward H. Baker, Jr.
Chief of Staff to the President

President's Intelligence Oversight Board
Old Executive Office Building
Room 331
Washington, D.C. 20500