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HPSCI Request Regarding Solicitation of Funds
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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name CULVAHOUSE, ARTHUR B.:FILES

Withdrawer

DLB 2/27/2014

File Folder IRAN/ARMS TRANSACTION: AUGUST 17, 1987 HPSCI
REQUST REGARDING SOLICITING FUNDS

FOIA

S643

Box Number CFOA 1130

SYSTEMATIC

82

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164490	LETTER	STOKES TO JUDGE WEBSTER	1	8/7/197	B1
164491	LETTER	WILLIAM WEBSTER TO CONG. STOKES - DRAFT	3	ND	B1
164492	PAPER	RE: BOLAND AMENDMENT	9	5/15/1987	B1
164493	LETTER	COPY OF #164491 WITH EDITS	3	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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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

db 2/22/14

September 15, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: PAUL SCHOTT STEVENS 

SUBJECT: Solicitation of Funds for Nicaraguan Resistance

Attached for your review is a copy of the letter from Chairman Stokes of the HPSCI to the Director of Central Intelligence, requesting the Administration's views on the legality of -- and proper policy toward -- solicitation by Executive branch officials of third-country funding for the Nicaraguan Resistance. Also attached is a copy of CIA's draft response to the Chairman. I would appreciate your comments on the draft, so that they might be incorporated in NSC's response to the Agency. Should White House Counsel's Task Force have had occasion to prepare a legal memorandum on the solicitation issue, I would appreciate the benefit of your research.

Attachment

Incoming letter from Chairman Stokes and proposed response

cc: William B. Lytton, III
C. Nicholas Rostow
Barry Kelly
James Collins
Alison B. Fortier

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Mike Smith sent
copies to Debra &
Alan
Nancy

~~SECRET~~

Chrow

THE WHITE HOUSE

WASHINGTON

September 16, 1987

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM: WILLIAM B. LYTTON III *WBL*

SUBJECT: SOLICITATION OF FUNDS FOR NICARAGUAN RESISTANCE

In May I held two meetings with representatives of the Department of State and CIA to consider the effect of the Boland Amendment on the Government's solicitation of 3d country assistance for the Nicaraguan Resistance. As part of that consideration, the Department of State prepared a draft legal memorandum (copy attached) which concluded that the Boland Amendment applicable in FY 1984 "cannot reasonably be interpreted as a blanket prohibition on solicitation of assistance, whether humanitarian or military, during FY 84" While that draft has not been completed, its reasoning is sound. It remains the position of the Department of State, and it responds to Chairman Stokes' questions.

With respect to CIA's proposed response I recommend two changes. First, we should not accept the implicit assumption of the letter that U.S. efforts to seek 3d country support (financial, logistic, political, propaganda or whatever) are intelligence activities. A continuation of this confusion which invests much of the discussion about Boland and solicitation is not in our interests. One approach would be for the Department of State to sign the reply rather than CIA. Regardless of who signs it, the response should make clear that there is a distinction between seeking 3d country assistance - a diplomatic activity - and CIA provision of direct U.S. support to the Contras - an intelligence activity.

Second, the response should state more clearly and perhaps more forcefully our view on the constitutional infirmity of attempts to limit the President's power to conduct diplomacy.

Finally, the letter is very poorly drafted. The use of language is stilted and results in a lack of clarity. I've attached the draft with a few of my scribblings.

Attachments: as

1987 255 18 14 03 33

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SEPARATED FROM CLASSIFIED
ATTACHMENTS

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2/27/14

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THE WHITE HOUSE

WASHINGTON

September 25, 1987

MEMORANDUM FOR PAUL SCHOTT STEVENS
SPECIAL ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS

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

SUBJECT: Solicitation of Funds for Nicaraguan Resistance

The Office of the Counsel to the President has reviewed the Central Intelligence Agency's proposed response to Chairman Stokes' (House Permanent Select Committee on Intelligence) request for the Administration's position on foreign solicitations for the Nicaraguan Resistance. While we agree with CIA's legal position that solicitations are not legally barred, we do not believe this response to Chairman Stokes is the appropriate means for legally briefing this issue.

Instead of a generalized discussion of our legal position, we recommend that the proposed response simply set forth our policy that while we do not believe solicitations are legally barred, "there is no current intention to solicit funds for the Nicaraguan Resistance from third countries" -- if that is our policy. In our view this alternative approach addresses the gravamen of Chairman Stokes' concerns.

With respect to the substance of CIA's proposed response, the thoughts and recommendations expressed in Bill Lytton's September 16, 1987 memorandum to you represent our views.

THE WHITE HOUSE

WASHINGTON

September 25, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM:

C. DEAN MCGRATH, JR.

WmCG

SUBJECT:

Solicitation of Funds for Nicaraguan Resistance

As requested, attached for your signature is a revised memorandum to Paul Stevens on the above-referenced subject.

Attachment