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Collection Name CULVAHOUSE, ARTHUR B.:FILES

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File Folder IRAN/ARMS TRANSACTION: CONGRESSIONAL
MATERIAL: HOUSE/SENATE JOINT HEARINGS
(06/02/1987-07/01/1987)

FOIA
S643

Box Number CFOA 1130

SYSTEMATIC

91

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
164541	MEMO	WILLIAM LYTTON TO CULVAHOUSE, RE: TESTIMONY OF ELLIOTT ABRAMS JUNE 2, 1987	3	6/2/1987	B1
164542	MEMO	DUPLICATE OF #164541	3	6/2/1987	B1
164543	MEMO	WILLIAM LYTTON TO ARTHUR CULVAHOUSE, RE: TESTIMONY OF ELLIOTT ABRAMS AND ALBERT HAKIM JUNE 3, 1987	4	6/3/1987	B1
164544	MEMO	WILLIAM LYTTON TO ARTHUR CULVAHOUSE, RE: ANTICIPATED TESTIMONY OF MICHAEL LEDEEN	3	6/23/1987	B1
164545	MEMO	WILLIAM LYTTON TO ARTHUR CULVAHOUSE, RE: NOEL KOCH TESTIMONY	1	6/22/1987	B1
164546	MEMO	HENRY GAFFNEY - TALKING POINTS RE: HAWK MISSILES	3	ND	B1

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THE WHITE HOUSE

WASHINGTON

June 2, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

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

SUBJECT: Testimony of Elliott Abrams
June 2, 1987

Attached is a summary prepared by Counsel's office of the testimony of Elliott Abrams, Assistant Secretary of State for Inter-American Affairs, at this morning's Iran/Contra Hearings.

Attachment

WITHDRAWAL SHEET

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THE WHITE HOUSE

WASHINGTON

June 3, 1987

MEMORANDUM FOR THE PRESIDENT

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

SUBJECT: Summary of Iran/Contra Hearings
for June 2, 1987

Attached is a three page summary of yesterday's testimony at the Iran Contra hearings by Assistant Secretary of State Elliott Abrams.

Mr. Abrams was questioned aggressively regarding whether he had misled Congress about his knowledge of Contra funding and operations.

Mr. Abrams will resume his testimony today. It is anticipated that he will be followed by Albert Hakim (a U.S. citizen born in Iran, who is General Secord's business partner).

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164542	MEMO DUPLICATE OF #164541	3	6/2/1987	B1

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THE WHITE HOUSE

WASHINGTON

June 3, 1987

MEMORANDUM FOR THE PRESIDENT

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

SUBJECT: Summary of Iran/Contra Hearings
for June 3, 1987

Attached is a four page summary of Wednesday's testimony at the Iran Contra hearings by Assistant Secretary of State Elliott Abrams and Mr. Albert Hakim (a U.S. citizen born in Iran, who is General Secord's business partner).

Several members suggested that Elliott Abrams could no longer serve in his position because he had misled Congress.

Mr. Hakim began his testimony by reading a statement asserting that he had been told by General Secord that the President had specifically approved his activities.

Mr. David Lewis, a lawyer, is scheduled to be a "surprise" witness at the beginning of Thursday's hearings. Little is known about him except that his testimony apparently will "involve the money". Mr. Hakim will resume his testimony following Lewis.

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164543	MEMO WILLIAM LYTTON TO ARTHUR CULVAHOUSE, RE: TESTIMONY OF ELLIOTT ABRAMS AND ALBERT HAKIM JUNE 3, 1987	4	6/3/1987	B1

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THE WHITE HOUSE

WASHINGTON

June 24, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

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

SUBJECT: Anticipated Testimony of Michael Ledeen
Wednesday, June 24, 1987

Attached is a summary prepared by Counsel's office of the anticipated testimony of Michael Ledeen, a former consultant to the National Security Council on terrorism and Middle East issues. Ledeen is expected to testify at this afternoon's session of the Iran/Contra hearings.

Attachment

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164544	MEMO WILLIAM LYTTON TO ARTHUR CULVAHOUSE, RE: ANTICIPATED TESTIMONY OF MICHAEL LEDEEN	3	6/23/1987	B1

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June 23, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

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

SUBJECT: Anticipated Testimonies
Week of June 23, 1987

Attached are summaries prepared by Counsel's office of anticipated witnesses for the Iran/Contra Select Committee Hearings beginning June 23, 1987.

- a) Glenn Robinette - a consultant in security systems and a former Central Intelligence Agency employee (unclassified)
- b) Noel Koch - former Deputy Assistant Secretary of Defense for International Security Affairs (SECRET attachment)
- c) Judge Stanley Sporkin - former General Counsel of the Central Intelligence Agency and current U.S. District Court Judge (unclassified attachment)
- d) Dr. Henry H. Gaffney - Director of the Plans Directorate of the Defense Security Assistance Agency and former Director of the Near East/South Asia Region within the Office of the Assistant Secretary of Defense (International Security Affairs) and DOD Assistant Secretary nominee (SECRET attachment)

Attachments

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THE WHITE HOUSE

WASHINGTON

June 22, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON III

SUBJECT: ANTICIPATED TESTIMONY OF GLENN ROBINETTE

Glenn Robinette, a consultant in security systems, is a former CIA employee who supervised the purchase and installation of an electronic security system at LtCol Oliver North's home in Great Falls, Virginia, in June 1986. This system included a gate with a remote control device and an intercom system.¹ Congressional sources have stated that the security system was financed by funds from a Secord-controlled Swiss bank account.² Robinette, however, was quoted on March 17, 1987, as saying that he had paid for the gate in hopes that North would steer some business his way and that he billed North for the \$2,000 but had not been paid.³ And General Secord stated on June 11, 1987, that the money "came from the guy who put it in...without any blessing from me and without any financial assistance from me."⁴

Aside from information on the financing of North's security gate, Congressional investigators claim that Robinette will provide evidence "directly connecting" Secord to Edwin P. Wilson, a

¹Washington Post (March 17, 1987).

²Washington Post (June 11, 1987) at A-1.

³Associated Press (March 17, 1987, P.M. cycle). The Washington Post reported Robinette as saying "He'll pay.... He's a hell of a nice guy.... He just wasn't able to come up with the money." Washington Post (March 17, 1987).

⁴Washington Post (June 12, 1987) at A-10. According to Robinette, the idea of installing the system at North's home grew out of a conversation one night in a Northern Virginia bar when Secord told Robinette of North's concerns about an attack on his family by "terrorists and people like that." Washington Post (June 11, 1987) at A-1.

former CIA officer serving a 52-year prison term for smuggling arms to Libya. According to these investigators, Robinette's testimony will suggest that "Wilson's ring formed much of the structure for the private foreign policy...run out of the White House by...North."⁵ This ring is said to have included Robinette's business partner and former CIA officer Thomas G. Clines who participated in North's unsuccessful 1986 gambit to effect a hostage release using funds provided by H. Ross Perot and the Danish Freighter "Erria," which was dispatched to the coast of Lebanon reportedly with Clines aboard.⁶ Secord vigorously denounced allegations of any financial connection with Wilson as "obvious fabrication." Robinette's lawyer, Mark Tuohy, has supported Secord's denial, labeling reports that his client has information linking Secord and Wilson as "absolutely, totally untrue."

⁵New York Times (June 18, 1987) at A-1.

⁶National Security Archive Chronology 376, 388 (1st ed. 1987); Associated Press (April 8, 1987, A.M. cycle).

⁷New York Times (June 19, 1987) at A-1, A-6.

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164545	MEMO WILLIAM LYTTON TO ARTHUR CULVAHOUSE, RE: NOEL KOCH TESTIMONY	1	6/22/1987	B1

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THE WHITE HOUSE

WASHINGTON

June 22, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON III *W*

SUBJECT: Anticipated Testimony of the Honorable
Stanley J. Sporkin

Judge Stanley J. Sporkin (D.D.C.) served as General Counsel of the Central Intelligence Agency from May 1981 to February 1986. He is expected to testify before the Select Committee on Tuesday, June 22, 1987. We expect him to be questioned on requirements for findings under the so-called Hughes-Ryan Amendment (sec. 662 of the Foreign Assistance Act of 1961, 22 U.S.C. sec. 2422). In particular, issues on which we know he had personal involvement include:

-- whether a finding was required for the assistance tendered the Israelis for the November 1985 shipment of Hawks;

-- if so, whether a retroactive finding would satisfy statutory requirements;

-- the purpose of changes he proposed to the draft finding dated January 6, 1986, before a final copy was signed by the President on January 17, 1986; and

-- why the Congress was not notified of the January 17 finding.

He may also be asked to provide his views on whether a finding should have been made for efforts by the Drug Enforcement Agency to free the hostages in 1985-86. In the view of some, this plan was the equivalent of an "intelligence activity" and Congress should have been notified.

Finally, he may be asked to provide his views on the CIA's interpretation of and compliance with the applicable Boland Amendments.

The Legal Framework. The Hughes-Ryan Amendment provides in part:

No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States. Each such operation shall be considered a significant anticipated intelligence activity for the purpose of section 501 of the National Security Act of 1947.

Section 501(b) provides in part that where prior notice of covert actions is not given to the intelligence committees, the President

shall fully inform the intelligence activities in a timely fashion of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given under subsection (a) and shall provide a statement of the reasons for not giving prior notice.

E.O. 12333 renders these requirements applicable to any entity that conducts "special activities," a category of intelligence activities. NSDD 159 set forth procedures regarding implementation of these provisions, as well as for review of covert actions.

The draft November 1985 finding. In November 1985, the Israelis encountered difficulties in securing flight clearance from Portugal for a shipment of HAWKS intended for Tehran. At North's request, Richard Secord provided transportation using a CIA proprietary. Then Deputy Director John McMahon wrote on December 7, 1985 that he "went through the roof" because the mission was executed without a finding. Sporkin was directed to prepare a finding to "cover retroactively the use of the Agency's proprietary." Sporkin prepared a draft, never signed, which included the statement:

Because of the extreme sensitivity of these operations, in the exercise of the President's constitutional authorities, I direct the Director of Central Intelligence not to brief the Congress of the United States. . .until such time as I may direct otherwise. . .

The January 1986 findings. On January 3, Sporkin carried a draft finding to North. His draft offered a choice between prompt or postponed notification to Congress. The finding stated in part:

The USG will act to facilitate efforts by third parties and third countries to establish contact with moderate elements within and outside the Government of Iran by providing these elements in their effort to achieve a more pro-U.S. government in Iran by demonstrating their ability to obtain requisite resources to defend their country against Iraq and intervention by the Soviet Union.

The President inadvertently signed the draft, dated January 6, 1986. Sporkin again reviewed it, and made the one change underscored below:

DESCRIPTION (Assist selected friendly foreign liaison services, third countries, and third parties which have established relationships with Iranian elements, groups and individuals.)

The President signed it on January 17, 1986.

The DEA venture. As described in a memorandum of June 7, 1985 by North to McFarlane, North undertook a rescue operation involving two DEA agents, funds "normally available to the Nicaraguan resistance," \$2 million from Ross Perot, and -- according to Senator Paul Trible -- about \$60,000 in CIA funds. The efforts culminated in late May 1986, when Thomas Clines boarded a ship in Cyprus bound for Lebanon to receive the hostages who were supposed to have been rescued. If Trible is correct that CIA funding was involved, then Sporkin will be pressed on why no finding was made. We have no indication that Sporkin knew of the activity.

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THE WHITE HOUSE
WASHINGTON

June 22, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON III *W*

SUBJECT: ANTICIPATED TESTIMONY OF DR. HENRY H. GAFFNEY

Biographical Sketch:

Henry (Hank) Gaffney is expected to testify before the Select Committees as early as tomorrow. He is presently Director of the Plans Directorate of the Defense Security Assistance Agency (DSAA) and has held that position since August 1981. Before this, he was Director of the Near East/South Asia Region within the Office of the Assistant Secretary of Defense (International Security Affairs) and has been employed by the Office of the Secretary of Defense since 1962. Gaffney received his Ph.D. from Columbia University in Government and his A.B. from Harvard University.

Expected Testimony:

Gaffney will probably be questioned on a memo he prepared in November 1985 entitled, "HAWK Missiles for Iran" (copy attached). According to a Gaffney Memorandum for the Record (MFR) dated December 12, 1986, this memo was prepared by him, as then-Acting Director, DSAA, on or after November 19, 1985, at the request of Noel Koch (then-Principal Deputy Assistant Secretary of Defense (ISA)) and General Collin Powell (then military assistant to the Secretary of Defense). According to his MFR, copies of his memo were provided Koch to deliver to General Powell.

In his memo, Gaffney identifies the number of HAWKs available for foreign sale, the expected cost and from which countries (South Korea, United Arab Emirates (UAE)) HAWKs must be diverted in order to supply HAWKs to Iran.

Gaffney also outlines legal problems associated with a sale of HAWKs to Iran. First, he states that Iran is not certified for sales pursuant to Section 3 of the Arms Export Control Act. Second, he notes that Congress must be notified of all sales of \$14 million or more. Third, he emphasizes that Congress must be notified even if the missiles are "laundered" (his term) through

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Israel. Gaffney also points out ways to evade Congressional notice though he cautions against taking such measures without consulting Senator Lugar, Congressman Fascal and their minority counterparts.

In addition, Gaffney outlines what he considers "formidable" political drawbacks, including the reaction of our European allies and other Middle Eastern nations. Of note, he predicts that a sale of this sort could very well prolong and intensify the Iran-Iraq war.

The Committees may place considerable weight on his testimony because, even though not an attorney, Gaffney has long experience with Near East/South Asia issues and with the Arms Export Control Act.

Attachment: As stated

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