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FED10-01

May 12, 1988

0046

FG017-04

MEMORANDUM FOR DEAN MCGRATH  
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: CLARENCE L. HENLEY  
DIRECTOR  
OFFICE OF RECORDS MANAGEMENT

SUBJECT: Committee in Solidarity With the  
People of El Salvador (CISPES)

Per your request of today, the Office of Records Management has conducted a search of the White House files for information on CISPES as requested by the Federal Bureau of Investigation. We have identified several documents and provided copies of each.



**U.S. Department of Justice**

**Federal Bureau of Investigation**

---

Washington, D.C. 20535

April 22, 1988

Arthur B. Culvahouse, Jr.  
Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Mr. Culvahouse:

The Federal Bureau of Investigation (FBI) is currently conducting an administrative inquiry into the FBI's investigation of the Committee in Solidarity With the People of El Salvador (CISPES).

One aspect of this administrative inquiry deals with communications between The White House and the FBI concerning CISPES.

The FBI is aware that certain FBI communications were forwarded to The White House for information purposes.

The FBI requests that White House record indices be searched for any references to CISPES or the FBI's investigation of CISPES. This indices check should include White House Central Files, White House Situation Room, and the National Security Council (NSC). The indices review should include both Presidential files and institutional files. The NSC indices review should include Systems I, II, and IV.

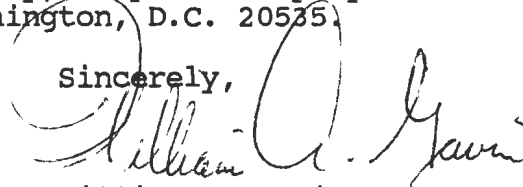
The scope of this indices search should be from October, 1980, the approximate date that the CISPES became active in the United States, through July, 1985, inclusive, the conclusion of the CISPES investigation by the FBI.

The FBI desires to review The White House documents obtained as a result of the indices search. This review can be done at The White House complex. Pertinent documents would be photocopied and the photocopies removed with your concurrence. An FBI Agent with appropriate security clearances would conduct the review.

Arthur B. Culvahouse, Jr.

Any questions should be referred to FBI Supervisory Special Agent Thomas T. Kubic, Inspection Division, FBI Headquarters, Washington, D.C. 20535, telephone (202) 324-5314. Please direct any written response to Delbert C. Toohy, Inspector-Deputy Assistant Director, Inspection Division, Washington, D.C. 20535.

Sincerely,



William A. Gavin  
Assistant Director  
Inspection Division

- 1 - Paul S. Stevens  
National Security Council  
Old Executive Office Building  
Washington, D.C. 20506
- 1 - C. Nicholas Rostow  
National Security Council  
Old Executive Office Building  
Washington, D.C. 20506
- 1 - Brenda S. Reger  
National Security Council  
Old Executive Office Building  
Washington, D.C. 20506
- 1 - George Van Eron  
National Security Council  
Old Executive Office Building  
Washington, D.C. 20506
- 1 - Paul Lebras  
White House Situation Room  
The White House  
Washington, D.C. 20500
- 1 - Clarence L. Henley  
White House Records Management  
The White House  
Washington, D.C. 20500

THE WHITE HOUSE  
WASHINGTON

May 27, 1988

MS

573711

FE010-01

MEMORANDUM FOR WILLIAM J. LANDERS  
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: CLARENCE L. HENLEY  
DIRECTOR  
OFFICE OF RECORDS MANAGEMENT

FG017

FG011

FG006-01

FG006-12

SUBJECT: Transcript of Deposition

I have reviewed the copy of my deposition and request that two corrections be made.

1. Page 4, Line 7, Now reads "HENLY", Should read "HENLEY"
2. Page 5, Line 13, Now reads "Are the", Should read "Are you the"

I am ready to sign the deposition in front of a notary at his/her convenience

*position signed 120/88*

THE WHITE HOUSE

WASHINGTON

May 26, 1988

MEMORANDUM FOR CLARENCE L. HENLEY  
DIRECTOR  
OFFICE OF RECORDS MANAGEMENT

FROM: WILLIAM J. LANDERS *WJL*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Transcript of Deposition

Attached is a copy of your deposition taken last Friday. I have read through it and see only one correction. At page 5, line 13, the word "you" should be inserted after "Are." Please review the transcript and let me know if you see any other corrections.

After you have had a chance to review it, call me so we can arrange for you to sign it in front of a notary.

Attachment



DATE: May 25, 1988

SENT TO: Joseph Jest, Esq.  
U.S. Department of Justice  
10th & Pennsylvania Avenue, N. W.  
Washington, D. C. 20530

ENCLOSURES: Original deposition of F. M. MACHAK; ~~C. L. HENLEY~~; J.E. LOPEZ;  
and L.E. CARLE taken May 20, 1988 in Washington, D. C.  
ERRATAS

INSTRUCTIONS TO THE WITNESS:

The witness should review the deposition and sign the original transcript where indicated on the last page of the deposition; this signature should be executed before a notary public.

If corrections are necessary, please follow these instructions:

The witness may only correct typographical errors or possible errors in transcription; it is not permissible to add to, change or further explain the testimony.

DO NOT MAKE ANY CORRECTIONS ON THE ORIGINAL TRANSCRIPT PAGES. The corrections to the transcript must be written out in black ink or typed on the errata sheets provided; each completed errata page must be signed by the witness.

If you need to review any of the exhibits relevant to this transcript, please contact your counsel for a copy of them or call our office to arrange to view them in our office. If you are located outside the Washington, D.C. metropolitan area, other accommodations are available. Please call our office for further information.

When the corrections are completed and the original transcript is signed and notarized, please return the original transcript and errata pages to our office so that we may file it with the proper court or agency.

Pursuant to the Federal Rules of Civil Procedure, we require that the original transcript be returned to us by:

June 25, 1988

which is thirty days from the date hereon.

ALDERSON REPORTING COMPANY  
OFFICIAL REPORTERS

ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

DEPOSITION OF: \_\_\_\_\_

IN THE COURT OF: \_\_\_\_\_

HELD ON THE DAY OF: \_\_\_\_\_, 198\_\_

IN THE CITY AND STATE OF: \_\_\_\_\_

CORRECTIONS

<u>Page</u>	<u>Line</u>	<u>Now Reads</u>	<u>Should Read</u>	<u>Reasons Therefor</u>
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\_\_\_\_\_  
(Signature of Deponent)

\_\_\_\_\_  
(Date of Signature)



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THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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TONY AVIRGAN :

MARTHA HONEY, :

Plaintiffs, :

v. :

JOHN HULL, RENE COXBO, :

FELIPE VIDAL, et al., : CIVIL ACTION NO.

Defendants. : 86-1146-CIV-KING

----- x

AND

----- x

TONY AVIRGAN :

MARTHA HONEY, :

Plaintiffs, :

v. :

RAUL VILLAVEVERDE, et al., : CIVIL ACTION NO.

Defendants. : 87-1545-CIV-KING

----- x

Washington, D.C.

Friday, May 20, 1988

2  
1 Deposition of CLARENCE L. HENLEY, a witness herein,  
2 called for examination by counsel for Plaintiffs in the  
3 above-entitled matter, pursuant to notice, the witness  
4 being duly sworn by RAYMOND R. HEER III, a Notary Public  
5 in and for the District of Columbia, taken at Conference  
6 Room #4 of the United Methodist Building, 100 Maryland  
7 Avenue N.E., Washington, D.C. at 3:25 p.m. on Friday,  
8 May 20, 1988, and the proceedings being taken down by  
9 Stenomask by RAYMOND R. HEER III and transcribed under  
10 his direction.

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1 APPEARANCES:

2

3 On behalf of the Plaintiffs:

4 LANNY SINKIN, Esq.

5 The Christic Institute

6 1324 North Capitol Street

7 Washington, D.C. 20002

8 (202) 797-8106

9

10 On behalf of Federal Agencies:

11 JOSEPH JEST, Esq.

12 VINCENT M. GARVEY, Esq.

13 U.S. Department of Justice

14 10th and Pennsylvania Avenue, N.W., Room 3744

15 Washington, D.C. 20530

16 (202) 633-3486

17

18 On behalf of the witness:

19 WILLIAM LANDERS, Esq.

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C O N T E N T S

W I I N E S S \_

EXAMINATION BY COUNSEL FOR

PLAINIFF

Clarence L. Henley

By Mr. Sinkin

5

E X H I B I T S

HENLY DEPOSITION EX.

IDENTIFIED

No. 5

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P R O C E E D I N G S

(Witness sworn.)

Whereupon,

CLARENCE L. HENLEY,

Director, Records Management, The white House, (202) 456-2240, was called as a witness by counsel for Plaintiffs, and having been duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFFS

BY MR. SINKIN:

Q. Mr. Henley, my name is Lanny Sinkin. I'm the Assistant General Counsel for the Christic Institute.

Are the Custodian of Documents for the Executive Office of the President and the Executive Office of the Vice President?

A. No, sir. Not the Vice President.

Q. You're the Custodian of Documents for the President?

A. For Presidential records, yes.

Q. But you're appearing today also on behalf of the Executive Office of the Vice President, is that correct?

1 A. No, sir.

2 MR. SINKIN: Maybe Mr. Landers can clarify  
3 this for me.

4 (Pause.)

5 BY MR. SINKIN: (Resuming)

6 Q. Perhaps, Mr. Jest, you could explain what  
7 document Mr. Henley is here to address, and the history  
8 of that document?

9 MR. JEST: Mr. Henley may know more than I.  
10 But I will state that my understanding is this is a  
11 document that originated at the State Department, at  
12 some point in time passed through the National Security  
13 Council but was long ago, my understanding is some time  
14 in 1987 transferred to the White House Office of Records  
15 Management, and therefore is a document under the  
16 custody of that office.

17 BY MR. SINKIN: (Resuming)

18 Q. Is this your understanding of the history of  
19 this document, Mr. Henley?

20 A. It came from State and went to distribution  
21 list A, of which Robert McFarlane was the recipient.  
22 That's 19 June 1984. And on 21 June 1984 it was

1 transferred to Records Management at the White House,  
2 and we are the custodian of the National Security  
3 Council documents that fall under the Presidential  
4 Records Act.

5 Q. And so this document is really responsive to  
6 various subpoenas. Since it has been at State, the  
7 National Security Council and the white House, we will  
8 just consider it as responsive to any of those three.  
9 Would that be appropriate?

10 MR. JEST: Technically speaking, I'm not sure  
11 whether we could say that's true. At least as to State,  
12 I think the fairest thing to say is that he is appearing  
13 on behalf of the Executive Office of the President and  
14 the Vice President jointly in regards to this one  
15 document, and the two subpoenas, one of each one to each  
16 office. I think that is the fairest way to put it.

17 MR. SINKIN: And just so I'm clear, Mr. Lopez,  
18 who is to be next, is appearing on behalf of both of  
19 those agencies to respond to both of those subpoenas?

20 MR. JEST: That is correct concerning the  
21 remaining documents, which we are here to turn over.

22 MR. SINKIN: Okay. I think I understand. Why

1 don't I take a look at what you've brought?

2 (Pause.)

3 BY MR. SINKIN: (Resuming)

4 Q. Mr. Henley, this document is an authentic copy  
5 of what was in the files that you searched?

6 A. That's true.

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1 MR. SINKIN: Well, I appreciate your coming.  
2 I think that's all we need.

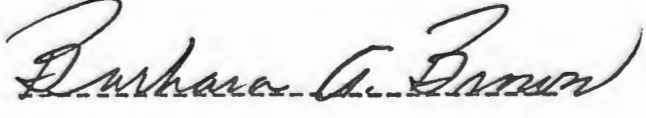
3 Before we go off the record, let's mark this  
4 as Exhibit No. 5.

5 (The document referred to  
6 was marked Deposition  
7 Exhibit No. 5 for  
8 identification.)

9 (Whereupon, at 3:30 p.m., the taking of the  
10 instant deposition ceased.)

11  
12   
13 Signature of the witness

14 SIGNED AND SWORN TO before me this Twentieth  
15 day of June, 1988.

16  
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18 Notary Public

19 My Commission expires: My Commission Expires December 14, 1988

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CERTIFICATE OF NOTARY PUBLIC

I, Raymond R. Heer III, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in shorthand to the best of my ability and thereafter reduced to typewriting under my direction, that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Raymond R. Heer III

Notary Public in and for  
the District of Columbia

My Commission expires 5-31-89

ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Avirgan v. Hull  
CASE NUMBER: Civil Action No. 86-1146-CIV-KING  
DEPOSITION OF: Clarence Henley  
IN THE COURT OF: U.S. District Court, Southern District, Florida  
HELD ON THE DAY OF: May 20, 1988  
IN THE CITY AND STATE OF: Washington, D.C.

CORRECTIONS

<u>Page</u>	<u>Line</u>	<u>Now Reads</u>	<u>Should Read</u>	<u>Reasons Therefor</u>
4	7	"Henly"	"Hen <u>l</u> ey"	typographical error
5	13	"Are the"	"Are <u>y</u> ou the"	typographical error

Clarence A. Henley  
(Signature of Deponent)

6/20/88  
(Date of Signature)

THE WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: SEPTEMBER 13, 1988

NAME OF CORRESPONDENT: MR. KENNETH FRIED

SUBJECT: REQUESTS DOCUMENT UNDER FREEDOM OF  
INFORMATION ACT CONCERNING EVENTS FOLLOWING  
ASSASSINATION ATTEMPT ON PRESIDENT REAGAN'S  
LIFE

*FE 10-01*  
*Michael*

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
KENNETH DUBERSTEIN		ORG	88/09/14		<i>C88/09/14</i> TR
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<i>cuat 38</i>	REFERRAL NOTE:	<i>D</i>	<i>88/09/16</i>	<i>to PDB</i>	<i>C88/09/21</i> CS
<i>cuat 39</i>	REFERRAL NOTE:	<i>S</i>	<i>88/09/21</i>	<i>PB</i>	<i>A88/09/21</i> CS

COMMENTS: See IV 609271 CU

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: \_\_\_\_\_

CS MAIL USER CODES: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

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| *ACTION CODES:           | *DISPOSITION         | *OUTGOING            | * |
| *                        | *                    | *CORRESPONDENCE:     | * |
| *A-APPROPRIATE ACTION    | *A-ANSWERED          | *TYPE RESP=INITIALS  | * |
| *C-COMMENT/RECOM         | *B-NON-SPEC-REFERRAL | * OF SIGNER          | * |
| *D-DRAFT RESPONSE        | *C-COMPLETED         | * CODE = A           | * |
| *F-FURNISH FACT SHEET    | *S-SUSPENDED         | *COMPLETED = DATE OF | * |
| *I-INFO COPY/NO ACT NEC* |                      | * OUTGOING           | * |
| *R-DIRECT REPLY W/COPY * |                      |                      | * |
| *S-FOR-SIGNATURE         |                      |                      | * |
| *X-INTERIM REPLY         |                      |                      | * |
- \*\*\*\*\*

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE  
(ROOM 75, OEOB) EXT-2590  
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING  
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS  
MANAGEMENT.

THE WHITE HOUSE

WASHINGTON

September 20, 1988

MEMORANDUM FOR PHILLIP D. BRADY  
DEPUTY COUNSEL TO THE PRESIDENT

FROM: MICHAEL J. ASTRUE *MJA*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Freedom of Information Act Request  
By Kenneth Fried for Documents  
Relating to Events Following the  
Attempted Assassination of President  
Reagan on March 30, 1981

I have attached for your review and signature a response to the above-referenced request.

An earlier apparently identical request assigned to Paula Boggs was mislaid. Dianna Holland asked me to look for the earlier request shortly before this new one came in, but I have not been able to find it.

Mr. Fried called last Friday and asked about the status of his request. I responded that we had received his September 1 request and that we would respond expeditiously.

Attachment

THE WHITE HOUSE

WASHINGTON

September 21, 1988

PDB/MJA:amb  
PDBrady  
MJAstrue  
Chron

Dear Mr. Fried:

Thank you for your letter of September 1, 1988 to the Office of the Chief of Staff, in which you request, pursuant to the Freedom of Information Act, a record pertaining to the events immediately following the attempted assassination of President Reagan on March 30, 1981. Your letter has been referred to this office for response.

Please be advised that the White House Office, as an entity whose "sole function is to advise and assist the President," is not an agency subject to the Freedom of Information Act. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136, 156 (1980). Accordingly, we must respectfully decline to comply with your request.

Sincerely,

Original Signed by PDB

Phillip D. Brady  
Deputy Counsel to the President

Mr. Kenneth Fried  
Research Assistant  
Center for International Society  
and Arms Control  
Stanford University  
320 Galvez Street  
Stanford, California 94305

Michael -

Angie: Please try to get  
9 bare past letter (may be  
impossible) MJA

Did you ever  
find the first  
request from him?

Di.  
- wife (check w/ records - has not  
been responded to / or return by ATTY 36.

Peggy.

How to handle?

AD C. W. Lorraine

577537

STANFORD UNIVERSITY  
STANFORD, CALIFORNIA 94305

mc

CENTER FOR INTERNATIONAL SECURITY  
AND ARMS CONTROL

320 Galvez Street

A.B. Culshaw

Office of the Chief of Staff  
1600 Pennsylvania Avenue  
Washington, D.C. 20050

September 1, 1988

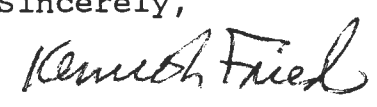
Dear Sir or Madam:

I am writing under the Freedom of Information Act to request a document. This document is a study of the events in the White House in the period immediately following the attempted assassination of President Ronald Reagan on March 30, 1981. The preparation of this document was assigned by Chief of Staff James A. Baker 3rd to Deputy Chief of Staff Richard G. Darman, according to the New York Times article, "Reagan Eager to Return To Work on Fiscal Plans," published April 3, 1981 (photocopy enclosed). The document was "to complete a historical record and to recommend any needed changes in policy."

I am a research assistant at the Center for International Security and Arms Control. The information in the document will be used in our historical research on the security implications of presidential disability. Please inform me of any search and reproduction costs.

If you have any questions, please contact me at (415) 725-5365. Thank you.

Sincerely,



Kenneth Fried  
Research Assistant



NYT 4/3/81

Complete

A10

# Reagan Eager to Return To Work on Fiscal Plans

PHIL

By HOWELL BAINES  
Special to The New York Times

WASHINGTON, April 2 — On the fourth day after he was shot in the chest, President Reagan ordered a review of his hospital suite, etc. heartily and told key aides that he was apprehensive that his economic recovery program might falter unless he returned to work quickly, according to a White House spokesman.

Reacting to reports that the President's life was in jeopardy in the first minutes after he was wounded, White House medical authorities insisted today that Mr. Reagan was never "remotely close to extremis" and that he is now rapidly recovering.

Meanwhile, a variety of sources continued to provide additional details today, some of them at variance with official White House accounts, about events in the President's limousine, in George Washington University Hospital and on the White House situation in the uncertain hours immediately after Mr. Reagan and three other men were wounded by a gunman outside the Washington Hilton Hotel.

### 'Historical Review' Ordered

A White House source said today that Mr. Reagan's chief of staff, James A. Baker III, has ordered a study, a "historical review of who did what when" in the executive mansion during the crisis. Mr. Baker and others have insisted that the response was smooth and that there was no "confrontation" in the White House Situation Room over lines of authority between Secretary of State Alexander M. Haig Jr. and Defense Secretary Caspar W. Weinberger.

However, it was confirmed today by a first-hand source that the dispute between Mr. Haig and Mr. Weinberger over who was in charge while Mr. Reagan was in surgery was more tense than White House spokesmen have acknowledged.

The dispute arose when Mr. Haig left the assembly Cabinet members in the Situation Room and, without telling his colleagues, went on television to announce, "As of now, I am in control here in the White House, pending return of the Vice President, and in close touch with him."

"The next minute we looked up and Haig was on television," said the source familiar with the incident. "There was a look of anguish on Weinberger's face. He said, 'I can't believe that. What is that guy doing and under what authority?'"

While on television, Mr. Haig asserted that "there are absolutely no alert measures that are necessary" as a result of the shooting. But Mr. Weinberger had already alerted some military units to increase their readiness. When Mr. Haig got back to the Situation Room from his television appearance, he reportedly began pressing the Defense Secretary to rescind his order, arguing that it was not "appropriate" in the situation.

"Mr. Weinberger was flustered, so, depending on what I saw, I was appropriate for you to be making those comments while I'm trying to get this resolved."

Mr. Haig was quoted as retorting, "Look, you better go home and read your Constitution, buddy. That's the way it is."

"I was told I was in charge," Mr. Weinberger is reported to have said, in apparent reference to the "national command authority" that gives the Defense Secretary authority over the Armed Forces in some emergency situations in the absence of the President and Vice President.

### Issue Becomes Moot

The other Cabinet members and White House staff members were said to have seen embarrassed silence during the exchange, which was broken off by reports from Treasury Secretary Donald T. Regan and Attorney General William French Smith on Mr. Reagan's condition and on John W. Hinckley, the 25-year-old man accused of shooting the President.

Finally, the senior White House officials at the hospital ended the disagreement in telephone calls to the Situation Room. They said the issue between Mr. Haig and Mr. Weinberger was moot because the President's prognosis was good and that Mr. Bush, who had been travel-

ing in Texas, was on his way to Washington to take charge.

Mr. Reagan has assigned the study of what went on in the White House in the crisis period to Richard Goodfriend, the deputy to the chief of staff. The study, an official said, is to compile a historical record and to recommend any needed changes in policy.

Mr. Weinberger denied today that there had been any "clashes or disagreements" with Mr. Haig.

Today, as he has every day since the shooting, Mr. Bush filled in for Mr. Reagan at the White House. The Vice President conferred with the Republican senatorial leadership on Capitol Hill today, met with members of the House Budget Committee at the White House, then ended his busiest day of pinch-hitting by meeting with visiting Polish and Turkish officials.

It was at the meetings with Senate leaders that Mr. Bauer, the chief of staff, was quoted as saying that Mr. Reagan was apprehensive that his economic package might falter in Congress if he stayed in the hospital too long.

Last night was Mr. Reagan's most restless since the shooting, according to Dr. Dennis O'Leary, the hospital spokesman. The President slept from 9 P.M. until 8 A.M. He continues to complain of some pain. Dr. O'Leary said, but that pain is being treated with a headache tablet.

Dr. O'Leary also said that the intravenous tube inserted in the President's arm was removed this morning after a final dose of antibiotic. The President still has a nasal device to provide "oxygen enrichment" that is a standard procedure for chest-surgery patients, the doctor said.

Dr. O'Leary also said that Mr. Reagan "welled down" his breakfast.

While still declining to release photographs of the President, the White House today cited his morning walk of 30 yards in two minutes as evidence of what spokesmen continued to describe as a "remarkable" recovery. Mr. Reagan strolled again in the afternoon with his wife around a hospital suite that includes his room, a room for Mrs. Reagan, and quarters for White House staff, the Secret Service and medical personnel.

### First Lady Praises Agent

Family friends, meanwhile, reported that Mrs. Reagan was in good spirits and had, in her private conversations, provided additional details about the events after the shooting Monday afternoon.

"Thank God for Jerry," friends quoted her as saying. Jerry J. Parr is one Secret Service agent who shoved Mr. Reagan into the Presidential limousine as a gunman sprayed bullets at the Presidential entourage.

The President has told his wife that he felt "an excruciatingly sharp pain" in his chest. Mr. Reagan thought he had cracked a rib, when Mr. Parr, with the force of a football lineman, propelled him into the car and piled on top.

As the car roared toward the White House, Mr. Parr said, "Sit up, Mr. President."

"I can't sit up," Mr. Reagan told his bodyguard, who then directed the limousine to change course and head for the hospital.

Mr. Parr is also credited by Mrs. Reagan with a subtle nodding toward Mr. Reagan's lips, a key in steering aides that they were wrong in assuming Mr. Reagan unhurt.

However, Dr. O'Leary said today that not until Mr. Reagan's clothes had been cut away was it discovered that a bullet had pierced his left chest.

Upon swatting these days, Mr. Reagan first asks about James S. Brady, his press secretary, who remains in critical condition from a gunshot to the head. The President is described as deeply saddened by Mr. Brady's condition.

Dr. O'Leary today cautioned against over-optimistic assumptions arising from the fact that Mr. Brady has improved more rapidly than expected. "We are a long way from home on Mr. Brady," he said, noting that a second brain scan is months before a final assessment could be made of the extent of injury to his neurological system.

Relevant paragraphs

sg

577901

ID #

CU

FED10-01

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 / 1

Name of Correspondent: Arnold Intrater

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: FOIA Request from National Security Archive

### ROUTE TO:

### ACTION

### DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>ceholl</u>	ORIGINATOR	<u>88 103 17</u>		<u>@ 88 103 21</u>
	Referral Note:			
<u>cuat 30</u>	<u>A</u>	<u>88 103 17</u>		<u>@ 88 103 21</u>
	Referral Note:	<u>Mar 17 88 AI memo to A.B. Culva house</u>		
<u>cuervo</u>	<u>A</u>	<u>88 103 17</u>		<u>@ 88 103 21</u>
	Referral Note:	<u>Copies provided to A. Paul, P. Doss, P. Aronson</u>		
	Referral Note:			
	Referral Note:			

#### ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

#### DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

#### FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

# RECORDS MANAGEMENT ONLY

## CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: 0 Individual Codes: — \_\_\_\_\_

Prime Subject Code: FE 010-01 Secondary Subject Codes: FG 006-12 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

**SIGNATURE CODES:**

- CPn - Presidential Correspondence**  
 n - 0 - Unknown  
 n - 1 - Ronald Wilson Reagan  
 n - 2 - Ronald Reagan  
 n - 3 - Ron  
 n - 4 - Dutch  
 n - 5 - Ron Reagan  
 n - 6 - Ronald  
 n - 7 - Ronnie

- CLn - First Lady's Correspondence**  
 n - 0 - Unknown  
 n - 1 - Nancy Reagan  
 n - 2 - Nancy  
 n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**  
 n - 1 - Ronald Reagan - Nancy Reagan  
 n - 2 - Ron - Nancy

**MEDIA CODES:**

- B - Box/package  
 C - Copy  
 D - Official document  
 G - Message  
 H - Handcarried  
 L - Letter  
 M - Mailgram  
 O - Memo  
 P - Photo  
 R - Report  
 S - Sealed  
 T - Telegram  
 V - Telephone  
 X - Miscellaneous  
 Y - Study

THE WHITE HOUSE  
WASHINGTON

March 17, 1988

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: ARNOLD INTRATER *AI*

SUBJECT: FOIA Request from National Security Archive

This is intended for your information. No action is necessary.

On March 4, 1988, the National Security Archive (NSA) sent the attached Freedom of Information Request to the Executive Office of the President. In this request, the NSA is seeking records on Nicaraguan defector Roger Miranda Bengochea and on the White House Public Diplomacy Office on Central America.

The Office of Administration intends to reply, as it has with similar requests in the past, that it has "no documents responsive to your request." In addition, we have informally contacted NSC Counsel about this request. We anticipate that NSA might well send the NSC a separate request since NSA frequently directs FOIA requests to them.

Attachment

*Paula Borat*  
*cc: Alan Roub*  
*Tate Johnson*  
*2411 - 3/21/88*

# THE NATIONAL SECURITY ARCHIVE

SUITE 500 1755 MASSACHUSETTS AVENUE, N.W. WASHINGTON, D.C. 20036 (202) 787-0887

IN ALL CORRESPONDENCE PLEASE REFER  
TO ARCHIVE FILE NO. 880323 EOP 088

Ms. Nell Doering  
Chief, Records & Publications  
Executive Office of the President  
2200 New Executive Office Bldg.  
Washington, DC 20503

FOIA REQUEST  
Log. No. 88-5  
Due date 2-22-88

Referred to:

Intrater

Prepare reply for:  
Deputy Director  
Gen. Counsel  
FOIA Officer

March 4, 1988

RE: Freedom of Information Act Request

Dear Ms. Doering:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, et seq. (as amended), I hereby request disclosure of the documents described on the last page of this letter for inspection and possible copying.

If you regard any of these documents as exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. In this connection I note that you are required under the FOIA to release any reasonably segregable nonexempt portions of documents containing information you regard as exempt. Section 552(b). To permit an intelligent, informed decision whether or not to file an administrative appeal of any denial decision, you are also requested to describe withheld records (or portions thereof) and explain the logical and factual basis for exemption claims. See Mead Data Central, Inc. v. Department of the Air Force, 566 F.2d 242, 251 (D.C. Cir., 1977).

This request is made on behalf of the National Security Archive, a nonprofit public interest research institute and library located in Washington, D.C. The Archive is organized and operated as a division of The Fund for Peace, Inc., a nonprofit corporation that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and has been acknowledged by the Internal Revenue Service since November 19, 1962 to be "organized and operated exclusively for educational purposes."

The fee waiver provisions under section 552(a)(4)(A) of the FOIA were recently amended by the Freedom of Information Reform Act. The Reform Act's fee provisions became effective on April 25, 1987 and rewrote section 552(a)(4)(A) to create categories of requesters entitled to fee waivers. Pub.L. 99-570, Sec. 1803, 1804. One category consists of "educational or noncommercial scientific institution[s] whose purpose is scholarly or scientific research" and another consists of representatives of the "news media." 5 U.S.C. 552 (a)(4)(A)(ii)(II). Requesters in these groups receive an automatic waiver of all search and review fees, irrespective of the nature or contents of the documents requested. They can be charged standard duplication costs (in excess of the first one hundred copied pages), but these charges may also be waived in certain circumstances.

On May 11, 1987 the Archive submitted a comprehensive memorandum to your agency providing documentation under penalty of perjury which establishes that the Archive is entitled to fee waivers under the categories of educational or noncommercial scientific institutions and representatives of the news media within

the meaning of the Reform Act. To summarize, the Archive's purpose is to enrich public policy debate by making available records pertaining to important, mostly contemporary issues of major public concern in the areas of foreign, defense, intelligence, and international economic policy.

Documents obtained by the Archive, including the records requested in this letter, are carefully analyzed, indexed and organized into document sets in the Archive's collection. Document sets are available for inspection and copying by scholars, journalists, Members of Congress and Congressional staffs, present and former public officials, other public interest organizations, and the general public at the Archive's Washington office. In addition, information in the documents will be disseminated across the country through distribution of comprehensive document indices to university and other research libraries and through the Archive's publications.

As a staff member of the Archive, I have been assigned to conduct research on the subject of this request. I am working as part of a research team which includes experts on this subject with a wide variety of educational and professional backgrounds relating to foreign affairs, defense, intelligence and international economic policy. The qualifications of various Archive staff members are detailed in the aforementioned memorandum forwarded to your agency. Members of the team have conducted an extensive literature search at the Library of Congress and specialized research libraries and have determined that the requested materials are necessary to our research.

I therefore request that you waive all search and reproduction fees pursuant to section 552(a)(4)(A), as amended. If you determine that the Archive does not fall within one of the two categories of requesters described above, this request would also qualify for favored treatment under the "all other requesters" category because disclosure of the information in the requested documents is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Archive within the meaning of the Reform Act. See 5 U.S.C. 552(a)(4)(A)(iii). Should you decline to waive all fees, however, we are prepared to pay you normal search fees (and reproduction fees, if I decide to copy the records produced). Our willingness to pay fees is subject to our rights to appeal and litigate the fee waiver question, and payment would be deferred until exhaustion of such rights. I further ask that if you decline to waive fees that you set forth your reasons for doing so in writing and that you obtain our authorization before incurring search costs in excess of \$100.

In order to expedite the release of the listed documents, I request that you disclose them as they become available to you, without waiting until all the documents have been assembled. If you have any questions that I might be able to answer regarding the identity of the records, their location, or the scope of the request, please call me. I look forward to receiving your response within the statutory time period.

Yours very truly,



Peter Kornbluh

attachment

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All records, including but not limited to: the charter, operational files, memoranda, briefing papers, papers relating to Nicaraguan defector Roger Miranda Bengochea, talking points, reports, drafts of reports, budgets, memcons, minutes of meetings, telephone logs of Cresencio Arcos, and disposition documents--such as storage and transportation records--of the White House Public Diplomacy Office on Central America.

Please note: This office was created in August 1987 to work on the president's request for contra aid. It was closed on Friday, March 4, 1988, according to the attached article. This request is aimed at recovering all documents relating to this office as they are prepared for storage and/or dispersal to other agencies.

### Shutting it down

The White House flatly denies charges that it hasn't been "giving its all" to supporting the Nicaraguan freedom fighters. But a decision this week to close the White House office that coordinates all White House and legislative information on Nicaragua and Central America has left some folks shaking their heads.

Effective tomorrow, the White House will shut the door on the Public Diplomacy Office on Central America, a small but influential operation run by officials on loan from the State Department. The staff learned of the closure on Monday. The office was organized eight months ago, partly to salvage what respect was left on Capitol Hill and among the public for the administration's policy on Central America, particularly Nicaragua.

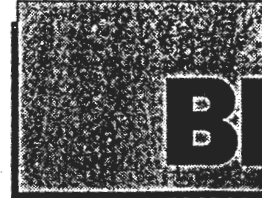
"In wake of Iran-Contra, and the fact they were dealing with a new Congress, they did an admirable job," said one administration official by way of a eulogy.

### Attacking Westy

George Crile is at it again. Gen. William Westmoreland has asked attorney Dan Burt for "further assistance" in dealing with CBS after Mr. Crile, producer of "60 Minutes," called Gen. Westmoreland a liar in a speech delivered to the International Platform Association last year.

Mr. Crile was the producer of the controversial 1982 CBS documentary, "The Uncounted Enemy: A Vietnam Deception," which accused Gen. Westmoreland of deliberately underestimating the size of the enemy in Vietnam. Gen. Westmoreland subsequently withdrew from a lawsuit he initiated against CBS.

A transcript of a recording of Mr. Crile's speech made available to The Washington Times shows that he made of number of comments that will inspire, at the least,



Gen. William Westmoreland asked his attorney to withdraw remarks made about producer George Crile

further discussions with his attorneys in the suit.

Introduced as "one of the most investigative reporters in the country," Drew Pearson said, "I believe it is probable that we as a country were lied to during the Vietnam War."

"There is no question that the progress was lied to," he said. "There's no question that Gen. Westmoreland lied about the size of the enemy — not in Vietnam."

He also seems to have been right. Mike Wallace was the host of the documentary he produced. "Mike Wallace was, in my view, a collaborator and he was one of the most experienced, the most experienced

# Use armed forces to curb illicit drug traffic



sg

ID # 577904 CU

FED-01

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 / 1

Name of Correspondent: Arthur B. Culverhouse, Jr.

MI Mail Report User Codes: (A) (B) (C)

Subject: copy of unsigned, undated J. Edward Ford to Senator Robert Byrd letter on INF negotiating record (access)

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
Culver	ORIGINATOR	88103125		88103125
Culver	A/E	88103125		88103125
		1 / 1		1 / 1
		1 / 1		1 / 1
		1 / 1		1 / 1

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- Type of Response = Initials of Signer
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# RECORDS MANAGEMENT ONLY

## CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: 0 Individual Codes: — \_\_\_\_\_

Prime Subject Code: FE 010-01 Secondary Subject Codes: EO 009  
ND 018

## PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

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 n - 0 - Unknown  
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 n - 4 - Dutch  
 n - 5 - Ron Reagan  
 n - 6 - Ronald  
 n - 7 - Ronnie

- CLn - First Lady's Correspondence**  
 n - 0 - Unknown  
 n - 1 - Nancy Reagan  
 n - 2 - Nancy  
 n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**  
 n - 1 - Ronald Reagan - Nancy Reagan  
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 O - Memo  
 P - Photo  
 R - Report  
 S - Sealed  
 T - Telegram  
 V - Telephone  
 X - Miscellaneous  
 Y - Study

A.B.

577904ca



United States Department of State

Washington, D.C. 20520

Dear Senator Byrd:

I am writing to confirm arrangements which have been worked out between your staff and the State Department for the possible use, in closed Senate proceedings, of materials from the INF negotiating record to which the Senate was granted access on February 5 pursuant to the agreed Terms of Access.

We have agreed that these documents may be removed from the Senate Arms Control Treaty Review Support Office for the purpose of examination during closed Committee proceedings and closed sessions of the Senate, under appropriate secure conditions. We have agreed that access to these documents may be provided to two additional cleared staff members, one each to be designated by the Majority Leader and the Republican Leader, and that a cleared court reporter and clerk may also be present. In all other respects, the agreed Terms of Access remain unchanged and will govern access to and use of these materials.

Sincerely,

J. Edward Fox  
Assistant Secretary  
Legislative Affairs

The Honorable  
Robert C. Byrd,  
United States Senate.

THE WHITE HOUSE  
WASHINGTON

April 7, 1988



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FEDID 01  
FG006-01  
JL002

MEMORANDUM FOR ALAN CHARLES RAUL  
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: CLARENCE L. HENLEY *C. L. Henley*  
DIRECTOR  
OFFICE OF RECORDS MANAGEMENT

SUBJECT: Howard and Tucker v. United States

Per your request of April 6, 1988, the Office of Records Management has conducted a search of its holdings for all material relating to the names identified in Tab I of the Department of Justice request. No responsive documents were found.

-----

Howard and Tucker v. United States search:

Ian Smalley - NO

Gary Howard - NO

Ronald Tucker - NO

Operation Houston - NO

Operation Houston I (a United States Customs Service Investigation) - NO

Operation Houston III - NO

~~XXXXXXXXXXXX~~  
Norman Buselmeier - NO

Martin J. White - NO

Frank Chadwick - NO -> NO

William Rodman (or Rudman) - NO

Calvin White - NO

~~John Burns~~

~~Anniston Arms Dept~~ - NO

THE WHITE HOUSE

WASHINGTON

April 6, 1988

MEMORANDUM FOR CLARENCE L. HENLEY  
DIRECTOR  
OFFICE OF RECORDS MANAGEMENT

FROM: ALAN CHARLES RAUL *AR*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Howard and Tucker v. United States

In connection with the above-referenced litigation, I would appreciate your causing a search to be made of files in the Office of Records Management relating to the names identified on the attached Tab I. I have also attached at Tab II a copy of a letter from the Department of Justice, together with supporting materials, explaining the search requirements in further detail.

Please provide me with any responsive documents you locate as a result of your search. Thank you.

cc: Arthur B. Culvahouse, Jr.  
William J. Landers  
Patti Aronsson  
Paula Boggs

---

Howard and Tucker v. United States search:

Ian Smalley  
Gary Howard  
Ronald Tucker  
Operation Houston  
Operation Houston I (a United States Customs Service Investigation)  
Operation Houston III  
Don Winkler  
Norman Buselmeier  
Martin J. White  
Frank Chadwick  
William Rodman (or Rudman)  
Calvin White  
John Burns  
Anniston Arms Depot



DMC:PB Moring:tbb  
D.J.# 154-386-87

Telephone:  
(202) 724-7502

---

Washington, D.C. 20530

MESSENGER

Ms. Paula Boggs  
Assistant Counsel  
Executive Office of the President  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Re: Gary Howard and Ronald Tucker v. United States, Claims Court No. 386-87C

Dear Ms. Boggs:

This letter provides an account of recent events which have occurred since my previous correspondence concerning discovery matters in this case.

On March 18, 1988, Judge Napier issued an order (attached) implementing plaintiffs' amended request for production of documents. It sets forth the scope of discovery in this action at this time. Pursuant to the order, we must produce a status report on the government's efforts to comply with the discovery request by April 15, 1988, indicating whether we intend to assert any privileges or otherwise seek protection regarding plaintiff's amended request. Our responses to the discovery request are due on May 2, 1988, unless we move for a further enlargement of time.

In order that we may comply with the order of the court, we request that you continue to locate all documents which you deem to be responsive to the court's directions. **We need to know whether you have any documents responsive to the revised discovery request and whether you intend to assert any of the available governmental privileges in relation to the responsive documents.** Please respond in writing by April 8, 1988. Should you encounter any problems or have any questions, please contact Martha Ries, Trial Attorney, at 202-724-7504. She is substituting for Platte B. Moring, III, during his absence from the office until April 5, 1988.



- 2 -

We appreciate your cooperation in this matter.

Very truly yours,

*David M. Cohen*

DAVID M. COHEN

Director

Commercial Litigation Branch  
Civil Division

Enclosure

cc: Michael T. Schmitz  
Chief Counsel  
United States Customs Service

# In the United States Claims Court

No. 386-87C

(Filed March 18, 1988)

---

GARY HOWARD AND RONALD TUCKER,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

---

PROTECTIVE ORDER  
RE: PLAINTIFFS' REQUEST FOR PRODUCTION  
OF DOCUMENTS AND THINGS

On November 24, 1987, this Court granted plaintiffs' motion for leave to file an amended complaint. On December 9, 1987, defendant responded to the amended complaint by filing a motion to dismiss this action pursuant to rules 12(b)(1) and (4) and 56 of the rules of this Court. On December 21, 1987, plaintiffs served on defendant "Plaintiffs' Request for Production of Documents and Things." On January 13, 1988, defendant filed "Defendant's Motion for a Protective Order" pursuant to Rule 26(c)(1) to protect the Government "from the annoyance, oppression, and undue burden and expense of responding to plaintiff's document request."

A hearing was held on Wednesday, February 17, 1988. At the hearing, the Court indicated that it believed that dismissal of the suit "without affording the plaintiffs an opportunity to proceed with reasonable, limited discovery of jurisdictional facts would be premature and inconsistent with the exercise of sound judicial discretion." Transcript at 7-8.

Subsequently, the Court ruled that it would allow plaintiffs to engage in discovery for the limited purpose of determining whether this Court has jurisdiction over plaintiffs' claim. However, the Court noted that "Plain-

tiff's Request for Production of Documents and Things" was overly broad and required substantial revision and narrowing in scope and breadth.

Pursuant to the procedure outlined by the Court during the February 17, 1988, hearing (transcript at 103-110) counsel for plaintiffs has redrawn its discovery request and conferred with defendant's counsel to insure that it is in conformity with the Court's oral rulings at the February 17 hearing. Copies of the correspondence between counsel and "Plaintiffs' First Amended Request for Production of Documents and Things" have been received and reviewed by the Court.

Accordingly, IT IS NOW ORDERED:

1. The Clerk of the Court is directed to file "Plaintiffs' First Amended Request for Production of Documents and Things."

2. "Defendant's Motion for a Protective Order" filed January 13, 1988, is allowed in part, and denied as to matters set forth in "Plaintiffs' First Amended Request for Production of Documents and Things" attached hereto and made a part of this Order by incorporation. However, the Government shall have the right to raise specific objections as to national security or investigative files or assert any privileges in accordance with the rules with regard to plaintiffs' amended discovery request. On or before April 15, 1988, defendant shall file a status report with the Court indicating its progress with respect to plaintiffs' amended request for production. The status report shall indicate whether defendant intends to assert any privileges or otherwise seek protection regarding plaintiffs' amended request.

3. The parties shall appear before the undersigned judge as soon as practicable after April 15, 1988, at a mutually agreeable time for a status conference.

IT IS SO ORDERED.



John L. Napier  
Judge

IN THE UNITED STATES CLAIMS COURT

GARY HOWARD AND RONALD TUCKER, §

Plaintiffs,

V.

NO. 386-87C

UNITED STATES,

Defendant.

FILED MAR 18 1988

PLAINTIFFS' FIRST AMENDED REQUEST FOR  
PRODUCTION OF DOCUMENTS AND THINGS

TO: The United States of America by and through its attorney of record, Platte B. Moring, III, Commercial Litigation Branch, U. S. Department of Justice, 550 11th Street, N.W., Washington, D. C. 20530.

Pursuant to the terms of Rules 27 and 34 of the Court, Plaintiffs Gary Howard and Ronald Tucker request that Defendant United States of America make available for inspection and duplication within forty five (45) days of the Court's Order concerning this request, all documents herein specified which are in its actual or constructive possession, custody or control. The Plaintiffs are amenable to establishing a mutually convenient time and manner of making the production and inspection by agreement. In the event no such agreement is made, such production and inspection shall be made at the law offices of Jones, Day, Reavis & Pogue, 301 Congress Avenue, Suite 1200, Austin, Texas 78701.

DEFINITIONS

Unless specifically indicated or otherwise required by the context in which the terms and instructions are used, the

following definitions shall be applicable in this request for production:

1. The term "document" as used in this request means every tangible thing recording or reproducing any visual or auditory information within the broadest meaning of the Rules of the United States Claims Court, including, without limiting the generality of its meaning, each letter, memorandum, transcription of sound recording, photograph, film, drawing, sketch, telegram, handwritten note, booklet, periodical, pamphlet, report, record, study, working papers, diary, counter pad, appointment book, contract, agreement, understanding, chart, paper, graph, index, data sheet, data processing card or tape, ledger, financial statement computer tape, computer printout, computer card, photostat, microfilm, sound recording or tape recording, of any kind or character, as well as reproductions or copies of documents where the original document is not produced or where such reproduction is not an identical duplicate of such original document.

2. The term "Houston I" refers to that investigative operation which resulted in the seizure of a Boeing 707 airplane at Houston International Airport by officials of the United States Customs Service on or about May 12, 1981.

3. The term "Houston III" refers to that undercover investigation and operation of the United States Custom Service that resulted in the federal criminal trial of one Ian Smalley.

4. The term "contract" or "alleged contract" shall include but not be limited to (1) that agreement alleged by plaintiffs that if, for some reason, the investigation was dropped by the Customs Service or the Government decided to seek only a conspiracy count against Smalley, plaintiffs would receive from the Customs Service reimbursement for all their expenses, as well as (2) that agreement referred to by Frank Chadwick and approved by Customs whereby the plaintiffs would retain as a commission a portion of the monies received from the subject of the investigation for the arms transaction.

5. Unless specifically stated otherwise, all document requests pertaining to the Customs Service should be limited to the time period of January 1, 1980 through January 1, 1986 and all document requests pertaining to other Government departments or agencies should be limited to the time period of January 1, 1980 through January 1, 1984.

#### DOCUMENTS REQUESTED

1. All documents which refer to, concern or relate in any manner to Ian Smalley as such pertain to the existence, the scope, the terms or performance of any alleged contract between plaintiffs and defendant, including but not limited to the reason the government went to plaintiffs to commence the "Houston III" operation.

2. All documents which refer to, concern or relate in any manner to the shipment of munitions to Iran since January 1,

~~1952~~ as they may pertain to the existence, scope, terms or performance of any contract or alleged contract between the plaintiffs and defendant.

3. All documents which refer to, relate to or concern in any manner the operation known as Houston I as they pertain to the existence, scope, terms or performance of any earlier contract or financial arrangement between the plaintiffs and the defendant, or as they may pertain to any financial arrangement and the existence, scope, terms or performance of any contract or alleged contract in the Houston III operation.

4. All documents which refer to, concern or relate in any manner to the operation known as Houston III, as such pertain to the existence, scope, terms or performance of any contract or alleged contract between plaintiffs and defendant.

5. All documents which refer to, concern or relate in any manner to the following individuals:

- a. Don Winkler
- b. Norman Buselmeier
- c. Martin J. White
- d. Frank Chadwick
- e. William Rudman
- f. Calvin White
- g. John Burns

so long as such documents pertain to the existence, scope, terms or performance of any contract or alleged contract between plaintiffs and defendant including but not limited to those expense reports, vouchers or other documents that dealt with the named individuals' activities during the time period

they were working on Houston III and which relate to their activities in the Houston III operation, and further including but not limited to any disciplinary procedures or citations issued against the foregoing agents for their participation or involvement in the Houston III operation.

6. All documents which in any manner indicate those persons within the **United States Custom Service** possessing contracting officers warrant or **authority to bind Customs to any contract** between January 1, 1981 and December 31, 1985.

7. All documents which refer, relate or pertain in any manner to either **Gary Howard or Ronald Tucker** insofar as they pertain to the existence, scope, terms and performance of any contract or alleged contract between plaintiffs and defendant including but not limited to any requests by Customs for plaintiffs to move their families for personal security reasons, as well as the meeting held in Reston, Virginia in July, 1982 attended by Gary Howard and William Rudman concerning the Houston III operation.

8. All documents which refer, relate or pertain to arrangements by the United States Army or the Defense Department for Ian Smalley to enter the Anniston Arms Depot and inspect tanks, insofar as such pertain to the existence, scope, terms and performance of any contract alleged between plaintiffs and defendant.

9. All documents which refer, relate or pertain to the securing of appropriate documents from the United States Department of State so that the war materials Smalley was



they were working on Houston III and which relate to their activities in the Houston III operation, and further including but not limited to any disciplinary procedures or citations issued against the foregoing agents for their participation or involvement in the Houston III operation.

6. All documents which in any manner indicate those persons within the United States Custom Service possessing contracting officers warrant or authority to bind Customs to any contract between January 1, 1981 and December 31, 1985.

7. All documents which refer, relate or pertain in any manner to either Gary Howard or Ronald Tucker, insofar as they pertain to the existence, scope, terms and performance of any contract or alleged contract between plaintiffs and defendant including but not limited to any requests by Customs for plaintiffs to move their families for personal security reasons, as well as the meeting held in Reston, Virginia in July, 1982 attended by Gary Howard and William Rudman concerning the Houston III operation.

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9. All documents which refer, relate or pertain to the securing of appropriate documents from the United States Department of State so that the war materials Smalley was

attempting to buy could (theoretically) leave the country, insofar as such pertain to the existence, scope, terms and performance of any alleged contract between the plaintiffs and defendant.

10. All documents which refer, relate or pertain in any manner to the reason the Houston III investigation was not followed to its conclusion, insofar as such pertains to the existence, scope, terms or performance of any alleged contract between plaintiffs and defendant.

Respectfully submitted,

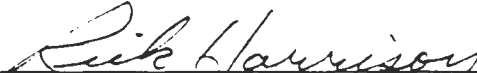
  
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RICK HARRISON

JONES, DAY, REAVIS & POGUE  
301 Congress Avenue, Suite 1200  
Austin, Texas 78701  
512/477-3939

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the above and foregoing has been forwarded to Platte B. Moring, III, Commercial Litigation Branch, U. S. Department of Justice, 550 11th Street, N.W., Washington, D. C. 20530, on this 4th of March, 1988 *by Federal Express.*

  
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RICK HARRISON

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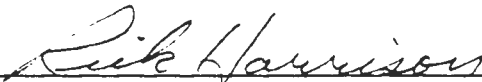
  
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