

THE WHITE HOUSE
WASHINGTON
June 22, 1992

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MEMORANDUM FOR CHARLES E.M. KOLB
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DAVID R. ALEXANDER

FROM: ROGER B. PORTER *RBP*
SUBJECT: Congressional Document Request Regarding
Iraq

Please review the attached memorandum from C. Boyden Gray concerning "Congressional Document Requests Regarding Iraq," and undertake the document search requested.

As the memo states, we need to have our search completed no later than Friday, June 26, 1992.

Thank you very much.

Attachment

REC'D TOO LATE TO FILE-
FILED BY BUSH LIBRARY STAFF

THE WHITE HOUSE

WASHINGTON

June 19, 1992

MEMORANDUM FOR ROGER B. PORTER
ASSISTANT TO THE PRESIDENT FOR ECONOMIC
AND DOMESTIC POLICY

FROM: C. BOYDEN GRAY *CGM*
COUNSEL TO THE PRESIDENT

SUBJECT: Congressional Document Requests Regarding Iraq

Attached at Tab A please find three requests for documents addressed to President Bush, one from Congressman Brooks, Chairman of the House Committee on the Judiciary and two from Congressman Gonzalez, Chairman of the House Committee on Banking, Finance and Urban Affairs.

In order to comply with these requests, I am asking you to have a search conducted of your records and the records of staff under your supervision. Please be advised that "documents" includes records stored electronically.

After you have completed your search, please forward any responsive material to Lee Liberman, room 115, extension 6257. According to standard procedures, we will review the documents to determine whether they are responsive, whether they present substantial privilege issues, or whether they originated from third agencies. If you are in doubt whether a particular document is responsive, we will be happy to provide advice, but please err on the side of inclusion.

Please keep a written record of what files you have searched. Because, as the President noted, investigations such as this do not come to the taxpayer free of charge, we are also asking that you keep records indicating, at least roughly, the amount of time you and your staff spend complying with the request.

Attached at Tab B please find a certification that we are asking each office to provide stating that the records from the office have been searched. Please forward that certification along with any responsive documents you may have.

It is entirely possible that an office will have no responsive documents. Since these requests are directed to the entire White House, however, it is important that all offices be checked so that we can be confident that a thorough search has been conducted.

Nick Calio has already advised Congressman Brooks by letter of June 16 that we would not be able to comply with his original deadline of June 18 for production of the documents, but indicated that we have asked all concerned to proceed as quickly as possible with their searches. Therefore, I am asking all White House Offices to complete their search by Friday, June 26.

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Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

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June 11, 1992

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MAJORITY—225-3951
 MINORITY—225-6908

The President
 The White House
 Washington, D.C. 20500

Dear Mr. President:

I am writing to follow up on my May 20, 1992, letter to you in which I indicated that the House Judiciary Committee was in the process of considering serious allegations of possible illegal activities undertaken by members of the Administration and others in assisting the regime of Saddam Hussein during the months directly preceding the invasion of Iraq in August 1990. The purpose of this oversight is to enable the Committee to determine if it should, in exercise of its authority under the Ethics in Government Act (28 U.S.C. §592(g)), request that the Attorney General apply for an Independent Counsel.

On June 2, 1992, in accordance with my intention to establish a record of the Committee's deliberations, I called a hearing of the Full Committee. The Committee at that time heard from four Members of Congress who, beginning as early as 1986, have been involved in investigating various aspects of the United States' dealings with Iraq in the period leading up to its invasion of Kuwait. These witnesses included Senator Patrick Leahy, Chairman, Committee on Agriculture, Nutrition, and Forestry; Congressman Henry B. Gonzalez, Chairman, Committee on Banking, Finance and Urban Affairs; Congressman Charles Rose, Chairman, Subcommittee on Department Operations, Research, and Foreign Agriculture, Committee on Agriculture; and Congressman Doug Barnard, Jr., Chairman, Subcommittee on Commerce, Consumer, and Monetary Affairs, Committee on Government Operations.

Due to time constraints and the desire to extend the same courtesy of full presentation by Administration witnesses, the Committee heard only from the above Members of Congress at its June 2 meeting. Each testifying Member of Congress was asked to make a brief, summarizing oral presentation, submit a full written statement for the record, and answer questions propounded by the Members. Consequently, it is my intention to call an additional day of hearings on Tuesday, June 23, to convene at 9:30 a.m. in Room 2141 of the Rayburn House Office Building. In that regard, I am renewing the invitation that I extended to you in my May 20, 1992 letter to send appropriate Administration officials to testify in a panel under similar conditions at this hearing. I would ask that you inform the Committee of the names of these witnesses by Tuesday, June 16, 1992.

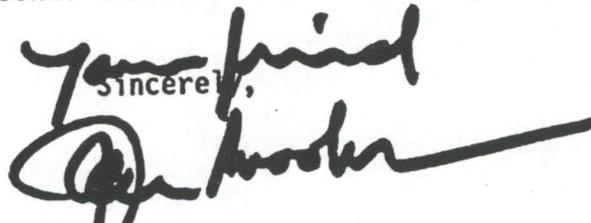
The President
June 11, 1992
Page 2

In addition, and as I stated in the May 20 letter, I would also respectfully request the appearance of the following Administration officials whose testimony would be valuable to the Committee's consideration: Frank DeGeorge, Inspector General, Department of Commerce; Frank Lemay, Legislative Management Officer, Office of Legislative Affairs, Department of State; C. Nicholas Rostow, Special Assistant to the President and Senior Director for Legal Affairs, National Security Council; and C. Boyden Gray, Counsel to the President, Executive Office of the President. I also intend to invite, in a separate letter, Robert A. Mosbacher, former Secretary of Commerce.

Attached to the letter is a list of requested documents that would be pertinent and useful to the lines of inquiry now under review by the Committee. I request that such documents be produced no later than 9:00 a.m., Thursday, June 18, 1992.

I am well aware that similar requests for documents involving the matter of U.S. assistance to the Government of Iraq by other Committees of Congress have run into serious difficulties, resulting in protracted and often strained negotiations, if not outright refusals to comply. However, this Committee, in the proper discharge of its duties in connection with 28 U.S.C. §592(g), simply cannot be held up or thrown into a quagmire of extended negotiations over the receipt of the enumerated documents. If documents are not made available by the above-indicated date, then the Committee's inquiry will simply move forward on the basis of the extensive record of testimony and other evidence presented to this and other Committees of Congress without the benefit of those materials. Should non-compliance result, then it may well be that the case for an Independent Counsel -- with full subpoena and prosecutorial powers -- would be bolstered for that reason alone.

I thank you again for your personal assistance in furthering the important work of the Committee.

Sincerely,

JACK BROOKS
Chairman

LIST OF DOCUMENTS REQUESTED BY THE HOUSE COMMITTEE ON THE JUDICIARY
FOR PRODUCTION BY 9:00 A.M., THURSDAY, JUNE 18, 1992

The House Committee on the Judiciary makes the following requests for documents to be produced to the attention of the General Counsel, at the Committee's main offices located at 2138 Rayburn House Office Building, Washington, D.C. 20515.

The document requests are grouped under the relevant agency involved.

A set of instructions to facilitate identification of requested documents is provided at the conclusion of the enumerated list set forth below.

Department of Agriculture

1. All documents concerning the provision of after-sales services, cash payments or other kickbacks by United States exporters to Iraqi agencies or companies, including, but not limited to, a cable from George Pope, Foreign Agricultural Service, on May 31, 1988, and a letter from an exporter to the Foreign Agricultural Service on September 7, 1989, as well as any response to these communications.
2. All documents describing the October 11-12, and October 18-19, 1989 trips to Atlanta by Kevin Brosch, USDA Office of General Counsel, and Larry McElvain, CCC Operations Division, to review status of BNL investigation.
3. All documents relating to the October 13, 1989 meeting involving USDA officials and Frank Lemay of the State Department on the status of the investigation of BNL and the GSM program, including, but not limited to, documents prepared prior to, in response to, or describing that meeting.
4. All documents describing the trip to Iraq by USDA and State Department officials in April 1990, including all drafts and final reports.
5. All documents mentioning an internal Department of Agriculture record on or about February 1990, which reportedly discussed, in part, that the loan guarantees to Iraq could be viewed as another "HUD or savings-and-loan scandal."

State Department

1. All documents describing the activities of Banca Nazionale del Lavoro ("BNL") with respect to Iraq, any investigation of BNL involving improper or questionable practices, and the case that became United States v. Drogoul, including, but not limited to, communications with the Department of Justice and documents on the effect that such indictment would have on relations with Iraq; documents concerning persons, organizations or institutions that were considered for indictment; documents concerning possible travel to Iraq by United States officials investigating the case, including, but not limited to, the March 15, 1990 request by the Department of Justice.

2. All documents describing the possible or actual provision of after-sales services or cash payments by United States exporters to Iraqi agencies or companies, and the response to those communications, including, but not limited to, a cable from George Pope, Foreign Agricultural Service, on May 31, 1988, as well as any communications with the Government of Iraq or Iraqi agencies or companies.
3. All documents relating to the meeting between Department of State and USDA officials on October 13, 1989, including, but not limited to, the memorandum of Frank Lemay dated October 13, 1989, as well as any other documents prepared prior to, in response to, or describing such meeting.
4. All documents describing the trip to Iraq by USDA and State Department officials in April 1990, including all drafts and final reports.

Department of Justice

1. All requests for evidence from abroad pursuant to mutual assistance treaties, letters rogatory documentation, other formal or informal requests for permission to travel abroad to interview witnesses or to review documentation, including all supporting memoranda or documentation submitted by Federal law enforcement officials, and other formal or informal requests for persons to travel from abroad for interviewing within the jurisdiction of the United States, as well as records relating to a planned trip in January and February, 1990 to Turkey and Rome and a request to the State Department from the Department of Justice dated March 15, 1990.
2. All documents or records describing information provided, or made available, to any employee, Representative or Senator in the U.S. Congress regarding the BNL matter, including but not limited to, the draft indictment explicitly referred to at the June 2, 1992 hearing before the House Judiciary Committee.
3. All Federal or foreign intelligence reports provided to the Department of Justice or the United States Attorney's Office for Atlanta regarding BNL's activities with Iraq, as well as transmittal documentation sent by either a Federal or foreign intelligence entity, including, but not limited to, an intelligence report on or about early November 1989 which mentions BNL, the Commodity Credit Corporation and Matrix Churchill and another intelligence report on or about July 1990 which mentions Wafai Dajani and his company, Amman Resources.
4. All documents relating to possible or actual knowledge in BNL-Rome or BNL-New York of the BNL fraudulent loans to Iraq, including, but not limited to, actions taken, instructions given or statements made by BNL North American Manager Renato Guadagnini; Luigi Sardelli (Drogoul's superior in New York); and Teodoro Monaco, a bank official in BNL-Rome who was the account officer for Iraq.

5. All documents describing BNL's possible financing of Condor II, Scud B, other Iraqi military equipment.
6. All documents describing investigations by the Department of Defense of possible BNL-Atlanta financing of weapon procurement for Iraq or aiding in the illegal transfer of technology from the U.S. to Iraq.
7. All documents relating to the handling of the BNL matter, possible conflicts of interest, and the eventual decision of Joe D. Whitley, United States Attorney for Atlanta, to recuse himself "from any case supervisory role" in the BNL matter, including, but not limited to, Whitley's memorandum dated June 8, 1990, to Assistant United States Attorney Gale McKenzie.
8. All documents discussing the 1992 findings of the Italian Senate Committee investigating BNL's activities in supporting Iraq.
9. All documents relating to the decision by the United States Attorney's Office in Atlanta/Department of Justice not to name BNL as a defendant in the BNL matter indictment, including but not limited to, documents which form the basis of an internal Federal Reserve document dated on or about June 18, 1990, which mentions in part that "MAIN" Justice had decided not to name BNL in the upcoming indictment. If in your possession, or custody, please provide the aforesaid Federal Reserve document as well.

White House

1. A copy of all legal opinions issued by the Justice Department to President Bush, his advisors, or the NSC regarding issues related to the export of technology, agricultural products or military aid to Iraq.
2. A copy of all documents pertaining to the formation and implementation of the group of Executive Branch General Counsels, under the direction of C. Nicholas Rostow, involved in the review of documents requested by Congress regarding Iraq, including, but not limited to, requests by Senator Leahy, Senator Hollings, Congressman Gonzalez, Congressman Rose, Congressman Barnard, and Congressman Gejdenson. Please provide a list of the dates and participants of all such meetings, and copies of all minutes, memoranda and correspondence prepared as a result of those meetings.
3. *Sec. of State, Defense, Director of CIA*
For each member of the NSC who was granted an exemption from conflict-of-interest statutes by President Bush in his August 8, 1990 memorandum, please list the specific asset(s) and outside income, the possession of which by said individuals posed a potential conflict of interest under 18 U.S.C. § 208
 - a. Financial disclosure statements for each member of the NSC for the years 1989, 1990 and 1991. The requested information is to specifically identify all blind trusts held by any member of the NSC and the name and address of the trustee of any such blind trust.

b. A list of all meetings, telephone calls and copies of any memorandum and correspondence between any member of the NSC and any company identified on their respective financial disclosure forms for the years 1989, 1990 and 1991.

c. A copy of all memoranda, correspondence or work product by C. Boyden Gray, or any other White House or Justice Department official, relating to any financial review conducted of the members of the NSC that led to the issuance of the exemption from 18 U.S.C. § 208 by President Bush on August 8, 1990.

Department of the Treasury/U.S. Customs Service

1. All communications between Treasury (or the U.S. Customs Service) and its attaches discussing possible unlawful military-related or dual-use exports to Iraq for the time period of 1985 to the present.
2. All documents discussing allegations linking BNL financing of possible illegal exports to Iraq, including, but not limited to, a September 21, 1989 report by the U.S. Customs Service.
3. All documents discussing BNL's possible involvement with, or financing of, the electronic trigger nuclear warheads which were seized by U.S. Customs Services and British Customs at London's Heathrow Airport in March 1990.

Department of Commerce

1. All documents reflecting the transmission of the same altered, deleted and/or changed records on applications for licenses to export to Iraq sent to Congress, including, but not limited to, Chairman Doug Barnard of the House of Representatives Subcommittee on Commerce, Consumer, and Monetary Affairs; Chairman Henry B. Gonzalez of the United States House of Representatives Committee on Banking, Finance and Urban Affairs, and to Chairman Ernest F. Hollings, United States Senate Committee on Commerce, Science, and Transportation.
2. All documents relating to the decision(s) by the Inspector General or the General Counsel not to make a criminal referral to the Department of Justice regarding the alterations, deletions and/or changes of any export license records or data.
3. All documents describing the Department of Justice or FBI's investigations into possible violations of law by Commerce Department officials relating to export license records with respect to Iraq, including, but not limited to, Chairman Barnard's July 10, 1991 letter to Attorney General Thornburgh.

4. All documents reflecting communications between senior-level Department of Commerce officials (Wendell Willkie II, Dan Haendel, Bruce A. Soll, Wayne L. Berman, and Thomas H. Stillman) and any official at the White House or National Security Council or Department of Justice regarding requests or subpoenas by Chairmen Barnard, Gonzalez, or Hollings for application of licenses to export.
5. All documents relating to a February 26, 1991 memorandum from then Under Secretary Dennis Kloske to General Counsel Wendell Willkie II entitled "Iraq Printout," including any records regarding the "summary reference document" reflecting "Fifth Floor and White House guidance" for providing requested information to Chairman Barnard.
6. All documents relating to the resignation or termination of former Under Secretary Dennis Kloske in 1991, including communications between any official of the Department of Commerce and any other Federal official.
7. All documents relating to the decision(s) not to further investigate the reasons why these such alterations, deletions and/or changes of the export license records and data following the issuance of the aforementioned Inspector General memorandum dated June 4, 1991.

Instructions

The document requests enumerated on the attached list are directed to a number of Federal departments as well as the White House and National Security Council. Categories of requested documentation are listed under each Executive Branch entity, and documents should be produced in conformity with the number of the specific request.

The term "document" is defined to be synonymous in meaning and equivalent in scope to the usage of such term in Rule 34(c) of the Federal Rules of Civil Procedure.

Please indicate in the transmittal letters accompanying the production of documents if there are no responsive records for any of the requests.

If a document called for by this request is withheld, please furnish a list of all such withheld documents and provide the following information:

- a. The date of the document;
- b. The type of document;
- c. A description of the subject matter of the document;
- d. The name(s) and the address(es) of each person who prepared; received, viewed or has or has had possession, custody, or control of the document; and
- e. A statement indicating the basis upon which the withholding is claimed.

If a document called for by this request cannot be located for any reason, please furnish a list of all such documents and with respect to each such document, provide the following information:

- a. The date of the document;
- b. The type of document;
- c. A description of the subject matter of the document;
- d. The name(s) and the address(es) of each person who prepared, received, viewed or has or has had possession, custody, or control of the document;
- e. The date on which the document was destroyed; and
- f. The reason that the document was destroyed.

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U.S. HOUSE OF REPRESENTATIVES

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ONE HUNDRED SECOND CONGRESS

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202 225-4347

April 29, 1992

Honorable George Bush
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

The Committee on Banking, Finance and Urban Affairs is conducting an investigation of over \$4 billion in unauthorized loans to Iraq granted by the Atlanta office of the Banca Nazionale del Lavoro (BNL). The Committee respectfully asks for your assistance with this investigation.

During its BNL investigation, the Committee has obtained documents indicating that various White House and National Security Council staff including National Security Advisor, General Brent Scowcroft; Mr. C. Boyden Gray, Counsel to the President; Mr. John P. Schmitz, Deputy Counsel to the President; Mr. Richard N. Haass, Senior Director, North East and South Asian Affairs, NSC; Mr. Clayton Yeutter, Special Assistant to the President; Mr. Stephen I. Danzansky, Director, Office of Cabinet Affairs; Mr. C. Nicholas Rostow, Legal Advisor, NSC; Ms. Sandra Charles, Director, North East and South Asian Affairs, NSC; Ms. Edith E. Holiday, Secretary of the Cabinet; and Mr. Timothy E. Deal, Senior Director, International Economic Affairs were involved in the decision to grant \$1 billion in Commodity Credit Corporation (CCC) credits to Iraq for FY 1990 and/or the handling of the U.S. Department of Agriculture's (USDA's) administrative review of the CCC program and BNL loans to Iraq.

The Committee would like to better understand the role the White House and NSC played in the USDA administrative review of the BNL scandal and the decision to approve CCC credits for Iraq. Accordingly, the Committee respectfully requests the following:

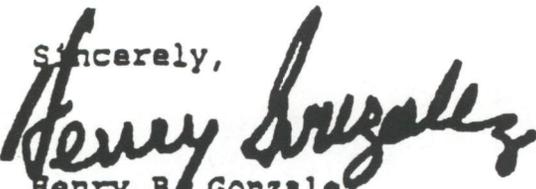
1. all documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, computer print-outs, executive agency documents, classified documents, etc., related to the USDA's administrative review of BNL loans to Iraq;

- 2. all documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, executive agency documents, computer print-outs, classified documents, etc., related to the \$1 billion FY 1990 CCC program for Iraq;
- 3. all documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, computer print-outs, executive agency documents, classified documents, etc., related to BNL.

In addition, the Banking Committee would appreciate your assistance in making certain of the above named individuals, currently with the White House and NSC staffs, available for interview by Committee investigators.

Thank you for your time and consideration of this request. The Committee looks forward to your cooperation.

With best wishes.

Sincerely,

 Henry B. Gonzalez
 Chairman

HBG:dk

cc: Honorable Brent Scowcroft, Assistant to the President for National Security Affairs

1020

Received

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS
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May 27, 1992

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Rec'd 5-28-92

Honorable George Bush
 President of the United States
 1600 Pennsylvania Avenue, N.W.
 Washington, D.C. 20500

A. Calio

Dear Mr. President:

The Committee is in possession of a State Department memorandum indicating that you had to waive conflict of interest rules for eleven cabinet officers and cabinet level officials so they could participate in the formulation of the U.S. government response to the Iraqi invasion of Kuwait.

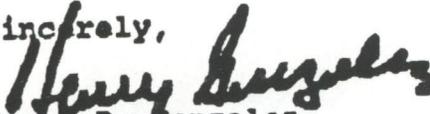
This waiver raises serious questions about the conduct of U.S. policy toward Iraq prior to its invasion of Kuwait. So that I can better understand the waiver issue and its implications, please provide the following information and answer the following questions.

1. The names of the eleven Cabinet officers and Cabinet level officials that received the Presidential waiver and all documents related to the waivers;
2. Are any of these individuals still covered by the waiver?
3. What is the nature of the conflicts of interest (i.e. oil investment, stock ownership, etc.) that precluded the individuals from engaging in the policy in the first place? Please provide an answer for each Cabinet official covered by the waiver.
4. Why was this information withheld from the public until January 1991? Was Congress ever informed of this waiver? If so, when? If not, why not?

Thank you for your prompt attention to this matter. I look forward to your reply.

With best wishes.

Sincerely,



Henry B. Gonzales
Chairman

HBG:rdk

CERTIFICATION

_____ certifies that he/she has searched the files of _____ for documents in compliance with the instructions circulated by C. Boyden Gray and: (check one)

_____ No such documents were found.

_____ Any responsive documents have been provided to the White House Counsel's office.

I hereby declare under the penalty of perjury that the foregoing is true and correct.

Date: _____