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1987] (8)

FOIA

M11-391

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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
127244	MEMO	WILLIAM LYTTON TO ARTHUR CULVAHOUSE RE TESTIMONY OF ROBERT MCFARLANE, 5/11/87 SESSION	2	5/11/1987	B1
127246	PAPER	RE ADDITIONAL VIEWS OF CHAIRMAN DANIEL INOUE AND VICE CHAIRMAN RUDMAN <i>R 3/5/2015 M391/1</i>	7	ND	B1
127247	AGENDA	RE 6/29/87 MEETING (W/ ANNOTATIONS FROM MEETING)	1	6/29/1987	B6 B7(C)
127248	MEMO	RE 127247 FROM 6/29/87 MEETING	2	6/29/1987	B6 B7(C)

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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File Folder: Iran-Contra Hearings – June [May-November 1987]
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FOIA ID: F1997-066/6, D. Cohen

Date: 08/19/2004

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	William Lytton to Arthur Culvahouse re testimony of Robert McFarlane, 5/11/87 morning session, 2p	5/11/87	B1
2 report	Additional Views of Chairman Daniel K. Inouye and Vice Chairman Warren Rudman, 7p	n.d.	B1
3 agenda	re 6/29/87 meeting (with notations from meeting), 1p	6/29/87	B6 B7c
4 memo	re item 4 from 6/29/87 meeting, 2p	6/29/87	B6 B7c

RESTRICTIONS

B-1 National security classified information [(b)(1) of the FOIA].

B-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].

B-3 Release would violate a Federal statute [(b)(3) of the FOIA].

B-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].

B-7a Release could reasonably be expected to interfere with enforcement proceedings [(b)(7)(A) of the FOIA].

B-7b Release would deprive an individual of the right to a fair trial or impartial adjudication [(b)(7)(B) of the FOIA].

B-7c Release could reasonably be expected to cause unwarranted invasion or privacy [(b)(7)(C) of the FOIA].

B-7d Release could reasonably be expected to disclose the identity of a confidential source [(b)(7)(D) of the FOIA].

B-7e Release would disclose techniques or procedures for law enforcement investigations or prosecutions or would disclose guidelines which could reasonably be expected to risk circumvention of the law [(b)(7)(E) of the FOIA].

B-7f Release could reasonably be expected to endanger the life or physical safety of any individual [(b)(7)(F) of the FOIA].

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

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THE WHITE HOUSE

WASHINGTON

May 13, 1987

A large, stylized handwritten signature in blue ink, possibly reading 'JF' or similar, located to the right of the date.

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

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

SUBJECT: Testimony of Robert C. McFarlane
May 13, 1987

Attached is a summary of Robert McFarlane's testimony for this morning's session of the Iran/Contra hearings.

THE WHITE HOUSE

WASHINGTON

May 13, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON, III *W*

SUBJECT: Testimony of Robert C. McFarlane
Morning Session, May 13, 1987

Overview

Most of today's testimony focused on discussion of the Boland Amendment. Very little of McFarlane's testimony had any direct bearing on the President. McFarlane did, however, through a ten minute speech, criticize the way in which the Administration has kept Congress abreast of its foreign affairs activities, though he blamed Congress as well.

President Reagan's Involvement

Saudi contributions. This topic was not discussed.

Contributions from other third countries. This topic was not discussed.

Private aid. This topic was not discussed except in general terms.

Boland Amendment. McFarlane commented that vacillations in congressional policy towards Nicaragua made the Administration's execution much more difficult.

McFarlane agreed with Rep. Boland that three memoranda written by North to McFarlane between November 1984 and March 1985 might have discussed activities which were in violation of the Boland Amendment.

August/September 1985 Arms Shipments. Most discussion concerned what McFarlane knew about the motives of Kimche and Ledeen. The President was not mentioned.

November 1986 Chronologies. This topic was not discussed.

Other Points of Note

In response to questions raised by Senator McClure on the President's "management style", McFarlane stated that the President avoids confrontation though he seeks a variety of views.

Congressman Courter asked a series of yes or no questions which gave McFarlane the chance to assert that to his knowledge the President's role in the Iran/Contra events had been entirely legal, that his guidance was to conform with the law, and that the President was unaware of the diversion of funds. This exchange also brought out the President's sincere concern for the hostages and their families.

C L O S E H O L D

THE WHITE HOUSE

WASHINGTON

May 12, 1987



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

A handwritten signature in blue ink, possibly reading 'JHS', is located to the right of the recipient list.

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

SUBJECT: Testimony of Robert C. McFarlane

Attached is a summary of Robert McFarlane's testimony for this morning's session of the Iran/Contra hearings.

Attachment

C L O S E H O L D

THE WHITE HOUSE

WASHINGTON

May 12, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON, III 

SUBJECT: Testimony of Robert C. McFarlane
Morning Session, May 12, 1987

Overview

At the outset of this morning's session, Senator Inouye announced that the Committees had now located, with assistance from the State Department, the \$10 million contributed by the Sultan of Brunei for the Contras in August 1986. Apparently, the \$10 million was transferred into the wrong Credit Suisse account. The Committees will give a full accounting in the next few days.

As for McFarlane's testimony, most of the questions raised by John Nields, House Select Committee Chief Counsel, concerned prior statements made by McFarlane. Nields focused on McFarlane's congressional testimony on his knowledge of Third Country contributions to the Contras and on his participation in the development of a chronology in November 1986 after the Iran story broke. Nields raised no question concerning the President's possible role in or knowledge of these activities.

Points of Interest

Nields closely questioned McFarlane based on his prior statements before Congress in December 1986, before the Tower Commission, and during yesterday's testimony. Most of this morning's testimony focused on McFarlane's participation in the development of a chronology which, according to McFarlane's testimony yesterday, was prepared as a "gilding" of the President's knowledge of and participation in the Iran initiative. McFarlane maintained throughout intense questioning, which inferred otherwise, that he had not intended to mislead when referring to the HAWKS shipped in November 1985 as "oil drilling equipment" both in preparing the chronology and in discussing this transaction with Attorney General Meese. The President was not mentioned at all during the McFarlane-Nields exchange on the preparation of the chronology. Near the end of

this morning's session, Nields began asking further questions about McFarlane's involvement in and knowledge of Third Country aid to the Contras. The specific discussion concerned McFarlane's approval of North's recommendation that Guatemala be rewarded with military assistance for its having provided false end-user certificates for military equipment sent to the Contras. Nields will probably resume this line of questioning at 2:00 p.m.

THE WHITE HOUSE

WASHINGTON

Unclassified with
SECRET Attachment

May 11, 1987



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

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

SUBJECT: Testimony of Robert C. McFarlane

Attached is a summary of Robert McFarlane's testimony for the morning session of the Iran/Contra hearings conducted today, May 11. Please note that this summary is classified and should be handled accordingly.

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THE WHITE HOUSE

WASHINGTON

May 7, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
WILLIAM L. BALL, III
FRANK C. CARLUCCI
KENNETH M. DUBERSTEIN
THOMAS C. GRISCOM
M. MARLIN FITZWATER

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

SUBJECT: Iran/Contra Documents

Attached for your information is a copy of a PROF note that will be produced tomorrow, as a declassified document, to the House and Senate Committees investigating the Iran/Contra matter. I thought this PROF note originated by former National Security Adviser John M. Poindexter should be brought to your attention. It refers to the President and contains a purported quote of his reaction to the difficulties experienced with the Contra aid legislation in Congress.

The note states as follows: ". . . yesterday in a meeting that I had with the President, he started the conversation with 'I am really serious.' 'If we can't move the Contra package [by?] June 7, I want to figure out a way to take action uni-laterally to provide assistance.'"

cc: William B. Lytton, III

POINDEXTER PROF NOTE

Reply to note of 5/02/86 14:29

From: John Poindexter

Subject: CONTRA PROJECT

When Shultz, Regan and I discussed it yesterday on AF-1, we were a bit confused as to whether the expedited procedures in the legislation would apply to this proposal. What pressure would exist on Tip to take action on it? Please talk to Will Ball. What about the idea that Jim Miller and Dennis had about submitting an urgent-urgent supplemental containing among other things the Irish aid package?

Next, yesterday in a meeting that I had with the President, he started the conversation with "I am really serious." "If we can't move the Contra package before June 9, I want to figure out a way to take action uni-laterally to provide assistance." In other words, he does not buy the concept of taking actions or talking about pulling out as described in the package. He has been reading Natanyau's (sp?) book on terrorism and he was taken with the examples of Presidential action in the past without Congressional approval. He also read an op-ed piece on the same subject. I believe that was the one by Dick Pipes' son. The President is recalling the 506A action we took on Honduras. I told him that I didn't think that it would apply here, since we are not dealing with the government. But the fact remains that the President is ready to confront the Congress on the constitutional question of who controls foreign policy. We need to get Abe Sofaer and other stalwart lawyers thinking in these terms to see if there is some way we could do this, if all else fails.

With your answers to the first question, we will discuss the package on the return trip and be ready to proceed on return. I have George's proxy on the package, George agrees with the President that we have to win some way and we will not pull out.

UNCLASSIFIED

N 17735

MEMO --CPWA

Reply to memo of 5/27/46 19:24

-- SECRET

FROM: JOHN PRINCEBEN
TO: CONTRA PROJECT

On Tuesday, as you and I discussed it yesterday on 47-9, we were a bit
reluctant as to whether the expedited procedure in the legislation would apply
to this proposal. That procedure would exist on 1/1 to take action on it?
We talk to Bill Hall, what about the idea that Jim Miller and Dennis had
out somebody on a joint-writ supplemental containing among other things
"such and package?"

On Wednesday in a meeting that I had with the President, he stated the
"expedited" with "a really serious" "if we can't move the Contra package
on June 9, I want to figure out a way to take action unilaterally to
with expedited." In other words, he does not buy the concept of taking
action on taking their petition not as described in the package. He has been
telling "anybody" left both on briefing and he was taken with the examples
of expedited action in the past without congressional approval. He also
stated that he was on the same subject. I believe that was the one by Dick
and Bob. The President is recalling the 5066 action we took on Monday. I
think that I didn't think that it would apply here, since we are not
acting with a promise. But the fact remains that the President is ready to
take the package on the constitutional question of who controls foreign
policy. We need to get the subject and other staffers lawyers thinking in these
terms: do we see it as a way we could do this, if all else fails.

In your memo to the last question, we will discuss the package on the
same day and be ready to proceed on return. I have George's proxy on the
high. George agrees with the President that we have to win some way and we
if not pull out.

- WIKS --CPWA
- WIKM --CPWA
- WIKL --CPWA
- CONTRA PROJECT
- WICL
- WSPH
- WSPC
- WICL
- WSPH
- WSPC
- ULLIE MORTN
- PAUL THOMPSON
- FLORENCE GRANT

Officially declassified/released on 5/6/87

Title: JFO 15-75 of E.O. 12856

By: Peter, National Security Council

[REDACTED]

UNCLASSIFIED

THE WHITE HOUSE
WASHINGTON

Date: Nov. 13, 1987

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

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

FYI: Warren Rudman would like
you to see the attached

COMMENT: Iran-Contra individual
views. They will be joined

ACTION: by all Senate Committee
members.

38 substitution
4:30 pm

DANIEL K. INOUE HAWAII CHAIRMAN
 WARREN RUDMAN NEW HAMPSHIRE VICE CHAIRMAN

GEORGE J. MITCHELL MAINE
 SAM NUNN GEORGIA
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 DAVID L. BOREN OKLAHOMA

JAMES A. MCCLURE IDAHO
 ORRIN G. HATCH UTAH
 WILLIAM S. COHEN MAINE
 PAUL S. TRIBLE JR VIRGINIA

ARTHUR L. LIMAN
 CHIEF COUNSEL

MARK A. BELNICK
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 TO THE CHIEF COUNSEL

PAUL BARBADORO
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 JOHN D. SAXON
 TERRY A. SMILJANICH
 TIMOTHY C. WOODCOCK

United States Senate

SELECT COMMITTEE ON SECRET MILITARY
 ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION
 WASHINGTON, DC 20510

November 12, 1987

ANOW

By Hand

The Honorable Alan C. Raul
 Associate Counsel to the President
 c/o Ms. Patti Aronsson
 Room 436, Old Executive Office Building
 Washington, D.C. 20500

Dear Alan *ala*,

I am transmitting herewith the revised "Additional Views of Chairman Daniel K. Inouye and Vice Chairman Warren Rudman," for review by the declassification committee. Please note that the enclosed supersedes and replaces the "Statement of Chairman Daniel K. Inouye and Vice Chairman Warren Rudman," that I sent you yesterday. Please have the committee direct its attention to the enclosed instead.

Would you kindly call me as soon as possible today and let me know whether the enclosed is "okay to print."

Many thanks and best regards.

Sincerely,

M.A.B.

Mark A. Belnick
 Executive Assistant
 to the Chief Counsel

AB
Mark Belnick just sent these down to us. These views are very nice. Mark said "Senator Inouye authorized" your reading this. I suggest you may want to call Inouye/Rudman and/or Belnick to thank them. Alan.

MAB:nsd

Enclosure

cc: Neil Eggleston, Esq.
 Deputy Chief Counsel, House Select Committee

cc: George Van Cleve, Esq.
 Chief Minority Counsel, House Select Committee

"TOP SECRET CODEWORD WITH TOP SECRET CODEWORD ENCLOSURE"

UNCLASSIFIED UPON REMOVAL OF CLASSIFIED ENCLOSURE(S)
 UNCLASSIFIED UPON REMOVAL OF CLASSIFIED ENCLOSURE(S) 8/26/04 KCB

127246

DECLASSIFIED

NLRR #127246
M11-391

RW
NARA DATE 3/31/15

~~TOP SECRET CODEWORD/NOT FOR DISTRIBUTION~~

ADDITIONAL VIEWS OF CHAIRMAN DANIEL K. INOUE
AND VICE CHAIRMAN WARREN B. RUDMAN

We wish to acknowledge the bipartisan spirit that characterized our Committee's work and resulted in a Report signed by all of the Democrats and a majority of the Republican Members of the Senate Select Committee. We wish also to recognize the outstanding leadership of our distinguished colleague, Representative Lee Hamilton, Chairman of the House Select Committee.

Tragedies like the Iran-Contra Affair unite our Government and our people in their resolve to find answers, draw lessons and avoid a repetition. In investigations of this magnitude -- which involve serious questions relating to the proper functioning of our Government -- it is just as important to lay aside partisan differences and avoid unjustified criticisms as it is to make the justified criticisms set forth in the Report. In that spirit, we wish to recognize the cooperation that we received from the White House throughout this inquiry.

Once our investigation commenced, the White House rose above partisan considerations in cooperating with our far-reaching requests and in ensuring the cooperation of other agencies and departments of the Executive Branch. We dealt primarily with three Counsels to the President: David Abshire, Peter Wallison, and, for most of the period, Arthur B. Culvahouse, Jr., and his deputies, William B. Lytton III, Alan Charles Raul and Dean McGrath. Our experience was the same with all. They tried their

best to accommodate our demanding requests, to iron out differences, and to meet our short deadlines in a spirit of cooperation and good faith. Consequently, in compliance with our requests, over 250,000 documents were produced by the White House alone; additional large quantities of material were produced by other Executive Branch agencies and departments; and relevant personnel and officials throughout the Executive Branch, including Cabinet officers, were made available for interviews, depositions, discussions, and assistance in facilitating our work.

Although the House and Senate Select Committees consolidated their investigations and hearings, the two Committees nevertheless had their own separate staffs, styles, requirements, perspectives and experience. Speaking for the Senate Committee's experience, we can state that, despite some differences and some compromises, all of our requests to the White House and the Executive Branch were fulfilled. The White House pledged to cooperate with this investigation; and it did.

One of our requests was for excerpts from the President's diaries. Those of us who keep diaries can appreciate the intensely personal and private nature of the entries we make in such books, confiding our innermost concerns, aspirations and thoughts. We can therefore understand the profoundly difficult and personal nature of a decision to share those private entries with others. The President made that decision in this investigation. Because of the importance we attached to the

President's diary entries, we asked for them. Because of our respect for personal privacy, we agreed not to publish or paraphrase them without the President's consent.

At our request, and unlike the procedure followed by the Tower Board, the White House Counsel personally reviewed all of the President's handwritten diaries from January 1, 1984 through December 19, 1986, and represented to us that he had copied all relevant entries. This procedure resulted in far more complete production than the Tower Board requested, and the results were important to our investigation. We were able to draw on the diaries in reaching our conclusions; and we do not fault the President for his decision that the entries themselves, none of which alter the conclusions in this Report, should not be paraphrased in this Report.

In addition to his own diary notes, the President instructed all other Executive Branch officials to make their relevant records and notes available to the Committees. These included the contemporaneous handwritten notes made by the Secretary of State's Executive Assistant describing, among other things, blunt private conversations between the Secretary of State and the President. As Secretary Shultz testified, it was the President's decision that this material, which played a significant role in our inquiry, be made available to the Committees, even though, in the Secretary's words, "I have always taken the position in 10-1/2 years as a member of the Cabinet that these conversations [with the President] are privileged, and I would not discuss

them. This is an exception, and I have made this material available at the President's instruction. . . ."

It has been asserted that the White House and a number of other executive agencies on several occasions delayed production of documents to such an extent that materials could not be reviewed in time for witness interviews or public testimony. Again, that was not our experience, although we sometimes set deadlines for production of documents that proved impossible to meet. Further, it is a misconception that the Committees did not receive access to Admiral Poindexter's telephone logs until after Colonel North had testified. The Senate Committee received access to those logs approximately one month before Col. North testified, and prior to the three sessions of Admiral Poindexter's deposition commencing June 17. Moreover, we were able to use the logs with Admiral Poindexter at the June sessions of his deposition, even though the Independent Counsel objected, understandably, to our showing the logs to Admiral Poindexter (as we did) during his examination.

There is one open matter, relating to a request by the Committees for a computer "dump" of certain data in the NSC's "PROF" message system. (See the discussion under "Pending Request" in Appendix C; and see the Additional Views submitted by Hon. Peter W. Rodino, Jr., M.C., for himself and 6 other Members of the House Select Committee.) We wish to stress the following facts on that matter.

First, the request for the computer "dump" was not made by the Committees until after the hearings ended, in August. The request was accompanied by a number of other, quite extensive demands, seeking, among other things, a re-review of files that previously had been searched on behalf of the Independent Counsel and the Committees, and setting a short deadline for compliance. We wanted to leave no stone unturned. The White House Counsel responded to all of these requests in a September 4 letter which is only quoted partially in Appendix C and in the Additional Views of the 7 House Committee Members, but which also stated:

All of the documents have been reviewed several times by the FBI and we simply see no useful purpose in going through this exercise again. . . . We have fully complied with our responsibility by identifying and providing all responsive documents.

. . .

We are not trying to be obstructive in any way. We have spent many thousands of man hours over the last nine months responding to your many requests for information. We have produced some 250,000 pieces of paper. We have declassified almost 4,000 documents. We have facilitated the interviews, depositions and testimony of hundreds of Executive Branch employees.

That requests framed so broadly drew objections would not be surprising to any investigator; and we at least anticipated that there would be good faith negotiations to narrow the requests so that we would obtain access to what we really wanted, but could not precisely define without discussions with the White House Counsel. That dialogue took place.

Second, after those discussions, the White House Counsel agreed to permit the Committees to obtain the deleted PROF

messages pursuant to a computer program that the Committees' experts were confident they could create. The White House thus agreed in September to give the Committees what they asked for -- the deleted messages. Unfortunately, the Committees' original computer experts were unable to develop a computer program that would retrieve the material. The Committees then engaged a new expert, who believes it has now developed the appropriate retrieval program. The White House cooperated with the Committees' experts in providing information and personnel to facilitate the development of the requisite computer program; and the White House agreed to produce the retrieved entries even after this Report is filed.

Third, as the Committees note in Appendix C, "There is no assurance that the material extracted [as a result of the "dump"] will be anything more than fragments, and even the fragments may be unrelated to any matters under investigation." A sample "dump" performed by the White House pursuant to specifications of the Committees' experts did not yield any new information.

Fourth, because nobody has any reasonable expectation that the computer "dump" will produce any new information, no Member of the House or Senate Select Committees requested or suggested that the Report be delayed pending the outcome of the computer "dump," although we delayed our Report for other reasons. Nevertheless, in the interest of completeness, we have asked that the "dump" be produced after the Report is issued even if it yields, as White House Counsel believes (based on information

from his computer personnel), only free-floating fragments and "computer gibberish."

Finally, all of the Members of our Committee wish to note that, in connection with the computer "dump" request, as with all other of our requests throughout the investigation, the record has been one of cooperation by the White House and the Executive Branch -- a record which we hope will serve as precedent for future Administrations.

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