

STAT

Declassified in Part - Sanitized Copy Approved for
Release 2012/09/18 :

CIA-RDP90G01353R001500040001-5

Page Denied

Declassified in Part - Sanitized Copy Approved for
Release 2012/09/18 :

CIA-RDP90G01353R001500040001-5



Washington, D.C. 20505

03 AUG 1988

OCA 88-2549

Mr. Nicholas Rostow
Legal Advisor
National Security Council
The White House
Washington, D.C. 20506

Dear Mr. Rostow:

This is in response to the 22 July 1988 memorandum forwarded by Mr. Paul Schott Stevens, Executive Secretary of the National Security Council asking that the Executive Branch not respond to requests from the General Accounting Office (GAO) in their investigation of General Manuel Noriega.

The GAO contacted the Central Intelligence Agency on 24 May 1988 requesting information on General Noriega's alleged drug activities. It is not the Agency's policy to respond to GAO requests for information that properly belongs in the purview of the intelligence oversight committees. The Office of Congressional Affairs declined this request on 13 June 1988. For your information, I have enclosed the pertinent correspondence.

Sincerely,

/S/

for John L. Helgerson
Director of Congressional Affairs

DISTRIBUTION:

Original - Addressee	1 - DCI	1 - Chm/NIC
1 - D/OCA	1 - DDCI	1 - GC
1 - OCA Record	1 - ER	1 - IG
1 - KB Chrono	1 - ExDir	1 - Compt
1 - KB GAO FILE	1 - D/ICS	1 - PAO
	1 - DDI	1 - NIO/CN
OCA/KB: sgb (1 Aug 88)	1 - DDA	1 - C/LA/DO
	1 - DDO	1 - Counsel/DCI



L-236-15

EXECUTIVE SECRETARIAT

ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS		X		
5	DDI		X		
6	DDA		X		
7	DDO		X		
8	DDS&T				
9	Chm/NIC		X		
10	GC		X		
11	IG		X		
12	Compt		X		
13	D/OCA	X			
14	D/PAO		X		
15	D/PERS				
16	D/Ex Staff				
17	NIO/CN		X		
18	C/LA/DO		X		
19	Counsel/DCI		X		
20	ER				
21					
22					
		SUSPENSE _____ Date			

Remarks

FYI: In phone call, the NSC Executive Secretary underscores importance of disseminating this information to all appropriate components.


Executive Secretary

22 July 88

Date

2427 (10-81)

5149

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

July 22, 1988

MEMORANDUM FOR MR. MELVYN LEVITSKY
Executive Secretary
Department of State

MR. ROBERT B. ZOELLICK
Executive Secretary
Department of Treasury

COL WILLIAM M. MATZ
Executive Secretary
Department of Defense

MR. MARK R. LEVIN
Chief of Staff
Department of Justice

Executive Secretary
Central Intelligence Agency

SUBJECT: GAO Request on Noriega

GAO has sent letters to a number of departments and agencies concerning a study it is conducting into the activities of Manuel Noriega. Following interagency meetings, it was determined that GAO's request raises a number of legal issues requiring in-depth analysis. GAO has been so informed (Tab A), and that analysis is underway, and should be completed shortly.

In order to ensure that the Executive branch deals with this GAO request in a consistent manner, there should be no meetings with GAO, and no documents or other information should be provided to GAO, in connection with this request until the legal analysis is completed and a decision is made on how to respond.

Any questions concerning this matter should be addressed to Nicholas Rostow, Legal Adviser to the National Security Council (456-6538), or his Deputy, Dan Levin (395-3854).

Robert H. Stevens
Paul Schott Stevens
Executive Secretary

DCI
EXEC
REG

Attachment

Tab A - Letter from Nicholas Rostow to Nancy Kingsbury

✓L-236-11

CR: C-108-11

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508


July 13, 1988

Dear Ms. Kingsbury:

I am writing in response to your request concerning a study of the alleged drug activities of Manuel Noriega, and the role information about such activities played in decisions about U.S. foreign policy (Study #472165).

As described in Mr. Kelly's May 13, 1988, letter to Paul Stevens and your June 23, 1988, letter to me, your request seeks access to sensitive law enforcement and intelligence files covering a substantial period of time. In our meeting, your staff confirmed that your three areas of interest were intelligence files, law enforcement files, and the deliberative process of the Executive branch, including internal communications and deliberations leading to Executive branch actions taken pursuant to the President's constitutional authority. I was disappointed that your letter did not contain any narrowing of the request. The request raises important statutory and constitutional issues. The Administration is analyzing them now, and when its deliberation is complete, I shall reply further to your letter of June 23, 1988.

Sincerely,


Nicholas Rostow
Special Assistant to the President
and Legal Adviser

Ms. Nancy R. Kingsbury
Associate Director
National Security and
International Affairs Division
United States General Accounting Office
Washington, D.C. 20548

White House Blocks a Noriega Inquiry

The Washington Post _____
 The New York Times A3
 The Washington Times _____
 The Wall Street Journal _____
 The Christian Science Monitor _____
 New York Daily News _____
 USA Today _____
 The Chicago Tribune _____

Date August 18, 1988

By **ROBERT PEAR**

Special to The New York Times

WASHINGTON, Aug. 17 — The White House has ordered the State Department, the Defense Department and the Central Intelligence Agency not to cooperate with a Congressional investigation of possible illegal activities by Gen. Manuel Antonio Noriega of Panama, Administration officials said today.

The investigators, from the General Accounting Office, an arm of Congress, are studying the ways that information about drug trafficking by foreign officials influences decisions by the United States on foreign policy. They are focusing on Panama as "a case study."

General Noriega, the Panamanian strongman, was indicted in February on drug trafficking charges by two Federal grand juries in Florida. The Reagan Administration offered to drop the charges if the general would resign and leave Panama, but he refused.

The investigation by the accounting office could touch on politically sensitive matters, like the question of when Vice President Bush learned that General Noriega might be involved in drug trafficking.

Years of Praise

For years, General Noriega provided political intelligence to the United States Government. From 1982 to 1987, American law-enforcement officials wrote six letters warmly praising the Panamanian leader for his aid in fighting the international traffic in narcotics. John C. Lawn, head of the Federal Drug Enforcement Administration, said he had written such letters because he was "left out of the loop" by American intelligence agencies.

Roger B. Feldman, the State Department Comptroller, said "all executive branch agencies have been instructed by the White House" not to provide any of the requested information or documents to the G.A.O. until further notice.

Defense Department officials provided information from June 1 through July 12, when they said they had been instructed by the White House to suspend cooperation.

Nicholas Rostow, legal adviser to the National Security Council, said the investigation "raises important statutory and constitutional issues" involving access to sensitive law-enforcement and intelligence data. In a letter to the G.A.O. on July 13, he said the Administration was analyzing those issues.

White House Move Is Unusual

A White House official said today that the issues were still being reviewed. He said the White House might issue guidelines for G.A.O. access to information, but he could not say when documents might actually be disclosed.

Representative Bill Alexander, Democrat of Arkansas, said the White House was "stonewalling" in an apparent effort to withhold evidence that Federal agencies were "working at cross purposes."

Congressional auditors often haggle with individual agencies over access to specific documents. But it is unusual for the White House to issue a blanket policy suspending cooperation while it tries to decide how to respond.

Nancy R. Kingsbury, the G.A.O. official supervising the project, said, "We have, by letter and telephone discussions, continued trying to obtain information and schedule meetings with the Departments of State, Defense and Justice, but these efforts have been refused, with each agency citing the National Security Council's direction as the reason for refusal."

For example, she said, a drug-enforcement official at the Justice Department "told us that the National Security Council gave instructions not to meet with us until N.S.C. gives the go-ahead."

Under Federal law, each agency is required to give the General Accounting Office the information it requires for investigations. The Comptroller General of the United States, as head of the G.A.O., may file suit in Federal court to get access to Government documents. But the President may withhold records of foreign intelligence activities.

Mr. Alexander said he would soon introduce legislation to require Federal agencies to share information about illegal foreign drug activities.

Senator John F. Kerry, Democrat of Massachusetts, and Mr. Alexander requested the G.A.O. investigation.