INQUIRY INTO THE MATTER OF BILLY CARTER AND LIBYA

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HEARINGS
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE THE
ACTIVITIES OF INDIVIDUALS REPRESENTING
THE INTERESTS OF FOREIGN GOVERNMENTS
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-SIXTH CONGRESS
SECOND SESSION

VOLUME III—APPENDIX

Serial No. 96–85

AUGUST 4, 6, 13, 20, 21, 22; SEPTEMBER 4, 5, 9, 10, 16, 17, AND OCTOBER 2, 1980

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[96th Congress]

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PART I.—REPORT OF THE PRESIDENT AND RELATED DOCUMENTS

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510
July 29, 1980

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

Dear Mr. President:

On July 24, 1980, the Senate established a subcommittee of the Judiciary Committee to conduct an investigation of activities relating to individuals representing the interests of foreign governments. We appreciate your desire to provide the Subcommittee with the information it needs for a just and early determination of this matter.

We are aware that you will soon be submitting a report to the House and will, of course, appreciate receiving all the information which you may provide to it.

The Subcommittee's inquiry involves a number of issues: (a) Libya's effort to exert influence and promote its interests in this country, (b) the relationship between Billy Carter and the Government of Libya, (c) the Department of Justice's investigation of that relationship, and (d) all contacts by White House officials with officials of the Department of Justice, Billy Carter, or officials of Libya concerning any of the above matters. Other topics which shed light on the above issues include the possibility of Libyan Government support in urging the release of the American hostages in Iran, the question of a change in U.S. policy towards Libya, and the question of plane sales to Libya.

To enable the Subcommittee to conduct its inquiry, we request a report concerning the above matters, accompanied by all documents (as defined in the attachment to this letter) which relate, directly or indirectly, to the above matters. In the report, please identify the individuals and records which are the sources of the information presented. While preparing the report, please designate someone on the White House staff who can work with the staff of the Subcommittee to coordinate and discuss any issues that arise over what documents are to be provided, consistent with the time for response and the responsibilities of the Executive Branch.
Please submit the requested documents and report to us or to Michael Davidson and Robert K. Kelley, the Senate Legal Counsel and Deputy Senate Legal Counsel, by the close of business on August 1, 1980.

To the extent that the requested report or documents contain classified information, they should be provided to Mr. William Miller, Staff Director of the Senate Intelligence Committee, for storing in the approved secure files of that Committee. Members of this Subcommittee and designated staff with appropriate clearances will review the documents in accordance with procedures of the Senate Intelligence Committee. To fulfill its responsibility to the Senate and to clear up the questions that have arisen in the public mind, the Subcommittee will necessarily make public all or some of the findings and results of its inquiry. To assist us in meeting this responsibility, we ask that the White House begin now to declassify, where possible, the documents requested above. Declassification should be completed as soon as possible and no later than August 15, 1980.

We are today, requesting documents relating to the Subcommittee's inquiry from the Departments of State, Justice, Energy, Commerce, and the Central Intelligence Agency, the National Security Agency and the Federal Bureau of Investigation. We believe you share our conviction that the White House and the Executive Departments not limit their responses to direct questions, but step forward with information which may assist the Subcommittee in a just and early resolution of the matter before it.

We look forward to the cooperation of the White House in the Subcommittee's work and wish to express in advance our appreciation for your assistance and that of the White House staff.

Sincerely,

Birch Bayh  
Chairman  

Strom Thurmond  
Vice Chairman
THE WHITE HOUSE
WASHINGTON
July 29, 1980

Dear Messrs. Chairman and Vice Chairman:

I am responding to your letter to the President of this date requesting that the President supply a report and related documents to the Subcommittee.

In our meeting this morning with your counsel, Messrs. Davidson, Kelly and Ms. Sweeney, we discussed the substance of your letter before the actual text was available. It was agreed that we would submit to the Subcommittee early next week a report concerning the issues and matters set forth in your letter, together with those documents relied upon in its preparation.

We are ready to discuss with your counsel a procedure for the orderly and timely production of additional material relative to the scope of the Subcommittee's inquiry and consistent with the President's directive to the White House staff to cooperate fully with the Subcommittee.

Sincerely yours,

Alfred M. Moses
Special Counsel

The Honorable Strom Thurmond
Vice Chairman
Subcommittee of the
Committee on the Judiciary
Washington, D.C. 20510

copies to: Michael Davidson
Robert Kelly
Dear Mr. Miller:

The President has today submitted the attached letter and Report to Chairman Bayh and Vice Chairman Thurmond of the Subcommittee of the Committee on the Judiciary of the United States Senate.

The Subcommittee's letter of July 29, 1980, requested that documents which contain classified information be submitted to you for appropriate storage and handling. Pursuant to that request, I am transmitting the following classified documents to you:

- classified materials relied upon in the preparation of Dr. Zbigniew Brzezinski's statement:
  1. Memorandum of Conversation, dated December 6, 1979;
  2. Memorandum of Conversation, dated December 12, 1979; and
  3. Intelligence Report.

- classified documents relied upon in the Report of Counsel:
  1. Cable from American Embassy Niamey to the Department of State, dated August 2, 1980;
  2. Letter from William L. Eagleton to W. Alan Roy, dated September 12, 1979; and

Thank you for your attention to this matter.

Sincerely,

Alfred H. Moses
Special Counsel

Mr. William Miller
Staff Director
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Attachments

cc: Chairman Birch Bayh
    Vice Chairman Strom Thurmond

UNCLASSIFIED WITH
TOP SECRET ATTACHMENTS
REPORT OF THE PRESIDENT

To the Subcommittee of

The Committee on the Judiciary

United States Senate

Embargoed for release until the conclusion of the President's news conference.

August 4, 1980
1471

REPORT OF THE PRESIDENT

To the Subcommittee of

The Committee on the Judiciary

United States Senate

As corrected for typographical errors

5:00 p.m.
August 5, 1980
REPORT OF THE PRESIDENT

to the Subcommittee of

The Committee on the Judiciary

United States Senate

Letter of Transmittal

Report of the President

Statement of Mr. Lloyd N. Cutler

Statement of Dr. Zbigniew Brzezinski

Report of Counsel
Dear Mr. Chairman:

By letter dated July 29, 1980, you advised me of the establishment of a Subcommittee of the Committee on the Judiciary to investigate activities relating to individuals representing the interests of foreign governments. Your letter stated that the Subcommittee's inquiry involves a number of issues: Libya's efforts to exert influence in this country; the relationship between Billy Carter and Libya; the Justice Department's investigation of that relationship; and contacts between White House officials and officials of the Department of Justice, Billy Carter, or officials of Libya concerning any of those matters. On July 29, you were advised that I would submit a report to the Subcommittee early the following week on the above matters, along with copies of the documents relied on in preparing the report.

I hereby submit my report on this matter. I have attached copies of the unclassified documents relied upon in its preparation. Classified documents relied upon have been submitted to Mr. William G. Miller, Staff Director of the Senate Select Committee on Intelligence, in accordance with your request.

Many of the documents attached to my report or submitted to the Senate Select Committee on Intelligence would normally be subject to a valid claim of executive privilege. As I have previously stated, it is not my intention to assert such a claim with respect to these documents and other documents to be submitted to your Committee or the Senate Select Committee on Intelligence that are relevant to the subject matter of your inquiry. In so doing, I do not waive and I expressly reserve the right to assert any available privilege with respect to other documents not relevant to the scope of your inquiry.

My report sets forth my personal knowledge of the matters identified in your letter. I have asked Lloyd Cutler, Counsel to the President and Zbigniew Brzezinski, Assistant to the President for National Security Affairs, to prepare statements based on their personal knowledge of these matters as well, and these statements are attached to my report. I have also asked my Counsel's Office to prepare a report as to various other questions, and their report is also attached.
As for the first issue mentioned in your letter -- Libya's efforts to exert influence in this country -- I and the White House staff have no knowledge beyond what is set forth in the report and its attachments, and in that portion of the information submitted to the Senate Select Committee on Intelligence by other Executive Branch agencies which had previously been circulated to the White House.

I assure you of my willingness to cooperate fully with the Subcommittee in its investigation of these matters. My counsel are prepared to respond to the Subcommittee's request for other documents and to assist the Subcommittee in any other way in its inquiry.

As I have previously stated, I am eager to respond to the Subcommittee's questions on all matters covered in my report and any other questions as to the issues within the scope of your inquiry.

Sincerely,

[Signature]

The Honorable Birch Bayh
Chairman
Subcommittee of the
Committee on the Judiciary
United States Senate
Washington, D.C. 20510
THE WHITE HOUSE
WASHINGTON
August 4, 1980

Dear Mr. Vice Chairman:

By letter dated July 29, 1980, you advised me of the establishment of a Subcommittee of the Committee on the Judiciary to investigate activities relating to individuals representing the interests of foreign governments. Your letter stated that the Subcommittee's inquiry involves a number of issues: Libya's efforts to exert influence in this country; the relationship between Billy Carter and Libya; the Justice Department's investigation of that relationship; and contacts between White House officials and officials of the Department of Justice, Billy Carter, or officials of Libya concerning any of those matters. On July 29, you were advised that I would submit a report to the Subcommittee early the following week on the above matters, along with copies of the documents relied on in preparing the report.

I hereby submit my report on this matter. I have attached copies of the unclassified documents relied upon in its preparation. Classified documents relied upon have been submitted to Mr. William G. Miller, Staff Director of the Senate Select Committee on Intelligence, in accordance with your request.

Many of the documents attached to my report or submitted to the Senate Select Committee on Intelligence would normally be subject to a valid claim of executive privilege. As I have previously stated, it is not my intention to assert such a claim with respect to these documents and other documents to be submitted to your Committee or the Senate Select Committee on Intelligence that are relevant to the subject matter of your inquiry. In so doing, I do not waive and I expressly reserve the right to assert any available privilege with respect to other documents not relevant to the scope of your inquiry.

My report sets forth my personal knowledge of the matters identified in your letter. I have asked Lloyd Cutler, Counsel to the President and Zbigniew Brzezinski, Assistant to the President for National Security Affairs, to prepare statements based on their personal knowledge of these matters as well, and these statements are attached to my report. I have also asked my Counsel's office to prepare a report as to various other questions, and their report is also attached.
As for the first issue mentioned in your letter -- Libya's efforts to exert influence in this country -- I and the White House staff have no knowledge beyond what is set forth in the report and its attachments, and in that portion of the information submitted to the Senate Select Committee on Intelligence by other Executive Branch agencies which had previously been circulated to the White House.

I assure you of my willingness to cooperate fully with the Subcommittee in its investigation of these matters. My counsel are prepared to respond to the Subcommittee's request for other documents and to assist the Subcommittee in any other way in its inquiry.

As I have previously stated, I am eager to respond to the Subcommittee's questions on all matters covered in my report and any other questions as to the issues within the scope of your inquiry.

Sincerely,

[Signature]

The Honorable Strom Thurmond
Vice Chairman
Subcommittee of the
Committee on the Judiciary
United States Senate
Washington, D.C. 20510
I. INTRODUCTION

From the founding of this Republic, questions of propriety have been raised about actions of Presidents, Cabinet officers, and Members of Congress. It is an important part of our tradition that the people know the truth as quickly as possible, and that all the facts be disclosed.

The Watergate tragedy intensified public scrutiny of the President. As the first President elected since Watergate, it has been my policy to be open with the public and to cooperate fully with the Justice Department and all other investigative bodies.

My own personal and business affairs and those of members of my staff have been intensely examined. Despite the inconvenience and expense, the investigation of every charge has served the public's right to know, and has enhanced public confidence in the integrity of our Government.
Questions have now been raised concerning my actions and those of my Administration regarding the relationship between my brother Billy Carter and the Government of Libya.

We have made as thorough an investigation as possible. The facts are available for the Committees of Congress and the public to examine. They will show that neither I nor any member of my Administration has violated any law or committed any impropriety.
II. U.S. POLICY TOWARD LIBYA

A. There are few governments in the world with which we have more sharp and frequent policy differences than Libya. Libya has steadfastly opposed our efforts to reach and carry out the Camp David Accords. We have strongly differing attitudes toward the PLO and the support of terrorism. Within OPEC, Libya has promoted sharply higher prices and the interruption of oil shipments to the United States and other Western nations.

B. On the other hand Libya illustrates the principle that our relationships with other nations can never be cast in absolute terms. Libya is a major oil supplier, and its high quality crude oil is important to the mix of our East Coast refineries. Libya has publicly and privately opposed Iran's seizure of our hostages and for a time joined other Muslim states in opposing the Soviet invasion of Afghanistan.

C. Our policies and actions toward Libya have therefore mixed firmness with caution. Although we maintain mutual diplomatic recognition, we do not now exchange ambassadors. We firmly oppose Libya's military adventurism and any terrorist activities. At the same time, and while staying firm on these principles, we recognize the mutual advantages of existing trade relationships.
III. BILLY CARTER'S RELATIONS WITH LIBYA

A. Like members of other Presidents' families, Billy Carter was thrust into the public limelight when I was elected. As all of you know by now, he is a colorful personality. Media attention made him an instant celebrity. He was asked to make a number of television and speaking appearances, and he put his name on a new brand of beer.

B. In the summer of 1978 Billy was invited to visit Libya and he agreed to go there with a group of businessmen and state officials from Georgia. This trip occurred late in September 1978. I was not aware that he was planning the trip until shortly before his arrival. At the request of my staff, the State Department instructed our Embassy in Libya to alert the visitors to the sensitive nature of U.S.-Libyan relations.

Shortly after Billy returned from Libya in October 1978 I saw a copy of a cable from our Embassy in Tripoli reporting on the positive effect of his trip. I was relieved to hear this. I wrote a personal note on the cable and asked my secretary to send it to Billy. Two other cables from our Embassy in Tripoli commenting on Billy's trip were in my files. All three cables were furnished by the State Department to a nationally syndicated columnist in May 1979 in
response to a Freedom of Information Act request. All of these cables had been originally transmitted in plain text and were not encoded.

C. A Libyan trade mission subsequently came to the United States early in 1979. Billy visited with the Libyans and made a number of controversial statements. Since so many policies and actions of the Libyan Government are widely disapproved by our own Government and the majority of our people, Billy's remarks received wide attention and were roundly criticized by the American press and public. I publicly deplored some of these comments myself.

D. As a result of Billy's remarks and new association with the Libyans, his other activities were severely curtailed. Almost all of his scheduled television and other appearances were cancelled. Billy's sources of income from these public appearances disappeared, while his financial obligations continued to mount.

E. So far as I know, Billy had no other significant source of income. Although he had been a minority partner and the manager of Carter's Warehouse, my majority interest had been turned over to a Trustee when I became President, and by late 1977 the warehouses were being managed under
the control of the Trustee. Moreover, the business at the
time was producing no cash income to be distributed to the
partners.

F. I shared the general public concern about Billy's
relationship with Libya. The members of our family were also
cconcerned about some of his personal problems.

G. During this period Billy entered the hospital for
medical treatment. In a telephone conversation while he
was hospitalized, he discussed with me another possible
trip to Libya and I advised against it, partly because
of his health and because of the adverse effect it could
have on our Middle East peace negotiations, in the light
of Libya's open hostility to both Egypt and Israel.

H. For some time I have made it a habit to dictate
private notes, mostly about the issues that come before
me as President but occasionally about personal matters
as well. These records have been searched by my personal
secretary, and I have attached to this report all of these
notes, as they were originally dictated, that describe
conversations with Billy about Libya and discussions with
others about Billy's relations with Libya. I have also
attached a copy of a letter I wrote to Billy while he was
in the hospital, urging him to put off a second trip to
Libya and giving my reasons.
I. By the summer of 1979 Billy had successfully completed his medical treatment, and despite my advice to the contrary he made his second trip to Libya in September. Before Billy left, my National Security Advisor, Dr. Brzezinski, wrote a memorandum to the Secretary of State to advise him that any such trip would be entirely private, with no official purpose or connection whatever, and the Department treated it accordingly.

J. While I was aware of Billy's highly publicized participation in the visit of the Libyan delegation to Georgia, his two trips to Libya and his public statements about Libya, I am not aware of any effort by Billy to affect this Government's specific policies or actions concerning Libya. I am certain that he made no such effort with me. The only occasion on which Billy was involved to my knowledge in any matter between Libya and the United States was his participation, with my approval, in our efforts to seek Libyan help for the return of our hostages from Iran.
IV. THE REQUEST FOR LIBYAN HELP TO RETURN THE HOSTAGES

A. On November 4, 1979, our hostages were seized in Teheran. In the weeks that followed we explored many avenues to bring about their release. We increased our military presence in the Persian Gulf. We stopped all oil imports from Iran and we imposed a freeze on Iranian assets. We appealed to the United Nations Security Council. We asked other governments, especially Muslim governments such as Libya, to support our position. We explored every official and unofficial avenue of contact we could find to encourage the Iranians to release the American hostages.

B. During the third week in November my wife and I were at Camp David. As Rosalynn recalls, it occurred to her that Billy might be able to get Libyan help to induce the Iranians to release the American hostages. She recalls that she called him and that he agreed the Libyans might help. She informed me of this conversation, and on November 20 I asked Dr. Brzezinski to explore this idea further with Billy. As described more fully in the attached statement of Dr. Brzezinski, he called Billy and asked him to arrange a meeting between Dr. Brzezinski and Ali El-Houdari, Chief of the Peoples Bureau of Libya in Washington.
C. Later that day Billy came to Washington, spoke with Dr. Brzezinski, and arranged a meeting with Mr. El-Houdari for November 27. That same day I flew by helicopter to Washington for a meeting with the National Security Council on the hostage situation. Before returning to Camp David I spoke briefly with Billy and learned that he was in the process of arranging the meeting.

As Dr. Brzezinski's statement notes, although there had been some private indications of Libyan support, the public statements coming out of Libya were not supportive and indicated that our diplomatic efforts to secure their assistance had not yet been successful. On November 22, two days after the meeting for November 27 was arranged, the Libyan Foreign Secretariat issued a formal public statement saying that "in our view the hostages should be released."

D. The meeting Billy arranged was held on November 27 and is described in Dr. Brzezinski's statement. I did not attend it.

So far as I am aware, Billy played no further role in these discussions with the Libyans. I took no part myself, except when I summoned Mr. El-Houdari to my office on December 6, shortly after our Embassy in Tripoli had been attacked by a Libyan mob. The principal purpose of this
meeting was to underscore the official protest which the United States had made about the attack on the Embassy and to insist that American citizens in Libya be protected. During the meeting I also thanked the Libyans for their help with the hostages.

In addition to Dr. Brzezinski's statement, I have attached to this report all the items from my notes describing my conversations with Dr. Brzezinski, Billy Carter and Mr. El-Houdari about the matter.

E. At that time my major preoccupation was the release of the hostages, and I was ready to try any channel that could help us reach this goal. The Muslim community places great importance on family ties, and I believed that a request arranged with Billy's participation would be regarded as coming more directly from the President and might supplement the efforts already being made through normal State Department channels. I recognized there was a risk of criticism in asking Billy to help but I decided to take the risk.

F. As matters turned out, the leader of Libya did make the direct private appeal to Ayatollah Khomeini that we requested. And in this respect the approach to the Libyans was successful. Whether it would have been successful if
Billy had not participated is a question no one can answer with certainty. I made this decision in good faith, with the best interest of the hostages and this nation in mind. Billy merely responded to our request for assistance and I believe his only motive in this effort was to seek release of the hostages.
V. BILLY'S ALLEGED GOVERNMENT CONTACTS ON BEHALF OF LIBYA

A. I can state categorically that my brother Billy has had no influence on my decisions or on any U.S. Government policy or action concerning Libya. I can also state that Billy has never asked me to take any step that would affect any of these actions or policies. So far as my counsel have been able to determine, Billy has not made any such effort with others in my Administration.

B. There have been press reports that Billy may have been asked, and that he may have tried to affect U.S. policy on licensing aircraft to Libya. If so, the effort did not succeed. So far as we have been able to determine, no such effort was made. My counsel's report covering this and other subjects is attached.

C. In March 1980 Dr. Brzezinski noted an intelligence report that Billy Carter was representing an American oil company in seeking an increased allocation of Libyan oil, and he telephoned Billy to advise him that he should not engage in any such activity that could embarrass me and the country. Dr. Brzezinski subsequently informed me, and I told him he had been right to caution Billy. Dr. Brzezinski's attached statement provides further particulars about this occurrence.
VI. THE DEPARTMENT OF JUSTICE INVESTIGATION
UNDER THE FOREIGN AGENTS REGISTRATION ACT

A. The President has the constitutional responsibility
for executing the laws. That responsibility includes the
enforcement of the laws. Enforcement responsibility is
delegated by law and directive to the Attorney General,
subject to the same supervision the President exercises
over other Cabinet officers.

The President's power of supervision was abused in
the Watergate scandal, as none of us can ever forget.
When I took office I instructed Attorney General Griffin Bell
that in this Administration neither I nor the White House
staff would attempt to influence or supervise Department of
Justice investigations concerning charges of law violation.
In accordance with my instructions, the Department has full
prosecutorial discretion. When possible conflict of interest
issues do arise -- as in the case of a member of the
President's official or personal family -- we take an extra
precaution. To avoid inadvertent actions or statements
by the President which might jeopardize the proper
administration of justice, the Department of Justice may
in its discretion inform the White House that a particular
investigation is under way. If the Department needs
information from the White House, we supply it. But no
Department information about the conduct of any such
investigation may be disclosed to me or the White House staff.

This policy is still in effect, and was followed strictly in the present case. When the Department commenced its investigation as to whether Billy Carter was in violation of the Foreign Agents Registration Act for failing to register and disclose his relationships with Libya, the Department did not inform me, presumably because the investigation was fully and currently publicized in the press. From the time the investigation began until the registration statement and consent judgment were filed on July 14 there was no contact in either direction between the Department of Justice and the White House concerning the conduct of the investigation, except for the routine investigative inquiries described in my counsel's report.

B. On July 22 the White House issued a public statement to this effect. The statement that there had been no contact concerning the conduct of the investigation had been previously checked and approved by me and Attorney General Civiletti. Subsequently, my secretary, Susan Clough, completed typing some of the daily notes that I had dictated during June and July. She then reviewed all of my notes dictated after March 1, 1978, and extracted those with
references to Billy and Libya. She then delivered these notes to me and I completed reviewing them during the early evening of July 24. In them I found a reference to a brief June 17 conversation with Attorney General Civiletti which I had not remembered. The text of this note is attached. It was clear to me that this conversation should be made public as an amplification of the July 22nd statement. I immediately telephoned Lloyd Cutler, my counsel, who had not previously known about this conversation, and informed him. I asked him to read all the extracted notes the next morning and to discuss this particular note with the Attorney General. The Attorney General promptly disclosed the conversation the following morning. His account of the conversation corresponded closely with my contemporary notes.

C. The Attorney General did not inform me of any detail as to the conduct of the investigation. What he told me about the Department's insistence that Billy file a registration statement and the Department's standard enforcement policy was essentially the same as what the Department's lawyers were saying to Billy's lawyers, as Mr. Cutler's attached statement shows.
D. As more fully described in Mr. Cutler's statement, he had informed me that on his advice Billy had retained qualified Washington counsel on June 11th to represent him before the Department. On June 26, when I returned to the United States from my trip to the Venice Summit, Mr. Cutler sent me a memorandum describing his understanding from Billy's lawyers that they hoped to resolve the matter by the filing of a registration statement under the Foreign Agents Registration Act.

E. After reading this memorandum I called Billy on June 28 to encourage him to cooperate with his lawyers. He said that his counsel were in negotiations with the Department but that he personally did not think that he needed to file a registration statement. On July 1, I received a further note from Mr. Cutler informing me that according to Billy's counsel, the Department was setting an early deadline for Billy to decide whether he would agree to file a registration statement. The note suggested that if I thought it would be useful I should call Billy to urge him to accede to the Department's request and the advice of his lawyers and make a full disclosure. I did call Billy that day and urged him to file a registration statement and make a full disclosure of his relationship. My notes of these conversations are attached. I have had no conversations with Billy about the Department of Justice proceeding since that time.
F. On Friday, July 11, I was on Sapelo Island off the coast of Georgia. During the afternoon I received a call from Mr. Cutler about the status of Billy's case, which is correctly reported in his statement.

I had no knowledge of the two large payments or loans of money from Libya to my brother Billy Carter until July 15, 1980, the day after the court documents were filed and when this information was widely publicized in the news media. On the same morning, while still on Sapelo Island, I read a copy of the court documents which had been sent to me by Mr. Cutler.

G. As far as we have been able to determine after diligent inquiry, no one in the White House had any information about the payments or about any evidence in the possession of the Department of Justice relating to such payments until Billy Carter's lawyers informed Mr. Cutler of them on July 11th, when the court papers were about to be filed. No one in the White House furnished information about the investigation to Billy or anyone associated with him at any time.

H. Finally, there is one other rumor I want to lay to rest. No payments or transfers of this money have been made to me. My Trustees assure me that no such payments or transfers have been made to Carter's Warehouse or to the Trust. My Trustees and I will see to it that no direct or indirect benefit will flow to me in the future.
I. To summarize:

-- Billy has had no influence or effect on my decisions or on any U.S. Government policy or actions concerning Libya.

-- Neither I nor anyone in the White House knew any details about the conduct of the investigation under the Foreign Agents Registration Act or tried to influence or affect the Department's actions or decisions.

-- Neither I nor anyone else in the White House informed Billy of any leads or evidence obtained by the Department.

-- Everything that I and the White House staff did with respect to this case was designed to serve the interests of law enforcement and justice.
VII. THE FUTURE

Our political history is full of stories about
Presidential relatives whom other people tried to use
in order to gain favor with incumbent Administrations.
In most such cases, the appearance of favoritism has been
much worse than the reality. My brother Billy's case is
one of many such examples.

To keep this problem from recurring, I have asked
my counsel to draft a rule that will bar any employee of
the Executive Branch from dealing with any member of the
President's family under circumstances that create either
the reality or the appearance of improper favor or influence.

I am deeply concerned that Billy has received funds
from Libya and that he may be under obligation to Libya.
These facts will govern my relationships with Billy so long
as I am President. Billy has had no influence on U.S. policies
or actions concerning Libya in the past and he will have no
influence in the future.
UNCLASSIFIED DOCUMENTS
RELIED UPON
IN THE
REPORT OF THE PRESIDENT
UNCLASSIFIED

To Billy,

You did a
good job
under the
dry autumn
dust....

Jennings

BILLY CARTER'S VISIT TO TRIPOLI

STATE DEPT/SC/EB 140108 (REDACTED) TRIPOLI 1401" (REDACTED)

1. BILLY CARTER AND THE GEORGIA DELEGATION, INCLUDING
   STATE SECRETARY HUSTAD, HAD HARRIS. LEFT TRIPOLI FOR
   TANGIER HOURS OCT 15, WITH THE DISAPPEARANCE OF THE
   BILLY CARTER ALREADY RESINING IN MIND. HE ACCOMPANIED THE
   GEORGIAN DELEGATION FROM THE VIP LOUNGE TO THE DOOR OF
   THE CO-OP AGENCY OF THE HEREFORE, AND CARRIED A
   MESSAGE ON THE PRESUMPTIVE TO LOOK INTO BUSINESS
   "OPPORTUNITIES.

2. LISTING THE REASONS FOR THE STATE COMMISSION BESTEDE:
   "CO-OP." CARTER HAS NOT RETURNED TO TRIPOLI SINCE THE
   STEADFAST CALL-GOVERN IN BARAAUS, PERRY REPORTS. MAY
   HAVE BEEN PAID, BUT RUMORS CIRCULATING IN THE FOREIGN
   PRESS REPORTED. WE MIGHT BE IN WEST GERMANY. ANY
   CASE, THE DELEGATION, LEWIS HUNTER TOO, WOULD REPEATED
   OFFER TO BE FOR THE OUT-OF-TOWN

3. FEBRUARY, WE WERE ABLE TO PUT TOGETHER FROM REPORTS
   IN KENNEDY HEARINGS, FALLING CONCEMING DURING THE
   "IN-HOUSE" MEETINGS ON MODERELS, THOUGH THEY ENCLOSED
   DISAGREEMENTS EFFECTIVE LERES AND "OFFICE OF" THE
   MIDDLE EAST. WE ALSO APPARENTLY HAD THE POINT
   THAT CINTERADA WANTED TO IMPROVE RELATIONS WITH US.
   NOT BEEN REPEATED.

UNCLASSIFIED
Mr. Billy Carter
Plains, Georgia 31780
Post Office Box 278
White House
THE WHITE HOUSE
WASHINGTON

10/11/78

Billy & Sybil --

I don't have a mailing address for you since your new home was built....would you mind sending me one?

Thanks -- Susan Clough
LIMITED OFFICIAL USE

Department of State

TELEGRAF 2F

PAGE D1

TRIPOLI 2:333 282242Z 32SN

ACTION NA

INFO OCT-2: ISO-39 CNY-38 55-15 /027 W

R 271336Z SEP 75

FM AMBASSADOR TRIPOLI

TO SECSTATE /46-DC 3390

LIMITED OFFICIAL USE TRIPOLI 1358

STADIS/------------------

E.O. 11552: N/A

TAGS: OTRA, LY

SUBJECT: GEORGIA DELEGATION TO TRIPOLI

REF: STATE 244999

1. LIAISON BUREAU OF GENERAL PEOPLE'S CONGRESS HAS GIVEN US LIST OF SEVEN PERSONS ACCOMPANYING BILLY CARTER WHEN HE ARRIVES FROM ROME AT 1:00 SEPT 27. THEY ARE: FLOYD HUDGINS AND HENRY RUSSELL, WHO ARE GEORGIA STATE SENATORS; RANDY COLEMAN, "AIDE TO BILLY CARTER"; LEONARD LONG AND G.C. LONG, HIS SON; MARIO LENZA AND T.L. GORDON.

2. LIAISON BUREAU HAS ARRANGED A RATHER LOOSE SCHEDULE FOR A FOUR-DAY VISIT WHICH INCLUDES DINNER HOSTED BY HEAD OF LIAISON BUREAU SHAHATI, ASSISTANT HEAD MUHAMMAD BOUCETTA, AND "FOUNDER OF THE ARAB-AMERICAN FRIENDSHIP SOCIETY" WHOSE IDENTITY WE DO NOT YET KNOW. DELEGATION HAS APPOINTMENTS SLATED WITH TRIPOLI MUNICIPALITY, SECRETARY OF COMMERCE AND SECRETARY OF AGRICULTURE. A MEETING WITH QADHAFI IS LIKELY BUT NOT YET ON SCHEDULE. ONE DAY IS FOR OUT-OF-TOWN TOURISM AND HALF DAY FOR TRIPOLI MUSEUM, ETC. SCHEDULE SEEMS TO LEAVE CONSIDERABLE FREE TIME. IT INCLUDES "A VISIT TO AMERICAN EMBASSY" ON LAST DAY, OCT 1.

3. I HAVE AGREED WITH LIAISON BUREAU OFFICIALS THAT WE WILL DISCUSS SCHEDULE AT AIRPORT, AND I WILL TRY TO WORK IN A PRIVATE MEETING OR LUNCHEON EARLY IN DELEGATION'S VISIT TO BRIEF THEM ON U.S. POSITIONS EFFECTING U.S.-LIBYAN RELATIONS.

EAGLETON
1. Since Billy Carter's arrival Sept 27, we have seen him and members of group on a number of occasions, including private luncheon Sept 28 at residence. I have briefed him on sensitive nature of U.S.-Libyan relations about which he already had some background. He has scrupulously avoided political comments of any kind in front of Libyans to the extent of not replying to Ahmad Shamat's Sept 28 after-dinner welcoming speech which criticized USG support of Israel. Libyan coverage of visit remains routine with most references to "American people's delegation" rather than to Billy Carter by name.

2. Some members of Georgia delegation obviously are interested in relieving Libya of some of its petro dollars, though they do not seem to have made much progress yet. The group is spending today, Sept 29, on motor trip to Leptis Magna. A meeting with Qadhafi is not yet scheduled. We will be giving large reception evening Sept 30 for the American community, where excitement is running high on news of Billy Carter's presence, and he has agreed to visit American oil company school Oct 1. Delegation will probably leave for Rome and U.S. later Oct 1, or possibly Oct 2.

Eagleton
EXTRACTS FROM PRESIDENT CARTER'S
PERSONAL NOTES REFERRING TO
BILLY CARTER AND LIBYA

Dictated for Thursday, February 22, 1979

"Ham came in to talk over with me the problems with
Billy -- his health and his prospective additional visit to
Libya."

Dictated for Friday, February 23, 1979

"I talked to Billy, who's in the hospital. Further
discussion of his health problems."

"We're also trying to work out some resolution of his
financial problems. I told Kirbo to protect Billy's interests
in any negotiations concerning the warehouse or Billy's land.
And I encouraged Sybil and Randy to discourage Billy from
making any other trip to Libya; to try to keep him out of the
newspapers for a few weeks; but let him regain his equilibrium."

(Note: The President called Billy Carter at 4:29 p.m.
The conversation ended 4:33 p.m. Billy Carter was in the
Americus Hospital.)

Dictated for Saturday, February 24, 1979

"I talked to Bert Lance this morning. He's to visit
Billy this coming week, to encourage him to take care of his
health, his finances, and to stay away from Libya for a while."
Dictated for Thursday, March 22, 1979

"Billy called from the hospital in Long Beach. He’s very happy. Seemed to be getting along well. Wants to know how a possible future trip to Libya might affect me with Sadat and the Israelis."

(Note: Billy Carter called at 2:50 p.m. Call was returned at 3:37 p.m. Conversation ended 3:47 p.m.)

Dictated for Tuesday, April 3, 1979

"In the afternoon I ... also talked to Billy. Told him it would be a mistake and embarrassment for him to go to Libya anytime soon. He said he was getting along fine, and it would take awhile to plan a trip even when he does want to go. That he would clear it with me before he made that decision."

(Note: The President called Billy Carter at 3:38 p.m. Conversation ended 3:43 p.m. Billy Carter in the Long Beach Naval Hospital, California.)
THE WHITE HOUSE
WASHINGTON

4-3-79

To Billy,

I'll call you also, but wanted to give you my response to your question regarding a visit to Libya in the near future. It would create serious problems for us because of their threats against Sadat and because they are fighting in Uganda for Idi Amin.

I just got you on the phone and am glad to know that you're still doing so well. I'll see Jack H. Gruenig when he comes to the White House this week.

All of us are very pleased with you, particularly your brother! You've had a rough time lately, I know, but you've really come through it all with a lot of courage. Keep me updated where I can help. I love you.

Mr. Billy Carter
c/o The Navy Alcohol
Rehabilitation Unit
National Naval Medical Center
Long Beach, California 90801

---

70-132 0 - 81 - 4
Dictated for Tuesday, November 20, 1979

"I told 2big to call Billy to follow up on his report that the Libyans might be willing to help us with the Iranian situation."

"Billy was at the White House, having come up at 2big's invitation. I told him and 2big to get together to discuss what message we might pass on to the Libyans."

Dictated for Tuesday, November 27, 1979

"Lunch with Rosalynn. Billy came in, having talked to the Libyans. They are quite eager to help us. Proud of the fact that they condemned the taking of hostages. And I arranged for 2big to see the Charge at 4:30 this afternoon."

"Billy had the Libyans' Charge come over to meet with 2big. The meeting was a very good one. I think for the first time the Libyans have ever been in the White House since I've been here. They promised to do everything possible with the students and with Khomeini to get the hostages released. We told them that we would like to have better relationships with the Libyans and with the government itself."
Dictated for Thursday, December 6, 1979

"At the staff meeting we discussed... our altercation with Libya..."

"I instructed Zbig to have the Libyan Charge come in, Ali El-Houdari. I had a good discussion with him, thanking Quadhafi for helping with the hostages. Telling him that the attack on our Embassy was inexcusable and very serious to us. That if it was resolved successfully with an apology, a commitment to replace or repair the Embassy, and his assurance that our diplomatic personnel would be protected -- under those circumstances that we would try in every way to improve consultations with Libya and long-range relations with them."

Dictated for Tuesday, June 17, 1980

"The first paragraph of the note dealt with nominations for the judiciary and the Department of Justice."

"He (Attorney General Civiletti) told me that Billy ought to acknowledge if he was an agent of Iraq (sic). There would be no punishment for him. But that Billy was unwilling to do so because he claims he was not an agent of that country."

"The balance of the note mentioned the Attorney General's comment on the veracity and character of several of Hamilton Jordan's accusers in the Studio 54 cocaine charge."

Dictated for Saturday, June 28, 1980

"I talked to Billy about his helping Libya and his refusal to sign the foreign agents permit. He has the same lawyer that represented Hamilton recently, and doesn't believe that he needs to file. This can become an embarrassing incident later on, particularly with American Jews."

(Note: The President places call to Billy Carter at 6:54 a.m. Billy Carter returns call at 12:10 p.m. from pay phone in Washington, D.C. Conversation ends at 12:13 p.m. President Carter is at Camp David.)
Dictated for Tuesday, July 1, 1980

"I called Billy on the phone, and urged him to sign the Foreign Agent Certification concerning Libya. I don't know if he'll do it or not. He has been acting as their agent apparently. But considers himself to be singled out, especially by Jack Anderson and Safire -- which is probably true. His lawyer's also advocating that he register and disavow any improper actions."

(Note: The President places call to Billy Carter at 9:56 a.m. Billy Carter returns call at 10:02 a.m. from his residence in Georgia. Phone conversation ends at 10:09 a.m. President Carter is in Washington, D.C.)

Dictated for Monday, July 7, 1980

"Billy seems to be feeling very good. Not drinking. Tanned. Plays golf. Harassed by the government on the Libya deal."

(Note: President Carter is in Plains, Georgia. Entry is after brief remarks about playing afternoon softball game.)

Dictated for Friday, July 11, 1980

"Lloyd Cutler called to say that Billy had agreed to sign the Justice Department Consent Order on revealing his relationship with Libya, which is good news I think."

(Note: President Carter is at Sapelo Island, Georgia.)
Dictated for Sunday, July 20, 1980

"Lloyd and Zbig called concerning Billy's relationship with Libya, and his contacts with the White House. I told them to research very carefully the telephone logs and their records, and prepare a complete report on what had been done. So far as I could see, nothing improper has occurred."

(Note: President Carter is in Washington, D.C.)

Dictated for Tuesday, July 22, 1980

"Lloyd and Jody and Zbig worked on a statement to be issued today about Billy's relationship with Libya. We've tried to reconstruct all the contacts we've had with Billy during the last eight months. It's difficult to remember when the phone calls were made and when the meetings took place. But I think we've done an accurate job of it."

(Note: President Carter is in Washington, D.C.)
STATEMENT OF LLOYD N. CUTLER

1. I have been Counsel to the President since October 1, 1979. This statement covers my activities with respect to the Department of Justice investigation concerning Billy Carter's status under the Foreign Agents Registration Act. I was aware of, but did not play a significant part in, the processing of certain routine investigating inquiries that were addressed to the Counsel's office and are described in the separate report of Counsel. My own activities began on June 11, 1980.

2. Until June 11, 1980, I had not met with or talked to Billy Carter, although we may have been introduced to one another at a State dinner in December 1979.

3. On the afternoon of June 11 I received a telephone message from Dr. Brzezinski asking if I could come to his office. When I arrived he was meeting with Billy Carter and he introduced me. I cannot recall everything that was said, but the substance was as follows. Dr. Brzezinski said he had asked me to join the meeting as soon as he had heard from Billy Carter about its subject. Billy Carter said he had been interviewed that morning by a Justice Department lawyer or lawyers conducting an investigation under the Foreign Agents Registration Act. He said he had been asked to describe every contact he had had with anyone in the White House concerning Libya. He said that before giving a full answer he wanted to consult Dr. Brzezinski about whether there was any national security objection to describing
to the Justice Department his efforts to arrange a November 1979 meeting at Dr. Brzezinski's request with Ali El Houdari, the highest Libyan official in Washington, for the purpose of requesting the Government of Libya to urge the authorities in Iran to release the hostages. This meeting and its aftermath are described in Dr. Brzezinski's statement.

4. This was my first knowledge of these events. I asked Dr. Brzezinski whether he saw any national security objection to Billy Carter's disclosure to the Department of his role in this meeting and the arrangements preceding it. He said he saw no objection. I agreed. We then advised Billy Carter that he could inform the Department. I added that, as his lawyer had probably informed him, he had a legal obligation to respond fully to the Department's questions. At that point he said he did not have a lawyer advising him on this matter. I expressed surprise, and stated my opinion that it was of critical importance for anyone being interrogated by law enforcement officials about a possible violation of law to retain his own lawyer to advise him as to his rights and duties and to represent him in the matter. I asked if he had a regular lawyer whom he might consult in this matter. He said his regular lawyer practiced in Americus, Georgia, and would not be experienced in matters of this type. He asked if I had any suggestions. I recommended four or five lawyers in Washington, including Steven Pollak and Henry Ruth of the firm of Shea & Gardner.
I mentioned that Mr. Pollak and Mr. Ruth had advised Hamilton Jordan on the cocaine-use charge last fall. Billy Carter indicated a preference for Mr. Pollak and Mr. Ruth and asked if I could introduce him. I then took him upstairs to my office and put in a call to Mr. Pollak. He was out of his office, but his secretary said she could find him. Within a few minutes he called back and after a brief explanation I introduced him over the telephone to Billy Carter. They made an appointment to meet later that afternoon, and immediately thereafter Billy Carter left my office. I have not seen or talked to him since.

5. At no time until after the complaint and consent judgment were filed in Court did I have any contact or communication with the Attorney General or anyone else in the Department of Justice concerning its investigation of Billy Carter or the disposition of the matter.

On June 12 I telephoned Mr. Pollak to inquire whether he was representing Billy Carter. He said he was. I asked whether he or Mr. Ruth or Billy Carter had advised the Justice Department of the November 1979 meeting with Dr. Brzezinski and a Libyan official. Mr. Pollak said he was not certain but would check. I recounted to him Dr. Brzezinski's and my statements to Billy Carter that there was no national security objection to disclosure. My reason for raising this matter with Mr. Pollak was that, having heard from Billy Carter on June 11 that the Department of Justice was inquiring into any contact between Billy Carter and the
White House about Libya, I wanted to be sure that
Justice was informed about the November 1979 meeting.

7. At some time on June 12 or 13, at the close of a
larger meeting on another subject, I informed the President
of my meeting with Dr. Brzezinski and Billy Carter on June
11, my recommendation to Billy Carter that he obtain counsel,
and the fact that he had retained Mr. Pollak and Mr. Ruth. I
had no further communication with the President concerning
Billy Carter until June 26.

8. On June 17, 1980, I met with the President and the
Attorney General to discuss a number of proposed judicial
appointments. At the end of this discussion, the Attorney
General said he had some other matters to take up privately
with the President and I left. I did not learn of the
subject matter of this conversation until the evening of
July 24th, when, as stated in paragraph 18, the President
read me his note of it.

9. On June 19 I went with the President on his trip to
Rome and the Venice Summit. I left the President's party in
Venice and returned to Washington on the evening of June 24.
On June 25 I spoke at a luncheon of the Annual Meeting of
the District of Columbia Bar. Mr. Pollak, the incoming next
President of the Bar, was also at the head table. After the
luncheon we had a brief discussion. He said he thought
Billy Carter's matter was a serious one. He asked me to
reconfirm that Dr. Brzezinski and I had authorized Billy
Carter to disclose his participation in the November 1979
meeting, saying that Billy Carter was not sure he had
understood fully. I confirmed that we had authorized and encouraged Billy Carter to disclose the meeting, and again asked Mr. Pollak to advise me when this had been done.

10. On June 26 I called Mr. Pollak. I could not reach him, but I did speak to Mr. Ruth. The President was returning that evening from his trip to Europe, and I wanted to know whether some public action in the matter was imminent, so that I could advise the President and prepare for whatever White House comment the press would then request. Mr. Ruth told me that the Department was insisting that Billy Carter file a registration statement and was setting a deadline at close of business on June 27. He also told me that the Department had been informed of the November 1979 meeting and had expressed no interest. Based on this conversation, I wrote the attached memorandum which I sent to the President that evening.

11. On Monday, June 30, I called Mr. Ruth to inquire what had happened to the deadline. He replied that the deadline had been extended to the close of business on Tuesday, July 1. He told me that Billy Carter was still considering whether or not to file a registration statement. Mr. Ruth said he was unwilling to predict whether Billy Carter would. I said I was reflecting on whether to suggest to the President that, if he thought it would be useful, he might call his brother and urge him to register in his own interest and make a full disclosure as the Department was insisting. Mr. Ruth said he had no advice on whether such a call should be made. On the basis of this conversation I wrote the
attached handwritten note to the President on the morning of July 1.

12. Later that morning the President informed me that he had called his brother, who seemed to be receptive, and that the call may have done some good.

13. On the afternoon of July 1, I called Mr. Pollak and Mr. Ruth. I told them the call had been made. They said the deadline had been extended until noon on July 2 and that Billy Carter was meeting with them that morning to make his final decision. On July 2, I sent the attached note to the President summarizing this call.

14. On July 8 I traveled with the President to Tokyo where he attended the memorial service for Prime Minister Ohira. On the return trip the President's party left Anchorage, Alaska on July 10 for Sapelo Island, Georgia. I remained in Anchorage to visit my two daughters who live in Alaska and a new grandchild. On the morning of July 11 Anchorage time (five hours behind Washington time) I called my office and found that Mr. Pollak and Mr. Ruth were trying to reach me. When I telephoned them they told me they were in the final stages of negotiations with the Department concerning the filing of a complaint, consent judgment, and registration statement. They said that before filing the registration statement they wanted to corroborate Billy Carter's statement to them that he had never discussed any specific U.S. policy or action toward Libya with the President. They asked if I had checked or could check this point with the President. I
said that from my earlier conversations with the President I felt sure this was correct, but that I would try to check again. They also told me that if agreement on the consent judgment was not reached that day, the Department of Justice still intended to file its complaint. I then talked with the President on Sapelo Island. He confirmed to me that Billy Carter had never discussed with him any specific U.S. policy or action toward Libya. I then called back Mr. Ruth and confirmed my earlier statement. He said he could not yet be certain, but that it was now likely no public filing would be made that day, and the negotiations might continue into Saturday or the following Monday. He also said that the court papers would include a disclosure of two substantial payments to Billy Carter, one in January 1980 of $20,000 and one in April 1980 of $200,000. He said the payments were loans, but that there was no documentation for the loans. Before making this call to Mr. Ruth, I had put in a call to Mr. Jody Powell, who was on Jekyll Island, next to Sapelo, so that he would be prepared for any requested White House comments if the public filing occurred that day. The call to Mr. Powell was not completed until after my second talk with Mr. Ruth. I then informed Mr. Powell of the above developments, including what Mr. Ruth had told me about the large payments. I said this was the first I had known of any such payments. I said I felt sure the President had not known about them. I asked Mr. Powell to inform him by the time the court papers were actually filed and a White House comment might be requested.
15. I returned to Washington on July 13. On Monday, July 14 Mr. Ruth called me to advise that the consent judgment had now been agreed and that the complaint, consent judgment and registration statement had been filed. He then sent me copies of the court documents as filed. I telephoned the President's secretary, Susan Clough, on Sapelo Island to ask if the President was available. He was out fishing. I asked her to inform the President of these developments, including the large payments, when he returned. I then arranged to have a copy of the court documents sent to Ms. Clough in the next delivery of White House mail.

16. Later on the 14th, I had occasion to call the Attorney General on an unrelated matter. I found that he was in San Francisco attending the Ninth Circuit Conference. I asked for the Deputy Attorney General, Judge Renfrew, and found that he was also in San Francisco. I asked my secretary to leave word for either one to call. Later that day the Attorney General returned my call. After we disposed of our other business, I mentioned to him that the complaint and judgment in the Billy Carter case had been filed that morning. I said that I had just advised the White House press office, if it were questioned on the point, that I believed there had been no contact between the Justice Department and the White House in either direction concerning the conduct of the investigation. He confirmed that this was correct.
17. During the week of July 14 numerous questions were raised as to White House knowledge of various aspects of Billy Carter's alleged activities, and as to contacts between the White House and the Justice Department about the Department's investigation. By the end of that week, after consulting with Jody Powell and me, the President concluded that it would be desirable to prepare a press statement responding to all these questions. Such a statement was issued on Tuesday, July 22. Before its issuance, I checked the point that there had been no contact in either direction between the Justice Department and the White House concerning the conduct of the investigation with the Attorney General. He again confirmed that this was correct. The statement was also reviewed and approved by the President.

18. The circumstances under which I learned of the June 17 conversation between the President and the Attorney General are as follows. In preparation for the July 22 statement, I had asked Susan Clough to check the President's personal files and telephone logs to look for any items relating to telephone conversations with Billy Carter about Libya. After seeing the logs, I also asked her to review the President's files and his personal notes -- which he dictates into a machine for later transcription and to which only Ms. Clough and the President have access -- with priority emphasis on any notes she might find of the telephone conversations between the President and Billy Carter that were identified in the logs as having occurred on June 28 and July 1.
Ms. Clough had not yet transcribed the dictation from the dates on which those conversations were logged. She did so and, with the President's approval gave the transcriptions of notes for these conversations to me on July 21 or 22, before the July 22 statement was issued. She then completed transcribing the backlog of other untranscribed notes for June and July 1980. After completing this transcription, she reviewed all the President's personal notes from March 1978 through July 21, 1980 and typed extracts of any entries relating to Billy Carter and Libya. She completed this compilation on Thursday, July 24, and delivered it to the President for review. On the evening of the 24th, the President called me and said he had just been through the notes and wanted to read some of them to me. He read several to me and then came to one relating to a conversation he said he had completely forgotten. He then read to me the note of the Attorney General's June 17 conversation with him about Billy. He asked me to review this and the other notes the next morning and to show the June 17 note to the Attorney General, so that his recollection could be checked as well. It was implicit in our discussion that prompt disclosure of the conversation would be made.

19. Later that evening Mrs. Cutler and I attended a dinner at the Austrian Embassy. The Attorney General was present. During that evening I took the Attorney General aside and told him what the President had said to me about
just having found and read a note of the June 17 conversation which the President had forgotten. The Attorney General immediately confirmed that there had been such a conversation and described it substantially as the President had in the note he read to me. I said that the fact of this conversation required amplification of our July 22 statement. I told the Attorney General I would read the notes the next morning and then call to review the June 17 item with him.

20. The next morning, July 25, I reviewed the notes. Before I could call Mr. Civiletti, Mr. Powell notified me that he had just been told the Attorney General had issued his own press statement about the conversation and was about to hold a press conference.

21. There have been suggestions in the press that my actions described in paragraphs 3-15 above tended to interfere with the Justice Department's efforts to enforce the law against Billy Carter. All of my actions were intended to be -- and I believe they were -- in the interest of law enforcement and in the institutional interest of the Presidency:

- It served these interests to urge Billy Carter to retain counsel to advise him of his rights and duties and represent him before the Department of Justice.

- It served these interests to respond to his request to suggest a suitable counsel and to give him a choice of competent, experienced and ethical lawyers.
-12-

- It served these interests to urge Billy Carter and his lawyers to disclose his participation in the Iranian hostage meeting to the Department of Justice.

- It served these interests to recommend to the President that he urge his brother to file a registration statement making a full disclosure -- the very step the Justice Department lawyers were urging Billy and his lawyers to take.

- It served these interests to avoid and recommend against any contact by the White House with the Department of Justice concerning the investigation.

- It served these interests to ask Billy Carter's lawyers to advise me when final disposition of the case was imminent, so that the White House could respond to the inevitable media requests for immediate comment.

Lloyd N. Cutler

August 4, 1980
UNCLASSIFIED DOCUMENTS

RELIED UPON

IN THE

STATEMENT OF MR. LLOYD N. CUTLER
June 26, 1980

PERSONAL

MEMORANDUM FOR THE PRESIDENT

As you know, your brother Billy has consulted Steve Pollak and Hennis Ruth — who were Hamilton's lawyers — for advice on the continuing Justice Department inquiry into Billy's failure to register under the Foreign Agents Registration Act in connection with his activities on behalf of the Government of Libya.

Pollak and Ruth met with the Justice Department attorneys last week. They were told that unless Billy agreed to register by Friday the 27th, they intended to recommend a Justice Department action. They would not specify the action, but Pollak and Ruth believe it will be either the convening of a grand jury to present charges of a criminal violation or the bringing of a civil injunction action to enjoin Billy from further activities unless he registers and makes the required disclosures.

Pollak and Ruth are trying to persuade Billy to register, but have so far not succeeded. They have asked for an extension of time until Monday, July 7. They have been promised an answer this afternoon on whether this extension will be granted. In the judgment of Pollak and Ruth the Justice Department lawyers in charge of the case would be satisfied with the filing of a registration. However, there is some risk that registration this late would not satisfy Phil Heymann, the Assistant Attorney General in charge of the Criminal Division.

The attached Safire column in today's New York Times complicates the situation still further.

Neither the Attorney General nor anyone else in Justice has discussed timing or any other aspect of the matter with me. I recommend against initiating any inquiry at this end.

If any action is taken tomorrow, I will prepare an appropriate draft statement for use in response to press inquiries and send it to you and Jody.

Lloyd
ESSAY

Igor
And Billy

By William Safire

WASHINGTON, June 23 — This is the tale of two Justice Departments, and how they responded to the suspicion of law-breaking by a person close to the President.

In 1972, when Carter was riding high, as "Chaddy Knickerbocker," he was a powerful society columnist for The New York Journal-American. He was close to the Kennedy clan, especially friendly with Defense Secretary Joseph Kennedy, Jr., his brother, Oleg, was Jackie Kennedy's favorite dress designer, and at one point in 1965, President Kennedy had dispatched diplomatic troubleshooter Robert Murphy, accompanied by Igor Cassini, to the Dominican Republic to even the overthrow of dictator Trujillo.

But then the Justice Department was told that Igor Cassini's public relations firm was doing business with General Trujillo's regime. Helping to improve the image of a foreign government for pay is illegal, but Mr. Cassini had neglected to make the relationship public, as required by the Foreign Agents Registration Act.

A grand jury was empaneled. Six months later, criminal indictments of Mr. Cassini and an associate were handed up. After exasperating that his failure to register was merely a "technical violation," the dapper society figure ultimately pleaded nolo controvere. He was fined $2,000 and sentenced to six months' probation.

Igor Cassini was pardoned. He lost his newspaper job and his business went under the drain. His wife committed suicide. He made a stab at starting a magazine, but that did not work, and he now lives in Spain.

Now there is the investigation conducted by the Carter Justice Department under the same law when the President's brother, Billy Carter, seemed to some of us to be representing Libya a couple of years ago.

From Sept. 27 to Oct. 1, 1978, the President's brother was in Libya with some business associates, telling reporters in Tripoli that "the Western media has distorted the image of Libya to the Western world." Dictator Muammar el-Qaddafi, the world's foremost employer of assassins, was at that time trying to get the Carter Administration to release to him a fleet of US arms, a request sometimes attributed to him...
LNC-3

Date: July 1, 1980

The written note from Lloyd Cutler reads as follows:

PERSONAL

Mr. President:

I have talked again with Billy's lawyers. They are unwilling to predict what he will decide. His principal hang-up remains that registration as a "foreign agent" is an admission of bad conduct, that no one in his circle would understand his acting as a "foreign agent", and that he did not so regard himself.

They say their relationship with him seems good and trusting, but that he is very "down and out" and in need of a friend. They have no advice on whether you should call, but urge that if you do the talk should focus on his situation and what is in his best interest.

Registration as a foreign agent, of course, is the same as registering to lobby and filing personal financial data as a government employee. Lawfirms and public relations firms register as foreign agents all the time, usually with a disclaimer letter saying they do not feel their activities are covered but that they are filing in the interests of full disclosure.

From Billy's point of view, an agreement to register is obviously preferable to a grand jury investigation or more likely a civil injunction proceeding. Either would be more costly and involve more adverse publicity than a simple registration.

If you do call, your knowledge of the situation should be based on my advice to you, rather than any indication you know what Billy's lawyers are advising him.

Billy's lawyers must advise the Department by the close of business today.

Lloyd.
The relationship with them was good and trusting and that led to some curious outbursts from people. They gave advice on what you should think, what you do is think about foreign relations situation and what is in their interests.

Registration as a foreign agent is the same as registering to lobby and file financial statements with the government with law enforcement public relations firms register as foreign agents and in the meantime, they are paid.

Registration as a foreign agent is the same as registering to lobby and file financial statements with the government and law enforcement public relations firms register as foreign agents and in the meantime, they are paid.
July 2

Mr. President:

Re Billy:

1. His lawyers asked Justice for additional time until noon today. Justice agreed.

2. Billy will meet this morning with his lawyers to decide.

3. Your talk yesterday was helpful.

Lloyd.
Mr. Charles,

To: Bailey

1. We must ask the French for assistance. They are needed today. Just in case.
2. Bailey will meet them tomorrow, not today. He is busy.
3. We need the supplies to make the troops happy.

Sincerely,

[Signature]
Statement by Dr. Zbigniew Brzezinski
Assistant to the President for National Security Affairs

I welcome this opportunity to review the contacts that I have had with Mr. Billy Carter in relationship to Libya. I believe that they will show (1) that such contacts were motivated by legitimate concerns for the national interest; (2) that they were entirely proper; and (3) that they were very limited. In fact, outside of the contacts that I will discuss in my testimony, I have had only sporadic and infrequent social contact with Billy Carter, maybe two or so times a year at social functions at the White House.

Some of the contacts that I will be discussing occurred many months ago and at the time they did not seem to be -- and, indeed, were not -- centrally significant. It is therefore impossible to reconstruct in every detail every word that was actually said. Nonetheless, after careful review of the available documents, I believe I can offer a reasonably complete and accurate reconstruction.

These contacts which I shall discuss more fully were the following:

I. Telephone conversations on November 20, 1979;
II. Meeting on November 27, 1979, involving Mr. Billy Carter and Mr. Ali el-Houdari, the Secretary of the People's Committee of the "Libyan People's Bureau" (i.e., the Libyan Embassy);
III. My call to Mr. Billy Carter in March, 1980;
IV. His call to me on June 10, 1980, and the visit to my office by Billy Carter on June 11.
Iranian action of holding hostages. A series of diplomatic initiatives was undertaken to persuade the Libyan government to take a public position opposing the hostage-taking. In the meantime, Tripoli radio was broadcasting expressions of solidarity with Iran. For example, on November 10 Tripoli radio carried a statement by the "General Union of Jamahiriya* Students" stressing "full support for the demands of the Iranian students for the extradition of the Shah," and urging students throughout the world to support their Iranian colleagues. The Jamahiriya News Agency the same day criticized the PLO efforts to mediate to obtain release of the American hostages. The Libyan press carried statements by Iranian figures supporting the hostage-taking. Libyan officials called on OPEC and the Arab League to undertake actions to support Iran against the United States. On November 18, the U.S. Charge met with Libyan officials to complain about Libya's increasingly open support for the Iranian position. The Charge recommended that Mr. Ali el-Houdari be called in "at a fairly high level" in Washington to be given a similar message.

On the morning of November 20, at 10:21 a.m., the President called me from Camp David and in the course of a conversation pertaining to that day's forthcoming NSC meeting on the Iran hostage issue mentioned to me that Mrs. Carter had asked Billy Carter if Libya could be helpful on the hostage issue, and

*Col. Qadhafi's term for the Libyan State.
I. The Telephone Conversations of November 20.

These conversations occurred approximately two weeks after the seizure of the hostages. In this connection I would like to refer briefly to the prevailing circumstances, to our efforts regarding Iran, as well as to the state of our relations with Libya.

Our intention at the time was to prevent the situation from becoming frozen and to that end we wanted to mobilize maximum pressure possible on Iran. We wished the various groupings in Iran, and particularly the radical kidnappers, to feel internationally as isolated as possible. We wanted every government in the world to express its disapproval of the Iranian action. We wished to make certain that the Iranians derived no moral support from any foreign source whatever. In brief, we wished the Iranians to feel totally alone. And we were all determined to leave no stone unturned in our efforts to generate the greatest possible international pressure on the Iranians. Those efforts have persisted to the present.

While Libya was by no means central to our strategy, it was still desirable that the Libyan government, particularly its head, Col. Qadhafi, not express support for the Iranian action. Throughout November, we had private indications from various Libyan officials at the United Nations and in Tripoli that, while they supported the Iranian revolution and opposed the U.S. freezing of Iranian assets, they did not support the
asked me to follow up with Billy. We all felt strongly that we owed it to the hostages to try every conventional and unconventional approach, even if there were only a slim possibility of success. Accordingly, I said that I would pursue this, and at 10:50 that morning I called Billy Carter to ask if he could somehow be helpful in getting Libya to take a more constructive posture on the hostage issue. I asked if he knew Houdari, and I said that I would be happy to meet Houdari personally to discuss the importance of Libya disassociating itself from the kidnapping. I either asked him if he could come to Washington or if he were coming to Washington anyway. I do not recall which. Later that day Billy Carter came to Washington, and I spoke to him again by telephone at 5:33 p.m. He called me back at 7:43 p.m.

In the 7:43 conversation, as I recall, Billy indicated that a meeting with Houdari could be set up for the following week. I called Secretary of State Vance immediately thereafter, at 7:44 p.m. Most probably in that conversation (because of its timing) or in any case at some point prior to November 27, I recall mentioning to Secretary Vance that a contact with the Libyans through Billy Carter was being explored. He replied with a remark to the effect that this might be worth it, or that there was no harm in trying, or something like that.

Because of the cool nature of U.S.-Libyan relations, it was not unreasonable for us to hope that an approach through
Billy Carter might dramatize and underline U.S. determination to forge an international consensus condemning Iran's illegal action. Given the somewhat unconventional style of Col. Qadhafi himself, there was reason to suppose that a more direct approach would have more impact, especially if it could be conveyed credibly as a personal appeal from the President himself, reinforcing the efforts of the State Department.

At this time I had no knowledge of any payments by the Libyan government to Billy Carter, and I did not learn of them until the court documents were published on July 14, 1980. There was general knowledge that the Department of Justice was investigating his relationship with the Libyan government, but I was not aware of any formal allegations of wrongdoing. The warm reception given him in Tripoli in the course of his last trip indicated that the Libyans might be somewhat more receptive to an approach initiated by him. At that time we felt we should use any means to influence constructively the resolution of the hostage issue.

It is worth remembering, in this context, that other events made this one of the most dangerous and tense periods of the entire hostage crisis. For some days before November 20, there had been mounting indications that Tehran was considering putting the American hostages on trial.

On November 19, 13 American hostages—women and blacks—were released by the Iranians in an effort to divide U.S.
public opinion. On November 20 Ayatollah Khomeini made a
major speech cruelly vilifying President Carter. In it, he
stated: "If Carter does not send the Shah, it is possible
that the hostages may be tried, and if they are tried, Carter knows what will happen."

The Special Coordination Committee had met to discuss
the Iranian situation that morning. After the speech, a
second meeting of the SCC was convened to consider U.S.
options. The President returned from Camp David to chair a
special meeting of the National Security Council that after-
noon. In the evening the White House issued a formal state-
ment which warned Iran that it would bear full responsibility
for any ensuing consequences if the hostages should be put
on trial. The statement noted that the United States was
seeking a peaceful solution through the United Nations and
"every other available channel," but warned the Government
of Iran about the gravity of the situation it had created.

II. Meeting of November 27 and Subsequent Events.

On November 22, two days after the calls made on
November 20, the Libyan Foreign Secretariat issued a formal
statement on the hostage issue which said that "in our view
the hostages should be released." This was the first official
Libyan reaction to the embassy seizure and represented a
substantial shift from the previous, open Libyan support for
the Iranian position. On November 24, the U.S. Charge in
Tripoli was called to the Foreign Ministry to be told that the November 22 statement represented the position of the Libyan government and that Libya would continue to use its good offices to seek release of the hostages.

On November 27, Ali el-Houdari came to my office, as prearranged. He was accompanied by Billy Carter and Henry R. Coleman. The latter was introduced to me by Billy Carter as "my associate." I had never previously met or heard of him, nor seen or talked to him since.

Initially, the conversation was social. Houdari and I talked of our various university associations, his with New York University and mine with Columbia. After such general pleasantries, I then expressed my satisfaction at the recent statements of the Libyan government, and I stressed to him that in our view it was important for all decent, and, particularly, religiously motivated, countries to condemn strongly the taking of the hostages. I expressed my satisfaction to him that this meeting was taking place, and I asked him to tell Col. Qadhafi on behalf of the President that we hoped that the Colonel would exercise whatever leverage he could to influence the Iranians to release the hostages.

Houdari responded that he would convey my message to his government and that he would respond as soon as he could. His attitude was very positive. The conversation lasted from 4:29 to 4:48 p.m. (Since it was primarily exploratory, I did not make a record of it.)
I had no further conversations with Billy Carter from that time until our telephone conversation in March. He was not involved in my further dealings with the Libyans.

On November 29 we received a message from Col. Qadhafi to President Carter. Col. Qadhafi expressed a desire to develop U.S.-Libyan relations and his opposition to the taking of diplomatic hostages; he noted that Libya had been making efforts in this regard even before the above-mentioned approach; he suggested that Libyan efforts may have had some effect in securing the release of the American women and blacks in Tehran; and he stated that a delegation had been sent to Tehran to meet with Khomeini and to seek the release of the hostages. This message was relayed to the U.S. Charge in Tripoli and was also delivered to me at the White House.

During this same time, beginning on November 20, a band of religious fanatics seized the Great Mosque in Mecca. False rumors about U.S. involvement in the attack--reports which Ayatollah Khomeini personally endorsed--sparked a mob assault on the U.S. Embassy in Islamabad, Pakistan, on November 21. A U.S. Marine corporal and an Army chief warrant officer died as a result of this violence.

The combination of passion aroused by the Mosque incident and the heightened tension in U.S. relations with Iran also touched off a number of demonstrations in Moslem countries.
On December 2, a group of Libyan demonstrators, expressing solidarity with Iran, attacked the U.S. Embassy in Tripoli, Libya, and set it on fire. A vigorous U.S. protest was delivered to the Libyans the same day.

In the next several days, U.S.-Libyan relations became increasingly tense. On the morning of December 6, the President, having earlier consulted with the Secretary of State on the state of U.S.-Libyan relations, instructed me to summon the Libyan representative to the White House and to bring him to his office. In the course of the meeting, which lasted from 11:02 to 11:12, the President asked Houdari to convey the following message to the Libyan government: While expressing appreciation for Libyan assistance regarding the hostages, the President expressed grave concern over the attack on our Embassy. He stated that in his view the Libyan government could have prevented the attack and that it had not treated our Embassy with proper concern and protection. The President stated very firmly that it was his expectation that the Libyan leaders would apologize for the attack and repair the damage. If that issue could be put behind us, the U.S. would like to have a better relationship with Libya, since that was clearly in the interest of both countries. (A classified record of this meeting has been delivered to the Senate Select Committee on Intelligence.)
Four days later, on December 10, Col. Qadhafi gave an interview to The New York Times (which appeared on December 11) in which he openly opposed the holding of hostages and indicated he had sent a message to Khomeini showing that this action was not supported by anything in the Koran. He indicated that Libya had tried mediation in the dispute. He expressed his support for the Iranian revolution and his opposition to any U.S. military action against Iran. He also discussed his disagreement with U.S. policy in the Middle East, but indicated that he was not contemplating use of oil as a weapon since he had received assurances that American Middle East policy would shift toward "a more neutral posture" if President Carter were reelected. In response to the latter point, The New York Times article quoted a White House spokesman as stating that, "There were no dramatic changes in United States policy in prospect."
The spokesman added that, "The United States remains committed to a comprehensive peace in the Middle East. This involves continuity and not a fundamental change in policy."

Two days after this interview, on December 12, Houdari returned to Washington from Libya and contacted me to relay a personal message from Col. Qadhafi to the President. I met him in my office from 4:35 to 4:50 p.m. on the twelfth. Qadhafi's message covered many of the same points in the interview, noting that he was ashamed and unhappy with what the American hostages went through in Iran. He stated that messages and a delegation had been sent to Khomeini, and he offered some suggestions on
ways to resolve the dispute. The message also acknowledged Libyan responsibility for the Embassy attack and promised remedial steps.

Qadhafi welcomed closer communication between the U.S. and Libya, and he emphasized the importance of a dialogue between our two countries. He indicated his intention to improve communications between himself and our Charge in Tripoli. He referred to the point in The New York Times interview about an anticipated change in U.S. policy if President Carter were reelected, and he expressed hope for a more evenhanded U.S. policy toward Libya.

I thanked Houdari for the message and said I would convey it to the President. I reiterated the importance to the Islamic world of the prompt resolution of the hostage issue, but I did not acknowledge or attempt to respond to any of the specific points he had relayed. Our public statement on Col. Qadhafi's interview had already made it plain that our policy toward the Middle East would continue on course. (A classified record of this meeting has been delivered to the Senate Select Committee on Intelligence.)

It is difficult to judge the extent to which the contact with Houdari, initiated through Billy Carter, and the subsequent indirect exchanges with Col. Qadhafi did or did not prompt the shift in the Libyan position on the hostage issue. It is clear, however, that a shift did take place and that this shift favored our ongoing efforts to isolate Iran and
our objective of generating maximum international pressure for the release of the hostages.

III. Telephone Call to Billy Carter in March 1980.

In March 1980, Stansfield Turner, the Director of Central Intelligence, drew my attention to a brief intelligence report which bore on Billy Carter's commercial dealings with an oil company and Libyan efforts to exploit them. A copy of this classified report has been furnished to the Senate Select Committee on Intelligence. I must withhold further details in this statement in order to protect intelligence sources and methods.

Recognizing that Billy Carter might be involved in activities that were potentially embarrassing to this country and to the President, I decided to phone him. I did so on the afternoon of the day on which I read the report. (We have not been able to locate in the logs the precise time of this call, though I remember it was in the afternoon.) In my conversation with Billy Carter, I said to him substantially the following: As you probably know, in the nature of my job a great deal of information flows across my desk. I have recently seen some information which seems to suggest that you are engaged in an oil deal, and that you are seeking an increased allocation from Libya for a U.S. oil company. This could be exploited politically by the Libyans, and thus it could create considerable embarrassment for this country
and for the President personally. I hope you will do nothing that would be embarrassing.

He responded by saying to me that he was entitled to his privacy and that I had no right to inject myself into his personal affairs; moreover, he had a right to make a living.

I responded to him by repeating again my basic message, namely that I hoped he would do nothing inappropriate or embarrassing and that I wished to stress that to him quite strongly.

The next day I reported to the President that I had seen an intelligence report, and I summarized to him its contents. I also reported my telephone call to Billy Carter, repeating what I had said to him and his response. The President said that I had done the right thing.

I saw no other intelligence reports before or later mentioning Billy Carter.

IV. Contacts on June 10-11, 1980.

On June 10, I received a phone call from Billy Carter asking if I could see him the next day. I made an appointment for him to come to my office at 3:30 p.m. on June 11. On that day I saw Billy Carter alone from 3:21 until 3:28, when Mr. Lloyd Cutler joined us at my invitation. The meeting continued until 3:45. At that time Billy Carter and Lloyd Cutler moved to Cutler's office. In the course of our
initial conversation, Billy Carter informed me that he was being interrogated by the Department of Justice regarding his relationship with Libya, and he asked me whether, in that context, there were any national security reasons why he should not disclose his role in November 1979 in arranging my meeting with Ali el-Houdari on the hostage issue. I told him that I saw no reason why such information should be withheld, but since the matter involved the Department of Justice it would be wise to have Lloyd Cutler's advice. When Lloyd Cutler joined us, he confirmed the position that I had taken. In the course of the conversation it became clear that Billy Carter had attended the interrogation without a lawyer, whereupon Cutler advised Billy Carter to obtain a lawyer. Though the conversation continued for a while in my office, I took no further part in it and once or twice stepped out to attend to other business.

V. Other Considerations.

In the concluding part of my testimony, let me deal with two relevant issues:

A. U.S.-Libyan Relations. I can state unequivocally that at no time was my attitude on U.S. policy toward Libya affected, in any direction, by Billy Carter's activities. I have previously described the very limited nature of my contacts with Billy Carter.* The discussions and decisions

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* In this connection, I attach the text of an unclassified document from my office to the Secretary of State, which illustrates the distance that was maintained from Billy Carter's activities.
about aircraft exports to Libya were primarily the responsibility of the Departments of State and Commerce, which I and the NSC Staff followed in order to monitor the progress of events for the President. In fact, my only direct involvement in the aircraft export decisions was as a participant in the May 18, 1979 breakfast discussion of the proposed sale of three 747's to Libya. Secretary Vance and the President also discussed the issue in a telephone conversation after the breakfast. Secretary Vance subsequently recommended to the Secretary of Commerce that these aircraft not be exported to Libya because of evidence that previously exported 727's had been used to ferry troops and materiel into Uganda, contrary to the spirit of assurances against such use given by the Libyans. The fall 1978 decision by the Departments of State and Commerce to export two 727's was the result of a series of developments, including Libya's decision to accede to the Hague convention on hijacking and Libya's agreement to provide, in writing, assurances that these 727 aircraft would not be employed for military purposes. The decision had been under active review since early summer of 1978. At no time was there any mention of Billy Carter in connection with the aircraft export decisions.

B. The Effect of Billy Carter's Involvement. We may never know what motivated Col. Qadhafi to adopt a new public posture toward the hostages on November 22 -- two days after Billy Carter arranged a meeting with the Libyans -- and to send a delegation to Tehran several days later. But my
-16-

telephone call to Billy Carter and his subsequent contact with Libyan officials may have played a part.

The initial contact with Billy Carter on November 20 was made at a time of intense Administration and public concern for the safety and well-being of the hostages in Tehran. There was every reason to believe that Iran's revolutionary regime was on the verge of placing the hostages on trial, and tension within the Islamic world was at an explosive level. Under those circumstances, it seemed urgent to open up every conceivable channel -- no matter how unorthodox -- to bring additional pressure to bear on the various elements in Tehran.

While there was the risk that this approach would enhance Billy Carter's status in the eyes of the Libyans, our overriding objective at the time was to influence the Libyans so that they would take a position helpful to the release of the hostages. They were obviously conscious of the fact that he was the President's brother, since before November he had twice visited Libya and been warmly received. That is precisely why he was asked to help in this connection. I also think it is right and fair for me to say that I had the distinct impression that Billy Carter was genuinely eager to help the hostages.

In brief, I believe the above shows that the relationship with Billy Carter was entirely proper; that the relationship was limited to the specific hostage matter at a time when
-17-
every possible means to influence the Iranians was being
mobilized; and that the subsequent telephone conversation
with him in March was designed to deter him from any activity
that could cause embarrassment to the nation or the President
or that could be exploited by a foreign power.

Zbigniew Brzezinski

August 4, 1980
UNCLASSIFIED DOCUMENTS

RELIED UPON

IN THE

STATEMENT OF DR. ZBIGNIEW BRZEZINSKI
THE WHITE HOUSE
WASHINGTON
July 17, 1979

MEMORANDUM FOR

THE SECRETARY OF STATE

SUBJECT: Billy Carter Travel to Libya

I understand that Billy Carter yesterday announced on a television program that he would be making another trip to Libya. The purpose of this memorandum is to advise you that such a trip would be entirely a private one, with no official purpose or connection whatsoever. Accordingly, the Department of State and our Embassies abroad should be instructed to treat Mr. Carter's trip, should it take place, strictly as a personal visit by a private citizen and provide only that assistance consistent with such a trip.

Zbigniew Brzezinski
1549

CLASSIFIED DOCUMENTS RELIED UPON

IN THE

STATEMENT OF DR. ZBIGNIEW BRZEZINSKI

HAVE BEEN SUBMITTED

TO THE

SENATE SELECT COMMITTEE ON INTELLIGENCE
Report of Counsel for the President
Submitted to the
Subcommittee of the Committee on the Judiciary
United States Senate

This report is in response to the subcommittee's inquiry into the relationship between Billy Carter and the Government of Libya and related matters. It covers items not covered by the President's report and the statements of Mr. Cutler and Dr. Brzezinski, such as contacts between Billy Carter or his associates with officials of the Department of State, the staff of the National Security Council and other members of the White House staff. It is based on personal interviews with present and former government employees and the review of documents obtained from the White House and relevant Executive Branch agencies, other than the Department of Justice.

This report is not definitive or final. We have not yet had the opportunity to interview all government employees who might have spoken to Billy Carter or his associates or to review all documents which might bear on the subcommittee's inquiry. The report does include all we know that is relevant and material to the subcommittee's inquiry at this time. We shall provide the subcommittee with further information periodically as it becomes available.
I. Billy Carter's Contacts with United States Government Officials Concerning his Trips to Libya

Mr. James V. Bishop and Donald Hester at the Department of State have advised us that in 1978, before travelling to Libya, Henry R. Coleman, an associate of Billy Carter's, called the North African desk at the State Department and asked whether there was any ban on travel by United States citizens to Libya. In the course of this conversation, he mentioned that Billy Carter was planning to visit Libya. Mr. Coleman was told by Mr. Bishop and Mr. Hester that there was no such ban and, at Mr. Coleman's request, this was confirmed by letter. We have requested, but not yet received, a copy of the letter from the State Department. Mr. Hester recalls that he informed either William B. Quandt or Gary Sick of the NSC staff about the proposed trip to Libya and was advised by one of them to inform Thomas V. Beard at the White House of the trip. Mr. Hester told Mr. Beard of Billy Carter's plans and recommended that Billy Carter be briefed on United States-Libya relations upon his arrival in Libya. (The State Department made the same recommendation to the United States Embassy in Libya in a cable on September 26, 1978, which has previously been released.) Mr. Bishop, who is currently the United States Ambassador to Niger, also recalls being told that Mr. Jack Watson of the White House staff called Mr. Hester to ask about Billy Carter's travel plans after the NSC staff was told by the State Department of these plans, but neither Mr. Watson
nor Mr. Hester recalls such a conversation.

Mr. Quandt and Karl P. Inderfurth, of the NSC staff, also
gave general briefings about United States-Middle East policy
in telephone conversations with Mr. Coleman in August 1978.
They believe that Phillip Wise, the President's Appointment
Secretary, asked them to telephone Mr. Coleman. Mr. Wise does
not recollect making such a request. Billy Carter participated
briefly in one of these conversations.

In addition, Billy Carter and his associates had brief
conversations with United States Embassy officials in Tripoli
during their trips to Libya and were provided routine assistance
in obtaining passports by United States government officials.

II. Contacts by Billy Carter Relating to the Export of
Airplanes to Libya

In January 1979, Mr. Quandt telephoned Morris Draper of the
State Department and asked him to call Billy Carter at a number
in Georgia to brief him on United States policy regarding the
export to Libya of eight C-130 planes. Mr. Quandt is not certain
who asked him to do this, but believes it was either Mr. Inderfurth
or Mr. Wise. Neither Mr. Inderfurth nor Mr. Wise has any recollec-
tion of such a request. (Mr. Wise did receive occasional telephone
calls from Billy Carter and Mr. Coleman, including one which
Mr. Wise's logs show he received on January 5, 1979, but to the best of his recollection none of these calls concerned Libya.) Mr. Draper did make the call to Georgia, and it was answered by Mr. Coleman. Mr. Draper summarized the history of the U.S. Government's public position against approving these exports, a policy established in 1973 and still in effect. Mr. Draper states that Mr. Coleman raised no questions.

At a reception in January 1979 for a visiting Libyan delegation, Mr. W. Alan Roy, Country Desk Officer for Libya at the Department of State, recalls that he was introduced to Billy Carter by a Libyan official with whom Mr. Roy was conversing. Billy Carter asked Mr. Roy about the status of the Boeing airplanes. Mr. Roy assumed that Billy Carter was referring to Boeing 727s, and replied that the licenses for two 727s had been granted two months previously. Billy Carter replied: "good".

We have been provided with two Commerce Department documents in which Commerce officials speculate that the State Department was under pressure from the White House to oppose export licenses for three 747s ordered by Libya because of White House sensitivity to charges that Billy Carter was seeking to influence the granting of the licenses. Former Secretary of State Vance and Deputy Secretary Christopher confirm that in their deliberations concerning the export of 747s there was no indication that Billy Carter
was a factor one way or the other in the formulation of White House views on this matter and that the export permission was denied solely for policy reasons unrelated to Billy Carter. Dr. Brzezinski's statement also confirms this fact.

(A full account of the United States Government's policies on exports of airplanes to Libya has been provided to this subcommittee in testimony by Under Secretary of State David Newsom.)

In sum, we are aware of no direct or indirect efforts by Billy Carter to influence United States decisions on the export of aircraft to Libya or any other United States policy or action affecting Libya.

III. Contacts Between the Department of Justice and White House Staff Concerning the Investigation of Billy Carter

There were two investigative inquiries by the Department of Justice to the White House staff in the course of the Department's investigation of Billy Carter. On September 19, 1979, the Department of Justice wrote to the President's Counsel referring to an investigation of the possible obligation of Billy Carter to register as an agent of Libya and inquiring whether the President had received a gift of a gold mounted saddle from Libyan government officials in October or November of 1978. On October 16, 1979,
the Counsel's office replied that White House records showed the President never received a saddle or any other gift from the Libyan Government during his time in office.

Two FBI interviews with Mr. Wise occurred on March 14 and June 4, 1980. As is customary, attorneys in the Counsel's office helped arrange these interviews. There was also a follow-up telephone conversation between Joel Lisker of the Department of Justice and Mr. Wise on July 1, 1980. The inquiry related to the subject matter of telephone calls from Billy Carter to Mr. Wise. Mr. Wise has stated that he has no recollection of any discussion with Billy Carter relating to the export from the United States of aircraft to Libya or other matters concerning Libya.

IV. Meetings Between the President and Jack McGregor

We have also investigated within the White House reports concerning a meeting between Jack McGregor and the President. Mr. McGregor had been Billy Carter's commanding officer in the Marine Corps. Mr. McGregor, who was then an executive of Carey Energy Corporation, was invited along with more than four hundred business and health care leaders to attend an April 4, 1979 White House briefing on the Hospital Cost Containment Act. The invitation was extended by the White House staff responsible for this meeting, without Presidential involvement. As reflected in the President's
notes attached to his Report, during a short telephone conversation on April 3, 1979, Billy Carter, who was then hospitalized in Long Beach, California, asked the President to see Mr. McGregor when he would be in the White House for this briefing. In the same conversation Billy Carter told the President how helpful Mr. McGregor had been to him while he was in the hospital. The President's diary shows that Mr. McGregor was in the Oval Office for nine minutes on April 4. The President recalls no mention of Mr. McGregor's business affairs or Billy's relationship with the Libyans. This meeting is referred to in the notes and correspondence attached to the President's Report.

V. Alleged White House Staff Knowledge of Payments to Billy Carter

So far as we have been able to determine, no one on the White House staff had any information about the payments of $220,000 made by Libya to Billy Carter as described in his Registration Statement filed pursuant to the Foreign Agents Registration Act or about any evidence in the possession of the Department of Justice relating to such payments, and no one in the White House furnished any such information to Billy Carter or anyone associated with him. So far as we have been able to determine, no one in the White House knew anything about such payments until Billy Carter's counsel informed Mr. Cutler of them on July 11, 1980, when the court papers were about to be filed relating to Billy Carter's
registration under the Foreign Agents Registration Act. Mr. Cutler's statement describes when and how he received this information.

We have determined that a United States intelligence organization did receive information about these payments to Billy Carter in April 1980 and that sometime before June 11 the head of the organization provided this information directly to the Department of Justice and only to the Department of Justice. We have been assured by the head of the organization that this intelligence information was not furnished to the President or to anyone on the White House staff. We have also been advised by this same official that the organization has provided the intelligence information and a description of how it was handled to the Senate Select Committee on Intelligence.

The documents pertinent to this report which are not attached to the President's Report and associated statements are attached here.

Alfred H. Moses
Special Counsel

Michael H. Cardozo
Deputy Counsel to the President

Joseph Onek
Deputy Counsel to the President

Barbara E. Bergman
Associate Counsel to the President

August 4, 1980
UNCLASSIFIED DOCUMENTS

RELIED UPON

IN THE

REPORT OF COUNSEL
Bellamy Vernell P — 07/23/86 164317 PRINTER: LI
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TO AMBASSADg TRIPOLI IMMEDIATE
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E.O. 11652: N/A
TAGS: OTRA, LT
SUBJECT: GEORGIA DELEGATION TO TRIPOLI
REF: TRIPOLI 1331

1. DEPARTMENT UNDERSTANDS THAT BILLY CARTER HAS DEPARTED
US ON PRIVATE VISIT TO LIBYA VIA PARIS. DESPITE INQUIRIES,
DEPARTMENT UNABLE TO IDENTIFY OTHER PEOPLE TRAVELING WITH
BILLY CARTER OR PURPOSE OF THEIR VISIT TO LIBYA.
2. CHARGE REQUESTED TO TAKE OPPORTUNITY OF INVITATION TO
MEET GEORGIA DELEGATION TO LEARN MEMBERS' NAMES AND TO
ALERT THEM TO SENSITIVE NATURE OF U.S.-LIBYAN RELATIONS AND
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PAGE 02 STATE 244909
TO ACQUAINT THEM WITH U.S. POSITIONS ON ISSUES AFFECTING
BILATERAL RELATIONS. CHRISTOPHER
LIMITED OFFICIAL USE
To: Stanley J. Kerr

From: Lawrence J. Brady

Subject: Revocation of Aircraft License for Libya

You requested a status report on the revocation of a license in January for three Boeing 747 aircraft for Libya. The following information was obtained from the Libyan Desk in State.

Secretary Vance will try this week to win Senator Ribicoff over to imposing more restrictive conditions on the license rather than revoking it. If successful, Vance is expected to recommend that the license be revoked.

Secretary Vance is concerned about Ribicoff's support for S.333, which is the anti-terrorist bill the Administration is opposing. He hopes that Ribicoff will accept restrictive conditions on the license for the '747's and that this will induce him to lessen his support for S.333.

Vance has just been given an overview of U.S.-Libyan economic relations which refers to the large negative U.S. trade balance and the extent of U.S. dependence on Libyan oil. He is therefore aware of the possible economic consequences of revoking the aircraft license. The economic overview does reportedly indicate, however, that a tight cash flow situation at this time could cause the Libyan Government to hesitate before cutting off oil shipments to the United States.

C-2
Secretary Vance is also under pressure from the White House to take punitive action against Libya because of the tactic use of U.S. origin aircraft in the Uganda operation, and because of the charge that licenses for Boeing 727's and 747's were approved through Billy Carter's influence.

Thus, the pressures on Secretary Vance at this time appear to make revocation the likely outcome if the restrictive conditions are not accepted. Libya's tight cash flow situation might allow Vance to take such action without fear of Libyan retaliation.

Recommendation

That we discuss the situation in light of Commerce's objectives and Vance's progress on the Hill.

Drafted by SG5odman

cc: Marcuss, Brady, Solga, Dytrt, Nelson, Clement (CAGHE), Radding (IEPR/GCA), OEA files, chronic
LLOYD N. CUTLER
1666 K STREET, N.W.
WASHINGTON, D.C. 20006

September 26, 1979

MEMORANDUM FOR MESSRS. LIPSHUTZ, ONEK
AND CARDOZO

Attached is a letter from Robert Keuch of the Criminal Division at Justice inquiring about Libyan gift of a "gold mounted" saddle to the President and to his brother and requesting we make inquiries to determine if the allegation is true.

L.N.C.

[Signature]
Honorable Lloyd N. Cutler
Counsel to the President
The White House
Washington, D. C. 20500

Dear Mr. Cutler:

This Division is conducting an investigation into the possible obligation of William A. Carter, III to register with the Attorney General as an agent of the Socialist People's Libyan Arab Jamahiriya. In attempting to develop facts surrounding William Carter's relationship with the Libyans and in connection with his trip to Libya during late September 1978, we have learned that officials of the Libyan Government reportedly gave a gift of a "gold mounted" saddle to President Carter in October or November 1978. A similar "silver mounted" saddle was given to William Carter by the Libyan Government. Would you kindly institute appropriate inquiries in order to determine if the allegation regarding the reported gift to the President is true, and if true, the circumstances surrounding the making of the gift as well as its disposition.

Should you need additional information, please do not hesitate to contact me.

Sincerely,

ROBERT L. REICH
Deputy Assistant Attorney General
Criminal Division
Dear Mr. Keuch:

Lloyd Cutler has requested that I respond to your letter of September 19, 1979.

The White House has no record of President Jimmy Carter ever receiving a gift of a "gold mounted" saddle from officials of the Libyan government in 1978 or at any other time during President Carter's term as President.

Presidential records indicate that President Carter has never received any gift from the Libyan government since he assumed office.

Please let me know if I can be of further assistance in this matter.

Sincerely,

Michael H. Cardozo
Deputy Counsel to the President

Mr. Robert L. Keuch
Deputy Assistant Attorney General
Department of Justice
Washington, D.C.
March 14, 1980

MEMORANDUM FOR THE FILE

FROM: PHIL WISE

At 10 a.m. today I met with Mr. Carter Cornick of the FBI to answer questions concerning the FBI investigation of Billy Carter's relationship with Libya. The questioning centered around a possible phone conversation between Billy and myself in August or September 1978 during which Billy asked me to put him in contact with anyone in the government who could brief him on the sale of aircraft to the Libyan government. I answered that to my recollection and in my call logs there was no indication of such a conversation. I explained that in the past three years I estimated I had taken 6-8 calls from Billy but none that fell in this category. Agent Cornick felt that was all the information he needed and the interview ended.
June 4, 1980

MEMORANDUM FOR THE FILE
FROM: PHIL WISE
SUBJECT: Billy Carter Libyan Investigation

Agent Clay Bickman interviewed me today on the same subject as my March 14 meeting with Agent Cornick. He had asked in a phone conversation on Monday, June 1, that I check my call files between September 1978 and January 1979 for calls from Billy Carter concerning a Libyan airplane situation. There was no such record.

He then asked a hypothetical question. If I had received a request from Billy on this subject, what would I have done? I explained that I had reservations about responding to requests for help in foreign relations especially those concerning contracts or goods and services. But that if I had done anything I would have contacted the NSC through Dr. Brzezinski's Administrative Assistant to check the propriety of the request and any follow-up appropriate. I used the recent example of the former Ambassador to the U.S. who contacted me through the President's Sunday School teacher to help insure the safety of his wife. I took this request directly to Les Denend who approved it and then followed through to the State Department.

Bickman ended the interview by stating he felt this would cover his needs.
July 1, 1980

MEMORANDUM FOR THE FILE

FROM: PHIL WISE

SUBJECT: July 1, 1980 Phone Interview with
Joseph Lister (Supervising Investigation)
724-7109

Mr. Lister called and asked if I recalled any conversation
with Billy Carter regarding the Libyan Government and airplanes.
He stated that Billy said I talked with him and mentioned
the name Whitehurst or Whitehorse as a contact. I repeated
that I had no recollection of such a phone conversation. I
again pointed out that if I had received such a request, I
most likely would have spoken with Inderfurth, Gates or
Demend. Lister stated he would contact the three in case
any of them recalled such a conversation.
Lister stated he was under pressure to complete the investiga-
tion and that Heinman had instructed him to call me.
I mentioned that my call logs show no record of a call from
Billy Carter during the time period under investigation.
April 17, 1979

Dear Mr. McGregor:

We were pleased to invite you to the April 4 hospital cost containment briefing with the President, Chairman Charles Schultz, and Secretary Joseph Califano.

Reducing the rate of hospital cost increases is one of the President's highest priorities. Hospital cost containment legislation will do more to reduce inflation than any other single piece of legislation now in the Congress. It is a vital component of the President's anti-inflation program, and it is important that the public be informed about the relationship between hospital costs and inflation.

As a leader, you have an especially important role to play in explaining the need for hospital cost containment and the nature of the legislation that the President is proposing. The materials distributed at the briefing should give you a solid factual foundation for discussing the issue.

Please feel free to telephone my office, at (202) 456-7700, if we can be of any further assistance. In addition, if you would like to arrange for an Administration official to speak at meetings or conventions on hospital cost containment, please write or telephone:

Margaret Fishman or Joan Lewis
The President's Speakers Program
on Inflation
2001 S Street, N.W., Suite 213
Washington, D.C. 20009
(202) 673-7922

Thank you for your interest and help. With your cooperation, we can take a significant step toward reducing the inflation rate, a goal shared by all Americans.

Sincerely,

Anne Weckler
Assistant to the President

Mr. Jack McGregor
Executive Vice President
Carey Energy Corporation
825 Third Avenue
New York, N.Y. 10022
NAME:    JACK MCGREGOR

TITLE:    EXECUTIVE VICE PRESIDENT

ORGANIZATION:  CAREY ENERGY CORP.

MAILING ADDRESS:  825 3rd Ave.
                  NY, NY 10022

OFFICE TELEPHONE NUMBER:  (212) 758-7300

HOME TELEPHONE NUMBER:  (914) 234-9765
Mr. Jack McGregor
Executive Vice President
Carey Energy Corporation
825 Third Avenue
New York, New York 10022

5-8-79

Best wishes to Jack McGregor

Jimmy Carter
1571

CLASSIFIED DOCUMENTS RELIED UPON

IN THE

REPORT OF COUNSEL

HAVE BEEN SUBMITTED

TO THE

SENATE SELECT COMMITTEE ON INTELLIGENCE
SUPPLEMENTAL REPORT OF COUNSEL FOR THE PRESIDENT

To the Subcommittee of

The Committee on the Judiciary

United States Senate

August 18, 1980
Supplemental Report of Counsel for the President
Submitted to the Subcommittee of the Committee
on the Judiciary, United States Senate

In the Report of Counsel for the President submitted on
August 4, 1980 to the Subcommittee of the Committee on the
Judiciary, United States Senate, we undertook to provide
the Subcommittee with further information periodically as
it became available. This supplemental Report is submitted
pursuant to that undertaking.

There were the following contacts between a member of the
White House staff and the State Department concerning Billy
Carter's first trip to Libya and the Department of Justice's
investigation of Billy Carter's failure to file a Registration
Statement under the Foreign Agent's Registration Act.

1. In September 1978, Mr. Thomas V. Beard of the White House
staff was advised by the Office of North African Affairs of
the Department of State that Billy Carter was en route to
Libya. He informed the Department that he believed the trip
should be treated as a private visit and that he would confirm
this within the White House. He then called Ms. Clough, the
President's personal secretary. Ms. Clough, after learning
that the President did not know of the trip, told Mr. Beard
that she agreed that the trip should be treated strictly as
a private visit. Ms. Clough believes that her advice as to
how the trip was to be treated was her own and not that of
the President. We are advised that neither Mr. Beard nor
Ms. Clough made a memorandum or record concerning this
matter.

2. In late August 1979, Mr. Beard was advised, most probably
by W. Alan Roy, Country Desk Officer for Libya at the
Department of State, that the Department of Justice had requested from the Department of State copies of documents involving Billy Carter and Libya. Mr. Beard advised the Department of State to follow routine procedures. We are advised by Mr. Beard that there were no communications, oral or written, between him and the Department of Justice with respect to Billy Carter's relations with Libya, including the Department's investigation of Billy Carter's failure to file a Registration Statement under the Foreign Agents Registration Act.

Alfred H. Moses
Special Counsel

Michael H. Cardozo
Deputy Counsel to the President

Joseph Onek
Deputy Counsel to the President

Barbara E. Bergman
Associate Counsel to the President

August 18, 1980
Dictated for Wednesday, April 4, 1979

"Billy's old commanding officer, Jack McGregor, stopped by for a photograph."

(Note: President is in Washington, D.C.)
July 17, 1979

Zbig,

Susan came down this afternoon to report that Billy Carter apparently announced yesterday on television that he would be going back to Libya. She has apparently shared this with Jody and they are both very worried that adverse publicity could derail the momentum the President is building as a result of his energy initiatives.

To ensure that the record is perfectly clear, she asked whether you would be willing to send a memorandum to State (which has heard about the trip and is already questioning how to treat Billy) strictly as a visit by a private citizen and to extend only such assistance as is consistent with such a trip. She would like to have a xerox of your signed memorandum to give Jody, which he could then use if necessary with the media to show the line the Administration has taken on the trip.

I have the impression from Susan that the President is not yet aware of Billy's intentions. Before signing the attached, you might wish to call Susan in part to propose that she tell the President and convey a recommendation from you and Jody and her that the President try to dissuade Billy from making this trip. Apart from the domestic political aspects of the problem, of course, our current sensitive political relationship with Libya. In any event, after you talk to Susan, if the memo is still desirable, you can sign the attached.

R.G.

Attachment
Dear Mr. Miller:

On August 4, 1980, I transmitted to you classified documents which were relied upon in the preparation of Dr. Zbigniew Brzezinski's statement and in the Report of Counsel submitted as part of the President's Report to the Subcommittee of the Committee on the Judiciary of the United States Senate.

We have today filed a supplemental Report to the Subcommittee in which we relied upon two classified documents. We have also located one classified document pertinent to the August 4 Report. Pursuant to the Subcommittee's request that classified documents be submitted to you for appropriate storage and handling, I am transmitting the following classified documents to you:

1. Memorandum from David D. Newsom to Warren Christopher, dated August 31, 1979;

2. Memorandum from DD to WC, dated August 31, 1979 (the Department of State has treated this document as classified; I am doing the same);


Thank you for your attention to this matter.

Sincerely,

Alfred H. Moses
Special Counsel

Mr. William Miller
Staff Director
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Attachments

cc: Chairman Birch Bayh
    Vice Chairman Strom Thurmond

UNCLASSIFIED WITH
SECRET ATTACHMENTS
Dear Mr. Chairman:

In the Report of Counsel submitted to the Subcommittee as part of the Report of the President dated August 4, 1980, we advised the Subcommittee that we would furnish it with further information periodically as it became available.

In keeping with this undertaking I am now submitting a supplement to the prior Reports of Counsel together with unclassified documents.

Sincerely,

Alfred H. Moses
Special Counsel
to the President

The Honorable Birch Bayh
Chairman
Subcommittee of the
Committee on the Judiciary
United States Senate
Washington, D.C. 20510
SUPPLEMENTAL REPORT OF COUNSEL FOR THE PRESIDENT

To the Subcommittee of
The Committee on the Judiciary
United States Senate

September 8, 1980
SUPPLEMENTAL REPORT OF THE PRESIDENT'S COUNSEL SUBMITTED TO THE SUBCOMMITTEE OF THE SENATE COMMITTEE ON THE JUDICIARY

This will supplement our previous reports of August 4 and August 18. It includes an update of relevant information previously submitted to the Subcommittee, together with known White House contacts with George Belluomini and Ronald Sprague. Information concerning Ronald Sprague was requested orally by Subcommittee counsel. Because of testimony at the hearings linking George Belluomini and Ronald Sprague, we are submitting information dealing with both.

1. Billy Carter testified that Mr. Belluomini attended the wedding of Billy Carter's daughter Jana in Plains in June, 1978. The President, the First Lady and Mrs. Ruth Carter Stapleton also attended the wedding. Although neither the President nor the First Lady recalls meeting Mr. Belluomini, on this, or on any other occasion, in all probability they were introduced at the wedding to Mr. Belluomini.

2. Mr. Belluomini later visited Mrs. Stapleton's religious retreat in Texas. In September, 1979, Mrs. Stapleton received the attached letter from Mr. Belluomini and Mr. Sprague dated September 4, 1979. On September 23, 1979, Mrs. Stapleton stayed overnight at the White House. During her visit, she believes
she delivered the letter to the First Lady to give to the President. Mrs. Carter has no direct recollection of receiving the letter from Mrs. Stapleton, but does recognize the letter itself, especially the President's notation thereon referred to below. On September 25, the President and Mrs. Carter had a regular weekly working lunch together. Later that day or the next, the President placed the Belluomini-Sprague letter in his outbox bearing this handwritten notation:

"cc Mr. Belluomini and Mr. Sprague. Thank you for offering to help. We are satisfied with our negotiated framework under which U.S. firms can buy Mexican Gas. J.C."

On September 26, the President's secretary sent copies of the letter bearing this notation to Mr. Belluomini and Mr. Sprague, with the attached notes.

3. During the Subcommittee's hearings, on August 20, 1980, Mr. Ronald Sprague testified that he had met and had his photograph taken with the President in March, 1980 in the company of Billy Carter. A search of the White House files revealed that such a meeting did take place from 2:00-2:03 p.m. on March 19, 1980 and that a photograph was taken. We have attached copies of the photograph sent to Mr. Sprague as well as a contact sheet showing all three photos which were taken. There are no other photographs on the roll of film.
4. Margaret McAleer, secretary to Danny C. Tate, Office of Congressional Liaison, recalls seeing a message that Mr. Belluomini had called to speak with Mr. Tate. Mr. Tate did not return the call; Ms. McAleer believes she returned the call, but does not remember whether or not she spoke with Mr. Belluomini and does not know the reason for Mr. Belluomini's call. Mr. Tate states that he has never met or talked to Mr. Belluomini.

5. The White House Transportation Logs indicate that on March 19, 1980, "Billy Carter + 2" took a White House car from the South Grounds at 2:30 p.m. with a local stop before they were taken to Washington National Airport. The driver has told us that the local stop was at the Libyan Embassy.

6. There was an additional telephone call between Dr. Zbigniew Brzezinski and Billy Carter not previously noted in the review of Dr. Brzezinski's telephone logs by his office. Billy Carter called Dr. Brzezinski at 10:07 a.m. on November 30, 1979. The duration of this and other calls to Dr. Brzezinski is not recorded in the telephone logs. Dr. Brzezinski has no recollection of the call.

7. We have also attached a July 1, 1980 evening report from Captain Gary Sick of the National Security Council staff to Dr. Zbigniew Brzezinski which describes a telephone call
which Captain Sick received that day from Mr. Joel Lisker of the Department of Justice concerning the Billy Carter investigation.

Respectfully,

Alfred H. Moses
Special Counsel

Michael H. Cardozo
Deputy Counsel to the President

Joseph N. Onek
Deputy Counsel to the President

Barbara E. Bergman
Associate Counsel to the President

September 8, 1980.
September 4, 1979

TO THE HONORABLE JIMMY CARTER
PRESIDENT OF THE UNITED STATES
WASHINGTON, D. C.

RE: Acquisition of natural gas from Mexico

Mr. President:

This is a brief memo regarding the acquisition and use of natural gas for the United States and the mending of our strained relations with Mexico.

We will outline facts below, in order to keep this brief, short and to the point.

George and myself are very close to Lopez Portillo and his staff of ministers, and have been for some years. We are updated weekly and sometimes daily on events in Mexico which affect our relationship with the government.

We are very strongly associated with Jorge Diaz Serrano, Director General of Pemex, and we have discussed the proposed natural gas contracts which have been presented with Portillo and staff.

We believe a conflict exists between the two committees set up to negotiate the purchase price, terms and amount of natural gas to be sold and shipped to the United States.

We have offered the idea of utilizing the new pipeline between the state of Chihuahua and the state of Tamaulipas, which is 74 miles from the Texas border. The line is capable of delivering two (2) billion cubic feet of gas per day to the United States.

In utilizing this pipeline for delivery of natural gas, we can accomplish two goals:

(1) Import natural gas to the United States, to balance the shortages and:

Cont:
To Honorable Jimmy Carter
President of the United States

(2) We have discussed a plan to convert the natural gas to electricity through the construction of steam generation plants, to be located in northern Mexico, close to the United States borders. If this plan were put into effect, we could purchase the excess electricity from Mexico at a more inexpensive rate than we in the United States could produce. Mexico would have the projected increase of 15% electrical current needed in the next two years, due to increased development within Mexico and we could still purchase surplus natural gas as increased production becomes available through development of Mexico's northern gas fields.

We feel that we can successfully mediate and negotiate the purchase price, terms and conditions between the two committees, and both countries, the United States and Mexico and use down to earth common sense tactics to convince the Mexican government that we want to work with them, as friends and neighbors, to help build the social standing of Mexico, as well as help the people of both nations.

The Government of Mexico feels we are trying to take advantage of them and we need to assure them, without being forceful, that we can be brothers and work together for a common goal.

Your team of Christoper, Krueger, Lucey and Katz are not tuned into the feelings of the Mexican government and therefore we are at a stand-off, wherein Mexico is holding out for what it can get!

We feel strong in our discussions with Mexico that we can set the price between $3.40 and $3.50 per 1000 cubic feet of natural gas delivered to the United States.

We also feel we can curb future increases in price and keep them low on a sliding scale.

Much more important is to create a feeling of goodwill and understanding between our two countries.

We feel that this type of relationship will benefit America and Mexico and help you politically as well.

We are offering our help to you if needed, to help our country and our Mexican brothers. Time is of the essence, due to your meeting with Porrittio, Sept. 28, 1979. If you would like our assistance, please feel free to contact us.

Sincerely,

[Signature]

George L. Bellacino

[Signature]

Ronald C. Sprague

GH-RS/FJm
George Belloumini --

President Carter asked me to send the enclosed copy of the letter from you and Mr. Sprague which reflects the President's comments -- with his best regards.

-- Susan Clough

Mr. George Belloumini
Suite A
1300 17th Street
Bakersfield, California 93301

Mr. Ronald Sprague
Suite A
1300 17th Street
Bakersfield, California 93301
Mr. Ron Sprague
1300 17th Street
Suite A
Bakersville, California 93301

Best wishes to
Ron Sprague

Jimmy Carter 3-80
BREZNYNSKI EVENING REPORT

July 1, 1980

Billy Carter. I was called today by Joel Lisker of the Criminal Division of Justice who is investigating charges that Billy Carter was improperly associated with Libyan policy. I told him I had never talked to Billy Carter and was unaware of any attempts on his part to influence U.S. policy on Libya. (Sick)
Alfred H. Moses, Esq.
Special Counsel to the President
The White House Office
Washington, D.C. 20500

Re: The Subcommittee of the Committee on the
Judiciary to Conduct an Investigation of
Activities of Individuals Representing
Interests of Foreign Governments

Dear Mr. Moses:

The Subcommittee has authorized its counsel to
forward to you a list of written questions seeking certain
information relating to the President. Answers to these
questions would assist in developing the record being compiled
by the Subcommittee for use in preparing the Subcommittee's
report. Inasmuch as the Subcommittee plans to issue its
report on Thursday, October 2, 1980, any information that
is to be used in preparing the report will have to reach
the Subcommittee by Monday, September 29, 1980.

The information requested relating to the President
is as follows:

1. Whether Billy Carter cleared with the President,
as he said he would, */ before making the decision to return
to Libya in 1979, and if so what was said when Billy Carter
cleared with the President; whether, after that decision
was publicly announced in July, 1979, the President received
advice from his advisors to attempt to dissuade Billy from
making the trip; and whether the President made such an attempt.

*/ The President's dictated note of April 3, 1979, states
that in a conversation with Billy that day the President
had told Billy "it would be a mistake and embarrassment for
his to go to Libya anytime soon," and Billy had said, inter
alia, "[t]hat he would clear it with [the President] before
he made that decision."
2. Whether, at any time after April, 1979, the President considered, alone or with his advisors, the advisability of either a private statement to the government of Libya or a public announcement disassociating himself and the United States from, or disapproving, Billy's second trip to Libya or Billy's associations with Libya, and if so the conclusion reached and the reasons therefor.

3. Whether the President, on November 20, 1979, contemplated that Billy would participate in formulating and conveying a message to Libyan officials, or merely that Billy would arrange a meeting between Dr. Brzezinski and Mr. El Houderi.

4. Whether the President consulted with anyone other than Mrs. Carter and Dr. Brzezinski as to whether a contact with Libya would be helpful with the Iranians and the President's recollection of the content of any such consultations if they occurred.

5. The President's recollection of the events of March 31 - April 2, 1980 relating to the intelligence report received by Dr. Brzezinski from Admiral Turner, in light of the contemporaneous logs and other documents now available (in particular, whether Dr. Brzezinski informed the President of the intelligence report before calling Billy Carter, and if so whether he and the President discussed whether Billy should be called and what was said in that discussion).

6. Whether, after Dr. Brzezinski reported to the President his conversation with Billy about a Libyan oil allocation, the President himself sought to dissuade Billy from continuing with the oil venture.

7. Whether, knowing now that intelligence information was available in April, 1980, that a payment was about to be made by Libyan officials to Billy Carter, the President is of the opinion that he should have been advised of that intelligence at the time it became available.
8. The state of the President's knowledge of the relationship between Billy Carter and Libyan officials as of (a) November 20, 1979, and (b) April 1 and 2, 1980.

9. If the President has any knowledge of any of the telephone calls listed below, and if the call or calls are related to Billy Carter and the hostage crisis, the President is requested to state what he knows about the call or calls:

(a) 11/19/79 at 10:57 p.m. from Camp David to Billy Carter's home;

(b) 11/20/79 at 9:45 a.m. from Best Western Motel office, Americus, Ga. to White House;

(c) 11/20/79 at 10:29 a.m. from Camp David to Best Western Motel office, Americus, Ga.;

(d) 11/21/79 at 9:43 p.m. from Camp David to Billy Carter's home.

Very truly yours,

Michael Davidson

Robert K. Kelley
Dear Judge Tone:

I am responding to Counsel's letter to me of September 24, 1980, requesting certain information relating to the President. The information requested is as follows:

1) Whether Billy Carter cleared with the President as he said he would, before making the decision to return to Libya in 1979, and if so what was said when Billy Carter cleared with the President; whether, after that decision was publicly announced in July, 1979, the President received advice from his advisors to attempt to dissuade Billy from making the trip; and whether the President made such an attempt.

1) The President sought from time to time through April 1979 to discourage Billy Carter from making a second trip to Libya. Following the President's dictated note of April 3, 1979, Billy Carter did not inform the President of Billy Carter's subsequent decision to make a second trip. In July 1979, Billy Carter announced on a television show that he intended to make a second trip to Libya. As previously disclosed to the Subcommittee, when Susan Clough, the President's Secretary, learned of this she discussed the matter with Jody Powell, the President's Press Secretary, and with Robert Gates of the National Security Council staff. At Ms. Clough's suggestion, Mr. Gates sent a memorandum to Zbigniew Brzezinski, the Assistant to the President for National Security Affairs, suggesting that Dr. Brzezinski inform the Department of State that Billy Carter's trip should be treated as a
strictly private visit. A copy of Mr. Gates' memorandum to Dr. Brzezinski and Dr. Brzezinski's follow-on memorandum to the Secretary of State have previously been furnished to the Subcommittee. Ms. Clough did not discuss the matter with the President and the President does not recall receiving advice from other members of the White House staff concerning Billy Carter's forthcoming trip to Libya.

2) Whether, at any time after April, 1979, the President considered, alone or with his advisors, the advisability of either a private statement to the government of Libya or a public announcement disassociating himself and the United States from, or disapproving, Billy's second trip to Libya or Billy's associations with Libya, and if so the conclusion reached and the reasons therefor.

2) The President did not discuss with his advisors at any time between April 1979 and the filing of the court papers on July 14, 1980, the advisability of making a private statement or public announcement regarding Billy Carter's second trip to Libya or his association with Libya. The President considered Billy Carter's trips to Libya to be strictly private visits involving no governmental function or purpose. In February 1979 the President had disassociated himself from certain of Billy Carter's public remarks made during the visit of the Libyan Trade Mission to the United States. He also stated at that time that he had no control over what Billy Carter said or did. As the President's Press Secretary had previously stated
in a press briefing, "Billy is a private citizen and he tends to act and speak without prior consultation with the White House and vice versa..."

The President was also aware of the report of the American chargé in Tripoli that during Billy Carter's first visit to Libya he had avoided political comments of any kind. Under the circumstances, the President did not feel that any further announcement by him or private statement to the Government of Libya was called for. There was no evidence available to the President before July 14, 1980 to indicate that the Libyan Government viewed Billy Carter's trips as being other than private visits or that the Libyan Government believed Billy Carter was at any time speaking for or acting on behalf of the President in connection with such trips. When further evidence of Billy Carter's associations with Libya including the large payments did become available, the President stated in his August 4, 1980 report to the Subcommittee:

"I can state categorically that my brother Billy has had no influence on my decisions or on any United States Government policies or action concerning Libya. I can also state that Billy has never asked me to take any step that would affect any of these actions or policies. As far as my counsel have been able to determine, Billy has not made any such effort with others in my Administration."
"I am deeply concerned that Billy has received funds from Libya and that he may be under obligation to Libya. These facts will govern my relationships with Billy so long as I am President. Billy has had no influence on U.S. policies or actions concerning Libya in the past and he will have no influence in the future."

3) Whether the President, on November 20, 1979, contemplated that Billy would participate in formulating and conveying a message to Libyan officials, or merely that Billy would arrange a meeting between Dr. Brzezinski and Mr. El Houderi.

3) On November 20, 1979, or perhaps the previous day, the First Lady suggested to the President that Billy Carter's Libyan friends might be helpful in obtaining the release of the American hostages in Tehran. On November 20, the President communicated this suggestion to Dr. Brzezinski and asked him to call Billy Carter about it. The President did not have any specific proposal in mind and left further implementation to Dr. Brzezinski. Dr. Brzezinski called Billy Carter and asked if he could be helpful in getting Libya to take a more positive role in the release of the hostages. Dr. Brzezinski asked Billy Carter if he knew the Libyan representative in Washington and could arrange a meeting with Dr. Brzezinski. Billy Carter arranged for such a meeting which was held on November 27 in Dr. Brzezinski's office. The President did not attend.
4) Whether the President consulted with anyone other than Mrs. Carter and Dr. Brzezinski as to whether a contact with Libya would be helpful with the Iranians and the President's recollection of the content of any such consultations if they occurred.

4) On a number of occasions the President discussed with his foreign policy advisors, including the Secretary of State, Dr. Brzezinski, and other Department of State and National Security Council officials, the desirability of encouraging all Muslim countries, including Libya, to condemn the Iranian seizure of the American Embassy and the holding of Embassy personnel. Both official and unofficial contacts were pursued in furtherance of this objective. In the case of Libya, contacts were made by David Newsom, Undersecretary of State for Political Affairs, and by William Eagleton, the American charge in Tripoli. The President did not specifically discuss a possible role for Billy Carter with anyone other than the First Lady and Dr. Brzezinski. Dr. Brzezinski testified he recalls discussing such a role with the Secretary of State sometime after speaking by phone with Billy Carter on November 20 and again after the meeting with the Libyan representative, Ali El Houderi, on November 27, 1979.

5) The President's recollection of the events of March 31 - April 2, 1980 relating to the intelligence report received by Dr. Brzezinski from Admiral Turner, in light of the contemporaneous logs and other documents now available (in particular, whether Dr. Brzezinski informed the President of the intelligence report before calling Billy Carter, and if so whether he and the President discussed whether Billy should be called and what was said in that discussion).
5) The President's recollection of the events of March 31 - April 2, 1980, concerning Billy Carter is that Dr. Brzezinski reported to him on a single occasion about the intelligence report and about Dr. Brzezinski's conversation with Billy Carter after Dr. Brzezinski received that report. On that occasion Dr. Brzezinski said he had seen an intelligence report that Billy Carter was seeking an increased allocation of Libyan oil for an American oil company and implying that Billy would receive a fee if the transaction was consummated. Dr. Brzezinski further said he had called Billy Carter and had cautioned him not to take any action that could embarrass the President or the country, or could lead to Billy Carter being exploited by the Libyan Government. As the President recalls, he did not actually see the intelligence report. The President told Dr. Brzezinski he approved Dr. Brzezinski's action.

6) Whether, after Dr. Brzezinski reported to the President his conversation with Billy about a Libyan oil allocation, the President himself sought to dissuade Billy from continuing with the oil venture.

6) The President did not himself discuss the matter with Billy Carter. The President did not do so because he believed that Dr. Brzezinski's warning would be understood by Billy as representing his own feelings on the matter as well. Given Billy Carter's oft-expressed feelings of independence from his brother on business and other matters, the President believed a further call from him was likely to be counterproductive.
7) Whether, knowing now that intelligence information was available in April, 1980, that a payment was about to be made by Libyan officials to Billy Carter, the President is of the opinion that he should have been advised of that intelligence at the same time it became available.

7) The President believes that the correct policy with regard to the dissemination of intelligence information relating to possible law violations by persons close to the President is to leave this decision in the first instance to the heads of the intelligence agencies. They have the necessary knowledge and experience to determine what information should be brought to the attention of the President or to the Attorney General. These officials are also in the best position to determine whether the further use of such information -- for example, to discourage Billy Carter from accepting such payments -- would involve an unacceptable risk of compromising the sources or methods by which the intelligence information was obtained. With regard to the intelligence information available in April 1980, such a risk may well have existed. The agency head properly called this information to the attention of the Attorney General, to whom the President has delegated constitutional authority for the enforcement of the laws. Since the Attorney General determined that the information contained in the report was relevant to the Department of Justice's investigation of Billy Carter's duty to register under the Foreign Agents Registration Act, the President feels that public confidence in impartial law enforcement was best served by the decision reached not to bring this particular
intelligence report to his attention. This decision was consistent with the law enforcement policies described in the President's statement of August 4. The President's lack of knowledge from April to July 1980 had no effect whatever upon the conduct of United States foreign policy vis-a-vis Libya.

8) The state of the President's knowledge of the relationship between Billy Carter and Libyan officials as of (a) November 20, 1979, and (b) April 1 and 2, 1980.

8) As of November 20, 1979, the President knew that Billy Carter had visited Libya on two occasions and had been a host at a reception in Atlanta for a Libyan Trade Mission that had visited the United States in January 1979. He may also have known that Billy Carter had arranged for a Libyan official to appear on a morning television show and had performed other public relations functions in connection with the Trade Mission's visit. He was also aware of press reports that the Department of Justice had initiated an investigation as to whether Billy Carter was obligated to register under the Foreign Agents Registration Act. He did not know of Billy Carter's efforts to obtain a loan from the Libyan Government, nor did he know of any business dealings between Billy Carter and Libya, including specifically, Billy Carter's efforts to obtain an increased allocation of Libyan oil for an American oil company or such efforts as he may have pursued in the commodities field.
On April 1 or 2, 1980 the President was informed by Dr. Brzezinski of an intelligence report which disclosed that Billy Carter was seeking to obtain an increased allocation of Libyan oil for an American oil company and implying that if this were successful, Billy would receive a fee. This is the only additional information concerning Billy Carter's Libyan relationships known to the President on April 1 or 2, not known on November 20, 1979.

9) If the President has any knowledge of any of the telephone calls listed below, and if the call or calls are related to Billy Carter and the hostage crisis, the President is requested to state what he knows about the call or calls:

(a) 11/19/79 at 10:57 p.m. from Camp David to Billy Carter's home;
(b) 11/20/79 at 9:45 a.m. from Best Western Motel office, Americus, Ga. to White House;
(c) 11/20/79 at 10:29 a.m. from Camp David to Best Western Motel office, Americus, Ga.;
(d) 11/21/79 at 9:43 p.m. from Camp David to Billy Carter's OMB.

9) The President does not recall specifically any of the telephone calls listed above. In further answer to your question:

(a) Mrs. Carter recalls a telephone call which she made to Billy Carter on the evening of November 19, 1979. She was at Camp David at that time. Her recollection of the conversation is that she asked Billy whether he thought that his Libyan friends might be of help
in connection with the release of the American hostages in Tehran. Her recollection is that Billy Carter replied that he thought the Libyans might be of help. No telephone logs are kept at Camp David for the First Lady's calls made from the Camp David switchboard. The President's diary contains no indication that he made the call on November 19, 1979.

(b) The telephone call in the morning of November 20, 1979 from the Best Western Motel office, Americus, Ga. to the White House was made at a time when the President and Mrs. Carter were at Camp David. We have found no record indicating to whom the call was made or whether it was completed.

(c) The call on November 20, 1979 from Camp David to the Best Western Motel office was placed by someone other than the President. The President's logs do not show a call from him to the Best Western Motel office or to Billy Carter on November 20, 1979.

(d) The call from Camp David to Billy Carter's home on the evening of November 21, 1979 (Thanksgiving Eve) is shown in the President's telephone logs to be a call from the President to Mrs. Sybil Carter, Billy Carter's
wife. The call was made six minutes after the
President talked by phone with his mother, Mrs.
Lillian Carter. The President does not recall
what he discussed with Mrs. Sybil Carter on
this occasion.

In reply to the inquiry in your letter dated September 25, 1980,
concerning a report conversation between Billy Carter and
Ambassador Kikhia, the President does not recall Billy Carter's
having conveyed to him Ambassador Kikhia's statement or otherwise
discussing the matter with him. Although the conversation between
Ambassador Kikhia and Billy Carter was the subject of an inquiry
by the Subcommittee's counsel in the deposition of Billy Carter
taken on September 24, it appears that Billy Carter was not asked
by counsel whether or not he discussed this matter with the
President, and, as stated, the President has no recollection of
any such conversation.

I am enclosing with this letter a list of contacts between Dr.
Brzezinski and Secretary Vance on November 27, 28 and December 6,
12, 13 and 14, 1979 as you requested on September 19, 1980
during the testimony of Dr. Brzezinski before the Senate Sub-
committee. There is also enclosed the declassified version of
Dr. Brzezinski's testimony in executive session relating to his
telephone conversation with Billy Carter during the period March 31 - April 1, 1980. This was requested by Mr. Kelley of your staff.

Sincerely yours,

Alfred H. Moses
Special Counsel to the President

The Honorable Philip W. Tone
The Subcommittee of the Committee on the Judiciary
United States Senate
Washington, D. C. 20510.
November 27, 1979
9:13 To Sit Rm - SCC meeting *
12:42 Sec Vance called
1:58 Sec Vance joined **
* Vance attended SCC meeting.
** Vance joined meeting with Secretary Brown already in progress.

November 28, 1979
9:00 SCC Meeting *
12:08 Called Sec Vance
2:24 Called Sec Vance
7:08 Called Sec Vance
* Vance attended SCC meeting.

December 6, 1979
900 SCC Meeting *
1020 called Secretary Vance
1025 called Sec. Vance
12:30 VBB lunch **
* Vance attended SCC meeting.
** Vance-Brown-Brzezinski lunch

December 12, 1979
None

December 13, 1979
None

December 14, 1979
7:06 * The Pres., Sec Vance
* p.m.

7:45
Dear Mr. Chairman:

In the President's Report to the Subcommittee dated August 4, 1980, he stated that he had asked his counsel to draft rules to bar dealings between employees of the Executive Branch and members of the President's family that create either the reality or the appearance of improper favor or influence.

The President is today issuing the attached guidelines concerning dealings by government officials with members of the President's family. They are being filed with the Federal Register for publication.

Sincerely yours,

Lloyd N. Cutler
Counsel to the President

The Honorable Birch Bayh
Chairman
Subcommittee of the
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Attachment
MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Guidelines Concerning Official Dealings with Members of the President's Family

The purpose of these guidelines is to caution government employees against dealing with members of the President's family in ways that create either the reality or the appearance of impropriety.

The primary responsibility to avoid impropriety of course rests on the President and the members of his family. The President has cautioned members of his family not only to observe these guidelines, but also not to place government employees in a position where the appearance of impropriety can occur.

There are three situations which need to be distinguished:

First are the cases where a member of the President's family is performing the duties or exercising the rights of any other citizen. The payment of taxes, military service, and entitlements to Social Security, agricultural, or educational benefits are typical examples. In all such cases, members of the President's family are to be treated the same way as anyone else. They are to seek no special favor, nor are they to be granted any.

Second are the cases where the President calls on a member of his family to act as his official representative at a ceremony, function or meeting in the United States or abroad. In such cases, government employees should afford the designated members of the President's family the courtesies and amenities appropriate to his or her official status and to the occasion -- no more, no less.

When members of the President's family take personal trips or where the government has information that their personal security may be threatened, they should be accorded the same treatment and protection as any other public figure.
Third are the cases in which a member of the President's family is seeking to do business with the government on his or her own behalf or to act as an agent for another person, firm or government seeking to do business with our government. Examples are the discretionary award of government contracts and the discretionary granting of valuable licenses.

In this third class of cases, there is a strong presumption against such dealings with a family member. Even though the family member's proposal or request may be entirely meritorious, and the government employee's response is the same as it would be regardless of the family relationship, many will believe, without any other evidence, that the government's response was influenced by the family member's status as such. While it could be argued that members of the President's family have the same right as any other citizen to have the government engage in discretionary dealings with them, this is a right that is best relinquished during the President's incumbency. The President has therefore cautioned family members from making such proposals or requests, and urges all government employees not only to reject all such proposals and requests, but to report their occurrence to the head of the department or agency, who should advise the Counsel for the President. In extraordinary cases where the responsible employee believes the proposal or request should be approved -- for example when the family member's business relationship with the government predates the President's incumbency and the relationship has not been exploited during his incumbency -- the approval of the department or agency head shall first be obtained.

Government employees should also apply a strong presumption against the discretionary disclosure to family members of information of potential economic value about existing or planned government policies or actions that is not generally available to the public.

These guidelines apply only to family members. They do not apply to any business entity with which a family member may be associated, so long as the family member does not participate in any way, and the family member's association is not otherwise exploited, in the entity's dealings with the government.

For purposes of these guidelines, the President's family consists of the President's parents, brothers, sisters and children, and the spouses of his brothers, sisters and children.
PART II.—TELEPHONE RECORDS RECEIVED BY THE SUBCOMMITTEE

Pursuant to subpoenas issued by the Subcommittee during its investigation, various telephone records of subscriber information and long-distance toll calls were obtained and analyzed. Records were made available for differing time periods by separate telephone companies. Included were records of two home telephones of Billy Carter, Buena Vista, Georgia (from July 1979 to July 1980); the home telephone of Randy Coleman, Plains, Georgia (from September 1978 to July 1980); the telephone at Horizon Farms, Plains, Georgia, used almost exclusively by Coleman (from September 1978 to July 1980); the office telephone at the Best Western Motel, Americus, Georgia, used frequently by Billy Carter, Coleman and Jimmy Murray regarding matters considered in this investigation (from August 1979 to July 1980); the home and office telephones of Jack McGregor, Bedford Village, New York (from January 1980 to July 1980); the office telephones of Charter Oil Company of Jacksonville, Florida (from November 1979 to December 1979); the office telephone of Thi-Cal Trading Company, Inc., Bakersfield, California, operated by George Belluomini and Ronald Sprague (January 1978 to July 1980); the home telephone of George Belluomini (January 1978 to July 1980).

Analysis of these telephone records revealed evidence of a number of telephone calls relevant to this inquiry. The Subcommittee Report makes reference to many of those calls. Attached, in chronological order by date and time of call, is an exhibit prepared from the telephone records which lists the more relevant telephone calls. The duration of each call is noted but, in certain cases, the time of the call was not noted in the records produced.

The "Phone Used" to place the call and the "Phone Called" are identified in separate columns. Where a call is placed from an outside phone but charged to a telephone for which the
Subcommittee received records, the "Phone Used" column will reflect the city and state from which the call was placed. In such cases, the final column, "Charged From Outside Phone," will identify the telephone actually charged for the call.

These records have been used to corroborate testimony presented to the Subcommittee and to identify, as precisely as is possible, the dates on which certain events occurred. Thus, the fact of travel by an individual is evidenced in long distance calls from out-of-state being charged to his home telephone. Finally, an inference may be drawn from increases in telephone communication activity during or immediately after significant events occur that a relationship exists between those events and communication activity.
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Duration (minutes)</th>
<th>Phone Used</th>
<th>Phone Called</th>
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</tr>
</thead>
<tbody>
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<td>1:08 pm</td>
<td>1</td>
<td>Randy Coleman</td>
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<td></td>
</tr>
<tr>
<td>12/19/78</td>
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<td>Townhouse Motor Inn, Atlanta, Ga.</td>
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<td>Horizon Farms</td>
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<tr>
<td></td>
<td>6:11 pm</td>
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<td>Townhouse Motor Inn, Atlanta, Ga.</td>
<td>Mark Fuller's home</td>
<td>Horizon Farms</td>
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<td>9:06 pm</td>
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<td></td>
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<td>Date</td>
<td>Time</td>
<td>Duration (minutes)</td>
<td>Phone Used</td>
<td>Phone Called</td>
<td>Charged From Outside Phone</td>
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<td>Time</td>
<td>Duration (minutes)</td>
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<td>Phone Called</td>
<td>Charged From Outside Phone</td>
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<td></td>
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<td>Best Western</td>
<td>Libyan Embassy</td>
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<td></td>
<td>3:59 pm</td>
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<td>10:58 am</td>
<td>2</td>
<td>Best Western</td>
<td>Libyan Embassy</td>
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</tr>
<tr>
<td>Date</td>
<td>Time</td>
<td>Duration (minutes)</td>
<td>Phone Used</td>
<td>Phone Called</td>
<td>Charged From Outside Phone</td>
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<tr>
<td>11/6/79</td>
<td>10:45 am</td>
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<td>Best Western</td>
<td>Libyan Embassy</td>
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<td>11/7/79</td>
<td>11:16 am</td>
<td>1</td>
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<td>11/8/79</td>
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<td>2</td>
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<td>Horizon Farms</td>
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<td></td>
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<td>White House</td>
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<td>Libyan Embassy</td>
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<td>11:20 am</td>
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<td>Best Western</td>
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<td></td>
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<td>12:04 pm</td>
<td></td>
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<tr>
<td>Date</td>
<td>Time</td>
<td>Duration (minutes)</td>
<td>Phone Used</td>
<td>Phone Called</td>
<td>Charged From Outside Phone</td>
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<tr>
<td>11/14/79</td>
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<td>5</td>
<td>Best Western</td>
<td>Libyan Embassy</td>
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<td>9</td>
<td>Queens, N.Y.</td>
<td>Billy Carter's home</td>
<td>Billy Carter's home</td>
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<tr>
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<td>2</td>
<td>Best Western</td>
<td>Robert Schwind, Worldwide Trading, Atlanta, Ga.</td>
<td></td>
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<td>16</td>
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<td>United Kingdom</td>
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<td>11/19/79</td>
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<td>-</td>
<td>Camp David switchboard</td>
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<td>1</td>
<td>Best Western</td>
<td>Libyan Embassy</td>
<td></td>
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<tr>
<td></td>
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<td>7</td>
<td>Best Western</td>
<td>White House</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10:42 am</td>
<td>2</td>
<td>Best Western</td>
<td>Libyan Embassy</td>
<td></td>
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<tr>
<td></td>
<td>10:57 am</td>
<td>5</td>
<td>Best Western</td>
<td>Eastern Airlines</td>
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<td></td>
<td>11:33 am</td>
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<td>Best Western</td>
<td>Billy Carter's home</td>
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<tr>
<td>Date</td>
<td>Time</td>
<td>Duration (minutes)</td>
<td>Phone Used</td>
<td>Phone Called</td>
<td>Charged From Outside Phone</td>
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<td>11/20/79</td>
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<td>2</td>
<td>Best Western</td>
<td>White House</td>
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<td></td>
<td>11:38 am</td>
<td>2</td>
<td>Best Western</td>
<td>Libyan Embassy</td>
<td></td>
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<td></td>
<td>11:40 am</td>
<td>2</td>
<td>Best Western</td>
<td>Billy Carter's home</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8:06 pm</td>
<td>2</td>
<td>Randy Coleman</td>
<td>Libyan Embassy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8:08 pm</td>
<td>1</td>
<td>Randy Coleman</td>
<td>Mohammed Tarhuni, Alexandria, Va.</td>
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<td></td>
<td>8:42 pm</td>
<td>3</td>
<td>Randy Coleman</td>
<td>Billy Carter's home</td>
<td></td>
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<tr>
<td></td>
<td>10:50 pm</td>
<td>3</td>
<td>Arlington, Va.</td>
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<td>Billy Carter's home</td>
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PART III.—LEGAL APPENDIX

INTRODUCTION

In addition to its contributions to the conduct of public affairs, each Congressional investigation makes a contribution to an institution as old as the Republic—the Congressional investigation itself. Each Congressional investigation works out its solutions to the legal problems posed by the occasional reluctance of witnesses and the complexity of investigative subjects; subsequent Congressional investigations must then revise these solutions in the light of new opportunities and requirements created by changes in the law and in the public sense of investigative necessity and witnesses' rights. A sound Congressional investigation leaves a legacy of earned respect and improved technique.

When it began its inquiry into the relationship between Billy Carter, Libya and the executive branch, the Subcommittee to Investigate Individuals Representing the Interests of Foreign Governments was fortunate in its inheritance from recent Congressional investigations. Not only had the Senate Select Committee on Presidential Campaign Activities, popularly known as the Watergate Committee, left a basis of public respect for Senate investigations, but it had also published an invaluable two-volume set of legal papers. Legal Documents Relating to the Select Committee Hearings: Appendix to the Hearings of the Select Committee on Presidential Campaign
Activities of the United States Senate, 93d Cong., 1st & 2d Sess. (1974). The House Select Committee on Assassinations has also published its legal papers. Legislative and Administrative Reform: Appendix to Hearings Before the Select Committee on Assassinations of the House of Representatives, 95th Cong., 2d Sess. (1978). These materials made it possible for this investigation to begin with the experience of the past in shaping the means to search for the truth. However, the Subcommittee still faced a number of novel problems, particularly those posed by the extraordinary Senate timetable mandating a thorough investigation, public hearings, and a report, all within ten weeks after the creation of an ad hoc Subcommittee.

The papers in this volume reflect the means devised by the Subcommittee for solving its legal problems. They are published in order that the Subcommittee's work may be subject to public scrutiny, and in the hope that they will be of assistance to future investigations. At the same time, the Subcommittee would like to take this opportunity to acknowledge the invaluable assistance of the American Law Division of the Library of Congress, traditionally the source of expertise in the law of Congressional investigations, for the memoranda included in this volume and for other assistance. Mr. Joseph E. Ross, head of that Division, deserves special mention for arranging the drafting of urgently needed legal memoranda on an expedited basis.
I. SUBCOMMITTEE AUTHORITY, RULES AND SCOPE

The Subcommittee to Investigate Individuals Representing the Interests of Foreign Governments was created by a unanimous consent agreement of the Senate on July 24, 1980. That unanimous consent agreement and the discussion at the time of its adoption, respectively Documents 1 and 2, reflect a compromise between proponents of investigation by a standing committee or subcommittee, and proponents of an investigation by a new committee whose membership would be selected from the Senate as a whole. As established, the Subcommittee was, of course, a "subcommittee" -- to be precise, a subcommittee of the Committee on the Judiciary -- rather than a full committee. However, the Subcommittee had several attributes of a full committee: (1) it was directed to "submit to the Senate not later than October 4, 1980, a final or interim report," thereby being directed to report to the Senate rather than to a committee, and (2) its subpoena power was delegated directly by the Senate in the provision "that subpoenas shall be issued by the subcommittee ...." rather than being delegated by the Senate to a full committee and being subdelegated by a full committee to a subcommittee.
This unique character of the Subcommittee had lasting impact on the legal characteristics of the investigation. For example, in light of the Subcommittee's status as a subunit of the Committee on the Judiciary, the supplementary appropriations to fund the Subcommittee were made to the Committee on the Judiciary rather than directly to the Subcommittee, pursuant to S. Res. 513, Document 3, discussed in the statement by Senator Birch Bayh, Document 4, made at the time of adoption of S. Res. 513. On the other hand, focusing on other aspects that made the Subcommittee, for subpoena-related purposes, take on attributes of a full committee, the Senate delegated authority to request tax records directly to the Subcommittee in S. Res. 496, Document 9, rather than to a full committee with subdelegation to the Subcommittee.

Seven of the Subcommittee's nine members were drawn from the Committee on the Judiciary, and the titles "select" or "special" were not conferred on the Subcommittee. However, the Subcommittee did draw two members from a second committee, the Committee on Foreign Relations. As Senator Robert Byrd explained, "the Judiciary Committee, having primary jurisdiction over the matter, and certainly jurisdiction over any criminal activities that may have occurred, is the appropriate committee to conduct the investigation, with the added provision that the Foreign
Relations Committee, which has jurisdiction over the Foreign Agents Registration Act, is appropriately represented by the unanimous-consent agreement." As reflected in the announcement of appointments to the Subcommittee, Document 5, appointment of the two members from the Committee on Foreign Relations occurred five days after the establishment of the Subcommittee.

The agreement establishing the Subcommittee provided "that the Senate Legal Counsel and Deputy Counsel be authorized and directed to work with and under the jurisdiction and authority of the subcommittee chairman and ranking minority." As Senator Byrd explained on July 24, this would "enable the investigation to proceed immediately. There should be no delay." The Office of Senate Legal Counsel, and the positions of Senate Legal Counsel and Deputy Senate Legal Counsel, had been created by the Ethics in Government Act of 1978. The Subcommittee subsequently resolved to appoint a Special Counsel, of named Philip W. Tone, a distinguished former federal district and appellate judge, to that position. The Senate Legal Counsel and Deputy Senate Legal Counsel then proceeded to work under the direction of Judge Tone.
Section 703(a)(6) of the Ethics Act, 2 U.S.C. § 288g(a)(6), directs the Senate Legal Counsel to "advise, consult, and cooperate with ... any committee or subcommittee of the Senate in promulgating and revising their rules and procedures for the use of congressional investigative powers and with respect to questions which may arise in the course of any investigation." Moreover, under Section 708(c), 2 U.S.C. § 288g(c), "The Counsel shall perform such other duties consistent with the purposes and limitations of this title as the Senate may direct." Prior to the Subcommittee's investigation, the Office of Senate Legal Counsel had assisted in investigations by the Permanent Subcommittee on Investigations, the Subcommittee on Limitations of Contracted and Deligated Activity, the Subcommittee on Improvements in Judicial Machinery, and the Select Committee on Indian Affairs.

The agreement establishing the Subcommittee provided "that the extent and scope of the investigation shall be determined by the subcommittee." In part, this provision reflected the special time pressure faced by the Subcommittee. In order to report to the Senate by October 4, the Subcommittee was requested to begin investigation immediately, even if the scope of the investigation could not yet be precisely defined. On August 19, 1980, the Subcommittee adopted a statement of the scope of its investigation, Document 6. As the statement noted:
The investigation should enable the subcommittee to respond to the following questions. First, as applied to the facts of this matter, does the Foreign Agents Registration Act fail to require registration in circumstances in which the national interest requires disclosure? On the other hand, does it include activities for which the requirement of registration serves no useful governmental interest? Second, are the enforcement procedures under the Act sufficient, and in the Billy Carter case, was enforcement impeded by a lack of interagency cooperation? Third, has justice in this case been administered in an efficient and evenhanded manner? Fourth, did Billy Carter or others associated with him engage on behalf of Libya in activities subject to the registration requirements of the Act? Did any of these activities affect decisions of the United States government with respect to Libya? Did Billy Carter's failure to register at an earlier date adversely affect the interest of the United States? Fifth, did he engage in any activities with respect to foreign nations of a kind which may be appropriate subjects of future legislation?

Within a week after its creation, on July 31, 1980 the Subcommittee adopted formal rules of procedure, Document 7. These rules reflected the nonpartisan nature of the investigation originally established in the agreement creating the Subcommittee. That agreement had indicated that the ranking minority member of the Subcommittee would have the status of vice chairman, and that the chairman and vice chairman would act together in the critical matter of issuing subpoenas, insofar as it provided "that subpoenas shall be issued by the Subcommittee upon the cosignature of its chairman and vice chairman, or upon the signature of either of them at the direction of
the subcommittee." The rules further defined the joint role of the chairman and vice chairman. Subcommittee Rule 2.3 provided that "The Chairman of the subcommittee shall preside over all meetings of the subcommittee. In the absence of the Chairman, the Vice Chairman shall preside." Rule 4.1 provided for the authorization of subpoenas by the Chairman and Vice Chairman. Rule 6.1 provided for the authorization of deposition notices by the Chairman and Vice Chairman. Rule 8.3 provided that the Chairman and Vice Chairman would "at all times have access to all papers and other material received from any source."

In general the Subcommittee's rules followed the rules of the Permanent Subcommittee on Investigations of the Committee on Government Affairs, which has had long experience with investigations, and the rules of the Select Committee on Intelligence, which has had experience handling sensitive intelligence materials. Subcommittee Rules 1 and 2 established the procedures for convening and holding meetings, and Rule 3 established the procedure for coverage of open meetings by the media. Rule 4.1 established the procedures for issuance of subpoenas; Rule 4.2 established a simplified procedure for receiving the return on a subpoena duces tecum.
Rule 5 established the procedures for the taking of testimony at hearings. This provision guaranteed witnesses a right to counsel, and as provided by Rule 5.5, the Subcommittee undertook to endeavor to obtain voluntary counsel for witnesses who were unable to obtain counsel, with the assistance of the District of Columbia Bar Association. Rules 6 and 7 established procedures for depositions and other staff examinations; because of the significance of these procedures for the operations of the Subcommittee, they shall be separately treated below.

Rule 8 established the procedures for handling of classified or sensitive materials; using these procedures, strict security was maintained on an array of intelligence documents and other materials with the assistance of the staff and facilities of the Select Committee on Intelligence. Rule 9 established the duties and obligations of the Subcommittee staff, and Rule 10 authorized the Chairman to utilize personnel of government agencies ("detailees") and private persons ("consultants") as part of the Subcommittee staff. While the majority of the Subcommittee staff were Senate employees, a number of detailees and consultants were eventually hired or retained, most notably the Subcommittee's Special Counsel, Philip W. Tone. Finally, Rule 11 established a simple procedure for changes in rules; this provision was never used.
I, J. S. KIMMITT, Secretary of the Senate of the United States of America, do hereby certify that the document hereto attached is a photostatic copy of an excerpt from the Journal of the Senate of the United States for July 25, 1980, embodying portions of the proceedings of the Senate on that day.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of the Senate of the United States of America at the city of Washington, this the 29th day of July, A. D. 1980.

[Signature]
Secretary of the Senate of the United States
DESIGNATION OF A SUBCOMMITTEE OF THE COMMITTEE ON THE
JUDICIARY TO CONDUCT AN INVESTIGATION OF
ACTIVITIES OF INDIVIDUALS REPRESENTING
INTERESTS OF FOREIGN GOVERNMENTS

On motion by Mr. Robert C. Byrd, and by unanimous consent,

Ordered, That a subcommittee of the Committee on the Judiciary,
consisting of four Democrats and three Republicans, to be selected by
the Acting Chairman (Mr. Bayh), who has been designated by the Chair-
man of the Committee on the Judiciary (Mr. Kennedy), and the ranking
member of the Committee on the Judiciary (Mr. Thurmond), be estab-
lished immediately for the purpose of conducting an investigation of
activities relating to individuals representing the interests of for-
eign governments, and such subcommittee shall submit to the Senate no
later than October 4, 1980, a final or interim report.

Ordered further, That two members of the Committee on Foreign
Relations, one each to be designated by the majority and minority
leaders, shall serve as members of the aforementioned subcommittee,
with the same powers, authority, and prerogatives of all other members
of that subcommittee.

Ordered further, That service on this subcommittee shall not be
considered a violation of Senate rule XXV, subsections (4)(b)(1) and
(4)(e)(2).

Ordered further, That subpoenas shall be issued by the subcom-
mittee upon the co-signature of its chairman and vice chairman, or
upon the signature of either of them at the direction of the subcom-
mittee.

Ordered further, That the Senate Legal Counsel and Deputy Counsel
be authorized and directed to work with and under the jurisdiction and
authority of the subcommittee chairman and ranking member.

Ordered further, That the extent and scope of the investigation
shall be determined by the subcommittee.
UNANIMOUS-CONSENT AGREEMENT

INVESTIGATION OF ACTIVITIES RELATING TO INDIVIDUALS REPRESENTING INTERESTS OF FOREIGN GOVERNMENTS

Mr. ROBERT C. BYRD. Mr. President, meetings have occurred on yesterday and today with the distinguished minority leader, the distinguished minority whip, Senators Tydings and Dirksen from the minority, the distinguished majority whip, Senator Bayh, Senator Rusk, Senator Barrows, Senator Pals, and myself, in my office to discuss the investigation of activities relating to individuals representing the interests of foreign governments.

Several discussions took place and the following unanimous-consent request represents the unanimous agreement that was reached after those discussions terminated in the final meeting earlier today.

The distinguished minority leader is here to speak for himself. I am sure that he discussed with other Senators on his side of the aisle the understanding that was reached, and I have done the same on my side of the aisle.

Mr. President, I ask unanimous consent that a committee of the Judiciary Committee, consisting of four Democrats and three Republicans, to be selected by the acting chairman (Mr. Bayh), who has been designated acting chairman by the chairman of the Judiciary Committee (Mr. Keough), and ranking member of the Judiciary Committee, be established immediately for the purpose of conducting an investigation of activities relating to individuals representing the interests of foreign governments, which subcommittee shall submit to the Senate not later than October 4, 1980, a final or interim report.
S. 9780

CONGRESSIONAL RECORD—SENATE

July 24, 1950

Provided further, that two members of the majority and two members of the minority of each to be designated by the majority and minority leaders of the said committees shall be appointed by the majority and minority leaders of the two Senate Committees of Foreign Relations, or their designees, as substitute members of the majority and minority members of the aforesaid committee, as the case may be, with the same powers, authority, and prerogatives of all other members of that subcommittee;

Provided further, that service on this subcommittee shall not be considered a violation of the Seventy-year limit for subcommittee members of the Senate;

Provided further, that subcommittees shall be issued by the subcommittee upon the nomination of its chairman and vice chairman, or upon order of a majority of the members of that subcommittee;

Provided further, that the Senate legal counsel and deputy counsel be authorized and directed to work with and under the jurisdiction and authority of the subcommittee chairman and ranking member;

Provided further, that the extent and scope of the investigation shall be determined by the subcommittee.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object.

THE PRESIDENT. The Senator from Tennessee.

Mr. BAKER. Mr. President, the majority leader, of course, correctly describes the negotiations that have been undertaken in the course of the last 2 days and which culminated in the meeting conducted last night and this morning.

Mr. President, I wish to join with the majority leader in asking unanimous consent for the action directed in this regard.

Mr. President, further on reservation, I would like to thank the majority leader for his kind words and his consideration of the elements of this agreement, which were deemed to be especially significant to those of us in the minority who were concerned with the quality of the Senate, as I understand it, I personally had hoped for and would have preferred a select committee, a select committee appointed by the majority and minority leaders, comprised of equal representation of both parties, and drawn from the Senate as a whole. I believe that such a committee would have provided a better expression of the Senate than the Senate Committee on the Judiciary.

Mr. President, it is my hope that the Senate will continue to work on the Senate Committee on the Judiciary, and I believe that the Senate is a better forum for the consideration of this matter.

Mr. BAKER. Mr. President, I believe that the Senate has acted wisely and well in a similar and sensitive political and constitutional respect and I offer my congratulations to the majority leader for his efforts in this respect.

THE PRESIDENT. The motion, that the Senate agrees with the agreement of the Senate Committee on the Judiciary, is carried.

Mr. DAVIES. Mr. President, I thank the distinguished minority leader for his cooperation in arriving at the unanimous-consent agreement.

Mr. President, I have mentioned previously and, of course, I thank those whose advice and concurrence were sought, but whose names I have not mentioned, for their cooperation.

I also express my appreciation to the distinguished minority leader for the statement he has just made. I wish to say, on my own behalf, Mr. President, that this is a matter that is not going to go away. It is a matter that, in my judgment, requires the investigation which has been promised by this agreement.

I am pleased to see that the Judiciary Committee, having primary jurisdiction over the bill which the Senate Committee on Foreign Relations, which has furthered the Foreign Agents Registration Act, is appropriately represented by the unanimous-consent agreement.

I have every confidence that the acting chairman of the Judiciary Committee, Mr. BARK, who has been asked by me to serve as chairman of the subcommittee, and the Democratic members who will select the majority leader and other ranking members, Mr. TAYLOR, and the Republican members whom he will select, and the two members of the Foreign Relations Committee who will be selected by the majority and who will discharge their duties in a responsible, honorable, admirable, and skillful way.

It will be the responsibility of this subcommittee to act fairly and to act thoroughly and to follow leads wherever they may go. I have every confidence that they will be able to do that.

I appreciate the statement of the distinguished minority leader—if I did not misunderstand him—that this will not be a partisan matter, and I agree that it should not be a partisan matter. I am just as concerned about this matter as is any other certainly, but as long as either side of the Senate, and just as concerned that there be an investigation; that it be fair; that it be thorough; that it be impartial, and that it be conducted and handled as a bipartisan body.

The distinguished minority leader has said, there are people whose names, whose reputation, whose lives, and whose honor are involved. I feel that the duty of the Senate to proceed fortunately. I can understand the preference of the majority leader for a select committee, but, as he has indicated, I believe there are circumstances in which, in my judgment, dictate that the procedure that has been agreed upon is the better one for the Senate.

The Judiciary Committee is staffing and the appropriate senators for the additional staff. The Senate legal counsel, who I appointed, and the Senate deputy legal counsel, who was appointed by Mr. BARK, both of whom received the formal names of the Senate. The Senate and every able men and women, and I am authorized to say, Mr. President, that this is a matter that is not going to go away. It is a matter that, in my judgment, requires the investigation which has been promised by this agreement.
will be either the final or adjournment of the Senate over until after the election. I have said that, Mr. President, I have always been an admirer of the minority leader and the Members on his side of the aisle, to my own Members, especially Mr. Bayn, who will be taking on this onerous task, and to the others whose names were mentioned.

Mr. BAYN, Mr. President, I think the Senate owes the distinguished majority leader a debt of gratitude for the time and effort he expended in putting this bill to the committee to which the special subcommittee of the Judicial Committee will undertake this important task.

I express my deep appreciation to him for the tremendous role he played in this. I think we also owe to the minority leader a debt of gratitude because he was willing to display a significant willingness of give and take that was necessary to put this together in a harmonious fashion. This is a thankless task. It is an important task. It is one that I trust the subcommittee will in fact exercise in a manner in which the entire Senate can take some degree of pride.

We want this committee to act expeditiously, thoroughly, and fairly, and we are here for the Sierra to do just that.

Again, I am indebted to the distinguished majority leader for the critical catalytic role he played in putting this together in a way that I think the heart of this bill conducted by this committee will as much as is humanly possible assist the right foot and follow the tracks of these activities wherever they may lead and let the chips fall where they may.

I am confident that the Senator from South Carolina and I will be able to structure a committee in such a way that we will be on our judicial-judicial roles and we will take off the partisan remnants that occasionally adorn us every 2 years or 4 years and pursue very truth. We will avoid the temptation to resort to witch hunting or playing petty expedient politics.

In my opinion what the facts are and then the Senate itself, the Government of this country and more importantly, the people of this country can decide for themselves what the proper course of action should be.

Mr. ROBERT C. BYRD, Mr. President, I have said to the distinguished Senator from Indiana (Mr. Bayn) and again I say that I have called upon him to serve as chairman of the subcommittee and I have done it with the utmost confidence in his integrity and dedication to purpose.

Mr. THURMOND, Mr. President, I wish to commend the able minority leader and the able minority leader in reaching agreement as to the membership to be comprised of this Subcommittee on Investigation.

It was suggested that we have a select committee of the Senate, I, like the
96TH CONGRESS  
2d Session  

S. RES. 513

Authorizing supplemental expenditures by the Committee on the Judiciary for inquiries and investigations.

IN THE SENATE OF THE UNITED STATES

AUGUST 27 (legislative day, JUNE 12), 1980

Mr. Robert C. Byrd (for Mr. Bayh) (for himself and Mr. Thurmond) submitted the following resolution; which was considered and agreed to

RESOLUTION

Authorizing supplemental expenditures by the Committee on the Judiciary for inquiries and investigations.

1 Resolved, That section 2 of the Senate Resolution 350,
2 Ninety-sixth Congress, agreed to March 5 (legislative day,
3 January 3), 1980, is amended by striking out the amounts
4 “$4,971,700” and “$177,500” and inserting in lieu thereof
5 “$5,168,700” and “$198,500”, respectively.

O
SENATE RESOLUTION 812—AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD, Mr. President, on behalf of Mr. BARK and Mr. THUR- 
MAN, I stand to offer an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated by Mr. Title.

The legislative clerk read as follows: A resolution (S. Res. 812) authorizing sup- 
plemental expenditures by the Committee on the Judiciary for inquiries and inves- 
tigations.

The ACTING PRESIDENT pro tempore. Is there objection to the present consider- 
ation of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent to have printed
in the Record a statement by Mr. BARK.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR BARK

This resolution authorizes Senate Resolution 350 as to increase total expenditures au-
thorized for the Committee on the Judiciary by $57,700 from $4,271,700 to $4,329,400, of
which the amount may be expended for the procurement of services of individual con-
sultants is increased by $5,000 from $171,500 to $176,500. The additional monies would
be applied to fund a new subcommittee estab- 
lished under the Judiciary Committee as

The subcommittee was established after the Senate on July 31, 1950. The subcommittee was

POURPOSE OF INVESTIGATION

This investigation was initiated by unanimous consent of the Senate on July 31,
1950, its purpose to determine whether in-
dividuals representing foreign governments
as that other have attempted to influence
the actions of the United States government. Moreover, the subcommittee is to determine
if the current laws of the United States are
sufficient to meet any such challenges and
whether existing government agencies and
departments have responded appropriately
to such attempts.

CONCLUSION

By order of the Senate the newly formed subcommittee was made up of seven Mem-
bers of the Judiciary Committee and two
Members of the Foreign Relations Com- 
mittee.

In order to complete its task in the most efficient and economical manner, the sub-
committee will use, to the extent possible, existing staff resources of its Members. The
Members have agreed to designate members of their personal or Committee staff to serve as
staff investigators assigned to the new subcommittee. These are in addition to the
salary and operational expenses which must be provided for by an increase in the amount
the Committee on the Judiciary may expend for investigations. The subcommittee has re-
tained a Special Counsel, it has retained the service of a former high ranking FBI official
as Director of Investigations, and must reimburse the General Accounting Office for ac-
countants and auditors who have been de-
tailed to the subcommittee.

The investigation also will entail significant travel, deposition and witness expenses,
as well as the possibility of retention of additional temporary outside consultants.

This resolution will provide funds to aug-
ment existing resources to enable the sub-
committee to carry out its responsibilities.

The subcommittee intends that the staff as-
signed by Members to this investigation, and
consultant, will be a unified nonpartisan staff.

The resolution was agreed to, as

S. Res. 812

Resolved, That section 2 of Senate Resolution 350, Ninety-sixth Congress, agreed to
March 8 (legislative day, January 24, 1950), be amended by stricken out the amount
"$4,271,700" and inserting in its stead "$4,329,400", respectively.

Mr. ROBERT C. BYRD, Mr. President, I move to suspend the rule by which the
resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was
agreed to.
APPOINTMENT OF SENATOR PELL TO THE SPECIAL JUDICIARY SUBCOMMITTEE

Mr. ROBERT C. BYRD. Mr. President, in accordance with the order of the Senate previously entered, under the authority reposed in me by that order I hereby announce the appointment of Mr. Claremore Faiz to serve on the ad hoc subcommittee of the Judiciary Committee which is to conduct an investigation of the actions, if any, of individuals in the representation of foreign powers. I yield to the distinguished minority leader.

APPOINTMENT OF SENATOR LUGAR TO THE SPECIAL JUDICIARY SUBCOMMITTEE

Mr. BAKER. Mr. President, I am pleased to inform my colleagues that the distinguished Senator from Indiana (Mr. Lugar) has consented to serve on the special Judiciary Subcommittee charged by the Senate last week to investigate the activities of agents of foreign governments in this country.

Senator Lugar's willingness to assume this onerous duty is greatly appreciated, both by myself and by the vice chairman of the committee, the able Senator from South Carolina (Mr. Tillman). Further, it is indicative of his leadership and his devotion to his responsibilities to the Foreign Relations Committee, the Senate and the Nation.

This appointment fills the Republican membership on the special committee. I thank the distinguished majority leader for yielding to me at this time so I could make this announcement. I would urge the committee to begin its deliberations forthwith.
August 19, 1980

STATEMENT OF SENATOR BAYH
PROPOSED SCOPE OF THE INVESTIGATION

The Senate has directed the subcommittee to investigate the activities of persons representing the interests of foreign governments, but has left it to the subcommittee to define the extent and scope of the investigation. Although its charter is broad, the specific context for this investigation is Billy Carter's activities with respect to Libya. The subcommittee has agreed that the following shall constitute the scope of its investigation.

This is a congressional investigation and its objectives therefore relate to a legislative purpose. The subcommittee will inquire into the adequacy and enforcement of present law, and the performance of executive functions by members of the executive branch. When the subcommittee calls on private individuals for their testimony, it does so not to embarrass or harass them, but to provide a factual context for the subcommittee's assessment of the adequacy of public law and its enforcement.

The investigation should enable the subcommittee to respond to the following questions. First, as applied to the facts of this matter, does the Foreign Agents Registration Act fail to require registration in circumstances in which the national interest requires disclosure? On the other hand, does it include activities for which the requirement of registration serves no useful governmental interest? Second, are the enforcement procedures under the Act sufficient and, in the Billy Carter case, was
enforcement impeded by a lack of interagency cooperation? Third, has justice in this case been administered in an efficient and evenhanded manner? Fourth, did Billy Carter or others associated with him engage on behalf of Libya in activities subject to the registration requirements of the Act? Did any of these activities affect decisions of the United States government with respect to Libya? Did Billy Carter's failure to register at an earlier date adversely affect the interest of the United States? Fifth, did he engage in any activities with respect to foreign nations of a kind which may be appropriate subjects of future legislation?

This week the subcommittee will hear from Henry ("Randy") Coleman, who assisted Billy Carter in these matters, Jack McGregor, an oil consultant and friend of Mr. Carter, and Lewis Nasife, President of The Charter Crude Oil Company. Billy Carter will also testify. The purpose of these hearings will be to determine whether Billy Carter or others associated with him undertook or promised to undertake activities as an agent of Libya (as that term is defined in the Act), whether he or they received compensation for such activities, and to what extent these persons had contact with officials of the executive branch and received information or assistance from them.

The next step will be to hear, probably in closed session, about the intelligence information which was provided to the Department of Justice and the Assistant to the President for National Security Affairs about Billy Carter's activities, and