**Union Calendar No. 450**

105th Congress, 2d Session – – – – – – – – – – – – – House Report 105–804

# INVESTIGATION INTO IRANIAN ARMS SHIPMENTS TO BOSNIA

## R E P O R T

OF THE

## PERMANENT SELECT COMMITTEE ON INTELLIGENCE HOUSE OF REPRESENTATIVES

TOGETHER WITH

## MINORITY AND ADDITIONAL VIEWS

OCTOBER 9, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## LETTER OF TRANSMITTAL

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HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
*Washington, DC, October 9, 1998.*

Hon. NEWT GINGRICH,
*Speaker of the House,*
*U.S. Capitol, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the Rules of the House, I am pleased to transmit herewith an investigative report of the Permanent Select Committee on Intelligence, styled "Investigation into Iranian Arms Shipments to Bosnia." The report includes findings and conclusions, as well as minority and additional views.

The Committee's report was approved by a majority of the Permanent Select Committee on Intelligence on August 6, 1998.

Sincerely yours,

PORTER J. GOSS,
*Chairman.*

**Union Calendar No. 450**

105TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT 105–804

# INVESTIGATION INTO IRANIAN ARMS SHIPMENTS TO BOSNIA

OCTOBER 9, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOSS, from the Permanent Select Committee on Intelligence, submitted the following

## REPORT

together with

## MINORITY AND ADDITIONAL VIEWS

[To accompany ]

## OVERVIEW

On April 5, 1996, the Los Angeles Times published an article, "U.S. OKd Iran Arms for Bosnia, Officials say," alleging that in 1994, the Clinton Administration gave a "green light" for Iranian arms shipments to Bosnia to transit Croatia. This alleged decision came despite the United Nations arms embargo imposed on the former Yugoslavia that the United States had pledged to uphold and despite the Administration's policy of isolating Iran internationally. On April 23, 1996, the House Permanent Select Committee on Intelligence (HPSCI)[1] initiated an investigation into "those aspects of the transfer of arms to Bosnia that fall within the Committee's responsibilities to conduct oversight of the intelligence activities of the United States Government." The investigation did not examine the wisdom of the U.S. policy of not objecting to the Iranian arms flow, nor did it examine the policy's underlying assumptions and justifications (e.g., that the Bosnian Army and Federation Agreement were on the verge of collapse in the spring of 1994, that the shipment of small arms from Iran to Bosnian Mus-

[1] Hereinafter referred to as the Committee.

lims would affect the regional balance of power and possibly even the course of the war, etc.). Rather, the Committee's investigation focused on the following issues:

• How was the "no instructions" instruction implemented and did this response constitute a change in policy?

• What effect did the CIA's lack of understanding of the "no instructions" policy have on events in the region and on relations within the U.S. embassy in Croatia?

• Did the implementation of this policy constitute a covert action?

*Scope of the investigation*

The Committee held one classified briefing and four classified hearings on the issue of Iranian arms shipments to Bosnia. On April 25, 1996, Anthony Harrington, the Chairman of the President's Intelligence Oversight Board (IOB) briefed the Committee "off the record" on the Board's findings regarding the Iranian arms shipments to Bosnia. The following witnesses testified before the full Committee: Ambassador Peter Galbraith, U.S. Ambassador to Croatia since June 1993, and Ambassador Charles Redman, Special Envoy for the former Yugoslavia from August 1993 to September 1994 (May 30, 1996); former Director of Central Intelligence (DCI) R. James Woolsey and former Deputy Director of Central Intelligence (DDCI) Admiral William Studeman (June 6, 1996); an Intelligence Community Representative (ICR) in Croatia and Ronald Neitzke, the Deputy Chief of Mission (DCM) in Croatia from July 1992 to July 1995 (June 20, 1996); and Strobe Talbott, Deputy Secretary of State (August 1, 1996). Committee staff also interviewed the following people who had knowledge of, or were involved in, the policy decisions made regarding the U.S. position on Iranian arms shipments into Bosnia: the former Chief of the Central Eurasia Division in the CIA's Directorate of Operations; the former and current U.S. Defense Attachés (DATT) in Croatia; several National Security Council staffers; the Chief of the DCI's Balkan Task Force; and several other CIA officials. In addition, Committee staff reviewed hundreds of relevant documents from CIA, NSA, and the State Department.

It should be noted that the Senate Select Committee on Intelligence (SSCI) and the House of Representatives Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia [2]—which provided Committee staff access to its classified report, interview memoranda, and deposition transcripts—also conducted investigations into this matter. In its final report, the Select Subcommittee requested that this Committee further examine the question of whether Ambassador Peter Galbraith engaged in activities that could be characterized as unauthorized covert action.

*The President's Intelligence Oversight Board*

The Committee was briefed "off the record" on the results of the President's Intelligence Oversight Board (IOB) [3] investigation into

[2] Hereinafter referred to as the Select Subcommittee.

[3] The IOB, which is a standing committee of the President's Foreign Intelligence Advisory Board (PFIAB), was created in 1976, and rechartered on September 13, 1993 by Executive Order

limited aspects of the implementation of the Clinton Administration's policy regarding Iranian arms shipments to Bosnia. Specifically, the IOB reviewed three sets of events to determine if a covert action occurred: one involving the movement of a humanitarian convoy into Bosnia; the second involving comments made by U.S. officials to Croatian officials on April 29, 1994; the third involving whether Ambassador Galbraith and/or Assistant Secretary of State Holbrooke made an offer of arms to the Bosnian Government.

The IOB's investigation began in November 1994 and ended in May 1995, when its classified report, which found implicitly that no illegal covert action had been undertaken by U.S. officials, was issued to the White House. Based on the IOB report, White House Counsel Abner Mikva came to the same conclusion. It is important to note that the IOB itself did not explicitly make a ruling about whether a covert action occurred—the IOB made factual determinations upon which Mr. Mikva concluded that no covert action had occurred between April and November 1994.

The IOB chairman declined to testify to the Committee for the record about the Board's findings and the IOB itself was unwilling to share its report with this or any other Congressional committee. As the basis for declining to testify in a formal hearing or to provide its report, the IOB cited the need to preserve the confidentiality of communications to the President and the need to maintain the constitutional separation of powers. The IOB contended that such restrictions on providing testimony and its reports to Congress are necessary to encourage candor of Board members and witnesses.[4]

In addition to the IOB's investigation, the Committee conducted its own investigation into the Iranian arms shipments to Bosnia for several reasons. First, given the Committee's responsibility for oversight of all intelligence activities, it was necessary to investigate allegations that an illegal covert action took place. Second, the majority leadership in both houses of Congress asked committees with relevant oversight responsibility to investigate the matter. Additionally, the initial IOB investigation did not cover events that occurred after November 1994. And, other witnesses, central to the Committee's investigation, such as Deputy Secretary of State Strobe Talbott, needed to be questioned as to their role in the matter.

*The "no instructions" policy*

The first major component of the Committee's investigation focused on how the "no instructions" instruction was implemented, whether this response constituted a change in policy, and what effect the CIA's lack of understanding of the policy had on events in the region and relations within the U.S. embassy in Croatia.

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12863. In part, the IOB is chartered to "prepare for the President reports of intelligence activities that the IOB believes may be unlawful or contrary to Executive Order or Presidential directive," "forward to the Attorney General reports * * * concerning intelligence activities that the IOB believes may be unlawful * * *," and "conduct such investigations as the IOB deems necessary to carry out its functions under this order."

[4] The Committee notes, however, that the IOB did publicly release—at President Clinton's direction—an unclassified version of its original report on the Intelligence Community's activities in Guatemala from 1984 to 1996. It should be noted that the IOB Guatemala Investigation was, from its inception, undertaken with an eye toward public release of the maximum appropriate information. Such was not the case with respect to the IOB's Iran/Bosnia Investigation.

*Covert action*

The second major component of the Committee's investigation examined whether any U.S. official engaged in covert action. Covert action, as defined in section 503 of the National Security Act, is "an activity or activities of the United States Government to influence political, economic or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly." The definition of covert action excludes "traditional diplomatic or military activities or routine support to such activities." In addition, the National Security Act mandates that the President issue a finding authorizing a covert action and that the Congressional intelligence committees be kept "fully and currently informed" of all covert actions.

FINDINGS

• The "no instructions" instruction constituted a change in U.S. policy. Indeed, several Executive branch policy officials testified that they viewed the "no instructions" policy as a change.

• The Clinton Administration failed to inform Congress about its decision to allow Iranian arms to transit Croatia into Bosnia. The Committee emphatically rejects out of hand the notion that intelligence reports made available to Congress concerning Iranian arms flows constituted notification. None of these reports mentioned U.S. acquiescence in these shipments. The concept that Congress can be notified in such a manner violates the spirit of the legislative oversight system. Similarly, the Committee dismisses the argument that press reporting of Iranian arms flows through Croatia to Bosnia replaces the type of notification that should have occurred in this case.

• Policymakers did not keep their own senior intelligence officials informed of U.S. policy concerning these arms shipments. This failure to consult and communicate led to significant disjunctures between policy and intelligence officials, particularly in Croatia.

• When the U.S. ambassador in Croatia asked the ICR to pass on the U.S. position on these Iranian arms shipments, the ICR acted properly and responsibly in refusing to carry out this request and informing his superiors about it. The Committee believes that in future situations where the official policy line is not clear, ICRs should consult with superiors at headquarters before carrying out any action that could be construed as a covert action.

• The ICR, who was obligated to report potential violations of law, acted properly in terms of the cables he sent about Iranian arms shipments to Bosnia. Furthermore, the ICR did not "spy" on or inappropriately characterize embassy personnel in his cables, as some have alleged.

• Relations between the Ambassador and the ICR deteriorated to a dangerously unhealthy level. Specific actions taken by the Ambassador vis-à-vis intelligence personnel seriously and dangerously limited the effectiveness of intelligence collection in the region.

• The Committee believes that the DCI and Secretary of State should develop a program to ensure that chiefs of mission and intelligence community representatives have a common understanding of the terms of the 1977 agreement concerning reporting from

the field and that updated guidance explaining this agreement ought to be considered.

• The Committee found that there was no authorized covert action to arm the Bosnian Muslims. There was some discussion, analysis, and planning for a possible covert action that, apparently, was never undertaken. Rumors of these discussions and planning sessions made some individuals suspicious that an illicit covert action was underway.

• Based on the available evidence, the Committee cannot conclude that any U.S. official crossed the line into covert action. However, questions remain about whether any U.S. official exceeded the "no instructions" policy and actively facilitated a weapons shipment into Bosnia in September 1995.

• The Committee is aware that the embassy in Zagreb has experienced extraordinary pressure since it opened. While the performance of individual officers serving at the post has often been outstanding, the Committee believes more could have been accomplished and much misunderstanding avoided if Washington officials and the Ambassador had encouraged a more cooperative environment, particularly among members of the "country team."

• The Committee heard much contradictory testimony in the course of its investigation. Although some discrepancies in testimony may be due to different interpretations or recollections of events, the Committee is concerned that Ambassador Peter Galbraith may have provided the Committee with misleading testimony on three issues. The Committee is aware that, based on a referral from the Select Subcommittee, the Justice Department is currently conducting an inquiry to determine whether the Ambassador's testimony to Congress on these issues was accurate and truthful. The Committee encourages a just and appropriate resolution of this matter.

## THE "NO INSTRUCTIONS" POLICY

### *Background*

Peter Galbraith, U.S. Ambassador to Croatia, testified before the Committee that three U.S. officials advised him in late April 1994 that officials of the Croatian Government planned to ask him what position the U.S. would take if Croatia allowed Iranian arms to transit its territory en route to Bosnia.[5] Based on this information, Ambassador Galbraith asked the State Department for guidance as to how to respond to the Croatian Government. On April 28, 1994, prior to meeting with Croatian officials later that day, Ambassador Galbraith was instructed by "Washington" to tell the Croatian Government that he had "no instructions" on the matter. Ambassador Galbraith, according to his own testimony, informed the Croatian Government that he had "no instructions" because, as he understood it, the U.S. had not yet made a decision on how to answer the Croatian Government's question.

[5] It should be noted that two of these U.S. officials testified before the Committee that they were not forewarned by Croatian officials that such a question would be posed; only the DCM testified that he knew in advance that the Croatian Government would pose this question to the Ambassador.

On April 29, 1994, prior to another meeting with Croatian officials, a National Security Council (NSC) official told the Ambassador that his instructions were that he had "no instructions." That evening, at a dinner meeting, Ambassador Galbraith again passed the "no instructions" message on to the Croatians. Ambassador Charles Redman, who also attended the dinner meeting, further explained to a Croatian official that the decision to allow Iranian arms to transit its territory was one for Croatia to make and that the U.S. did not want to be put in the position of saying "no" to these shipments. As Ambassador Galbraith summarized in his testimony, the "no instructions" policy in essence meant that the U.S. would not object to Croatia participating in the provision of arms to the Bosnians. Almost immediately after the "no instructions" message was passed on, large quantities of Iranian weapons began to flow through Croatia into Bosnia.

*Did "no instructions" constitute a policy change?*

At the beginning of the Clinton Administration, stated U.S. policy was to continue enforcing the U.N. arms embargo against the former Yugoslavia, while pressing allies for a multilateral agreement to lift the arms embargo against the Bosnian Muslims. The "no instructions" policy, however, departed from the Administration's official public policy because, after April 1994, the U.S. began to ignore—and some might even argue, encourage—violations of the U.N. embargo with respect to arms shipments to Bosnia.

Based on the testimony the Committee heard, there appears to be a difference of opinion within the Clinton Administration over whether the "no instructions" policy indeed constituted a policy change. Deputy Secretary of State Talbott testified that the "no instructions" decision did not constitute a change in policy and that it was consistent with a "very major change" in the U.S. policy that went back to the early days of the Clinton Administration. According to Deputy Secretary Talbott, this policy consisted of "a lift and strike [policy], as opposed to keeping the [arms] embargo in place, and cultivation of the [Bosnian] Federation." The Committee notes that although a multilateral lift and strike was indeed the Administration's policy goal, it was never a policy implemented by the U.S., or agreed to by our allies.

Ambassador Galbraith testified that the "no instructions" policy could be viewed either as a continuation of the Administration's policy or as a new policy. He told the Committee that "no instructions" could be viewed as a continuation of policy because the Administration had not objected to the "trickle" of arms that had been coming through the region prior to April 1994. On the other hand, he testified, because this was the first time the U.S. Government was asked to state explicitly whether it would object to such arms flows, "no instructions" was indeed a policy shift. Interestingly, in a cable that he sent to the State Department at the time the policy was being developed, Ambassador Galbraith reminded his State Department superiors that the U.S. policy was to respect the arms embargo and to encourage other countries to do likewise. However, in that same cable, he urged modification of this U.S. policy.[6]

[6] Department of State cable, Zagreb 1721, dated April 29, 1994.

In the opinion of Ronald Neitzke, the former DCM in Croatia, the "no instructions" policy was "a profound [policy] change." To illustrate his case, he cited a September 1992 incident in which the U.S. insisted that Croatia turn over to UNPROFOR the weapons and ammunition found on board an Iranian aircraft they had detained and report the incident to the U.N. He contrasted that policy to the "no instructions" guidance under which no U.S. officials were told to report embargo violations to the U.N. or to take action to halt such shipments.

The Committee believes that the "no instructions" instruction did constitute a policy change since it was the first time the U.S. Government made a deliberate decision neither to object to, nor to report, arms embargo violations to the U.N. In addition, the "no instructions" decision clearly led to a sigificant change in the amount of weaponry flowing to the Bosnian military; what had been a "trickle of arms entering the region prior to April 1994, soon became a huge influx of weapons, primarily from Iran, that were funneled through Croatia into Bosnia.

Finally, prior to the spring of 1994, the Croats had rejected a number of Iranian overtures to establish an arms route through Croatia to Bosnia; it is highly dubious that Croatia would have agreed to allow Iranian arms to transit its territory absent the U.S. "no instructions" policy.

*Congressional notification*

Congress was deeply involved in the debate over lifting the arms embargo against the Bosnian Muslins, but it was never officially or formally informed that the Administration's policy toward enforcing the arms embargo had changed. Although some Administration officials have labeled the "no instructions" instruction as merely a diplomatic exchange with the Croatian Government, the policy itself had much broader implications that, if fully understood, could have affected the actions of an unwitting Congress and many other elements—particularly defense and intelligence—of the U.S. Government.

Deputy Secretary Talbott testified that "Congress knew about the Iranian arms shipments more or less at the same time and in much the same detail as we did in the Executive branch." Indeed, many Members of Congress were aware, based on intelligence reports and newspaper accounts, that Iranian arms were being shipped to the Bosnians. But members of Congress were not informed about one crucial detail known to very few in the Administration—the fact that the Clinton Administration had been asked its position in advance of the arms shipments and that the U.S. had advised the Croatian Government that it would not object to those arms shipments. While notification was not required by law, the Executive branch should have made appropriate members of Congress aware of the policy change. The Committee rejects out of hand the notion that intelligence reports or press articles constitute notification of Congress.

*Informing U.S. allies about the "no instructions" policy*

Ambassador Galbraith testified that the U.S. could not unilaterally lift the arms embargo against the Bosnian Muslims without

angering allies and possibly straining NATO solidarity. At the same time, however, he testified that he told several foreign ambassadors that the U.S. Government was not objecting to the flow of Iranian arms to the Bosnians. The Committee fins it odd that, on the one hand, little paper trail was left regarding the formulation or implementation of this policy—ostensibly to prevent the policy from "leaking" to our allies—while, on the other hand, Ambassador Galbraith claims he felt free to discuss this policy shift with those same allies, even as the Clinton Administration kept the new policy secret from Congress, the CIA, and the Department of Defense.

In contrast to Ambassador Galbraith's testimony, the DCM testified that he never informed any allies of the "no instructions" policy, nor was he aware of Ambassador Galbraith doing so. Furthermore, Deputy Secretary Talbott testified that during 1994, U.S. allies would not have been "happy about our 'no instructions' position, which is one reason why we felt very strongly that that diplomatic exchange should remain completely confidential." In addition, based on State Department documents, it is clear that even Washington's closest allies were not informed about the "no instructions" policy. For example, a State Department background paper prepared in late May/early June 1994, suggested that a high ranking U.S. official inform a European counterpart that the U.S. had not "encouraged" the Iranian arms sales to Bosnia and that the Administration was "particularly concerned" about the opening the arms sales provided Iran to make "political inroads" in the region.

*Informing the CIA*

Not only were Congress and U.S. allies not informed about the "no instructions" policy, it is clear that the CIA was not fully and adequately informed of the true meaning and implications of this policy. In fact, it was precisely because the CIA was left out of the loop that the Agency became concerned that Clinton Administration officials might be undertaking an illegal covert action. In addition, much of the intelligence reporting during that time offered significant circumstantial evidence that U.S. officials may have used the "no instructions" policy to engage in activities to encourage or facilitate Iranian arms shipments to Bosnia.

CIA headquarters first became aware that a policy shift might have occurred after receiving several cable messages in late April and early May 1994. At a May 5, 1994, meeting, then-DCI James Woolsey raised the issue of Iranian arms shipments to Bosnia. According to Deputy Secretary Talbott, who was also at the meeting, he "basically reviewed the 'no instructions' decision" with DCI Woosley and is "puzzled by how Jim [Woolsey] could have come out of the meeting * * * without a full understanding of what posture we had taken and the fact that that posture was our position. It was the only position we were going to have on that." Talbott also testified that he has "no recollection that there was any discussion of keeping the CIA out of this."

DCI Woolsey, for his part, testified that, based on his memory and notes from the May 5 meeting, he "was not told that there had been a late April policy decision by the President. * * * I was told

that that ['no instructions'] was a long-term policy to continue to iterate * * * simply that as of May 5th, he [Galbraith] had been told to say that he had 'no instructions.'" Woolsey added, "I do not believe, and * * * my memorandum for the record does not reflect, that I was briefed * * * on Any April 27th Decision. If that is Mr. Talbott's recollection, then that is his recollection, but it is not mine. * * * That would have, I believe, gotten my attention."

Deputy Secretary Talbott, according to Woolsey, said that Ambassador Galbraith had been told clearly that he should tell the Croatians only that he had "no instructions" and that "he should not * * * hint he had any wiggle room." Based on his discussion with Deputy Secretary Talbott at the May 5 meeting. Woolsey concluded that the State Department and National Security Council had not yet decided exactly what to do about this issue and hence had issued the instructions of "no instructions" until a final policy was formulated. Former DDCI Studeman supported Woolsey's testimony, saying that if "Strobe Talbott had intended to provide Jim [Woolsey] with a policy in a clear and unambiguous sense in the context of this meeting in May, it clearly failed to connect." Woolsey's recollections also are corroborated by the testimony before the Select Subcommittee on then-CIA Deputy Director for Intelligence Douglas MacEachin who was present at the meeting as a note-taker, as well as by MacEachin's nearly contemporaneous memorandum that described the meeting.

Although Woolsey testified that several months passed before he was specifically informed by U.S. policymakers that the "no instructions" policy meant the U.S. was not objecting to Iranian arms shipments, he testified, "It was pretty clear that somebody had decided to indicate to the Croatian Government that it was all right for the shipments to go through. So we began to assume by late May, early June [1994], that this was what, in fact, was occurring." Woolsey further testified that the first time he was officially told that "no instructions" was the standing policy and that it meant the U.S. would look the other way as Iranian weapons flowed to the Bosnians, was in an October 5, 1994 meeting with National Security Advisor Anthony Lake. Admiral Studeman testified that he found himself frustrated throughout this period because the CIA was "outside the policy cage trying to stare into it without a lot of response coming back from the Administration when we attempted to pulse them about what the policy was." He added that "I can recall over the course of the summer [1994] * * * as little tidbits came in about the Iranians and about the events * * * trying to go back to * * * Tony Lake * * * [or] the Secretary of State, trying to explore this issue more fulsomely without success."

The Committee's thorough review of numerous cables from the summer of 1994 further substantiates CIA claims that the Agency was left in the dark as to the true nature of U.S. policy toward enforcing the arms embargo against the former Yugoslavia.[7] (The details of these cables remain classified.) Even though the CIA quickly ascertained from various intelligence sources that a policy

[7] This is not to say the Agency was unaware of Ambassador Galbraith's efforts to change the policy; indeed, a few CIA officials were privy to an April 29, 1994 cable from Galbraith to the Department of State in which he advocated a modified U.S. policy. See Department of State cable, Zagreb 1721, dated April 29, 1994.

change obviously had occurred, the Agency appears to have been stonewalled repeatedly in its efforts to get a straight answer about the true nature of U.S. policy. It should be noted that in addition to the CIA, other key U.S. officials were not fully informed about the change in U.S. policy towards enforcing the arms embargo. The former Director of Policy and Planning for the Chairman of the Joint Chiefs of Staff and the U.S. Ambassadors to NATO, Bosnia, and Serbia all testified before the Select Subcommittee that they believed the policy in effect at the time was to obey the embargo against the former Yugoslavia, and, most definitely, they were unaware of a decision to give Iran a "green light" to ship arms into the region.

*CIA suspicions raised about a covert action*

The lack of clarity surrounding the "no instructions" policy, combined with intelligence reports from various sources that suggested active U.S. involvement in encouraging or even facilitating arms shipments to Bosnia, contributed to CIA suspicions about a possible U.S.-sponsored covert action to arm the Bosnian Muslims. (The details of these reports remain classified.) From September to November 1994, there were approximately ten intelligence reports, cables or memoranda about alleged U.S. plans to provide the Bosnian Muslims, the Federation Army and/or the Croatian Government with monetary assistance and arms. CIA suspicions subsided in October 1994, once Administration officials informed DCI Woolsey that the U.S. was "looking the other way" at Iranian arms shipments and assured the Agency that the U.S. was not involved in any covert deals to arm the Bosnian Muslims. However, CIA concerns about a possible illegal covert action were heightened again in September 1995 (see section on "Iranian Weapons").

*Central Intelligence Agency actions*

Based on a thorough review of cables, the Committee does not believe that any ICR improperly reported on U.S. policy or personnel matters and the ICR certainly did not "spy" on embassy personnel, as some have alleged. Given the utter lack of candor from policymakers and the circumstantial evidence suggesting that U.S. officials may have gone beyond the "no instructions" policy and were engaging in activities to encourage or facilitate Iranian arms shipments to Bosnia, CIA officials acted properly in probing and reporting facts indicating possible illegal activities by Administration officials.

DCI Woolsey testified extensively on the actions of CIA officials during this time. He stated that CIA representatives know that

> their main job is to collect intelligence, and that if they are asked to influence events abroad by carrying a message by political, economic, military [means] * * * anything that could be construed as covert action, they are not to do so without a finding. So the * * * [ICR's] reaction when he was asked [by the Ambassador] to * * * carry a message as an intelligence officer was quite correct in coming back to us to get instructions.

As noted in Woolsey's testimony before the Select Subcommittee, the history of Iran-Contra played a major role in the CIA's response and guidance in this particular case. Given the lessons of Iran-Contra, it is therefore understandable that the CIA would urge intelligence officials at all levels to exercise extreme caution when dealing with such a situation.

The Committee believes that had the ICR communicated to any foreign official what was, at the time, a policy that was publicly denied by the Administration and that foreign official then took action (such as facilitating arms shipments) based on that communication, the CIA could have been reasonably accused of covertly influencing—without a Presidential finding—the "political, economic or military" conditions in the region. Furthermore, based on that communication, it is conceivable that paid assets could have taken action involving arms shipments—which almost certainly would have influenced "political, economic or military" condiitons—a possible violation of Section 504(c) of the National Security Act.[8] Although the IOB does not agree that an ICR passing on a message, in and of itself, would constitute a covert action, there is agreement between the Committee, the IOB, and DCI Woolsey that all ICRs should seek guidance from CIA headquarters before undertaking any action that could be construed as a covert action.

Woolsey testified that he complimented the ICR for his actions in a November 1994 meeting, but added "a footnote" that "we didn't want to get into policy debates with the State Department." Woolsey further testified, however, that the ICR did not improperly stray into policy areas because part of his job is to provide input into the implications of a hypothetical, proposed or actual covert action. Given the conflicting signals (i.e., the ICR believed there had been no policy change, while Ambassador Galbraith maintained that the U.S. was not objecting to the flow of Iranian arms through Croatia to Bosnia), the ICR and other CIA officials acted properly in continually seeking to clarify U.S. policy and receive accurate guidance.

Woolsey further testified that officials at CIA wanted to "make absolutely sure that * * * [there was a] record that, if at some later time, anybody ever suggested that there was a covert action going on * * * [that] the CIA * * * was [not] involved in it." Woolsey also dismissed press allegations that the ICR reported improperly or "spied" on the Ambassador or other officials. In particular, he noted that many of the cables written by the ICR did not—unlike State Department cables—constitute official reports that might be widely disseminated or used in making policy decisions. Rather, these cables were more in the nature of informal communications that provided atmospherics and background information to a select group of people in the Intelligence Community. The Committee has confirmed that these cables were in an "eyes only," highly restricted channel, traditionally used to allow ICRs to discuss issues and seek guidance from immediate supervisors "off the record." Even so, the Agency is required to make sure these communica-

[8] Section 504(c) of the National Security Act states that "No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government may be expended or may be directed to be expended, for any covert action * * * unless and until a Presidential finding * * * has been signed. * * *"

tions are retrievable when needed. Such a channel has obvious utility for intelligence officers who are under almost constant scrutiny within the Agency and from overseers in the Executive and Legislative branches.

*State Department—Central Intelligence Agency relations*

After April 1996, relations between the Ambassador and one intelligence element of his country team deteriorated so significantly that high-level Washington officials were required to address the problems that had arisen. Specifically, the Ambassador took actions to try to sow suspicions in the embassy about U.S. intelligence personnel and to limit the ability of intelligence personnel to carry out their duties. The Committee is aware that individual and institutional relations between the two entities have improved; nonetheless, the Committee will continue to monitor these relations closely because the work being done there is too valuable to fall victim to bureaucratic or personal vindictiveness. The Committee urges the Department and the agency concerned to develop a rigorous program of training and concrete guidance for its highest ranking personnel to ensure their complete and mutual understanding of the responsibilities, capabilities, authorities and missions of each party. Both the Department and this agency should present a united front to the world and work as a team to ensure that U.S. national security and foreign policy goals are met.

*Was There an Unauthorized Convert Action?*

The Committee found that there was no regular, properly authorized covert action to arm the Bosnian Muslims. There was some discussion, analysis, and planning for a possible covert action that, apparently, was never undertaken. However, questions remain regarding whether any U.S. officials exceeded the "no instructions" policy and actively directed or facilitated weapons shipments into the region, thereby crossing the line into covert action. In particular, the Committee is concerned about an arms shipment that transited Croatia in September 1995. Based on the available evidence, the committee is unable to reconcile contradictory information or to determine with reasonable certainty that any U.S. officials directed or facilitated the release of this specific weapons shipment from Croatia to Bosnia. If any U.S. official did facilitate this shipment or directed the Croatian Government to do so, then the U.S. certainly went beyond traditional diplomatic activity and may have engaged in an unauthorized covert action.

*Iranian weapons*

In September 1995, Croatian officials detained a shipment containing three Iranian surface-to-surface rockets bound for Bosnia. Croatian officials, who expressed concern about whether the rockets were fitted with chemical warheads, allegedly threatened to cut off the flow of Iranian arms to the Bosnians. In September 1995, Ambassador Galbraith reportedly instructed that all requests for guidance regarding cutting off the Iranian arms flow should be directed to him. He also allegedly stated that it was U.S. policy to do and say nothing to inhibit the flow of arms and that it was the intent of this policy to facilitate the delivery of arms. After it was

determined that the rockets did not have chemical warheads, the Croatians released the rockets to the Bosnians, despite their alleged threats to cut off the arms pipeline. Curiously, information review by the Committee establishes that all three rockets were, in fact, released by the Croatians. The Croatians, however, consistently siphoned off portions, anywhere from one-third to one-half, of each Iranian weapons shipment transshipped through Croatia. The conduct of Croatian officials relating to this surface-to-surface rocket shipment is therefore wholly inconsistent with what had come to be the normal pattern involving the Iranian weapons pipeline through Croatia intended for the Bosnian Muslims. In his testimony, Ambassador Galbraith denied having urged the Croats to release the rocket shipment, despite allegations to the contrary made available to the Committee.[9]

This particular weapons shipment is of great concern to the Committee for several reasons: First, this incident was not initially investigated by the IOB because it occurred after the IOB's original report was completed.[10] Second, in this case, stark discrepancies in testimony cannot be attributed simply to differing recollections. Third, the "no instructions" policy, as explained by Administration officials, contained no provision allowing U.S. officials to encourage or facilitate weapons shipments through the region. If, in fact, any U.S. official directed the Croatian Government to release the shipment to the Bosnians or facilitated its release, then the U.S. certainly went beyond traditional diplomatic activities and may have engaged in an illegal covert action.

Given the discrepancies between the denials of the Ambassador and the ICR's accounts of what he was told, the only way to resolve whether U.S. officials actively facilitated the movement of these rockets may be to obtain sworn testimony from Croatian and Bosnian officials involved in the transfer. Unfortunately, the Committee currently lacks the authority to subpoena foreign officials and furthermore, the Committee does not believe efforts to depose these officials would be fruitful.

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[9] There is testimonial and documentary evidence, which the Committee reviewed, that could establish, if corroborated, that Ambassador Galbraith pressured Croatian officials to release the rocket shipment to Bosnia. There is additional information, which is supportive of this theory, though not in and of itself conclusive, that the U.S. Government may have, in fact, "coordinated" the release of this rocket shipment.

[10] The IOB did, however, subsequently conduct an inquiry into this issue. The Committee was informed that the IOB reached the following conclusions, with respect to these surface-to-surface rockets:

1. The Board does not believe allegations that U.S. officials pressured Croatia to release these weapons to Bosnia in Autumn of 1995;
2. This determination aside, the Board would not consider a U.S. "request" that Croatia release the weapons—absent a quid pro quo, or any direct U.S. Government involvement in the transshipment—to constitute a "covert action" within the meaning of section 503 of the National Security Act, as illuminated by the legislative history surrounding President Bush's veto of an attempt to make "requests" a part of the statutory definition;
3. The Board finds that the activity undertaken by U.S. personnel, of which the Board was aware with respect to this particular weapons shipment, was not a "covert action" within the meaning of section 503 of the National Security Act. Nor does the Board consider this activity to be an "intelligence activity" required by section 502 of the National Security Act to be reported to the oversight committees of Congress—though this issue is inherently vague; and,
4. The Board believes that this activity did not amount to a violation of an Executive Order subject to criminal penalties under the "United Nations Participation Act" (22 U.S.C. § 287(c)). See Executive Order 12846.

## MISLEADING TESTIMONY

The Committee is concerned that Ambassador Galbraith may have provided the Committee with inaccurate information on three issues: whether he kept a written record; how often he met with a Croatian Muslim religious leader who has suspected ties to Iranian intelligence; and how many Iranian rockets were in the aforementioned shipment detained in Croatia in September 1995. Given these concerns and the available evidence, the Committee anticipates an appropriates resolution of the ongoing Justice Department criminal inquiry into this matter.

*Written record*

Other than writing a single memorandum for the record about his relaying the "no instructions" policy to the Croatian Government, Ambassador Galbraith testified to the Committee that he "didn't keep a record" of "in-house" meetings at the time that the "no instructions;; policy was executed. In addition, he did not volunteer the fact that he kept his own "record" of events that, at least in part, was relevant to the Committee's inquiry [11]; however, subsequent to his testifying before the Committee, staff learned that the Ambassador did keep an informal, yet classified, record of his thoughts and perusals on certain events. According to Ronald Neitzke, the DCM in Croatia and Charlotte Stottman, Ambassador Galbraith's former secretary in Croatia, Ambassador Galbraith began keeping the "Record" on a daily basis in November 1993. (It should be noted that ambassador Galbraith testified to the Select Subcommittee that he did not began keeping this "Record" until November 12, 1994.[12] According to Ambassador Galbraith's testimony to the Select Subcommittee, he kept this record until late 1995. Only thirteen excerpts from the record—dating from September 1994 to October 1995—were made available for Committee staff to review. Unfortunately, none of these excerpts was from the crucial spring 1994 period when the "no instructions" policy was implemented or from the autumn 1995 period when the Croatians detained and later released the shipment of Iranian surface-to-surface rockets. Given the Committee's limited access to the "Record," the Committee is constrained to rely on Ambassador Galbraith's testimony to the Select Subcommittee as to the timing, contents, and relevance of the remaining portions of the "Record."

*Meetings with a Croatian cleric*

Testimony obtained about Ambassador Galbraith's dealing and relationship with a leading Croatian Muslim cleric raises questions about the truthfulness and completeness of the ambassador's testimony to the Committee on this subject. This cleric's role in running the Iranian arms pipeline through Croatia to Bosnia and his ties to Iranian officials is well documented in numerous intelligence re-

[11] Ambassador Galbraith did not to respond to the following comment made by Congressman Goss during a Committee hearing: "* * * as the Ambassador have every opportunity to keep the record * * * and have the obligation to keep the record straight. For whatever reason you accepted not have a record of this. * * *"

[12] Coincidentally, November 12, 1994 is the date on which the Nunn-Mitchell Act, making it unlawful to spend U.S. Government funds to support the U.N. arms embargo against Bosnia, went into effect.

ports. However, in testimony before the Committee, Ambassador Galbraith said that he was not aware of the cleric's ties to Iranian intelligence and is "not convinced that that was the case," despite the overwhelming evidence to the contrary.

When questioned about this knowledge of and relations with this individual, Ambassador Galbraith testified to the Committee that "the only occasion in that time period that I ever met with him" was at a March 1994 feast at a local mosque in Zagreb, and, even then, he was unsure of the cleric's being present. According to testimony obtained by the Select Subcommittee, however, Ambassador Galbraith met with the cleric on several occasions. First, Ambassador Galbraith met with him in the cleric's office in late summer 1993, a meeting in which at least one other U.S. Embassy official was present. In addition, Ambassador Galbraith's former secretary testified that the Ambassador met in his embassy office with the cleric on more than one occasion.[13] Finally, according to the Select Subcommittee's investigation, the ambassador kept a copy of the cleric's business card in his rolodex in the U.S. Embassy.

*How many Iranian rockets?*

In addition to conflicting testimony about possible U.S. pressure on Croatia to release a shipment of three Iranian surface-to-surface rockets, the Committee also heard conflicting testimony about the number of rockets, in the shipment. Ambassador Galbraith testified that he was told by a Croatian official in the spring of 1996, several months after the shipment was detained, that there was a fourth rocket in the shipment that the Croatian Government did not forward to Bosnia. This testimony directly contradicts information from intelligence reports and the accounts of eyewitnesses, both of which the Ambassador had access. According to a U.S. official, the crates containing the three rockets and their warheads filled to capacity the entire aircraft in which they were shipped. According to eyewitnesses, no additional rocket possibly could have fit on the plane. It is unclear whether Ambassador Galbraith was simply misled by the Croatian official regarding the number of rockets in the shipment or whether the claim that Croatia kept a "fourth" rocket for itself was meant to divert attention from the question of why Croatia released this shipment to the Bosnians.[14]

## CONCLUSIONS

- The Clinton Administration's "no instructions" policy was a departure from its publicly stated policy which supported enforcing the U.N. arms embargo against the former Yugoslavia, while pressing allies for a multilateral agreement to lift the arms embargo against the Bosnian Muslim.
- The manner in which the "no instructions" policy was formulated and implemented led to confusion and significant disjunctures within the Administration. Not only was the CIA left out of the pol-

[13] Ms. Stottman herself has since called into question the clarity of her recollection on this issue. She has stated, however, to Congressional investigators that while meetings between the Ambassador and the cleric may not have occurred in the embassy, she does recall that the Ambassador indeed met with the cleric several times to discuss human rights issues, which were the focus of considerable Administration attention at the time.

[14] Ambassador Galbraith made no mention of a "fourth" rocket in his subsequent testimony to the Select Subcommittee.

icy loop, Congress was not informed that U.S. policy had changed and that, as a result, the U.S. would "look the other way" as Iranian arms shipments flowed through Croatia en route to Bosnia.

• The Committee concludes that the CIA, on matters of serious concern to national security, must be fully and currently informed of U.S. policy. It may be urgued whether or not the CIA was intentionally kept out of the policy loop, but the fact that the CIA was not adequately informed about this issue and serious implications. Because the CIA did not have a complete understanding of U.S. policy, it may have wasted valuable time and resources when it could have been working on higher priority issues. Although the CIA need not be consulted on all policy matters, in cases where intelligence professionals and their assts may be putting themselves at considerable risk, the CIA must have a thorough understanding of U.S. policy.

• The Committee commends the CIA for its actions and vigilance in dealing with the possibility that a covert action was being planned or undertaken. The Committee believes that in future situations where the official policy line is not clear, ICRs must consult with superiors before carrying out any action that could be construed as a covert action. At the same time, the White House, State Department, and all senior U.S. policymakers have an obligation to provide clear guidance to all U.S. officials overseas regarding official U.S. policy. That obligation was not satisfied in this matter.

• The Committee concludes that relations between State Department and CIA officials deteriorated to a dangerously unhealthy level. The Committee wishes to emphasize that both the DCI and Secretary of State must ensure that their personnel work together toward common policy goals as a cohesive them.

• The Committee finds that there was no authorized convert action to arm the Bosnian Muslims. Based on available information, the Committee cannot conclusively state that any U.S. official carried out an illicit or unauthorized convert action to arm or facilitate the arming of the Bosnian Muslims. However, questions remain about whether any U.S. official exceeded the "no instructions" policy and actively facilitated a weapons shipment into Bosnia in September 1995. If any U.S. official directed or facilitated this or any other weapons shipment, then an illegal covert may have occurred.

• Finally, the Committee has serious concerns about the forthrightness of Ambassador Galbraith's sworn testimony before the Congress on three issues. The Select Subcommittee referred this issue to the Department of Justice; the Committee expects that the Attorney General will reach an appropriate and just conclusion on that matter.

## MINORITY VIEWS

Based on the facts developed during the Committee's inquiry into the matter of the shipment of Iranian arms into Bosnia, we believe that the following conclusions are inescapable: (1) the United States government undertook no covert action to ship weapons to Bosnia or Croatia; (2) No U.S. official directed, controlled or facilitated the shipment of Iranian arms to Bosnia or Croatia; (3) No U.S. official violated U.S. law relating to covert action, intelligence activities, or notifications to Congress; (4) No discrepancies justifying a criminal investigation exist in the testimony of the witnesses who appeared before the Committee; and (5) Nothing in the Committee's inquiry contradicts the findings of the 1995 and 1996 investigations of the President's Intelligence Oversight Board.

The focus of this investigation was on those aspects of the transfer of arms to Bosnia which fall within the Committee's responsibilities to conduct oversight of the intelligence activities of the United States Government. We note that six current members of the Committee, three Democrats and three Republicans, were not members of the Committee during the 104th Congress when all hearings pursuant to this investigation were conducted. The Committee was particularly concerned whether a covert action was conducted without the proper presidential finding and notification to Congress. We note that the Majority has not concluded that such a covert action took place. The Majority appropriately does not argue that the relaying of the "no instructions" message by Ambassadors Galbraith and Redman to the Government of Croatia, on April 28 and 29, 1994, was a covert action. The Majority does not find a covert action in the discussions surrounding the so-called "Holbrooke initiative." The Majority does not find that any law was broken in the failure to inform Congress of the "no instructions" diplomatic exchange. We agree with these results: the Majority's report would have been much improved if these implicit judgments had been given more emphasis.

We can not, however, endorse the Majority's report. It contains numerous errors of fact and interpretation. In the section on Congressional Notification, for instance, the Majority asserts that "the U.S. had advised the Croatian Government that it would not object to * * * arms shipments." this is simply inaccurate. U.S. government officials did not so advise; U.S. government officials advised they had no instructions on the question of arms shipments. Furthermore, the report throughout confuses the isolated policy decision that led to the "no instructions" response with the entire U.S. government policy toward the crisis in the former Yugoslavia. Finally, the report levels repeated attacks on Ambassador Galbraith which are unsubstantiated by facts and therefore unfair. The following amplifies our major concerns.

NO COVERT ACTION OCCURRED

As noted, the main purpose of the Committee's investigation was to determine whether a covert action occurred. The Majority states it "cannot conclude that any U.S. official crossed the line into covert action" based on available evidence. Nevertheless, the Majority claims "questions remain" concerning whether any U.S. official "actively directed or facilitated a weapons shipment into Bosnia in September 1995." However, these supposed "questions" are not based on any evidence. The Majority's report does not point to any specific actions which, had they occurred, would constitute a covert action under a proper interpretation of the law.

A "covert action" is defined in statute (50 U.S.C. 413b) as "an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States will not be apparent or acknowledged publicly." The law, however, makes express exceptions for traditional diplomatic activities, routine support to diplomatic activities, activities intended primarily to acquire intelligence, and certain other specific activities.

The Majority is most concerned over whether any U.S. official, in particular former Ambassador to Croatia Peter Galbraith, "facilitated" or "directed" a particular shipment of weapons bound for Bosnia in September 1995 and whether that action constituted an "unauthorized" covert action. The fact of the matter is that the Committee received no firsthand testimony that any U.S. official (including Ambassador Galbraith) "facilitated," "directed," or "pressured" anyone with respect to the release of the weapons held by the Croatians in September 1995.

Ambassador Galbraith explicitly denied under oath to the Committee that he urged that the weapons be released to the Bosnians. The U.S. government had good reason not to want the weapons released. The Majority attempts to impeach the Ambassador's testimony with reference to "allegations to the contrary." These allegations are derived from (1) a cable written by an intelligence community representative (ICR) in September 1995 who reported that he was told by one Croatian government official that the release of these weapons was "coordinated" with the U.S. Government (no names provided); and (2) the same ICR's testimony to another committee of the Congress that shortly before his Congressional testimony, and after the issue was widely reported in the press, he had been informed by a second Croatian government official that Ambassador Galbraith had "pressured" the Croatians into releasing this weapons shipment.

The ICR's contemporaneous cable of September 1995 does not imply there was facilitation, direction, or pressure, and does not mention the Ambassador. The later "allocation" reported by the ICR in his testimony before the Congress should be deeply suspicious both for its timing and its source. The New York Times has reported that certain members of the Croatian government despised the Ambassador for this championing of human rights. It is not beyond the realm of possibility that this second Croatian government official intended to harm the Ambassador through the ICR's testimony.

Furthermore, there are no "stark discrepancies in testimony" as the Majority report asserts. The ICR himself testified before the Permanent Select Committee on Intelligence that he knew of no U.S. involvement in the delivery of these weapons. The weight given these "allocations" by the Majority is misplaced. There is no other "evidence" before the Committee on this question. We accept the explicit denial of the Ambassador.

The Majority states that this particular weapons shipment is of "great concern" to the Committee for several reasons, first among them because it was not part of the investigation conducted by the Intelligence Oversight Board which was completed in 1995. Our conclusion that no covert action occurred with respect to the September 1995 weapons shipment is consistent with the findings of the investigation completed by the President's Intelligence Oversight Board (IOB) in 1996. We have been informed that the IOB did not find that any U.S. officials conducted a covert action with respect to these weapons.

A second issue relating to covert actions is raised by the Majority's report. The Majority argues that had the ICR communicated U.S. policy to a foreign official, and the foreign official took action, the ICR's organization "could have been reasonably accused of covert influencing—without a Presidential finding—the 'political, economic or military' conditions in the region." However, the definition of covert action, as previously stated, applies to an activity or activities where the role of the U.S. government is not apparent or acknowledged publicly. If the ICR acting as a U.S. official had conveyed U.S. views to a foreign official on the question of whether the Croatians should be involved in the transit of arms to Bosnia, the ICR's organization could not have been accused of conducting a covert action under a correct reading of the law. A statement of U.S. views by a U.S. official to a foreign official is not a covert action—it is traditional diplomacy, an activity explicitly excepted from the definition of covert action. While we agree with the Majority that ICRs should contact their headquarters whenever they are asked to do anything that appears illegal or improper, we believe they should be given proper guidance in return. In this case, neither the law on covert action nor U.S. policy was accurately explained to the ICR by his organization in the spring of 1994. The conveying of a message by an ICR to officials in a foreign government is one option available to the President in the conduct of foreign policy. It is not in and of itself a covert action.

KEEPING CONGRESS AND CIA INFORMED

The Majority argues that Congress and the CIA were not fully and adequately informed by the Clinton Administration that after April 1994 the United States was ignoring "violations of the U.N. arms embargo with respect to arms shipments to Bosnia." But the fact that the United States Government was taking no action to block arms going to Bosnia was precisely what was known to anyone following the issues in the Balkans—even to Washington Post readers who never received an intelligence briefing. No U.S. action to enforce the embargo on Bosnia was something that many in Congress advocated, and effectively became law with the enactment of the Nunn-Mitchell amendment in November 1994. It might

have made good sense for the Administration to have notified appropriate members of the Congress of the diplomatic exchange between the U.S. ambassadors and the Government of Croatia, but no notification was required by law.

The CIA, on the other hand, was informed of the diplomatic exchange. The Majority tries to make the case that the CIA was "left in the dark,"was "out of the loop," and "stonewalled," but the facts do not bear this out. CIA personnel, at the highest level and in the field, were told more than once about the "no instructions" instruction. The intelligence community had advance notice the Croatian government was preparing to allow the transshipment of arms to Bosnia and was seeking U.S. views on the issue. Ambassador Galbraith's cable of April 29, 1994, asking for more explicit guidance on his instructions was received and read at CIA headquarters. Deputy Secretary of State Strobe Talbott at the May 5, 1994 meeting with former Director of Central Intelligence R. James Woolsey made clear the Ambassador was authorized by Washington to say he had "no instructions." (Unfortunately, the CIA's message to the field concerning the meeting was garbled and mishandled.) The former chief of the Central Eurasian Division told Committee staff that after the Woolsey-Talbott May 5, 1994, meeting, senior officials at CIA understood the implications of the "no instructions" instruction with respect to the shipment of arms from Iran. He explained that they did not like the diplomatic response to the Croatian government, precisely because they believed they understood the implications of the policy.

While the Majority report makes much of former DCI Woolsey's testimony that he was not aware a policy decision had been made, he did testify it because clear to CIA that the United States government was not objecting to arms shipments to the Bosnians and was not taking action to stop them. He further testified he never expressed dissatisfaction to Deputy Secretary Talbott over what he had been told at their meeting. The Majority report confuses the concerns of Mr. Woolsey in May 1994 with the concerns he had in October 1994. Mr. Woolsey did not testify that his October 5, 1994, meeting with Anthony Lake, the Assistant to the President for National Security Affairs, was "the first time he was officially told that 'no instructions' was the standing policy and that the U.S. would look the other way as Iranian weapons flowed to the Bosnians." Instead he testified that he and Mr. Lake discussed the status and legal implications of the so-called Holbrooke initiative and other proposals under consideration at the time (never undertaken) for providing arms to the Bosnian Muslims.

The intelligence community representative in the field was told by a State Department official that the "no instructions" response was an officially authorized response to the Government of Croatia. He chose not to believe what he was told. This appears to be in large measure a result of the inaccurate and uncoordinated guidance he received from his organization. This poor guidance led the ICR to collect information from the deputy chief of mission on the activities and statements of the Ambassador and other U.S. officials, and send the information back to his headquarters. The ICR was a relatively inexperienced officer assigned to a region in the midst of war and humanitarian crisis. He testified that during this

period he was "seeking guidance" on whether he should change his mission priorities. His concerns did not receive the attention they deserved from his headquarters. Senior personnel at his organization should have better supported him in resolving his concerns and addressing the suspicion and mistrust that was present in the field.

MAJORITY ATTACK ON AMBASSADOR IS UNJUSTIFIED

The Majority claims that it is "concerned" Ambassador Galbraith may have "provided the Committee inaccurate information" on: (1) whether he "kept a written record;" (2) how often he met with a Croatian Muslim leader who "has suspected ties to Iranian intelligence;" and (3) how many rockets were in a certain shipment of arms to the Bosnians. This section of the report is baffling. The Majority is criticizing the Ambassador for the allegedly inaccurate answers he gave to questions he was never asked. Furthermore, the Majority is trying to impeach the testimony of the Ambassador by using the statements of a witness who has never appeared before the Committee and who has in other settings given three different accounts of a key point. The Majority's attack on the Ambassador's testimony is unjustified.[1]

With respect to the information Ambassador Galbraith provided to the Committee concerning whether he kept a written record, Ambassador Galbraith was never asked at the Committee hearing whether he kept a diary or journal or made notes while serving as Ambassador. He was never asked about documents in general he might have written concerning Bosnia and Croatia. As the Majority report concede, if the Ambassador had disclosed to the Committee that he kept "his own 'record' of events that, at least in part, was relevant to the Committee's inquiry," he would have had to volunteer that in information.

Ambassador Galbraith was asked at the Committee's hearing whether he made a record of the events surrounding receipt of the "no instructions" instruction. The Amdassador testified (as the Majority acknowledges) that he made a memorandum for the record on May 6, 1994 on the discussions leading up to his receipt of the "no instructions" instructions and his implementation of those instructions.

Ambassador Galbraith did keep notes on his diplomatic contacts which were dictated to his secretary for a limited period of time from approximately the fall of 1994 to November 1995. Excerpts from this so-called "record" pertaining to the Committee's investigation were appropriately made available to the Committee by the Department of State in response to the Committee's request for written materials relevant to the full scope of the Committee's inquiry. The excerpts provided to the Committee show the Ambassador dealing with the implications of the so-called "Holbrooke ini-

[1] The Majority states the Justice Department is conducting a criminal inquiry concerning the accuracy and truthfulness of the Ambassador's testimony. This inquiry is based on a referral from the Majority members of the Select Subcommittee to Investigate the United States Role in Iranian Arms Transfers to Croatia and Bosnia (the "Select Subcommittee"). The referral, made in November 1996, requested that the Justice Department review the actions and testimony of 8 executive branch officials and one former senator for violations of law on a variety of theories. More than a year later, no criminal proceedings have been initiated by the Justice Department based on this referral.

tiative" and accurately conveying U.S. policy neither to oppose nor support third-party arms transfers to Bosnia-Herzegovina. Again, the Ambassador did not mislead or provide inaccurate information to the Committee concerning this material because the Ambassador was never asked about it.

The Majority appears to be attacking the Ambassador's veracity on when the "record" was initiated and what it contained. Again, the Ambassador was never questioned on this subject by the Committee and neither was Ronald Neitzke, the deputy chief of mission to Croatia, when he appeared before the Committee. The Majority report claims Mr. Neitzke and Charlotte Stottman, Ambassador Galbraith's secretary in 1993 and 1994, have said the "record" began in 1993 but there is no record testimony of Mr. Neitzke on this question before the Select Subcommittee and Ms. Stottman, as discussed in the next section, is an unreliable witness. Furthermore, the fact that no excerpt exists which addresses the release of weapons by the Croatians in autumn 1995 supports the Ambassador's testimony that the did not urge that they be released. Contrary to the Majority's strange statement that the Committee is "constrained to rely on Ambassador Galbraith's testimony to the Select Subcommittee" concerning those portions of the "record" not provided to the Committee, the entire "record" was made available to the chief counsels of the Select Subcommittee.

The Majority's second issue concerning allegedly misleading testimony is equally flimsy. The Majority asserts "[t]estimony obtained about Ambassador Galbraith's dealings and relationship with a leading Croatian Muslim cleric raises questions about the truthfulness and completeness of the Ambassador's testimony to the Committee on this subject." Again, to make this charge, the Majority twists the Ambassador's testimony and relies on testimony not given before the Intelligence Committee.

Ambassador Galbraith was asked in his appearance before the Intelligence Committee whether he was the U.S. official identified as having met with a certain Croatian cleric during a particular time period with relevance to a specific document. Ambassador Galbraith testified, "I believe that I was the U.S. official identified." He further testified:

> As ambassador I made a series of courtesy calls * * * [with] religious leaders * * * in the context in which I met [him] I am not even sure I would have known he was in that room. *I did not ask him to buy arms for the Bosnian Muslims* * * * that, frankly, is the only time I recall meeting [the cleric]." (Emphasis added.)

Ambassador Galbraith was not definitive in his testimony to this Committee concerning the number of times he met with this cleric. He was emphatic, however, that he did not ask the cleric to buy arms. The Majority has no evidence to contradict the Ambassador's assertion that he did not ask the cleric to purchase arms. Furthermore, there was no testimony obtained in hearings before the Intelligence Committee concerning the Ambassador's "dealings" with the cleric as the Majority implies. The Majority is relying on testimony taken by the Select Subcommittee on the narrow question of whether one or more meetings between the Ambassador and cleric

took place. The Ambassador's former secretary, Charlotte Stottman, testified the Ambassador met the cleric more than once in his office. However, if testimony has been given elsewhere, the Committee has little basis for judging the testimony reliable or credible. Indeed, as the Majority notes, Charlotte Stottman disavowed her testimony. She contacted the chairman and ranking member of the Select Subcommittee by letter to explain that when she was questioned by the Select Subcommittee about the cleric she mistook his name for that of a torture victim under threat of execution whose release Ambassador Galbraith had secured. The Majority is aware of Ms. Stottman's letter, but indicates Ms. Stottman has since changed her story again, apparently in a telephone conversation with the Committee's chief counsel. Ms. Stottman's testimony is not reliable and should not serve as the basis for insinuations that the Ambassador had a "relationship" and "dealings" with the cleric. Perhaps the Majority should be concerned Ms. Stottman has provided inaccurate information, not the Ambassador.

Finally, it is unbelievable that the Majority dwells on a discrepancy in the testimony of the witnesses concerning the number of weapons in an arms shipment to the Bosnians. Ambassador Galbraith never claimed to have seen the weapons shipment, and would therefore not have first-hand knowledge of the number of weapons it contained. It is clear from the testimony that his point was simply that one weapon in the shipment might not have gone on to Bosnia. Indeed, experts on the war beieves Croatians received a percentage of every weapons shipment that transited the country and the ICR testified before the Committee that one weapon was initially held back. The Majority report speculates the Ambassador might have been trying to "divert attention from the question of why Croatia released this shipment to the Bosnians." The idea that anyone would purposefully provide inaccurate information on a minor, easily verified point to divert the attention of a congressional committee strains credulity. The Majority report goes beyond common sense in its attempt to assemble derogatory information.

STATE/CIA RELATIONS

The Majority should have made a good faith effort in this investigation to weigh the views and perspectives of officials from across the U.S. government. Instead, the report twists and distorts the testimony of witnesses from the Department of State and ignores the implications of significant information from officials of the Department of Defense concerning the Ambassador's appropriate responsiveness to issues of concern to the Department. It is extraordinary for a committee of Congress to charge a U.S. Ambassador with taking actions that "seriously and dangerously limited the effectiveness of intelligence collection"—it is shameful for this Committee to have done so with no bill of particulars, and no opportunity for the Ambassador or the Department of State to respond.

In its 1997 report on Guatemala, the Committee endorsed the "primary of the ambassador at post" under the law. In this investigation, however, the Majority never analyzes whether any actions allegedly taken by the Ambassador exceeded his legitimate statutory authorities as a chief of mission or whether those actions had

any discernible effect on the intelligence collection effort in the region. The case has simply not been made that the effectiveness of intelligence was "seriously and dangerously" limited, and the accusation of vindictiveness is ironic at best.

Furthermore, although the Majority asserts "relations between the Ambassador and the ICR deteriorated to a dangerously unhealthy level," the ICR testified to the Committee in June 1996: "I never had a sense of personal animosity from the Ambassador, and I don't feel it towards the Ambassador, nor did I feel it at the time." Both defense attachés who served under Ambassador Galbraith, Lt. Col. Richard Herrick and Lt. Col. John Salder, whose responsibilities included overt intelligence activities, assured Committee staff that they and the Department of Defense found the Ambassador to be extremely responsive to U.S. defense needs and utterly appropriate in his working relationship with them and the Department. Indeed, one said he "thank[ed] his lucky star" for the opportunity to work with the Ambassador. The first key finding of the July 1997 Report of Inspection of Embassy Zagreb, Croatia, by the Inspector General of the Department of State was that "Embassy Zagreb, led by an exceptionally activitist, innovative and articulate Ambassador, has produced an impressive string of policy achievements over the past few years. These have directly contributed to peace and saved lives."

In order to represent U.S. interests most effectively, an ambassador or chief of mission should have close working relationships with officials of all government agencies serving in-country, including those representing the intelligence community. Close working relationships are built on professionalism, competency, and trust. Trust can be eroded when officials from one agency of the government traffic in unsubstantied information concerning co-workers or superiors from other agencies. Trust can also be eroded when officials of one agency place in jeopardy the operational equities of another entity and will not acknowledge mistakes were made.

In this case, cables of an intelligence community representative contained unproven speculation about an ambassador, unfortunate characterizations of a deputy chief of mission, and second-hand information about the actions and views of other U.S. officials. These cables were not informal e-mail: they are official U.S. government records, permanently held by the ICR's organization. The cables were criticized at least four times within the ICR's own organization at the time they were sent, but the Majority finds that an ICR providing "atmospherics" and "background information" to a "select group of people" in private-channel cables has "obvious utility." We have the time of ICRs could be better utilized collecting foreign intelligence.

The Majority uses the testimony of former DCI Woolsey to buttress its position that the ICR's cables were appropriate. However, Mr. Woolsey's comments as rendered by the Majority are inconsistent on the function and purpose of these kinds of cables. Equally important, Mr. Woolsey testified he had not read all the cables. Furthermore, according to a memorandum for the record prepared by the ICR following the November 1994 meeting referred to by the Majority, it was Mr. Woolsey and his executive assistant who first cautioned the ICR against spying on the State Department.

In short, Ambassador Galbraith's concerns about this kind of reporting were legitimate institutional concerns and should have received more balanced treatment in the Majority report. We completely agree with the Majority that there should be a common understanding of the 1997 memorandum of understanding between the State Department and the intelligence community and stress that the guidance on reporting from the field reiterated in 1996 should be strictly enforced.

Furthermore, Ambassador Galbraith during his tenure also raised legitimate institutional issues about country clearances and the host-country contacts of U.S. government officials. State Department officials and officials of one intelligence agency, in particular, overseas should present a united front to the world and work together to ensure U.S. national security and foreign policy goals are met. Again, we strongly agree with the Majority that building better, more professional relationships overseas is in the best interests of the entire U.S. government, we emphasize, however, that this requires cooperation from all concerned.

Finally, if nothing else, the Committee should have looked at how legal advice is provided to intelligence community representatives and whether requests for guidance on policy and mission priorities are handled in a timely manner with proper coordination.

THE INTELLIGENCE OVERSIGHT BOARD

We want to express our appreciation for the work done by the members of the President's Intelligence Oversight Board (IOB). The IOB, comprised of highly respected, private citizens who have had distinguished careers in intelligence, national security, business and the law, performs an important and valuable service to the United States. The members serve as a fact-finding body for the President on intelligence issues involving multiple departments and jurisdictions of the Executive Branch. They investigate with all the powers and authority of the Office of the President and are required by executive order to report to the Attorney General any information concerning intelligence activities that they believe to be unlawful. The IOB did not make such a referral in this case.

The oversight function of the IOB worked as it was supposed to in this case. The IOB and the congressional intelligence committees serve different purposes and functions. One cannot substitute for, or replace, the other. We believe the Chairman of the IOB, Anthony Harrington, went out of his way to ensure the Committee understood the careful investigation he led on this matter and we are grateful for his efforts and those of the Board's members and staff.

NORM DICKS.
JULIAN C. DIXON.
DAVID SKAGGS.
NANCY PELOSI.
JANE HARMAN.
IKE SKELTON,
[*Except for the sixteenth through twenty-third paragraphs*].
SANFORD D. BISHOP, JR.

## ADDITIONAL VIEWS

As noted in the Committee Report and its Minority Views, there is significant agreement on several issues. The differences of opinion center on specific and discrete issues, a few of which are particularly deserving of additional comments. These are:

1. that there was a change in the policy of the United States regarding the U.N. arms embargo on the former Yugoslavia, specifically Croatia and Bosnia, as well as with respect to the U.S. policy toward Iran;
2. that it was a deliberate decision of the Clinton Administration not to advise Congress of the policy change made by the President of the United States relating to the shipment of Iranian weapons through Croatia and Bosnia;
3. that the credibility of Ambassador Galbraith, with respect to his testimony before the Committee, was highly questionable; and
4. that the actions and guidance provided by the CIA were appropriate.

*1. There was a change in U.S. policy*

The Minority attempts to minimize the Iranian "green light" decision by identifying it as an "isolated policy decision." It was, in fact, a decision of significant importance that flew in the face of major, well-known, and long-standing U.S. foreign policies. Specifically, the decision was a reversal of the U.S. policy to support and enforce the U.N. embargo of weapons shipments to the former Yugoslavia, as well as the U.S. policy to isolate the terrorist-sponsoring regime of Iran.

Prior to the President's decision not to object[1] to Iranian weapons shipments through Croatia to Bosnia, it was the U.S. policy, publicly stated and consistently enforced, to abide by the United Nations Security Council resolution regarding the arms embargo against the nations that formerly comprised Yugoslavia, and to encourage other nations to do the same. The Committee based this finding on its review of State Department cables, statements of Ambassador Galbraith, public statements of State Department officials, other official State Department documents, and on the testimony of several other high ranking United States government officials, who were responsible for carrying out the policy in the Balkans themselves.[2]

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[1] Richard Holbrooke, To End a War, p. 51 n. (Random House 1998).

[2] Department of State cable, State 82580, March 22, 1993; Department of State cable, Zagreb 1721, April 1994; Department of Defense cable A, April 25, 1994 (see classified appendix for cable specification); statement of State Department spokesman David Johnson, May 13, 1994, Reuters World Service; State Department Daily Press Guidance of June 24, 1994, June 27, 1994, and August 3, 1994; statement of State Department spokeswoman Christine Shelley, November 7, 1994, as reflected in Department of State cable, State 300842; Department of State cable, State 092370, April 14, 1995; National Security Council Daily Guidance Update, February 2, 1996; Select Subcommittee Deposition of Col. Richard Herrick (U.S. Army) (then Defense

The President's policy decision, made on Air Force One and delivered by ambassadors Galbraith and Holbrooke on April 29, 1994, effectively gave an official U.S. "green light" to an Iranian plan to violate the U.N. embargo. No amount of lawyerly parsing of diplomatic language of what was said, or not said, can avoid this conclusion.

Second, the President's decision was an important—indeed, a unique—exception to the oft-stated policy of the United States to isolate Iran diplomatically, economically, politically, and militarily. It cannot be seriously denied that, as a result of the "green light" to Iran, Iran effectively advanced its bilateral and multilateral economic, political, diplomatic, and military interests in a particularly vulnerable and combustible region of Central Europe. Again, the only conclusion that can be reached is that this decision dramatically turned on its head the United States' previous policy of isolating and containing Iran on the world stage.

*2. Congressional notification*

The Minority does not believe there was a problem with congressional notification of the significant covert changes the Clinton Administration made to its policies regarding the U.N. arms embargo and Iran. Yet, no Member of Congress was ever notified by any officer of the Clinton Administration about the President's decision. This was intentional.

Deputy Secretary of State Strobe Talbott and Ambassador Richard Holbrooke [3] admitted that the Administration purposefully kept Congress in the dark on the role of the United States in the Iranian weapons shipments. Indeed, Ambassador Holbrooke, noting his opinion that Congress should have been informed, testified that his proposal to so notify Congress was "turned down flatly" by the Administration.[4]

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Attaché Zagreb), August 20, 1996, at pp. 12–24; Select Subcommittee deposition of General Wesley Clark (then J–5, Director of Strategic Plans and Policy for Joint Staff), September 4, 1996, at pp. 3–8; Select Subcommittee Deposition of then U.S. Ambassador to NATO Robert Hunter, September 20, 1996, at pp. 5–8.

[3] Ambassador Holbrooke has been identified by President Clinton as his nominee for U.S. Ambassador to the United Nations. At the time of this writing,that nomination has not been submitted to the Senate by the White House for confirmation. Ambassador Holbrooke, if confirmed, will succeed Bill Richardson, who vacated that position upon confirmation as Secretary of Energy.

[4] Select Subcommittee Deposition of Richard Holbrooke, September 27, 1996, at pp. 10–11. See also Select Subcommittee Deposition of Strobe Talbott, September 5, 1996, at pp. 46, 47–52.

[5] See The Washington Post, "U.S. is Allowing Iran to Arm Bosnian Muslims," April 14, 1994; New York Times, "U.S. Looks Away as Iran Arms Bosnia," April 15, 1994; The Washington Post, "Iran Ships Explosives to Bosnian Muslims, Embargo-Busting Cargo Also Aids Croatia," May 13 1994, pp. A1, A43; New York Times, "Iran Said to Violate Embargo," May 14, 1994; Reuters, "Iran Ships Material for Arms to Bosnians Report," May 14, 1994; The Washington Times, "Iranians Move into Bosnia to Terrorize Serbs," June 2, 1994, pp. A1, A13; The Washington Times, "Iranian Weapons Sent Via Croatia, Aid to Muslims Get U.S. 'Wink,'" June 24, 1994, pp. A1, A13.

[6] See, e.g., The Washington Times, "Iranian Weapons Sent Via Croatia, Aid to Muslims Gets U.S. 'Wink,'" June 24, 1994, pp. A1, A13 ("'There is no support for what Iran is doing,' according to a senior U.S. official."). See also statement of State Department spokesman David Johnson, May 13, 1994 ("It is the policy of the U.S. to respect the U.N. arms embargo on the nations that formerly comprised Yugoslavia. It is important that all U.N. Security Council resolutions be fully observed."), as requested by Reuters World Service; Department of State cable, State 300842, November 7, 1994 (recapping statement of State Department Spokeswoman Christine Shelley at a press briefing, "We're certainly not contributing to it, and we certainly are not turning a blind eye."); Department of State cable, State 092370, April 14, 1995 ("It is the policy of the United States to respect the UN arms embargo on the nations that formerly comprised Yugoslavia. * * * The United States has on many occasions made known its strong objection

Continued

Although Congress was kept in the dark, there were, during the period in question, various newspapers that reported the fact of the Iranian weapons shipments.[5] Some of those news accounts included allegations that the United States was aware of the arms shipments, and had condoned the same. The Minority apparently argues that these articles somehow constitute congressional notification. Yet, Administration sources consistently denied that the U.S. was either aware of these shipments in advance, condoned the shipments, or was otherwise turning a "blind eye."[6] These denials, it turns out, were false.

The Committee's report, however, does not share the Minority's view that news leaks, falsely denied by the Administration, serve in lieu of official congressional notification.

*3. Ambassador Galbraith's testimony*

The Minority does not share the Committee's concern about Ambassador Galbraith's truthfulness in testifying before Congress.[7] It also refuses to accept the possibility that Ambassador Galbraith omitted material facts when he testified before the Committee.

Ambassador Galbraith kept a written record of his actions and musings on his job during his tenure as the U.S. Ambassador in Zagreb, Croatia. Indeed, the record was typically dictated verbatim by the Ambassador to his secretary at the end of each working day. She typed it on government time and on government equipment. The Ambassador kept it stored in a government safe in his office. He typically referred to this document as "The Record."

"The Record" was, certainly, of relevance to the Committee's investigation, and especially so at the time of his testimony before the Committee. For example, one entry discusses a dinner meeting between the Ambassador and a high level Croatian government official. At that meeting, the two joked, knowingly with each other,

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to the behavior of the Government of Iran. We are actively involved in international efforts to isolate Iran and prevent it from engaging in illegal and dangerous weapons transfers."); National Security Council, Daily Guidance Update, February 2, 1996 ("The US did not cooperate, coordinate or consult with any other government regarding the provision of arms to the Bosnians. * * * We have always made clear that we were abiding by the arms embargo and that we expected other countries to do so as well.").

[7] Significantly, Mr. Ike Skelton (D-Missouri), who is a member of the House Permanent Select Committee on Intelligence and also the Ranking Democrat of the House Committee on National Security, joined the Majority in the adoption of the Committee's findings and supporting paragraphs relating to the questionable credibility of Ambassador Galbraith before Congress on these matters.

[8] There were various witnesses questioned by other committees and subcommittees in the House and Senate that supported some, but importantly not all, of Ambassador Galbraith's version of events. In some instances, various witnesses' statements were consistent with the Ambassador's yet inconsistent on material points with each other. Importantly, Ambassador Galbraith displayed a strikingly detailed and prophetic knowledge of the Croatian/Iranian plan. He had specific knowledge that the Croatians would take a portion of the Iranian weapons for themselves and that the weapons would be shipped via Iranian 747s.

[1] Richard Holbrooke, To End a War, p. 51 n. (Random House 1998).

[2] Department of State cable, State 82580, March 22, 1993; Department of State cable, Zagreb 1721, April 1994; Department of Defense cable A, April 25, 1994 (see classified appendix for cable specification); statement of State Department spokesman David Johnson, May 13, 1994, Reuters World Service; State Department Daily Press Guidance of June 24, 1994, June 27, 1994, and August 3, 1994; statement of State Department spokeswoman Christine Shelley, November 7, 1994, as reflected in Department of State cable, State 300842; Department of State cable, State 092370, April 14, 1995; National Security Council Daily Guidance Update, February 2, 1996; Select Subcommittee Deposition of Col. Richard Herrick (U.S. Army) (then Defense Attaché Zagreb), August 20, 1996, at pp. 12–24; Select Subcommittee deposition of General Wes-

about arming Bosnian Muslims with Iranian weapons that would be shipped through Croatia.

Congress learned about "The Record" from the two different sources, the Ambassador's secretary and the Ambassador's Deputy Chief of Mission, Ron Neitzke. According to both witnesses, the Ambassador began "The Record" almost as soon as he began his tenure as Chief of Mission in Zagreb. Curiously, however, during his appearance before the Committee, the Ambassador stated that he did not "keep a record" of "in-house" meetings at the time the "no instructions" policy was executed. He did not disclose the existence of "The Record," even when he was criticized for failing to keep a written contemporaneous record of events.

The Ambassador's justification for failing to mention "The Record" is that the document was "personal," despite its provenance, and that it bore official classification by the State Department. This explanation appears disingenuous, at best.

These circumstances, and the Ambassador's verbal gymnastics, left the Committee concerned about his motivation and led to questions regarding his truthfulness with Congress, generally. This doubt is at play, for example, where the Committee has sought, without any definitive success,[8] exculpatory evidence to support Ambassador Galbraith's self-serving denials of deeper involvement in the Iranian weapons transfers, particularly those involving the rocket shipment in September 1995.

*4. CIA actions were not misguided*

The Minority complains mightily about the CIA's actions and the guidance it provided the Intelligence Community Representative ("ICR") for Croatia. The Minority contends that the legal advice provided the ICR was faulty; that CIA officials should not have advised the ICR that the Ambassador was close to violating the covert action laws; and, that the ICR should have simply ignored his superior's admonitions. The Minority also faults the ICR for maintaining a written record of events as they transpired, claiming that those records occasionally improperly characterized the situation in Zagreb at the time. The Minority asserts that these records are proof of poor judgment on the part of the ICR. Not once, however, does the Minority assert that the facts put forth by the ICR in these records are false.

Curiously, it is also the Minority that finds no fault whatsoever with the actions, guidance, or advice of State Department and National Security Council officers during the development of the policy that allowed Iran, Croatia, and Bosnia to flout the United Nations embargo. After all, it was State Department and NSC officers who failed to advise the President that Ambassador Galbraith had significant prior knowledge of the specifics of the Iranian weapons shipments. It was these same State Department and NSC officers who specifically directed Ambassadors Galbraith and Redman not

[8] There were various witnesses questioned by other committees and subcommittees in the House and Senate that supported some, but importantly not all, of Ambassador Galbraith's version of events. In some instances, various witnesses' statements were consistent with the Ambassador's yet inconsistent on material points with each other. Importantly, Ambassador Galbraith displayed a strikingly detailed and prophetic knowledge of the Croatian/Iranian plan. He had specific knowledge that the Croatians would take a portion of the Iranian weapons for themselves and that the weapons would be shipped via Iranian 747s.

to put anything in writing about this policy, or about their diplomatic exchange with President Tudjman. It was these same State Department and NSC officers who deliberately refused to advise Congress of the policy change, and who led the Director of Central Intelligence to believe that there was no policy change whatsoever.

The CIA's caution and concern throughout the "green light" policy's implementation are understandable. In the past, the CIA has on numerous occasions been taken to task, particularly by Congress, over accusations that it has acted without proper authorization. During the Iran/Contra Affair, for example, the CIA was badly damaged by the actions of its officers, who acted without written guidance. Under such circumstances, and with such a history, it is quite remarkable for Members of Congress to complain of the CIA's caution, of its continuous seeking of guidance from policymakers, of its insistence on documentation of instruction, and of its care to make a contemporaneous record of events. If it was the CIA, rather than the State Department, that failed to keep records, or—more tragically—had executed a policy that was intentionally undocumented, one need not imagine the resulting outcry.

PORTER GOSS.

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