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GAO Investigators Decry Delays on Iraq Inquiry

U.S. Support Before Kuwait Invasion Probed

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Investigators for the General Accounting Office said yesterday they have been repeatedly frustrated and delayed by Bush administration officials in efforts to review U.S. support for Iraq before Iraq's invasion of Kuwait.

Testifying before the House Banking Committee at a highly charged hearing marked by partisan bickering and occasional shouting matches, officials of the GAO, Congress's watchdog agency, characterized the difficulties they encountered as highly unusual and "particularly acute" because of the number of government agencies involved. They cited problems at the departments of Justice, Treasury, Agriculture and State, the CIA and even the U.S. Embassy in Rome.

House Democrats at the hearing accused the administration of making a huge foreign policy blunder in aiding the regime of Iraqi President Saddam Hussein until almost the eve of Iraq's invasion of Kuwait in August 1990 and of trying to cover this up now—perhaps illegally—to avoid embarrassments still buried in government records.

Republicans countered with complaints that Democrats were twisting the facts with election-year hindsight. "This is all political," Rep. Toby Roth (R-Wis.) shouted. "You guys are here to beat up George Bush."

But when Roth suggested that the GAO might be siding with the Democrats for partisan purposes, Allan I. Mendelowitz, the GAO's director of international trade issues, gave him a chilly brush-off. "I have never been asked to undertake a project or slant results for partisan purposes," he told Roth.

The hearing was called to discuss the administration's handling of congressional inquiries into its pre-

war courtship of Iraq and, in particular, the activities of an inter-agency group of high-level lawyers who convened at the White House seven times last year at the behest of Nicholas Rostow, legal counsel for the National Security Council.

"This lawyers' group, which I call the Rostow Gang, established a process whereby a congressional committee had to hurdle a series of increasingly difficult barriers to obtain useful information on Iraq from executive branch agencies," Banking Committee Chairman Henry B. Gonzalez (D-Tex.) said in an opening statement.

A May 31, 1991, memo from

Rostow to the general counsels at eight other agencies suggested setting up "four levels of protection" for Iraq-related documents in "ascending order of protection."

The first level involved "publicly available information" and other non-sensitive materials. These, Rostow said, could be provided to Congress. The next level covered "deliberative process information involving intra-agency decisions at the assistant secretary level and below." Here, Rostow said, there were to be "no copies provided, but members [of Congress] and all properly cleared staff are permitted to review either the originals or redacted versions of the originals."

Level three involved "relevant national security information," diplomatic cables and higher-level "deliberative process information." Rostow advised that Congress not receive copies of these, but members and senior staffers would be "permitted to review the originals."

The highest hurdle was reserved for "deliberative process materials involving the president, Cabinet and [the National Security Council's] deputies committee." For these documents, Rostow recommended there be "no access provided, but briefings may be offered."

The "deliberative process" exemption has frequently been invoked to fend off citizen requests for government documents under the Freedom of Information Act. Congressional investigators say it is being used increasingly to frustrate them as well.

Other administration records obtained by The Washington Post showed that Rostow was subsequently consulted about even technical requests from the Hill.

In one instance, Rep. Charlie Rose (D-N.C.) asked for records of the Commodity Credit Corp. (CCC)

program with Iraq, which provided Baghdad nearly \$5 billion in agricultural loan guarantees in the 1980s. Rose was seeking the files on claims made by banks and exporters unable to collect their money from Baghdad.

Before responding to Rose, the Agriculture Department's general counsel, Alan C. Raul, sent a note to Rostow saying: "Nick, Rep. Rose's staff wants to look at and take copies of our claim files. Please advise."

The White House refused to send either Rostow or White House counsel C. Boyden Gray to yesterday's hearing, but most of the top agency lawyers in the Rostow group testified. They defended the system, including NSC review of congressional requests for information, as a routine, sensible attempt to "coordinate" wide-ranging calls for Iraq-related records.

State Department legal adviser Edwin D. Williamson described the system as "a long-standing . . . appropriate way to ensure that the interests of both the Congress and the Executive Branch are met."

When asked by Gonzalez how often congressional document requests are coordinated with the White House or the NSC, Williamson, who joined State in September 1990, said he could think of "at least two other congressional investigations" that have been treated in this fashion: the inquiry into the fate of prisoners of war and those missing in action in the Vietnam War; and the "October Surprise" inquiry into whether the 1980 Reagan campaign sought to delay release of U.S. hostages in Iran until after the November election.

Detailing the GAO's problems in reviewing policy on Iraq, Mendelowitz said his investigators had to wait five months to review Agriculture Department work papers involving a 1990 study of violations in the CCC program with Iraq.

In another case, he said, the GAO asked the Justice Department for all correspondence with other agencies on an Atlanta bank scandal indicating broader corruption in the CCC program with Iraq. "To date," he said, "we have been allowed to review five documents."