

Questions for the Record Submitted
to Ambassador-Designate John R Bolton by
Senator Joseph Biden (#1)
Committee on Foreign Relations
April 11, 2005

Question:

In questions for the record submitted after the hearing, I asked whether you or a staff member acting on your behalf had ever “ask[ed] the Legal Adviser or one of his deputies in L to rotate, remove, replace, or change the duties or assignment of an attorney or attorneys working on a matter relevant to your areas of responsibility, or take any other action with regard to the attorney or attorneys, so that the attorney or attorneys were no longer assigned to duties relevant to your areas of responsibility?” You did not provide a direct response to the question. Please do so.

Answer:

I answered the question as best I understood it.

Questions for the Record Submitted to
Ambassador-Designate **John R. Bolton** by
Sen. Joseph Biden (#2)
Committee on Foreign Relations
April 11, 2005

Question:

Did you ask Mr. Fleitz or anyone else on your staff to call officials at the Central Intelligence Agency or the National Intelligence Council to seek the removal of "Mr. Smith" or urge that he be given a different portfolio? Please elaborate.

Answer:

No.

**Questions for the Record Submitted to
Ambassadors-Designate John R. Bolton by
Sen. Joseph Biden (#3)
Committee on Foreign Relations
April 11, 2005**

Question:

In the questions for the record submitted after the hearing, in the first set, the answer to #5'b (related to the handling of classified materials) is unresponsive. Please answer both questions.

Answer:

As I said in my original answer to this question, all classified material that requires special handling is logged in under State Department procedures. As INK Assistant Secretary Thomas Fingar told the SFRC staff during their interview of him: 'There was a problem, not unique to the T family, that getting CIA to comply with ---- not just their own directives, but the 'no 'waivers, no exception' requirement to the DSCIDs that was imposed on the Department of State -- that they simply couldn't be leaving these documents anyplace that they chose to leave them. It's a problem that recurs to this day. So, the phenomenon, I'm delighted they were attentive to it, the officers in the T family bureaus who called them to our attention and get them under control were doing exactly the right thing. You educate people, and eventually, they climb the learning curve, and they get it. And you have rotations, and you start the process again''

I believe I answered this question to the best of my ability. Other than the minor issues Mr. Fingar describes above and the misunderstanding described in question #5a of the questions Senator Biden submitted to me after my hearing which I fully answered, I have nothing further to add.

UNCLASSIFIED

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Senator Joseph Biden (#4)
Committee on Foreign Relations
April 11, 2005

Question:

In response to the question for the record regarding negative security assurances (“other issues,” question #3) you stated:

“I said, in that published interview with Arms Control Today, that the approach reflected by the 1995 declaration on negative security assurance is one that the Administration does not find as the most productive in analyzing our security needs in today's world. As the transcript makes clear, I did not say the negative security assurance policy should be discarded.”

The transcript of your February 2002 Arms Control Today interview is available at http://www.armscontrol.org/act/2002_03/boltonmarch02.asp. In response to questions on negative security assurances, you said:

I don't think we are of the view that this kind of approach is necessarily the most productive. What we've tried to say is that we're looking at changing the overall way we view strategic issues, and a large part of that is embodied in the outcome of the nuclear posture review. It's certainly reflected in the ongoing strategic discussions that we've had with the Russians and reflected in the discussions we've had with a number of other countries as well. So, I just don't think that our emphasis is on the rhetorical. Our emphasis is on the actual change in our military posture.

I don't think we have any intention of using nuclear weapons in circumstances that I can foresee in the days ahead of us. The point is that the kind of rhetorical approach that you are describing doesn't seem to me to be terribly helpful in analyzing what our security needs may be in the real world, and what we are doing instead of chitchatting is making changes in our force structures, that we're making in a very transparent fashion. We've briefed the Russians, friends, and allies as well about the nuclear posture review, and we'll let our actions speak.

We take our obligations under the NPT very seriously. In terms of what was said at the 1995 and 2000 NPT review conferences, we're reviewing all of that in the context of our preparation for the 2005 NPT Review conference. And I think those statements, as I said before, were made in a very different geostrategic context, so I think it's

important for us to review them looking toward the 2005 review conference

Shortly after given the Arms Control Today interview, you were quoted on February 22, 2002, in the Washington Times as saying, “We would have to do what is appropriate under the circumstances and the classic formulation of that is, we are not ruling anything in and we are not ruling anything out... We are just not into theoretical assertions that other administrations have made.” That article went on to cite you as saying that such promises reflect “an unrealistic view of the international situation... The idea that fine theories of deterrence work against everybody, which is implicit in the negative security assurances, has just been disproven by September 11.”

In light of these statements:

- a. Was it your view, at the time of the Arms Control Today interview that negative security assurances should be retained?
- b. What is your current stand regarding negative security assurances?
- c. Do you recommend that the United States, at the Nuclear NonProliferation Treaty Review Conference in New York next month, reaffirm the negative security assurances that it has given in the past? If not, what alternative assurances do you recommend?

Answer

As I expressed my view publicly on negative security assurances at some length in early 2002. The Administration did not then nor has it since conducted a formal review of U.S. negative security assurance policy. Under these circumstances, I did not have an opportunity to recommend a future course on negative security assurances and do not believe it is appropriate now for me to speculate on what I might have recommended at the time.

B. My views about the potential benefits of these rhetorical approaches have not changed. U.S. policy on negative security assurances has not changed. I support U.S. policy.

C. If confirmed as U.S. Permanent Representative to the United Nations, I would no longer have any direct role in the formulation of U.S. nonproliferation policy. At this point I will not venture a recommendation on what approach the United States should take on negative security assurances at the NPT Review Conference, which is now underway.

UNCLASSIFIED

**Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Joseph Biden (#5)
Committee on Foreign Relations
April 11, 2005**

Question:

Your response to question 8b (“other issues”), related to North Korea and nuclear weapons, is unresponsive. Please answer it.

For clarification, that question was:

8. In 1999, you wrote that those who called the Agreed Framework with North Korea “serial bribery” and appeasement... correctly characterize the course of American policy toward the North over the last six years,” You called for “firmness” instead, adding: “it is unconscionable that the White House is unable to muster even a modicum of resoluteness to contain, let alone roll back, the North Korean threat”

b) Did the North Korean threat roll back after you got tough with them, when they took the spent fuel that had been stored and monitored under the Agreed Framework and made enough plutonium for another half dozen nuclear weapons?

Answer:

I answered the question to the best of my ability.

**Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Senator Joseph Biden (#6)
Committee on Foreign Relations
April 11, 2005**

Question:

Your response to question 9c (“other issues”), seeking the clearance page on your speech in Seoul on July 31, 2003, is unresponsive. Please provide the clearance page.

For Clarification purposes, question 9c (“other issues”) was...

On July 31, 2003, you delivered a speech in South Korea in which you singled out North Korean leader Kim Jong-il for ridicule, naming him some 40 times as a dictator and rejecting what you called “His extortionist demands.” I don’t question these specific assertions, but I wonder about the timing of the speech and the repetition of the term.

- c) Please provide the clearance page for the speech, as delivered in Seoul, from the Department of State.

Answer

We did not prepare a formal clearance page for the speech. However, if we had prepared one, it would reflect the clearance of all relevant offices within the Department of State, as well as by National Security Council staff, Department of Defense staff and the Office of the Vice President. As was noted by Secretary Powell in his letter to Senator Kyl, provided to the Committee in my previous response, the speech was fully cleared and reflected Administration policy.

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Joseph Biden (#7)
Committee on Foreign Relations
April 11, 2005

Question:

You did not respond to question 9f (“other issues”). Please do so. For clarification, that question was:

On July 31, 2003, you delivered a speech in South Korea in which you singled out North Korean leader Kim Jong-il for ridicule, naming him some 40 times as a dictator and rejecting what you called “his extortionist demands.” I don’t question these specific assertions, but I wonder about the timing of the speech and the repetition of the term...

- 1) Were you ever asked by Secretary Powell to refrain from making public comments about the North Korea nuclear issue?

Answer:

I do not recall any such conversation. As I indicated in my previous answer:

“As is always the case, we carefully coordinated both our public pronouncements and private discussions in the pursuit of the President’s goal of seeking a peaceful means to achieving the complete, verifiable, and irreversible dismantlement of all nuclear programs in the DPRK.”

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Senator Joseph Biden (#8)
Senate Foreign Relations Committee
April 11, 2005

Question:

You did not respond to question 10a (“other issues”) or the second question in 10c, relating to NSC official Michael Green’s trip to East Asia in January 2005. Please respond to them.

Answer

The presentation given by NSC Staff was fully cleared by the Intelligence Community and all relevant policy agencies. As part of this process, a Special Assistant in my office cleared these points.

Other participants in the Six Party Talks have expressed their appreciation for receiving this information. We are not aware of any concerns about the accuracy of the information from the countries we have briefed on this issue.

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Joseph Biden (#9)
Committee on Foreign Relations
April 11, 2005

Question:

I have been contacted by a small businessman in Pennsylvania who claims that his business lost tens of thousands of dollars resulting from the seizure and liquidation of his goods pursuant to proliferation sanctions imposed against NORINCO under Department of State Public Notice 4370. (68 Federal Register 28314 (May23, 2003) (hereafter "NORINCO sanctions"). The sanctions were made retroactive to May 9.

This businessman, Jerry Sorkin of J.M. Sorkin, informs me that his goods were paid for prior to the effective date, but that his goods were shipped on a container ship operated by NORINCO. He further informs me that said goods were in transit when the sanctions were imposed and made retroactive to May 9.

Mr. Sorkin says he frequently appealed to the Department and to your office and requested a waiver of the sanctions so that he could take possession of the goods for which he had paid. He has provided me copies of an email from an assistant in your office, Mark Groombridge, who indicated in writing on March 15, 2004 to Mr. Sorkin's attorney that "the person who needs to sign the requisite document is out of the country. It will be taken care of this week or next. I had to go to a high level to reverse this decision...I know it has been frustrating for your client but sometimes the system works, however slowly. Trust me on this. I said I would get it done. I will."

Mr. Groombridge failed to deliver, and the goods were liquidated.

- a. What was your involvement in this matter?
- b. What was the legal and policy basis for denying a waiver of the sanctions to Mr. Sorkin's goods?
- c. Were any waivers granted to the application of the NORINCO sanctions? If so, what were the facts and circumstances of each waiver?

Answer:

- a. In February 2004, my office was contacted by staff members of both Senator Specter and Representative Weldon. They asked for a review of the circumstances of Mr. Jerry Sorkin's case in light of new facts. Following a review of the case, on March 29, 2004, I received a fully cleared decision memo addressing the question of relief from sanctions. In the end, the judgment was that one-time special relief could not be justified

in this case. I therefore decided against a waiver, which was the general policy I pursued in sanctions matters.

b. As I stated in an affidavit in the lawsuit involving Beston Chemicals, the President's authorities under the International Emergency Economic Power Act (IEEPA) are necessarily broad in order to "deal with any unusual and extraordinary threat...to the national security, foreign policy, or economy of the United States." In promulgating E.O. 12938 in 1994, the President determined that the proliferation of weapons of mass destruction or WMD-capable missiles posed just such an unusual and extraordinary threat. In order to ensure the efficacy of the import ban, there are only narrow exceptions in the Executive Order and in implementing regulations of the Office of Foreign Assets Control, Department of Treasury ("OPAC").

c. Sanctions by definition can impact U.S. business interests, but that is a factor that must be weighed against our national security interests. The only exception I am aware of to the NORINCO sanctions being applied was to GLOBALMED, L.L.C., a company granted a waiver to import medical diagnostic supplies. This was done in accordance OFAC's WMD Trade Control Regulations, 31, C.F.R. Part 539, Section 1(f) of the E.O. as implemented in section 539.504(a)(1).

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Joseph Biden (#10)
Committee on Foreign Relations

April 11, 2005

Question

Prior to your service in the Department of Justice, you served as a partner in the law firm of Covington & Burling. Did you seek to return to the firm after leaving government service in 1993? If so, what were you told by firm management about the reasons that you were not hired back by the firm?

Answer

No.

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Joseph Biden (#11)
Committee on Foreign Relations
April 11, 2005

Question:

The *Washington Post* of April 18, 2005 reports on allegations that you “often blocked” Secretary Powell and on one occasion, Secretary Rice, from receiving information on U.S. diplomatic strategies on Iran. The article also states that Secretary Rice has kept you out of “key discussions” on Iran.

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Have you reported to the Secretary that there is little or no support in the IABA Board of Governors for the U.S. proposal to not re-appoint the incumbent Director General? If so, when did you first do so?

Answer:

I have frequently discussed with Secretary Rice the status of the selection process for the Secretary General of the IAEA, from the beginning of her tenure as Secretary of State, as she has personally addressed this issue with her counterparts in other countries. It would not be appropriate for me to describe the substance of my conversations with the Secretary of State.

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Joseph Biden(#12)
Committee on Foreign Relations
April 11, 2005

Question:

Did you or anyone or your staff take any action to prevent Mr. Christian Westermann from inclusion on any U.S. Government delegations?

Answer:

In my years in the US Government, I have long worked to reduce the size of the delegations we send to conferences, especially international conferences. When I arrived at the Department of State in 2001, I found that U.S. Government was sending excessively large delegations to international arms control conferences. I believed these delegations misallocated scarce personnel resources and wasted tax dollars.

Since 2001, I have instructed my staff to work with all State bureaus and other Departments and Agencies to reduce US delegations to a reasonable size. **Mr. Westermann** may have been cut from some of these delegations, but he was one of dozens of State Department and other Department and Agency employees who were cut for this reason.

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Joseph Biden (#13)
Committee on Foreign Relations
April 11, 2005

Question:

Since the announcement of your nomination in March, did you, any member of your staff, or any official on your behalf, request that staff of the US Mission to the United Nations provide their resumes for your review? Please elaborate.

Answer:

In preparation for my hearing and to learn more about the workings of the US Mission to the United Nations, my staff, without my knowledge, requested a significant amount of information from a variety of sources including staffing patterns, budgets, USUN mission construction plans, IG reports, GAO audits, UN investigation reports, UN reform reports, etc. As part of this broad request, staff tell me they asked for information pertaining to USUN personnel functional areas of work and USUN expertise including resumes. I was unaware of the request for resumes, have never seen the resumes, and have not reviewed any information pertaining to current USUN personnel.

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Christopher Dodd (#1)

Committee on Foreign Relations
April 11, 2005

Question:

NSA Intercepts. In response to a prior question for the record by Senator Dodd, concerning the number of times Mr. Bolton had requested names of US official in NSA product, Matthew Reynolds, Acting Assistant Secretary of State for Congressional Affairs wrote in a letter dated 4/18/2005 that “according to the records maintained by the Bureau of Intelligence and Research, John Bolton or his special assistant made ten such requests during the last four years. All were granted.”

Was the special assistant referred to in the 4/18/2005 letter from Matthew Reynolds, Frederick Fleitz? If not who was it? Were all requests by Mr. Bolton or his staff made in writing and processed through INR? If not how were the requests made?

Who in INR served as the conduit for transmitting NSA information to Mr. Bolton or his assistant, pursuant to the ten requests cited in the 4/18/2005 letter? Did said individual(s) verbally brief Mr. Bolton or his assistant on the names of the US officials? Did said individual(s) physically provide the requested information for review by Mr. Bolton or his special assistant?

Answer:

Mr. Frederick Fleitz, a career CIA officer who is on detail to my staff as a special assistant, handled the NSA identity requests. I am told that on one occasion he asked a T staffer to follow up on a request while he was out of the office. Some requests were made to INR in writing, some were passed to INR orally. All of the requests were processed through INR.

Christian Westermann was the INR analyst who handled about half of the NSA identity requests. Usually, the answers to the identity requests were typed on a piece of paper and hand carried by State Diplomatic Security officers for me to read, but not retain. On a couple of occasions, Mr. Fleitz was briefed on the identities of the individuals in the NSA reports and he relayed this information to me orally. I am not aware that any of these requests were denied, but some answers never reached me because I was traveling.

Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Sen. Christopher Dodd (#2)
Committee on Foreign Relations
April 11, 2005

Question:

WINPAC document related to China Missile Proliferation. In September 2002, an analyst at INR transmitted to Mr. Bolton's office a WINPAC product related to China missile proliferation with an INR assessment attached on the same subject. Did Mr. Bolton or his staff complain about transmittal of the INR assessment in connection with the WINPAC document? What was the nature of the complaint? To whom was the complaint made? Who was the INR analyst? Did Mr. Bolton or his staff seek to have the INR analyst reprimanded?

Answer:

I had no involvement in this dispute and have no recollection of it. I believe that on Thursday, August 22, 2002, Frederick Fleitz, a career CIA analyst detailed to my staff, told me he had a CIA report he believed to be important. I was scheduled to leave on a week-long trip to Asia the following day and I asked him to arrange to have the CIA report shown to Mr. Armitage while I was away.

I have been subsequently informed that while I was in Asia, Mr. Fleitz learned that INR affixed a memo to the front of the WINPAC memo telling Mr. Armitage that the WINPAC memo had serious problems and was inaccurate. Mr. Fleitz then consulted with a senior WINPAC official. The WINPAC report dealt with a complicated subject and the WINPAC official was upset to hear that INR had placed such a dissent on this paper without speaking with the authors to discuss their evidence and assumptions.

Mr. Fleitz responded by sending an e-mail to INR Principal Deputy Assistant Secretary Thomas Fingar expressing WINPAC's concern that INR had failed to discuss the evidence and assumptions behind the WINPAC paper with its authors before giving their dissent to the Deputy Secretary of State. Mr. Fleitz also said that WINPAC wanted a copy of INR's dissent. Mr. Fleitz noted that I was out of the office and traveling in Asia.

I had no involvement in the e-mail Mr. Fleitz sent to INR. I do not know which INR analyst wrote the dissent. As far as I know, nothing further happened after Mr. Fleitz sent his e-mail to INR. Mr. Fleitz tells me INR never responded. There was never any discussion or consideration of any INR analyst being reprimanded over this incident.

Additional Questions for the Record Submitted to
Ambassador-Designate John R. Bolton by
Senator Christopher J. Dodd (#3)
Committee on Foreign Relations
April 11, 2005

Question:

Haiti Arms Sales. Please describe your knowledge and involvement in the decision by the Department to approve arms sales to Haiti. Please describe the nature of the arms sold, the destination and the value. How many shipments were approved? What were the dates of the shipments? Were any concerns raised about these shipments by others in the Department? Were human rights concerns considered in making the decision? Was the Bureau of Democracy, Human Rights, and Labor consulted, did it express any reservations or recommendations about the proposed sale? What were they? Are other shipments contemplated? When? What? Dollar values?

Answer:

On November 12, 2004, I approved a recommendation from the Bureau of Political-Military Affairs to waive section 126.1 of the International Traffic in Arms Regulations for a specific export of guns, ammunition, and body armor to a U.S. firm contracted by the State Department to provide direct support to the United Nations Stabilization Mission in Haiti (MINUSTAH), for use by U.S. personnel in Haiti. As part of that decision, I approved a recommendation to delegate to the Deputy Assistant Secretary for Defense Trade Controls in the Bureau of Political Military Affairs, the authority to exercise this waiver authority on a case-by-case basis, to allow the export of defense articles and services in support of MINUSTAH, UN CIVPOL, and the Interim Government of Haiti, including the Haitian National Police. Thus, after I approved the initial waiver, neither I nor my staff reviewed the subsequent decisions.

Pursuant to my waiver, on November 12, 2004 the Department of State authorized the export of 36 Beretta 9MM semiautomatic pistols, ammunition, and. body armor valued at \$62,000 for use by U.S. contractors supporting MINUSTAH.

I am informed that the Bureau of Democracy, Human Rights and Labor (DRL) was involved in the formulation of policy involving the Haitian National Police. It is the Department's usual procedure to consult DRL, among other bureaus, regarding authorizations of this sort. I understand that such consultation procedures were followed in this export authorization and those described below (except the March 2005 authorization, for which the procedures were considered unnecessary), and that all consulted bureaus concurred. My waiver was subject to the following safeguards: 1) that weapons be provided ONLY to individuals who have been thoroughly vetted and trained, and 2) a monitoring mechanism be implemented to ensure weapons are accounted for and do not end up in the hands criminals.

I am informed that on March 14, 2005, State authorized the temporary export of two Beretta 9MM semiautomatic pistols, accessories, and body armor valued at \$2,200 for use in Haiti by U.S. advisors from Civilian Police International. The necessary ammunition, valued at \$132 was authorized on March 31, 2005.

I am also informed that the proposed export to the Haitian National Police of 3,000 .38 caliber revolvers, 500 9mm pistols, 500 12 gauge shotguns, 200 Mini-14 rifles and 100 M4 carbines, valued at \$1.7 million, is pending notification to Congress, and the Department of State is seeking consultations with our oversight committees. The Department intends that similar safeguards to those mentioned above be put in place for these and future exports to the Haitian National Police.

I am also informed that on April 28, 2005, State authorized the export of riot control gear, including tactical gas guns, launchers, CS muzzle blast rounds, CS riot control grenades, smoke grenades and gas masks and canisters valued at \$164,000 to the Haitian National Police. Similar safeguards were put in place.

In August 2004, as described in Congressional Notifications, the Defense Department and U.S. Coast Guard transported 2,453 excess U.S. Government weapons to Haiti for use in training the Haitian National Police. The shipment consisted of 1,916 .38s, 493 9mms, 23 .45s, and 21 long guns. The long guns and 150 9mms were provided to Haitian CIMO/SWAT due to frequent spikes in violence. The .38s are being provided to new recruits after vetting and training: 400 provided to the cadets in promotion 15; 400 to be provided to cadets currently in promotion 16; and the remainder have been set aside for the next three promotions. All remaining weapons are being held in secure storage on the U.S. Embassy compound in Port-au-Prince.

By statute, this provision of excess weapons did not require a license, as an export made by a US Government agency to carry out a foreign assistance program authorized by law and subject to the control of the President by other means. Neither my staff nor I participated in the decision to provide these excess weapons.

I do not have any information about specific shipments under these State authorizations, and I am not aware of any plans for further arms shipments.