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May 4, 2005

Lanny J. Davis
(202) 339-8442
ldavis@orrick.com

BY FACSIMILE

Bruce Rashkow, Esq.
Director
General Legal Division
Office of Legal Affairs
United Nations
Room S-3430A
United Nations Plaza
New York, New York 10017

Susan M. Ringler, Esq.
Counsel to Committee
Independent Inquiry Committee
825 Third Avenue – 15th Floor
New York, NY 10022

Re: Receipt of Congressional Subpoena

Dear Mr. Rashkow and Ms. Ringler:

As you know, I serve as counsel to Mr. Robert H. Parton. I write to notify you that Mr. Parton was served the attached subpoena from the Committee on International Relations of the U.S. House of Representatives (the "Committee"). With respect to this subpoena, please note the following chronology:

1. The Committee served the subpoena, signed by Chairman Henry J. Hyde, by fax on Friday, April 29, 2005, before 3 pm. Shortly thereafter, Committee staff served the subpoena in person at my office. As you will note, the subpoena commands compliance by 4 pm on that same date.
2. I declined to comply at that time.
3. Under threat of being held in contempt of Congress with bipartisan support, the Committee directed Mr. Parton not to inform the United Nations or the Independent Inquiry Committee (the "IIC") of the subpoena, much less provide a copy of the subpoena to same, until Mr. Parton complied fully with the subpoena or until the Committee released Mr. Parton to do so.
4. On Monday, May 2, 2005, I wrote you both letters (attached) asking you specifically to respond to two questions: First, on behalf of your clients, would you direct Mr. Parton to defy a congressional subpoena in connection with his work for the IIC? Second, I asked Ms. Ringler for the basis of such an instruction

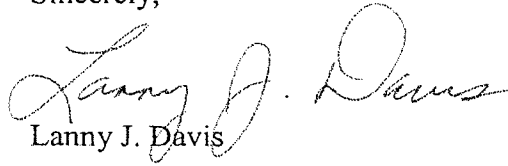


and, of Mr. Rashkow, I asked for the documentary basis of Mr. Parton's alleged designation as an "expert on mission" with respect to his work as a consultant for the IIC. (I had previously asked Ms. Ringler these two questions on the telephone last week, and she had declined to answer either one of them).

5. Notwithstanding Mr. Parton's requests for such instructions, by letters dated May 2 and May 3, 2005, (attached), neither of you directed Mr. Parton to defy a congressional subpoena and, indeed, neither of you responded entirely to the two questions that I asked.
6. In light of your failure to give Mr. Parton any instructions to the contrary in your letters, and in light of the directions and subpoena from the House International Relations Committee, Mr. Parton had no choice but to comply with the subpoena. And, we have done so.
7. This evening, the Committee released Mr. Parton from the instruction not to inform the IIC and the UN of the subpoena.

Please call me if you have any questions.

Sincerely,



Lanny J. Davis

Attachments

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Robert Parton Serve: Lanny Davis, Esq.

You are hereby commanded to be and appear before the Committee on International Relations

of the House of Representatives of the United States at the place, date and time specified below.

to testify touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____	
Date: _____	Time: _____

to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: <u>2170 Rayburn House Office Building, Washington, D.C. 20515</u>	
Date: <u>April 29, 2005</u>	Time: <u>4:00pm</u>

To Jonathan Scharfen, Chief Counsel, House Committee on International Relations

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States,
at the city of Washington, this 29th day of April, 2005.

Attest:

Jeff Bonds
Clerk

Henry J. Hyde
Chairman or Authorized Member

PROOF OF SERVICE

Subpoena for Robert Parton Serve: Lanny Davis, Esq.

Address c/o Orrick, Herrington & Sutcliffe LLP, 3050 K St., N.W., Washington, D.C. 20007-5135

before the Committee on International Relations

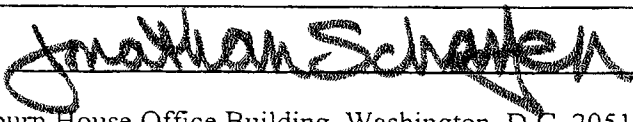
U.S. House of Representatives
109th Congress

Served by (print name) Jonathan Scharfen

Title Chief Counsel, House Committee on International Relations

Manner of service Personal Service

Date April 29, 2005

Signature of Server 

Address 2170 Rayburn House Office Building, Washington, D.C. 20515

Schedule of Documents Commanded to be Supplied to
the Committee on International Relations Pursuant to
Subpoena to Robert Parton
Dated April 29, 2005

All records produced by Mr. Parton or in his possession relating to the Independent Inquiry Committee into the United Nations Oil-for-Food Programme, including but not limited to documents and communications, as defined in the attached Definitions for Schedule.

Definitions for Schedule

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms "person" or "persons" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
5. The term "identify," when used in a question about individuals, means provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

Schedule Instructions

1. In complying with this Subpoena, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. No records, documents, data or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee or Subcommittee.
2. In the event that any entity, organization or individual denoted in this subpoena has been, or is also known by any other name than that herein denoted, the subpoena shall be read also to include them under that alternative identification.
3. Each document produced shall be produced in a form that renders the document capable of being copied.
4. Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served. Also identify to which paragraph from the subpoena such documents are responsive.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.
6. If any of the subpoenaed information is available in machine-readable form (such as punch cards, paper or magnetic tapes, drums, disks, or core storage), state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
7. If compliance with the subpoena cannot be made in full, compliance shall be made to the extent possible and shall include an explanation of why full compliance is not possible.
8. In the event that a document is withheld on the basis of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
9. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
10. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
11. The time period covered by this subpoena is included in the attached schedule(s).

12. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.
13. All documents shall be bates-stamped sequentially and produced sequentially.



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May 2, 2005

Lanny J. Davis
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BY FACSIMILE

Susan M. Ringler, Esq.
Counsel to Committee
Independent Inquiry Committee
825 Third Avenue - 15th Floor
New York, New York 10022

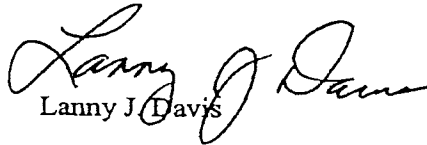
Dear Ms. Ringler:

As you know, I am counsel to Robert Parton, who recently resigned his position as Senior Investigative Counsel on the Independent Inquiry Committee into the United Nations Oil-For-Food Programme (the "IIC"). On Mr. Parton's behalf, I request the IIC's answers to the following two questions:

1. Does the IIC instruct Mr. Parton to defy any subpoena that the United States Congress issues to him in connection with his work for the IIC?
2. If the answer to the first question is "yes," please provide all of the bases for such an instruction.

Please provide these answers in writing no later than 3:00 p.m. today. Thank you for your attention to this matter.

Yours truly,


Lanny J. Davis



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May 2, 2005

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BY FACSIMILE

Bruce Rashkow, Esq.
Director
General Legal Division
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Room S-3430A
United Nations Plaza
New York, New York 10017

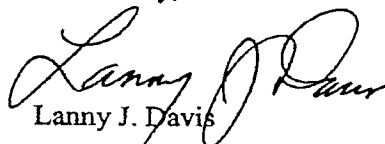
Dear Mr. Rashkow:

I am counsel to Robert Parton, who recently resigned his position as Senior Investigative Counsel on the Independent Inquiry Committee into the United Nations Oil-For-Food Programme (the "IIC"). On Mr. Parton's behalf, I request the United Nations' answers to the following two questions:

1. Does the United Nations instruct Mr. Parton to defy any subpoena that the United States Congress issues to him in connection with his work for the IIC?
2. If the answer to the first question is "yes," please provide all of the bases for such an instruction, including any documentation from the United Nations designating Mr. Parton as an "expert on mission." Please let us know if no such documentation exists.

Please provide these answers in writing no later than 3:00 p.m. today. Thank you for your attention to this matter.

Yours truly,



Lanny J. Davis

cc: Susan Ringler, Esq.

05/02/2005 18:53 FAX 1 212 963 3155

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United Nations  Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017
TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

REFERENCE:

2 May 2005

Dear Mr. Davis,

This letter is in response to your correspondence of today's date to me and, by identical letter to Ms. Ringler, of the Independent Inquiry Committee.

The Independent Inquiry Committee was appointed by the Secretary-General in April of 2004 to investigate the administration and management of the United Nations Oil-for-Food Programme in Iraq. Following this, the United Nations Security Council unanimously adopted Resolution 1538 (2004) welcoming the inquiry. Since the inquiry was established by the Secretary-General for the purpose of conducting an independent inquiry of the Programme, it is an activity of the United Nations and all staff of the Committee have been accorded the privileges and immunities applicable to "experts on mission" as set forth in Article VI of the Convention of Privileges and Immunities of the United Nations. The United States has been a party to this Convention since 29 April 1970 (20 UST 1418, TIAS 6900; 1 UNTS 15). All activities of the Committee and its staff in the performance of their duties for the Committee are immune from legal process. This immunity is provided in regard to Mr. Parton pursuant to his June 28, 2004 Agreement with the Committee and his contracts as a consultant, both in August of 2004 and January of 2005.

Lanny J. Davis, Esquire
Washington Harbour 3050 K Street N.W.
Washington, D.C. 20007-5135

05/02/2005 18:53 FAX 1 212 963 3155

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PAGE 2

Because the privileges and immunities of experts provided under the Convention are granted in the interests of the United Nations, it is for the Organization to waive such privileges and immunities. Consequently, if Mr. Parton were to receive legal process from a United States Congressional Committee, or any other governmental entity, such process should be immediately forwarded to the United Nations. The Organization would respond accordingly after consulting with the Independent Inquiry Committee.

I thank you for contacting the Organization. If you have any questions, please contact me.

Yours sincerely,

Bruce C. Rashkow

Bruce C. Rashkow
Director
General Legal Division
Office of Legal Affairs

cc: Mr. Paul A. Volcker
Mr. Richard Goldstone
Mr. Mark Pieth
Mr. Nicolas Michel
Ms. Susan Ringler

INDEPENDENT INQUIRY COMMITTEE
INTO
THE UNITED NATIONS OIL-FOR-FOOD PROGRAMME

825 THIRD AVENUE
FIFTEENTH FLOOR
NEW YORK, NEW YORK 10022

TELEPHONE: 212.842.2500/4500
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www.iic-offp.org

PAUL A. VOLCKER
CHAIRMAN

RICHARD J. GOLDSTONE
MARK PIETH
MEMBERS

May 3, 2005

Strictly Confidential

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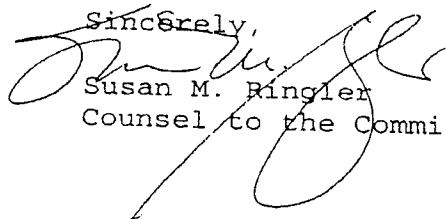
Dear Mr. Davis:

This letter is in response to your correspondence of May 2, 2005. The same letter was sent by you to Mr. Bruce Rashkow at the UN's Office of Legal Affairs.

I have reviewed Mr. Rashkow's response, which is consistent with the discussions that you and I had last week regarding Mr. Parton's confidentiality agreement with the IIC and the protections afforded to the IIC Committee members and staff in the performance of the investigation.

Last week you advised me that Mr. Parton has received requests from a number of Congressional committees. Please let me know your response to these requests. If you have any questions, please contact me.

Sincerely,


Susan M. Ringler
Counsel to the Committee

cc: Paul A. Volcker
Richard Goldstone
Mark Pieth
Nicolas Michel
Bruce Rashkow



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FAX TRANSMISSION

DATE 5/4/05
FROM Larry J. Davis, 202-339-8468
name tel

NO. OF PAGES 14
(INCLUDING COVER SHEET)

TO Susan Ringler, Counsel to IIC, 212-842-2510 / F) 212-842-2555
name company/firm tel fax

RE

MESSAGE

C-M-A

ORIGINALS TO FOLLOW BY MAIL

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notice to recipient
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