

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

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May 5, 2005

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

Dear Mr. Davis:

This morning I received your letter and a copy of the records subpoena that was issued by the Committee on International Relations six days ago on April 29, 2005. Your letter was the first time that the IIC and the UN were advised by you that a subpoena had been issued for IIC records held by Mr. Parton. Most disturbingly, if Mr. Parton did in fact produce IIC related records, this was done without any discussion with the IIC. Mr. Parton's production of any IIC related documents violated his individual confidentiality agreements with the IIC and the UN. Prior to his departure, on April 12, 2005 Mr. Parton certified in writing to the IIC: "I further certify that no documents or information related to the work of the IIC are in my possession outside of the premises of the IIC."

The representations in your letter are quite disingenuous and your deliberate decision not to advise the IIC and the UN that a subpoena had been issued calls into question your motivations.

On April 26, 2005 you telephoned to advise me that you were representing Robert Parton. During that conversation you stated that Mr. Parton had received requests from three Congressional Committees to voluntarily meet with them and answer questions. The Committees further wanted to know whether Mr. Parton would accept the service of a subpoena. We had a lengthy discussion regarding Mr. Parton's Confidentiality Agreements and the fact that Mr. Parton and all IIC staff had been accorded the status of an "expert on mission" under the Convention on Privileges and Immunities of the United Nations. You indicated your lack of familiarity with the Convention and I explained its operation to you. Subsequent to our conversation, I provided you with a copy of the Convention. When you requested a document to confirm that Robert had been designated an "expert on mission" I advised you that I could not provide you with IIC internal memos with the UN, however, I would put you in touch with the UN's Office of Legal Affairs, who could provide you with written confirmation of Mr. Parton's designation by the UN as an "expert on mission." To that end I provided you with the telephone

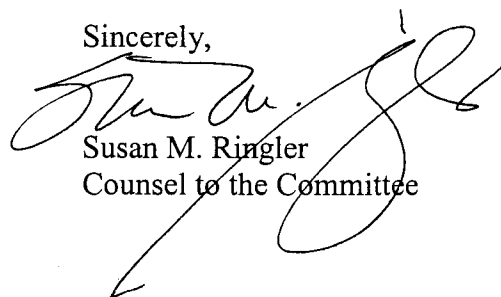
number of Bruce Rashkow, Director of the General Legal Division for the United Nations. The following day I provided you with Mr. Rashkow's address so that you could obtain the written confirmation you sought.

On April 28, 2005 we spoke again and I advised you that the Committee was not willing to waive its Confidentiality Agreement with Mr. Parton. I again explained that if Mr. Parton was to receive a subpoena it should be forwarded to the UN. The UN would consult with the IIC and provide a response. On at least two occasions I requested in writing that you advise the Committee of any decision Mr. Parton made with respect to the Congressional requests to appear before them. You refused to respond.

Despite this, when your client received a subpoena on April 29, 2005, neither the IIC nor the UN were advised of the subpoena. In your separate May 2, 2005 letters, one to the IIC and another to the UN you demanded a response within hours and made absolutely no mention of the fact that four days earlier Mr. Parton had received a Congressional subpoena. The UN's response, sent the same day, specifically advised you that it was for the UN to decide whether to waive its privileges and immunities; that if Mr. Parton were to receive any legal process it should be immediately forwarded to the UN; and that the UN would respond after consulting with the IIC. My letter to you the following morning confirmed that this was the proper procedure and again asked you how Mr. Parton intended to proceed.

Contrary to your assertions, both the IIC and the UN's letters most certainly answered the questions posed in your May 2, 2005 letters. You apparently chose to ignore the direction provided by the UN and the IIC. Rather than being forthright, you chose to be disingenuous. The Committee is reviewing this matter and its options.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan M. Ringler", with a large, stylized flourish extending from the end of the signature.

Susan M. Ringler
Counsel to the Committee

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fax

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FROM: Susan M. Ringler
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Please deliver the attached letter to Mr. Lanny J. Davis. Thank you.