

COUNT THREE

(October 7, 1985 Letter
to the House Permanent Select
Committee on Intelligence)

The Independent Counsel further charges:

14. Paragraphs 1 through 8 of Count One of this Information are repeated, realleged and incorporated by reference herein as if fully set forth in this Count.

15. On September 12, 1985, having received the letter referred to in Count One of this Information and having met with the defendant ROBERT C. McFARLANE, the Chairman of HPSCI wrote a letter, on behalf of the Committee, to the defendant McFARLANE, enclosing a series of questions "concerning allegations about the activities of Lieutenant Colonel Oliver North."

16. On October 7, 1985, in the District of Columbia, the defendant ROBERT C. McFARLANE, having been summoned to give testimony and to produce papers upon a matter under inquiry before the United States House of Representatives, unlawfully, willfully and knowingly did make default by refusing and failing to answer fully and completely, to wit, defendant McFARLANE signed and caused to be transmitted to the House Permanent Select Committee on Intelligence, a committee of the United States Congress, a letter that stated as follows:

Q -- When the CIA had to withdraw from their day-to-day contact with the rebels, it has been alleged in the New York Times (8 Aug 85) that Colonel North tried to fill the void, partly through

helping facilitate the supplying of logistics help. Did Colonel North, in his capacity as a staff member of the National Security Council, use his influence to facilitate the movement of supplies, either raised privately in this country or otherwise, to the contras?

A -- Lieutenant Colonel North did not use his influence to facilitate the movement of supplies to the resistance.

* * *

Q -- General Singlaub has stated (Washington Post, 9 Aug 85) that he would often talk to Colonel North and inform him what he was doing and then state that if it was a dumb idea, for North to send him a signal. Is that your impression of the relationship between General Singlaub and Colonel North?

A -- There is no official or unofficial relationship with any member of the NSC staff regarding fund raising for the Nicaraguan democratic opposition. This includes the alleged relationship with General Singlaub.

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Q -- The Nicaraguan freedom fighters, in the last two months, are reported by the U.S. Embassy, Tegucigalpa, to have received a large influx of funds and equipment with some estimates of their value reaching as high as \$10 million or more. Do you know where they have obtained this assistance?

A -- No.

17. The underscored answers unlawfully withheld material information from HPSCI because, among other things, the defendant McFARLANE then and there, (a) knew and believed that Lieutenant Colonel North had used his influence to facilitate the movement of certain supplies to the Contras; (b) knew or had reason to believe that a member of the NSC staff had had contact with retired Major General John K. Singlaub regarding

fund raising for the Contras; and (c) knew and believed that the Contras had received millions of dollars from a third country.

(Violation of Title 2, United States Code,
Section 192.)