

COUNT NINE

(Concealing, Removing, Mutilating, Obliterating,
Falsifying and Destroying Official Documents by NORTH)

The Grand Jury further charges:

1. Paragraphs 1 through 6 of Count One of this Indictment are repeated, realleged and incorporated herein as if fully set forth in this Count.

2. The NSC, as an entity of the Executive Branch, published and disseminated to its staff an Administrative Manual that set forth procedures to ensure that documentary materials received or developed by an employee, detailee or consultant during his tenure on the NSC staff were treated as official records and were neither removed nor destroyed. To this end, the NSC Secretariat maintained a three-tiered system of records management that logged, tracked and controlled the dissemination of documents received or created at the NSC. The regulations of the NSC required that the originals of classified and logged documents be deposited and maintained in the central files of the NSC Secretariat.

3. Between approximately the middle of November 1986 and approximately November 25, 1986, in the District of Columbia, the defendant OLIVER L. NORTH, having custody of records, papers and documents of the NSC, unlawfully, willfully and knowingly did conceal, remove, mutilate, obliterate, falsify and destroy and did cause to be

concealed, removed, mutilated, obliterated, falsified and destroyed records, papers and documents filed and deposited in a public office, to wit, records of the NSC and its staff, including but not limited to original logged and classified documents from the central files of the NSC Secretariat, concerning the provision of aid and assistance to the Contras and the sale of arms to elements in Iran.

(Violation of Title 18, United States Code,
Sections 2071(b) and 2.)

COUNT TEN

(Receipt of an Illegal Gratuity by NORTH
from Secord: The Security System)

The Grand Jury further charges:

1. Paragraphs 1 through 6 of Count One of this Indictment are repeated, realleged and incorporated herein as if fully set forth in this Count.

2. In the spring and summer of 1986, in the District of Columbia and elsewhere, the defendant OLIVER L. NORTH, a United States Government official, unlawfully, willfully and knowingly and otherwise than as provided by law for the proper discharge of official duty, directly and indirectly, did accept, receive and agree to receive a thing of value personally and for himself, to wit, a security system at his residence valued at approximately \$13,800, from Richard V. Secord, for and because of official acts performed and to be performed by the defendant NORTH in his official capacity, to wit, the referral by the defendant NORTH of activities to Secord and Albert Hakim and his facilitation of those activities, including activities related to the support of military and paramilitary operations in Nicaragua by the Contras and the government-sponsored Iran initiative.

(Violation of Title 18, United States Code,
Sections 201(g) (recodified effective December 10, 1986
as Title 18, United States Code, Section
201(c)(1)(B)) and 2.)