

COUNT TWO

(Obstruction of Congress by POINDEXTER  
in July and August 1986)

The Grand Jury further charges:

1. Paragraphs 1 through 11 of Count One of this Indictment are repeated, realleged and incorporated by reference herein as if fully set forth at length.

2. On June 24, 1986, a resolution of inquiry, H. Res. 485, was introduced in the House of Representatives which, if adopted, would have directed the President to provide the House of Representatives certain information concerning the activities of Oliver L. North or any other member of the NSC staff in support of the Contras, including a complete list and description of any contact or other communication between North or any other member of the NSC staff with any private individual or any representative of a foreign government concerning the provision of funding or other assistance to the Contras, any document concerning the provision of such funding or assistance, and a complete list and description of and any document concerning any contact or other communication, directly or through intermediaries, since July 28, 1983, between North or any other member of the NSC staff and any representative of the Contras, Robert W. Owen or John K. Singlaub. The resolution then was referred jointly to the House Committee on Foreign Affairs,

the House Committee on Armed Services and the House Permanent Select Committee on Intelligence ("HPSCI") for consideration.

3. On June 25 and July 1, 1986, the Chairmen of the House Committee on Foreign Affairs and HPSCI each wrote a letter, on behalf of his Committee, to the President attaching a copy of the proposed resolution of inquiry and requesting comments on the proposed resolution no later than July 22, 1986.

4. On July 21, 1986, the defendant JOHN M. POINDEXTER, on behalf of the President, wrote separate letters to the Chairmen of the House Committees on Foreign Affairs and Armed Services and HPSCI in which he expressed the Administration's strong opposition to the proposed resolution of inquiry.

5. The defendant JOHN M. POINDEXTER's letters to the Chairmen of the House Committee on Foreign Affairs and the Permanent Select Committee on Intelligence were identical in substance and stated as follows:

This is in reply to your letter to the President on June 25, 1986, requesting comments on H. Res. 485, relating to the allegations of improper activities by members of the National Security Council staff in support of the Nicaraguan resistance. The Administration strongly opposes enactment of the resolution.

Last fall, in an effort to cooperate with Chairman Barnes, my predecessor, Robert C. McFarlane, met with members of your committee and the Permanent Select Committee on Intelligence. While I did not participate in these discussions, I understand that information on the specific issues raised in H. Res. 485, was provided to your Committee and that

this information made it clear that the actions of the National Security Council staff were in compliance with both the spirit and letter of the law regarding support of the Nicaraguan resistance.

Thank you for the opportunity to comment on H. Res. 485. I have forwarded similar letters to Chairman Hamilton and Chairman Aspin and sincerely hope this matter can finally be put to rest.

6. The defendant JOHN M. POINDEXTER's letter to the Chairman of the House Committee on Armed Services attached copies of the other two letters and stated as follows:

I am writing to oppose H. Res. 485, a resolution of inquiry concerning allegations of improper activities of members of the staff of the National Security Council in support of the Nicaraguan resistance.

I understand the resolution has been referred jointly to your committee, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence.

Attached for your information is a copy of the response provided to the Committee on Foreign Affairs which, along with the Intelligence Committee, requested comment.

Considerable information provided by this office exists in both committees, which answered all questions in some detail. You may wish to review that information to satisfy yourself that actions by the National Security Council staff have been and continue to be within the spirit as well as the letter of the law.

7. The three letters were false, fictitious, fraudulent and misleading because in truth and in fact, as the

defendant POINDEXTER then and there well knew and believed, among other things, the 1985 letters and submissions were false and would not have been a truthful response to the 1986 inquiries.

8. In connection with the proposed resolution of inquiry, after the Chairman of HPSCI received the defendant JOHN M. POINDEXTER's letter, he requested, on behalf of the Committee, the opportunity to meet with and ask questions of Oliver L. North. On August 6, 1986, in accordance with arrangements made and approved by the defendant POINDEXTER, North met in the Situation Room of the White House with members and staff of HPSCI to answer questions concerning his activities with respect to the Contras and his contacts with Robert W. Owen and John K. Singlaub.

9. In the course of that meeting, Oliver L. North made certain false, fictitious, fraudulent, and misleading statements and representations intended to obstruct the Committee's inquiry as follows: that North had not given military advice to the Contras, had no knowledge of any specific military action conducted by the Contras, had not had contact with John K. Singlaub for the previous twenty months, had not raised funds in support of the Contras, had not advised or guided Robert W. Owen with respect to the Contras, and had only casual contact with Owen.

10. On August 11, 1986, after Oliver L. North's meeting with members and staff of HPSCI and after having been

advised of statements made by North in the course of the meeting, the defendant JOHN M. POINDEXTER sent a message to North which stated, "Well done," notwithstanding that as the defendant POINDEXTER then and there well knew and believed the statements and representations of North were false, fictitious, fraudulent and misleading.

11. From July 21, 1986 to August 6, 1986, in the District of Columbia, the defendant JOHN M. POINDEXTER unlawfully, willfully and knowingly did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due and proper exercise of the power of inquiry under which inquiries and investigations were being had by committees of Congress, to wit, the consideration of a proposed resolution of inquiry by HPSCI and the House of Representatives Committees on Foreign Affairs and Armed Services, by making and causing to be made false, fictitious, fraudulent and misleading statements and representations to those committees of Congress for the purpose of concealing and causing to be concealed material facts.

(Violation of Title 18, United States Code,  
Sections 1505 and 2.)

COUNT THREE

(Obstruction of Congress by POINDEXTER  
in November 1986)

The Grand Jury further charges:

1. Paragraphs 1 through 11 of Count One of this Indictment are repeated, realleged and incorporated herein as if fully set forth in this Count.

2. In early November 1986, reports appeared in the foreign and domestic press that the United States Government had participated in the shipment of arms to Iran.

3. Following those reports, committees of Congress, including the House of Representatives Permanent Select Committee on Intelligence ("HPSCI") and the Senate Select Committee on Intelligence ("SSCI"), requested that certain officials of the Executive Branch, including the defendant JOHN M. POINDEXTER and William J. Casey, the Director of Central Intelligence, appear before the committees concerning the participation of the United States Government in the shipment of arms to Iran.

4. During November 1986, in preparation for the appearances of the defendant JOHN M. POINDEXTER and the Director of Central Intelligence before HPSCI and SSCI, the defendant POINDEXTER participated in the preparation of a false and misleading chronology of events relating to United States Government knowledge of and involvement in the sale of arms to Iran, which, in its final version, falsely and misleadingly

stated that no official of the United States Government learned before January 1986 that Hawk missiles had been shipped to Iran in November 1985.

5. On November 21, 1986, in the White House Situation Room, the defendant JOHN M. POINDEXTER appeared before HPSCI and made false, fictitious, fraudulent and misleading statements and representations, as follows: that the defendant POINDEXTER did not learn until January 1986 that Hawk missiles had been shipped to Iran in November 1985 and that the defendant POINDEXTER had not learned until November 20, 1986 that anyone in the United States Government had prior knowledge of the shipment of Hawk missiles to Iran in November 1985.

6. On November 21, 1986, the defendant JOHN M. POINDEXTER appeared before the Chairman and Vice Chairman of SSCI, acting on behalf of the Committee, and made a false, fictitious, fraudulent and misleading statement and representation, as follows: that the defendant POINDEXTER had not learned until January 1986 that Hawk missiles had been shipped to Iran in November 1985.

7. The statements and representations made by the defendant JOHN M. POINDEXTER to HPSCI and SSCI were false, fictitious, fraudulent and misleading because in truth and in fact, as the defendant POINDEXTER then and there well knew and believed, among other things, the defendant POINDEXTER was advised by Oliver L. North, at least as early as November 20,

1985, in advance of the shipment of Hawk missiles to Iran, that such a shipment was about to take place and was further advised by North, in late November and December 1985, that a shipment of Hawk missiles had, indeed, been transported to Iran.

8. Between November 22, 1986 and November 29, 1986, the defendant JOHN M. POINDEXTER deleted from his file in the memory of one of the NSC computer systems all the stored messages contained in that system that had been sent or received by the defendant POINDEXTER.

9. From early November 1986 to November 24, 1986, in the District of Columbia, the defendant JOHN M. POINDEXTER unlawfully, willfully and knowingly did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due and proper exercise of the power of inquiry under which inquiries and investigations were being had by committees of Congress, to wit, HPSCI and SSCI, into the participation of the United States Government in the shipment of arms to Iran by participating in the preparation of a false and misleading chronology of events, making and causing to be made false, fictitious, fraudulent and misleading statements and representations to those committees of Congress, and deleting messages from the NSC computer system, all for the purpose of concealing and causing to be concealed material facts.

(Violation of Title 18, United States Code,  
Sections 1505 and 2.)



COUNT FOUR

(False Statements by POINDEXTER on November 21, 1986)

The Grand Jury further charges:

1. Paragraphs 1 through 11 of Count One and Paragraphs 2 and 3 of Count Three of this Indictment are repeated, realleged and incorporated herein as if fully set forth in this Count.

2. On November 21, 1986, in the District of Columbia, the defendant JOHN M. POINDEXTER unlawfully, willfully and knowingly made and caused to be made material false, fictitious and fraudulent statements and representations to a department and agency of the United States, to wit, HPSCI, a committee of Congress, in a matter within its jurisdiction, to wit, intelligence aspects of United States Government participation in the sale of arms to Iran, as follows: that the defendant POINDEXTER did not learn until January 1986 that Hawk missiles had been shipped to Iran in November 1985 and that the defendant POINDEXTER had not learned until November 20, 1986 that anyone in the United States Government had prior knowledge of the shipment of Hawk missiles to Iran in November 1985.

3. Those statements and representations were false, fictitious and fraudulent because in truth and in fact, as the defendant JOHN M. POINDEXTER then and there well knew and believed, among other things, the defendant POINDEXTER was

advised by Oliver L. North, at least as early as November 20, 1985, in advance of the shipment of Hawk missiles to Iran, that such a shipment was about to take place and was further advised by North, in late November and December 1985, that a shipment of Hawk missiles had, indeed, been transported to Iran.

(Violation of Title 18, United States Code,  
Section 1001.)

COUNT FIVE

(False Statement by POINDEXTER on November 21, 1986)

The Grand Jury further charges:

1. Paragraphs 1 through 11 of Count One and Paragraphs 2 and 3 of Count Three of this Indictment are repeated, realleged and incorporated herein as if fully set forth in this Count.

2. On November 21, 1986, in the District of Columbia, the defendant JOHN M. POINDEXTER unlawfully, willfully, and knowingly made and caused to be made a material false, fictitious and fraudulent statement and representation to a department and agency of the United States, to wit, the Senate Select Committee on Intelligence, a committee of Congress, in a matter within its jurisdiction, to wit, intelligence aspects of United States Government participation in the sale of arms to Iran, as follows: that the defendant POINDEXTER had not learned until January 1986 that Hawk missiles had been shipped to Iran in November 1985.

3. That statement and representation was false, fictitious and fraudulent because in truth and in fact, as the defendant POINDEXTER then and there well knew and believed, among other things, in November and December 1985 the defendant

POINDEXTER was advised by Oliver L. North that such a shipment was about to take place and was further advised by North that a shipment had, indeed, been transported to Iran.

(Violation of Title 18, United States Code,  
Section 1001.)