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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)

v.)

OLIVER L. NORTH,)

Defendant.)

Criminal No. 88-0080 --
02 - GAG

GOVERNMENT'S MEMORANDUM OF POINTS AND AUTHORITIES IN
OPPOSITION TO DEFENDANT NORTH'S MOTION FOR A CONTINUANCE

The only serious impediments to a September 20 trial on all counts are the CIPA problems scheduled for discussion in August and the Court's July 8 Order for extensive additional discovery. The problems presented by that Order are discussed in the Government's memorandum in support of its cross-motion for modification. This memorandum responds to the points raised in the defendant's motion for a continuance.

Having failed in several attempts to avoid completely the trial of this case, while proclaiming his innocence in speeches, the defendant Oliver L. North is now grasping at the criminal defendant's maneuver of last resort -- delay. Rather than promptly submitting the charges against him to a fair and impartial jury of his peers, North seeks a six-month delay of the September 20 trial. The Government, on the other hand, seeks a resolution of the defendant North's guilt or innocence, one way or the other, on the reasonable schedule set by the Court.

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September 20 is almost two years after public disclosure of the events at issue, more than six months after indictment, and more than two months later than the trial date projected by the Court shortly after arraignment. See Tr. of 4/12/88 at 119. Far from offering persuasive reasons for derailing the Court's carefully considered schedule, the defendant advances only the claims (1) that he cannot be ready for trial six months after indictment; (2) that external political events should govern the schedule of a criminal case; and (3) that defense counsel need a vacation. Not only are these contentions unconvincing, the defendant presents a distorted picture of the status of the case.

The Government submits for the reasons set forth below that there is no valid reason to delay the trial beyond September 20. This case will be ready for trial on that date. At the very least, as the Court has recognized, a trial of the falsification, obstruction and enrichment counts, the simple, straightforward counts in the indictment, can and should go forward. 1/ While Counts One through Three pose additional hurdles, the Government contends that they too can be ready.

I. The Defendant North Does Not Need Additional Time to Prepare For Trial

The defendant North's repeated claims that he cannot be ready for trial on September 20 rest on two fundamental

1/ While the Court's Order of July 8 did not refer to the tax fraud count, the Government knows of no reason to treat it differently than those counts the Court believes can proceed.

fallacies: (1) that the defense is somehow unfairly prejudiced because the Independent Counsel had fifteen months to investigate this case prior to indictment while the defense has only been able to prepare since the charges were filed; and (2) that the defense has not had sufficient time since the indictment to prepare for trial. Neither contention is supported by the facts.

A. In the Sixteen Months Between Public Disclosure of the Diversion and Indictment of the Defendant, the Defense Had Unprecedented Notice and Discovery of the Facts at Issue

The defendant argues that a six-month adjournment of the trial is required, in part, because the Independent Counsel had the advantage of a fifteen-month investigation prior to indictment while North has only been able to prepare since the charges were filed. See Def. Mem. at 1 n.1, 5, 9 n.9. First of all, it would be an extraordinary departure from the norms of discovery in criminal cases to enact a rule that the time between indictment and trial must match or approach the length of the Government's investigation. That absurd proposition fails to recognize that criminal investigations are often much broader in scope, as to possible violations of law and as to defendants, than the charges ultimately brought. Such was clearly the case here where the Independent Counsel, pursuant to the broad mandate of the Court of Appeals, conducted a wide-

ranging investigation of individuals other than North and charges other than those in the indictment. ^{2/}

Moreover, in this case, North and his counsel have had an unusual opportunity to prepare for possible charges throughout the period of the Independent Counsel's investigation. From the day the Attorney General announced the diversion of funds from the sale of United States Government arms to Iran on November 25, 1986, to the date of the indictment on March 16, 1988, the defendant enjoyed a unique wealth of discovery about the matters at issue in the sixteen counts on which he was indicted ultimately.

Counsel for North were retained almost immediately after his dismissal from the NSC staff and have had access to their client and to NSC documents apparently removed from North's office. ^{3/} From early on, the defendant had the benefit of extensive public investigations concerning the

^{2/} As North is aware, the Independent Counsel obtained guilty pleas from three other individuals (Robert C. McFarlane, Carl R. Channell and Richard R. Miller) and indictments against four others (Poindexter, Secord, Hakim and Joseph F. Fernandez). There were subjects, of course, against whom charges have not been brought, and the grand jury's life was extended recently by six months to continue its work.

^{3/} On December 2, 1986, Brendan V. Sullivan, Jr., Esq., acting on behalf of the defendant, returned to a representative of the NSC various NSC documents totalling 168 pages that are central to the charges in this case. See Exhibit A. In addition, the Government has reason to believe through witness interviews that the defendant North, as a regular routine, took detailed notes relating to his activities in spiral reporter's notebooks that are in the possession of the defense. Those notebooks, which have been unavailable to the Government, are undoubtedly a rich source of information concerning this case.

activities at the heart of this case. The Senate Select Committee on Intelligence issued a 65-page report on January 29, 1987. The President's Special Review Board, also known as the Tower Commission, issued a report totalling more than 250 pages on February 26, 1987. Most strikingly, defense counsel had access to the Iran-Contra congressional hearings. Defense counsel were able to scrutinize the testimony of dozens of public witnesses, many of whom are on the Government's witness list, and thousands of accompanying exhibits. By November 1987, Congress had made public a 690-page congressional report and the testimony and exhibits ultimately collected in eleven volumes of published hearings had long been in the public domain. Subsequently, but still before the indictment, the defendant was able to review the publicly-released twenty-seven volumes of congressional depositions, two volumes of source documents, and detailed chronology. ^{4/}

There can be little doubt that as these vast materials became available, North and his lawyers thoroughly digested them. Through them, North has been able to take advantage of the work product of the staffs of the congressional committees and the Tower Commission. Surely, in advance of his six full days of congressional testimony, the defendant North was prepared extensively concerning the facts

^{4/} Many of these materials have been unavailable to the Government due to this Office's procedures to avoid exposure to the immunized testimony of the defendant.

of this case by experienced and able counsel.^{5/} Even after his testimony was completed, North and his counsel apparently met regularly to prepare for a possible indictment. (A friend of the defendant's, Andy Messing, was quoted in The New York Times on August 21, 1987, fully seven months prior to indictment, to the effect that North routinely worked at Marine Headquarters from 6 a.m. until noon and then spent the afternoon meeting with his lawyers preparing his defense against a possible indictment. See Exhibit B.)

In short, in the sixteen months between public disclosure and indictment, defense counsel enjoyed not only the considerable resources of their client, his knowledge, and his documents and notebooks, but also the results of repeated public inquiry and lengthy reports about the events at issue. The notion that North and his counsel came to the March 24 arraignment ignorant of what this case is about is simply preposterous.

B. In the Six Months Between Indictment and Trial, the Defendant Will Have Had Ample Opportunity to Prepare for Trial

The defendant's major complaint is that he has too many documents to read between now and the scheduled trial date. It is the defendant, however, who has adamantly refused to narrow his discovery requests. Having demanded that the floodgates be opened and that he receive torrents of irrelevant

^{5/} The defendant acknowledges that in advance of his testimony he was afforded the opportunity to review a six-foot high stack of documents. See Def. Mem. at 12 n.10.

material requiring cursory review at best, the defendant cannot now be heard to complain that he is drowning. ^{6/}

In the first instance, the defendant grossly exaggerates the number of pages of documents in his possession. The Government's records indicate that he has received approximately 650,000 pages rather than the one million-page figure he repeatedly invokes; over half of those documents were in North's possession before the end of May. According to the Government's records, between March 29 and May 2, North received approximately 270,000 pages; between May 3 and May 28, he received an additional 80,000 pages; by June 21 he had received an additional 11,000 pages; and by July 1 he had received 290,000 more pages. ^{7/}

^{6/} The defendant's assertion that the Government concedes that all of the materials produced are relevant is dead wrong. From the beginning, the Government has identified 50,000 "core" documents as most likely to contain relevant material. They were among the first produced. The Government has repeatedly insisted that many of the documents collected during its lengthy wide-ranging investigation are not relevant to the charges against North. For example, despite his complaints of inundation, North continues to demand a review of an additional 600,000 CIA documents that after review by the Independent Counsel, were not found to be relevant.

^{7/} North carps about the Government's production of discovery materials. The fact is that the Government's compliance with the Court's tight production schedules has been Herculean. The inevitable minor snags have been and will continue to be corrected. All the complaining in the world cannot belie the fact that more than two months before trial North had in his possession a Government witness list, the Government's case in chief documents, the Government's "core" documents, cooperation agreements, immunity orders, and the charges to which cooperating witnesses pleaded guilty, the Israeli historical and financial chronologies, the Swiss bank records and reams of other documents, fully inventoried.

Despite his suggestion that he must indiscriminately review each and every document down to the last deposit slip on a tangential bank account, the defendant has the wherewithal to review the documents in his possession quickly and intelligently. At a remarkably early date, the defendant was provided a list of Government witnesses and copies of all documents the Government will seek to introduce in its case in chief. Very early, he was given the Swiss bank records, as well as inventories of virtually all other source documents in the Independent Counsel's control. In addition, as explained above, publicly available materials highlight the documents that the congressional committees and the Tower Commission felt were of particular importance. These materials provide a roadmap to the documents and should enable defense counsel, assisted by their client, to navigate their way through them in a timely fashion. ^{8/}

The defendant also maintains that there are too many tapes for him to review before September 20. In the first instance, only sixteen tapes are included in the Government's case in chief. In addition, the defendant fails to point out that of the ninety tapes delivered to the defense SCIF, more than fifty are of meetings in which North participated and for many of which he had transcripts before he left office; sixteen

^{8/} While North constantly complains about the resources of the Independent Counsel, he offers no explanation for why a firm of the size and experience of Williams & Connolly cannot provide the necessary support to get this case to trial. The asserted limitation to five attorneys is self-imposed.

are copies of tapes found in North's office; several contain only brief conversations; and defense counsel have been provided with transcripts of almost all of the tapes. Accordingly, there is no reason that counsel, guided by North, cannot focus quickly on those portions of the tapes that are relevant. As the defendant North well knows, the vast majority of the tape-recorded meetings dwelt on matters such as the strategic relationship between the United States and Iran and logistical details that are not in dispute.

The defendant next claims that he needs more time to interview "hundreds" of witnesses, including witnesses located in "10-20" foreign countries. See Def. Mem. at 15-16. In view of the fact that the defendant has had a list of Government witnesses since April 22, and that almost two years have passed since the public disclosure of many of the key matters that form the basis of the charges, this is a curious admission indeed. In any criminal case, the defendant and counsel must set priorities. In this case, if North and his lawyers choose to inflexibly limit their number, and to spend their time reading irrelevant documents and papering this Court and the Court of Appeals with motions to reconsider, interlocutory appeals, and mandamus petitions rather than interviewing witnesses, they must live with those decisions rather than upset a reasonable trial schedule. ^{9/}

^{9/} Similarly, if the defendant genuinely believes he needs to conduct foreign depositions and serve letters rogatory and
(continued...)

C. There Is No Need For a Protracted Schedule To Permit
The Resolution of Pretrial Motions

The defendant North claims that his remaining pretrial legal motions are so "extensive and complex," Def. Mem. at 10, that they necessitate more than a three and a half-month briefing schedule. This claim is a good example of the defendant's resort to hyperbole; it should be rejected.

In his motion for a continuance, the defendant North "give[s] the Court a preview," Def. Mem. at 10, of some of the motions that he intends to make before trial. Rather than suggesting the appropriateness of delay, this "preview" highlights the fact that the continuance motion is offered, not in the interests of securing a just trial, but simply as a stalling tactic. The motions previewed are based on the face of the indictment, and the defendant has already had over four months to prepare them. Instead of being complex, they are generally insubstantial or based on positions contrary to well-settled law.

The defendant North begins his argument for an extended briefing schedule with a reference to what he apparently believes is his most compelling pretrial motion: "that certain counts must be dismissed because the Boland

9/ (...continued)
trial subpoenas duces tecum, see Def. Mem. at 15-16, one can only wonder why he has waited until four months after indictment to pursue that intention. This failure is particularly mystifying in light of the information available to North prior to indictment as described above.

Amendment does not apply to the NSC and/or represents an impermissible intrusion by Congress into the President's control over foreign policy." Def. Mem. at 10. He adds, "This is a major constitutional issue that has been hotly debated for years." Id. at 10. The controversy as to the applicability and validity of the Boland Amendment has long been the subject of discussions among members of Congress, officers of the Administration, and the press. It cannot be that it was not carefully explored before North gave his testimony. Further, the indictment does not charge that the defendant North violated the Boland Amendment. Rather, the indictment charges that, irrespective of the applicability of the Boland Amendment, the defendant North and others defrauded the United States, "by deceitfully and without authorization organizing, directing and concealing a program to continue the funding of and logistical and other support for military and paramilitary operations in Nicaragua by the Contras." Count One, paragraph 13(a)(1). Thus, even if it were correct that the Boland Amendment did not apply to the NSC or that it was an impermissible intrusion by Congress into foreign policy, this would not warrant dismissal of the count.

The defendant North also forecasts that he will argue that Count One improperly charges multiple conspiracies, that certain counts are impermissibly vague, that certain counts are duplicitous, that he is entitled to a bill of particulars, that he lacked fair notice that his acts were criminal, that 18

justice. Count Twenty-Two relates to the personal conversion of particular traveler's checks received for other specified purposes, and Count Twenty-Three relates to allegations of tax fraud.

Well before the indictment, North was in a position to familiarize himself with the substance of these charges. Indeed, the Tower Commission Report emphasizes the three 1985 letters to Congress that are the subject of Counts Four through Seven (Tower Report, C-6), and the 1986 statements to Congress that are the subject of Count Nine (id., C-10); it similarly stresses the possibility of obstruction by the NSC staff in November 1986 (id., D-1). The congressional hearings, of course, focused as well on these subjects (see Robert McFarlane testimony, 5/11-5/14/87). The hearings also dealt at length with the subject of the defendant's participation in the shredding and alteration of documents (see Fawn Hall testimony, 6/9/87); the defendant's receipt of a gratuity (see Glenn Robinette testimony, 6/23/87); and the defendant's receipt and use of traveler's checks (see Adolfo Calero testimony, 5/20/87; Robert Owen testimony, 5/19/87). In addition, two of the defendant's co-conspirators on the tax fraud count (Channell and Miller) pleaded guilty to similar charges in open court more than one year ago -- on April 30 and May 6, 1987. Thus, the defendant North, unlike the typical criminal defendant who may not even know prior to indictment that he is under investigation let alone what the possible charges are, has

U.S.C. § 1001 was not intended to apply to the false statements that are charged, that the Independent Counsel failed to follow Department of Justice guidelines, and "that a series of legal conclusions and other improper material must be stricken from the indictment." Def. Mem. at 11. None of these issues is novel or either legally or factually complex. All are garden variety defense motions; a three-week briefing schedule will more than adequately accommodate the interests of justice and the need for fair treatment of the issues.

D. The Falsification, Obstruction, Enrichment, and Tax Fraud Counts Should Be Tried on September 20

The defendant's argument that a six-month adjournment is necessary is particularly hollow when considered with respect to the charges relating to false statements and obstruction (Counts Four through Seven, Nine, Thirteen through Sixteen, and Twenty-One), personal enrichment (Counts Twenty and Twenty-Two), and tax fraud (Count Twenty-Three).

Far from involving novel legal theories, these counts involve routine criminal allegations. Counts Four through Seven cite specific written statements in three letters in September and October 1985. Count Nine involves specific oral statements in August 1986. Counts Thirteen through Sixteen similarly involve a series of discrete acts in November 1986 to obstruct investigations, including lying, shredding documents, and preparing false and misleading documents. Counts Twenty and Twenty-One involve the receipt of a gratuity (a security system worth more than \$13,000) and a related obstruction of

obtained a detailed preview of the Government's case and the testimony of its witnesses.

Because of the relative simplicity of the charges and the defendant's advance access to much of the proof, North certainly should be able to focus his review of discovery materials in order to prepare for a trial on these counts. For example, the scope of relevant proof on the false statement counts will be circumscribed. See United States v. Krogh, 366 F. Supp. 1255, 1256-1257 (D.D.C. 1973) (Gesell, J.) (" . . . instructions given the defendant in the guise of national security can[not] make an otherwise false statement given under oath without compulsion legal. Motive is simply not an issue.")

As the Court indicated in its July 8 Order, the additional discovery sought by the defendant does not relate to his defense to counts other than Counts One through Three. Therefore, as the Court determined on the basis of the defendant's ex parte proffer, "at a minimum, substantive charges of cover-up, falsification and North's alleged receipt of personal benefit derived from his conduct as a government employee can proceed to trial" on September 20. Order at 7-8.

Finally, it will not take long to dispense with the pretrial motions that the defendant intends to file with respect to these counts. Of the specific motions raised by the defense, Def. Mem. at 10-11, only two relate specifically to these charges. Defense counsel apparently rely on an Assistant

Attorney General's comment about Count Twenty-Three as a basis for dismissal and also suggest that they will challenge the applicability of 18 U.S.C. § 1001, which is the subject of Counts Five through Seven and Fifteen. Both motions raise uncomplicated legal issues that can be addressed with dispatch.

E. Counts One Through Three Will Be Ready For Trial On September 20 If The Court Modifies Its July 8 Order

On July 8, the Court, on the basis of the defendant's ex parte representations as to materiality, ordered additional discovery and suggested that developments with respect to that discovery could affect the timing of a trial on Counts One through Three. While it is now clear that the intelligence community will not be able to comply with the Court's present schedule, the Independent Counsel submits that a modification of the Court's Order, which would narrow the scope of document production while protecting the legitimate needs of North, would permit a trial of Counts One through Three on September 20.

As an initial matter, in the absence of additional discovery, North and his counsel are well situated to prepare for a speedy trial of Counts One through Three, which charge a conspiracy to defraud the United States, theft of government property, and wire fraud. The central elements of these counts are North's diversion of government property, his illegal conduct in support of military and paramilitary activities in Nicaragua, and his use of a network of foreign bank accounts and corporations to accomplish and conceal these ends. These

elements will have been the subject of intense public scrutiny for almost two years when the trial starts on September 20. Indeed, since the Independent Counsel's appointment on December 19, 1986, North and his attorneys have known that his activities regarding the diversion and assistance to the Contras were principal areas of the Independent Counsel's jurisdiction and investigation. Furthermore, the indictment sets forth in unusual detail the basis for the first three charges. Fully thirty-eight pages, including thirty-seven paragraphs relating to means, and seventy overt acts, are detailed as part of the Count One conspiracy. Many of these paragraphs are realleged as part of Counts Two and Three. Rarely has an indictment set forth the charges at issue with greater specificity.

The primary obstacle to a September 20 trial with respect to Counts One through Three is a problem created largely by the defendant's unwillingness to share with the Government his proffer as to the materiality of the additional discovery he has sought. North has requested, and the Court has ordered, the Government to produce by August 1, thousands of pages of classified documents among which the defendant apparently hopes to find one or more which are material to the preparation of the defendant's defense on Counts One through Three. The Court ordered the additional discovery after hearing the defendant's ex parte presentation on July 6, 1988. The defendant apparently reargued his motion for extremely

broad discovery during the ex parte meeting with the Court which had been planned primarily as a meeting to consider CIPA problems of redaction and to narrow the defendant's sweeping discovery request. Consequently, the Court has been left with the unchallenged assertions of a defendant as to his need for discovery without his demonstrating the materiality of an enormous and time-consuming burden upon the government agencies.

As the Independent Counsel advised the Court by letter dated July 20, 1988, and as explained in the Letter of Russell J. Bruemmer, Esq., which is attached as Exhibit C, the Independent Counsel has been informed by William H. Webster, the Director of Central Intelligence, and others that the intelligence community cannot produce the documents called for by the Court's Order in their entirety in accordance with the mandated schedule. Although the Independent Counsel is prepared to proceed as expeditiously as possible to secure this additional classified material, it is apparent that the intelligence community finds that it will be unable to meet the Court's deadline. Without a more specific statement about the need for the documents or the particular documents desired, the Independent Counsel is unable to address the intelligence community's general statement that it is unable to comply.

The September 20 trial date can be preserved as to the entire indictment if the Court were to adopt an alternative, but less time-consuming, means of protecting the

defendant North's interest in securing evidence relevant to his defense. The Court found in its Order of July 8, 1988 that the discovery information sought by the defense "may serve to corroborate testimony of defense witnesses, including North himself, if he takes the stand. They may also support defense challenges to the credibility of certain known prosecution witnesses" Order at 5 (emphasis added). The Government would be in a position to assist the Court in assessing the defendant's request if the defense were required to make a showing of (1) what information North expects to find in the additional discovery, and (2) how that information might be relevant to his defense. For example, the Independent Counsel is prepared to make a showing now that the various covert actions identified in the defendant's request furnish no precedent for the proposition that a government official can deceptively generate and retain control over profits obtained in the course of a covert action. These other covert actions therefore seem irrelevant to the charges in Counts One through Three.^{10/}

Even if some of the information requested were truly relevant, various procedures are available to provide it to the defendant far more expeditiously than by those currently required by the Court's Order. The information sought by the defense would be unnecessary if the Government were to

^{10/} For instance, those best informed are not aware of any analogue for the diversion charge in the indictment.

stipulate to the facts that the defense believes to be contained in the discovery material, so as to obviate the defendant's need to establish those particular facts. For example, the extent of the surveillance of various activities can be dealt with by stipulation. Alternatively, it is possible that the Government could sever or narrow counts of the indictment. These are options within the contemplation of CIPA, e.g., Sections 6(c) & (e), in cases where the defense seeks to make use of relevant classified information at trial. See e.g., United States v. Smith, 780 F.2d 1102, 1103 (4th Cir. 1985). See also United States v. Edwards, 631 F.2d 1049, 1051 (2d Cir. 1980) (it is proper to exclude evidence offered by the defendant to establish facts that are conceded by the Government). Moreover, CIPA contemplates that, as the proponent of classified information which it seeks to offer into evidence, the defense would ordinarily have to establish the relevance of that information prior to trial. See, e.g., United States v. Zettl, 835 F.2d 1059 (4th Cir. 1987); United States v. Collins, 720 F.2d 1195, 1200 (11th Cir. 1983); United States v. Wilson, 586 F. Supp. 1011 (S.D.N.Y. 1983); cf. United States v. Pugliese, 712 F.2d 1574, 1580 (2d Cir. 1983) ("Unless the basis for proposed admission [of evidence] is obvious, it is the burden of counsel who seeks admission to alert the court to the legal basis for his proffer"); Post v. United States, 407 F.2d 319 (D.C. Cir. 1968), cert. denied, 393 U.S. 1092 (1969).

The most extensive view of a defendant's right to withhold disclosure of his position does not entitle him to withhold proof of materiality as to documents sought by discovery. See Brooks v. Tennessee, 406 U.S. 605 (1972). No case has held that any litigant can force his adversary to engage in costly and wasteful discovery without some showing that the discovery has an objective which is material. We suggest that, rather than protracting the discovery process in a manner that may ultimately prove unnecessary, the defendant, as a basis for discovery (not only as a basis for CIPA admissibility determinations), be required now to make known to the Government its particularized offers of proof and that the Government have the opportunity now to accommodate the defendant's legitimate interests either by entering into stipulations or by moving to sever or narrow counts of the indictment. 11/

In addition, if the Court's Order of July 8 were modified to permit sequential delivery of certain materials, the Independent Counsel could obtain and deliver a substantial

11/ For example, it is entirely unclear to the Government, in the absence of access to the ex parte proffer, why Counts Two and Three, relating solely to the diversion, might not end up being treated differently than Count One, which is broader in scope. It is also likely that even if the conspiracy to accomplish the objects set forth in paragraphs 13(a)(1), (2), or (3) of Count One of the indictment were held hostage to the discovery ordered by the Court on July 8, the conspiracy to violate the substantive statutes relating to obstruction and false statements alleged in paragraph 13(b) of Count One could go forward.

portion of the documents by August 20, one month prior to trial. Producing materials in this fashion would be highly efficient, for it could require the defendant North to offer whatever explanation he may have for the relevance of these documents before the Government was forced to complete the process of classified document production. Sequential production would also permit the Court to "examine[] a representative sample of such documents" United States v. Felt, 491 F. Supp. 179, 186 (D.D.C. 1979).

Accordingly, an appropriate modification of the Court's Order of July 8 would permit Counts One through Three to proceed to trial on September 20.

II. External Political Events Should Not Govern the Schedule of a Criminal Case

The defendant North argues that conducting his trial "at the height of the Presidential election" will deny him his "right to a fair and impartial trial." Def. Mem. at 18-19. Specifically, he argues that "[t]he impact of media attention on the trial" will have some unspecified, but presumably prejudicial, impact on the jury, id. at 19, that can only be avoided by delaying the trial until after the elections. This argument should be rejected.

The Court addressed the defendant's concern about publicity when it denied his motion for a change of venue. The Court's observations at that time are equally applicable in this context. To begin with, as the Court then observed, any

claim that a continuance is needed to avoid the risk of prejudicial publicity should await the selection of a jury:

Thus, the only remaining issue is continuance on the theory that continuance will minimize exposure to publicity, publicity which itself may not have had anywhere near the impact suggested by the defense. This question of continuance must await jury selection during which prospective jurors exposed to publicity can be fully examined and the issue fully explored to determine whether or not it has created bias in any form.

Experience here again in this city with high profile cases engendering publicity such as Watergate, the prosecution of officials of the current administration and in other situations strongly suggest that a completely impartial jury can be seated.

If this case is viewed as a political scandal, as one of defense counsel suggested, such scandals have been everyday fare in this city for scores of years. And while some of the public becomes thoroughly engrossed in such a story many do not. They have other more pressing immediate concerns. Rent, jobs, and a myriad of other things. Any further consideration of publicity must await the jury's selection.

Tr. of 6/8/88 at 72. There is every reason to believe that the parties at trial will be able to select a fair and impartial jury, and that the jury will be able to follow the trial court's instruction not to read, watch, or listen to news accounts of this trial until it is over.

It is well-settled that a defendant can be afforded a fair trial notwithstanding the publicity surrounding his trial. The courts have repeatedly acknowledged that sensational publicity, often of a hostile nature, is certain to develop around criminal investigations and proceedings affecting prominent or notorious persons. United States v. Myers, 510 F.

Supp. 323, 326 (E.D.N.Y. 1980). See also United States v. Nunan, 236 F.2d 576, 593 (2d Cir. 1956), cert. denied, 353 U.S. 912 (1957); Silverthorne v. United States, 400 F.2d 627, 631 (9th Cir. 1968), cert. denied, 400 U.S. 1022 (1971). There are legions of highly-publicized cases, in addition to those cited above, in which fair trials were conducted. 12/

As this Court has noted, "trial judges in this jurisdiction have had extended experience with highly publicized cases," Tr. of 6/8/88 at 68, and the Court's experience will enable it to take steps "to minimize the effects of publicity." Id. at 69. To ensure fair trials in the Watergate cases, this Court and others in this District

12/ See, e.g., Hoffa v. United States, 385 U.S. 293 (1966); Buchalter v. New York, 319 U.S. 427 (1943) (Murder, Inc.'s Louis "Lepke" Buchalter); United States v. Ferguson, 758 F.2d 843 (2d Cir. 1985), cert. denied, 474 U.S. 84 (1986) (trial of radicals involved in "Brinks" robbery); United States v. Blanton, 719 F.2d 815 (6th Cir. 1983), cert. denied, 465 U.S. 1099 (1984) (Governor of Tennessee); United States v. MacDonald, 688 F.2d 224 (4th Cir. 1982), cert. denied, 459 U.S. 1103 (1983) (highly publicized murder of wife and children); United States v. Barnes, 604 F.2d 121 (2d Cir. 1979), cert. denied, 446 U.S. 907 (1980), (highly-publicized narcotics case); United States v. Haldeman, 559 F.2d 31 (D.C. Cir. 1976), cert. denied sub nom, Ehrlichman v. United States, 431 U.S. 933 (1977) (Watergate prosecution); United States v. Ehrlichman, 546 F.2d 910 (D.C. Cir. 1976), cert. denied, 429 U.S. 1120 (1977) ("plumbers" break-in case); United States v. Liddy, 509 F.2d 428 (D.C. Cir. 1974), cert. denied, 420 US. 911 (1975) (Watergate burglary); Calley v. Callaway, 519 F.2d 184 (5th Cir. 1975), cert. denied, 425 U.S. 911 (1976) (My Lai massacre); United States v. Bufalino, 285 F.2d 408 (2d Cir. 1960) ("Appalachian" meeting case); United States v. Costello, 255 F.2d 876 (2d Cir.), cert. denied, 357 US. 937 (1958); Capone v. United States, 56 F.2d 927 (7th Cir.), cert. denied, 286 U.S. 553 (1932); People v. Luciano, 277 N.Y. 348, cert. denied, 305 U.S. 620 (1938); People v. Manson, 61 Cal. App.3d 102 (1976), cert. denied, 430 U.S. 986 (1977).

adopted such measures as instructing members of the venire not to read about or discuss the case; engaging in extensive voir dire; and enjoining the "'staff of the Watergate Special Prosecutor, defendants, their attorneys and witnesses from making extrajudicial statements concerning any aspects of [the] case that are likely to interfere with the rights of the accused or the public to a fair trial by an impartial jury.'" United States v. Haldeman, 559 F.2d 31, 63 n.39 (D.C. Cir. 1976) (quoting the Haldeman Court's order), cert. denied sub nom, Ehrlichman v. United States, 431 U.S. 933 (1977). ^{13/} There is every reason to believe that, by appropriately instructing the jury, this Court will be able to avoid any prejudice that might be caused by the media attention paid to this trial.

The defendant's argument is based entirely on speculation. It is beyond question that this case will be the subject of media attention, no matter when it commences, "at least until the activities of the primary participants ha[ve] been fully explored at a public trial." United States v. Haldeman, 559 F.2d at 64, n.42. As the Court previously noted, "much of [the publicity] has been favorable to the defendants who were supported by influential leaders of this country." Tr. of 6/8/88 at 69. There is no reason to expect that the favorable publicity will abate during trial. There is also no

^{13/} The Independent Counsel has no objection to the immediate entry of a similar order in this case.

reason to expect substantially more media attention before the election than afterwards. Certainly, the examples cited by the defendant in his motion do not support the radical measure of a six-month adjournment. To grant the defendant's motion on these grounds "would require a flight of speculation inappropriate for any court to take." United States v. Mitchell, 397 F.Supp 166, 180 (D.D.C. 1974), aff'd United States v. Haldeman, 559 F.2d 31 (D.C. Cir. 1976), cert. denied, 431 U.S. 933 (1977).

Finally, to the extent that North's trial may become a political issue in the upcoming elections, North bears at least a substantial measure of responsibility, and therefore has little credibility in complaining. Throughout the pretrial proceedings, North has made many speeches and statements, often at political events, in which he has claimed that the charges should be evaluated in a political context. Attached as Exhibit D is a collection of a representative sample of press clippings for which North is responsible. ^{14/} For example, on the day of his indictment, North called a press conference to declare:

"Unfortunately, I have now been caught in a bitter dispute between the Congress and the President over the control of foreign policy, the power of the President to deter communism in Central America and the President's duty to protect our citizens against terrorist acts abroad. It is a

^{14/} The clippings have been redacted in some cases to avoid exposing members of the Office of Independent Counsel to references to the defendant's immunized testimony.

shame that the new battleground for such a fight will be a courtroom."

North's public comments will apparently continue along these lines despite the fact that jury notices have been issued. As this Court stated, trial courts generally should not "allow the press to control the course of criminal proceedings." Tr. of 6/8/88 at 69. This trial in particular should not be held hostage to a media which the defendant himself has strenuously sought to inflame. To give in to the defendant's demands on this ground would place the court's imprimatur on North's transparent attempt to transform this trial from a criminal into a political one.

This case should go to trial when it is ready to go to trial without regard to speculation about the impact of a presidential campaign. The Government is confident that beginning on September 20 the Court will be able to select a fair and impartial jury that will give North his day in court on the basis solely of the evidence they hear. 15/

15/ The defendant's request for an adjournment to accommodate the vacation plans of defense counsel merits little attention. The Speedy Trial Act permits no exclusion for such purposes. The interests of justice and the public need for a prompt resolution of these charges dictate that this case go to trial without regard to the inevitable personal sacrifices of counsel, the Court, and witnesses for both sides.

CONCLUSION

Accordingly, the defendant's motion for a continuance should be denied.

Respectfully submitted,



LAWRENCE E. WALSH,
Independent Counsel

David M. Zornow
Bruce A. Green
Clifford M. Sloan
Associate Counsel

Office of Independent Counsel
555 Thirteenth Street, N.W.
Suite 701 West
Washington, D.C. 20004
(202) 383-8940

Dated: July 25, 1988

A



B

LAW OFFICES
WILLIAMS & CONNOLLY
HILL BUILDING

339 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

AREA CODE 202
331-5000

EDWARD BENNETT WILLIAMS
PAUL R. CONNOLLY (1922-1978)
ROBERT A. SCHULMAN
VINCENT J. FULLER
RAYMOND W. BERGAN
STUART E. SEIGEL
JEREMIAH C. COLLINS
ROBERT L. WEINBERG
DAVID POVICH
STEVEN M. UMIN
JOHN W. VARDAMAN, JR.
PAUL MARTIN WOLFF
J. ALAN GALBRAITH
CHARLES H. WILSON
JOHN G. KESTER
WILLIAM E. MCDANIELS
BRENDAN V. SULLIVAN, JR.
AUBREY M. DANIEL, III
RICHARD M. COOPER
ROBERT P. WATKINS
JERRY L. SHULMAN
LAWRENCE LUCCHINO

LEWIS H. FERGUSON, III
ROBERT B. BARNETT
DAVID E. KENDALL
JOHN J. BUCKLEY, JR.
TERRENCE O'DONNELL
DOUGLAS R. MARVIN
JOHN R. VILLA
BARRY S. SIMON
KEVIN T. BAINE
STEPHEN L. URBANCZYK
PHILIP J. WARD
ELLEN SEGAL HUYELLE
FREDERICK WHITTEN PETERS
PETER J. KAHN
JUDITH A. MILLER
LON S. BABBY
SCOTT BLAKE HARRIS
MICHAEL S. SUNDERMEYER
JAMES T. FULLER, III
DAVID D. AUFHAUSER
BRUCE R. GENDERSON

CAROLYN H. WILLIAMS
F. LANE HEARD, III
STEVEN R. KUNEY
GERSON A. ZWEIFACH
SARAH H. DUGGIN
ROBERT S. LITT
PAUL HOGIN
DANIELA WINKLER
JEFFREY B. KINDLER
NANCY F. PREISS
STUART L. GASNER
RICHARD S. HOFFMAN
STEVEN A. STEINBACH
P. MICHELE ELLISON
JEFFERY R. BERRY
STEPHEN I. GLOVER
MARY G. CLARK
LYNN A. STOUT
MARK S. LEVINSTEIN
JEFFERY D. UBERSAX

DANNE J. SMITH
VICTORIA L. RADD
CHERRY JOY BEYSSANCE
BETH J. CHANDLER*
GEORGE ELLARD
DANIEL F. KATZ
JEFFERSON M. GRAY
JEANNE M. ROWZEE
HANLEY W. ROBERTS
ELEN M. CONSTANTINE
EVEN ERIK HOLMES
NICOLE K. SELIGMAN*
ROBERT W. HAMILTON
WILLIAM R. MURRAY, JR.
EVA M. PETRO
CYNTHIA C. HOGAN*
MARK J. HULKOWER*
MATTHEW D. LERNER**
STEPHEN O. RABER***

December 2, 1986

COUNSEL
LYMAN G. FRIEDMAN
DONALD E. SCHWARTZ

* MEMBER PA BAR ONLY
** MEMBER MD BAR ONLY
*** MEMBER CA BAR ONLY

BY HAND

Cdr. Paul B. Thompson, USN
General Counsel
National Security Council
The White House
Washington, D.C. 20506

Dear Commander Thompson:

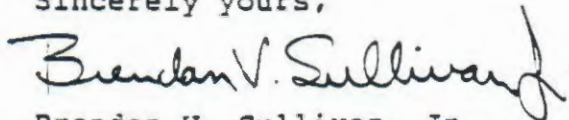
LtCol North is herewith delivering documents to NSC. In order to insure that the documents are preserved, the pages have been number-stamped 1 through 168, inclusive.

Also delivered are the WHCA Motorola PageBoy, the Motorola hand-held portable telephone, and the NSC Government Transportation Request (GTR D-7,363,999) issued to LtCol North.

Would you please arrange for the return of LtCol North's personal property which is located in his office. He is particularly interested in the prompt return of his Marine Corps uniform items, family photos and other personal effects.

Thank you.

Sincerely yours,



Brendan V. Sullivan, Jr.
Attorney for LtCol Oliver L. North

BVS:lng
cc: Ms. Brenda Reger
Security Officer

AKW002085

THE NEW YORK TIMES
Friday, August 11, 1988

Briefing

North Keeps 'Busy'

How does Lieut. Col. Oliver L. North spend his time now that he is not conducting covert activities for the National Security Council or testily testifying before Congressional committees?

"He's working very hard," said F. Andy Messing Jr., a close friend of America's best-known marine.

Mr. Messing, who is executive director of the National Defense Council, a nonprofit research organization says Colonel North works from 6 in the morning until noon at the headquarters of Marine Planning and Operations.

In the afternoon he meets with his lawyers. They are preparing for his defense against the possible criminal indictments being considered by a special prosecutor, Lawrence E. Walsh, in an investigation of the Iran-contra affair. After about 8 at night, the colonel is at home with his wife and family.

"He's too busy even to take a vacation," Mr. Messing said.

Meanwhile, offers of free holidays have poured in from "grateful Americans," Mr. Messing related. "One offer included a private jet to pick him up," he said.

All such gifts have been refused, according to Mr. Messing, who added that numerous movie and book offers have also been deferred.

"Ollie has an incredible ability to focus," Mr. Messing continued, "and right now he's focusing on that pit bulldog Walsh."

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

General Counsel

25 July 1988

The Honorable Lawrence A. Walsh
Independent Counsel
Suite 701 West
555 13th Street, N.W.
Washington, D.C. 20004

Dear Judge Walsh:

As you are aware, the CIA and the other intelligence agencies affected by Judge Gesell's Order of July 8, 1988, have assessed both the feasibility of producing the documents by August 1, and the sensitivity of the information contained in those documents. This letter is a follow-up to your discussion with Judge Webster last week.

With regard to the timing of production, the CIA has concluded that the documents responsive to Items 1, 14, 17, and 19 of Defendants' Supplemental Request have already been produced to the Office of Independent Counsel. In general, we presently believe that the documents called for by Items 5, 6, 16, 18, and 20, along with the extracts from the President's Daily Brief and the CAJIT summaries under the control of the CIA, can be produced within approximately four weeks. The documents called for by Items 2-4 and 7-13, however, are voluminous and not centrally located. We believe it will require several months to gather and produce these latter documents. (Item 15 calls for documents that are unknown to any of the intelligence agency personnel with whom we have consulted.)

As Judge Webster discussed with you last week, the heads of the government's intelligence agencies have agreed that, in addition to the timing problems discussed above, the sensitivity of certain of the documents called for by the Court's order will also affect their disclosure. The intelligence agencies have concluded that the details of the programs described in Items 2, 3, 4, 8, and 9 cannot be disclosed publicly, and that the very existence of United

States programs identified by Items 7, 10, 11, 12, 13, and 16 cannot be publicly acknowledged by the United States Government without adversely impacting on national security. As to the first group of items, virtually none of the documents could be used at a public trial, although a general stipulation as to the programs might be feasible. As to Items 7, 10, 11, 12, 13, and 16, it is unlikely that even a stipulation could be crafted that would adequately protect the classified information in question.

Production of these documents to the defense may also cause problems. A significant portion of the documents could probably be produced for inspection by defendant North in his SCIF, although some can only be made available on an "access-only" basis. Moreover, some especially sensitive documents may require that they not be disclosed except to the Court pursuant to Section 4 of CIPA.

If it would be helpful to Judge Gesell, representatives of the intelligence agencies are prepared to provide the Court ex parte with a briefing addressing the sensitivity of the programs covered by Judge Gesell's order, and to respond to any questions that the Court may have concerning them.

Sincerely,


Russell J. Bruemmer

cc: William J. Landers

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BY: AA0503:03/17,04:49 DP: PASHEN:03/17,11:31 FR: NAT-WIR 103/17,11:31
NOTE: SC-NORTHTEXT

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SC-North Text, 430 []
Text Of North Statement On Indictment []
With PM-Iran-Contra Bjt

WASHINGTON (AP) - Here is the text of a statement read by Lt. Col. Oliver North at the office of his lawyer, Brendan Sullivan, after a grand jury indicted North in the Iran-Contra case on Wednesday.

It is a sad irony that the decision to indict me should occur today, a day in which the communists in Nicaragua invaded their democratic neighbor, a day which is the fourth anniversary of the abduction of William Buckley and the third anniversary of the kidnapping of Terry Anderson, two of the American hostages we tried so hard to rescue.

Hopefully, Mr. Anderson is still alive and will be freed soon.

The indictment is also sad for our country, for all the men and women who work to protect it and to make our government work.

It is a particularly painful thing to my wife, Betsy, our four children and me.

Throughout my service as a Marine officer I have always done my very best, often working night and day to get the job done and to do so honorably.

I am proud of my service to our country and those with whom I have served, both in the Marine Corps and on the National Security Council.

Unfortunately, I have now been caught in a bitter dispute between the Congress and the president over the control of foreign policy, the power of the president to deter communism in Central America and the president's duty to protect our citizens against terrorist acts abroad.

It is a shame that the new battleground for such a fight will be a courtroom.

I did not commit any crime.

I intend to fight allegations of wrongdoing for as long as necessary.

I recognize that opposing a prosecutor with an unlimited budget, a staff of 30 lawyers, 50 investigators, scores of support personnel is a formidable task for me and my counsel, Brendan Sullivan.

There are enormous costs involved both personal and financial.

The months ahead will be difficult and often very lonely.

Nonetheless, I can assure you I will never give up, we will win, I just cannot tell you how soon.

And finally to the American people who have shown so much love and concern these past 16 months by their millions of telegrams and letters and prayers and support, I want to tell you again how extremely grateful I am for that.

You have helped my family and me find the strength to endure this seemingly endless ordeal in Washington.

You have shown your appreciation for what we did accomplish and what we tried to achieve.

For that I thank you again. God bless you. []

End North Text - I Take

[]

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Charges a 'Badge of Honor.'

North Says at Liberty U.

By Donald P. Baker
Washington Post Staff Writer

LYNCHBURG, Va., May 2—Olliver L. North, who retired from the military Sunday, received a patriot's welcome today when he told graduates of Jerry Falwell's Liberty University that accusations brought against him in the Iran-contra affair "are not a brand, they are a badge of honor."

In a midmorning commencement ceremony for 900 graduates of the 8,000-student school, Falwell introduced North as "a true American hero," and said the former marine isn't the first person to be falsely accused: "We serve a savior who was indicted and convicted and crucified."

North's address brought the crowd of about 10,000 to its feet for several ovations, as he fanned the flames of two growing movements: one to seek a presidential pardon for him and a second to draft him for the Republican nomination for the U.S. Senate from Virginia.

North said he had been caught in "the middle of a political dispute between the White House and Congress," and said he had been "vilified" for "trying to help the young men of Nicaragua, trying to rescue American hostages and prevent terrorism."

The lesson of the last eight years, North said, is that "even a

strong, right-minded, God-fearing president cannot alone accomplish his goals.

"We need a better Congress," he said, standing before a 20-by-30 foot U.S. flag. "Run for high office," he told the graduates.

The chairman of the Draft North for Senate Committee, James R. Wheeler of Arlington, said he interpreted North's remarks as "a direct message to encourage us" to continue the draft effort. The committee said it has raised \$4,500 in campaign funds.

Michael Saister, spokesman for the Virginia Republican Party, said the nominating process is open until the June 11 nominating convention, but added that it is "highly unlikely" that a draft movement will sweep the floor. Two announced candidates, McLean residents Andrew Wahlquist and Gil Faulk, have been courting delegates for weeks for the seat being vacated by freshman Republican Sen. Paul S. Trible Jr.

Wheeler said a North nomination would set up "a spectacular Senate race, a minipresidential contest," against the expected Democratic nominee, former governor Charles S. Robb, who, like North, is a Marine veteran of Vietnam.

The 44-year-old North, who retired as a lieutenant colonel after 20 years in the Marine Corps, was charged in indictments sought by

the special Iran-contra prosecutor. He and three others are charged with establishing a secret operation outside government channels to funnel Iranian money to the Nicaraguan contras.

Falwell, who later presented North with an honorary doctorate of humanities, said he has secured 600,000 supporters for his petition drive urging President Reagan to pardon North. Falwell said he is seeking 2 million names.

At the edge of the crowd on the campus baseball field, representatives of People for the American Way passed out a news release that said the group has launched a drive opposing a pardon.

"The issue isn't whether Ollie North is innocent or guilty. It's whether the president and his staff are above the law," said American Way President Arthur J. Krupp.

"Falwell has been spending millions of dollars to paint Ollie North as a national hero who needs and deserves special treatment before the law," Krupp's statement said. "But Ollie North's guilt or innocence should be determined by a court of law, not by Jerry Falwell and his political cronies."

North got a hero's treatment here, with hundreds of people jock-

The Washington Post EI
 The Washington Times _____
 The New York Times _____
 The Wall Street Journal _____
 The Baltimore Sun _____
 The Los Angeles Times _____
 USA Today _____
 The Chicago Tribune _____
 The Philadelphia Inquirer _____

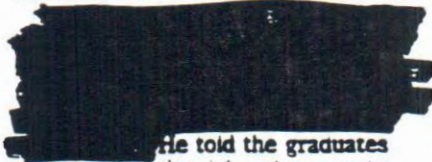
Date 5/3/88

eying for a chance to snap his picture and calling out "Ollie, we love you."

"They don't understand," a graduate's parent, Eddie Conner of Chambersburg, Pa., said of North's critics. "He is a national hero."

New religion graduate Mike Goode of Landover, president of the campus Black Student Fellowship, said he has "mixed feelings" about North, because "the end doesn't justify the means." But he said he was happy that Liberty "got a great speaker and is in the limelight."

Daryl Smalls, a freshman from Brooklyn, N.Y., expressed a dissenting opinion, but only because "they made us stay on campus" during what otherwise would have been a break from final exams.



He told the graduates that among the jobs they might seek, "a few, and I hope only a few of you, may become special prosecutors. My case may be still around," he added.

In some countries, he said, "people under investigation get in a car and simply disappear. That doesn't happen here, and thank God for it."

North was not available to talk with reporters after the speech.

The Washington Post 31
The Washington Times _____
The New York Times _____
The Wall Street Journal _____
The Baltimore Sun _____
The Los Angeles Times _____
USA Today _____
The Chicago Tribune _____
The Philadelphia Inquirer _____
Date 5/3/88
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North Says Criminal Charges Against Him Are 'an Honor'

LYNCHBURG, Va., May 2 (AP) — Oliver North told graduates today at the university founded by the Rev. Jerry Falwell that he is proud of the criminal charges against him.

"Those accusations are not a brand — they are an honor," Mr. North told a cheering crowd gathered for his commencement speech at Liberty University here.

"God willing, with your prayers and support, we will prevail, even in Washington," he said, a day after his retirement as a Marine Corps lieutenant colonel.

Mr. North lashed out at Congressmen and a special prosecutor who have charged him with diverting money from arms sales to Iran to rebels seeking to overthrow Nicaragua's Marxist Government.

"We must not just choose the right President" in 1988, Mr. North said in his commencement speech. "We need a better Congress."

Honorary Doctorate Planned

In introducing Mr. North, Mr. Falwell, a Baptist preacher, compared the former National Security Council aide to Jesus.

"We serve a savior who was indicted and convicted and crucified," Mr. Falwell told some 900 graduating students at the campus of nearly 8,000 that is part of his religious empire in this central Virginia city. Mr. Falwell plans to present Mr. North with an honorary doctorate in the humanities.

Mr. North is under indictment on charges he conspired to defraud the Government by illegally diverting profits from the Iranian arms deals to the Nicaraguan contras.

Mr. Falwell started a national petition drive this spring seeking a pardon for Mr. North.

Earlier, a spokesman for Mr. Falwell said the evangelist probably would back the former Marine for public office.

"He said last night to a reporter he would probably support him for any state office," Mark DeMoss, the spokesman, told reporters.

Senate Bid Is Urged

Members of a group trying to draft Mr. North for a Senate campaign from Virginia were among the thousands who showed up at Liberty University to watch Mr. North make his first public statements since his indictment.

The chairman of the Draft North for U.S. Senate Committee, Jamey R. Wheeler, declined to say whether Mr. North supports the effort.

"He hasn't been telling us to stop, and that's an encouraging sign," Mr. Wheeler said.

About 60 people from four area peace activist groups, carrying signs that read "Ollie Not for President" and demonstrated in downtown Lynchburg against Mr. North's appearance.

Attorney General Edwin Meese Jr. delivered the commencement address at Liberty last year.

The Washington Post _____
The Washington Times _____
The New York Times _____
The Wall Street Journal _____
The Baltimore Sun _____
The Los Angeles Times _____
USA Today _____
The Chicago Tribune _____
The Philadelphia Inquirer _____
Date 5/3/88
Page 7

'Badge of honor' claimed by North

LYNCHBURG, Va. — Oliver North went public for the first time yesterday on his first day as an ex-marine, to tell a cheering commencement-day crowd that he wears the Iran-Contra accusations against him as "a badge of honor."

With a huge American flag as his backdrop, the newly retired Marine gave a 36-minute commencement address at the Rev. Jerry Falwell's Liberty University voiced support for a broad range of conservative ideals — from the anti-missile Strategic Defense Initiative to the essential role of family values and religion in American life.

Col. North, in remarks that sounded much like an election-year campaign speech, also castigated the American political leadership

for turning its back on communist aggression in Nicaragua and urged the graduating students to work for a better Congress.

An estimated 13,000 people were on hand for the speech, many of them crowding the surrounding hillsides after the seats in the baseball field where the stage was situated were filled. In anticipation of the crowd, the university had shipped in chairs from Tennessee, Maryland and West Virginia, school officials said.

"Certainly I did not choose to be

caught in the middle of a bitter political dispute between the Congress and the president over the control of foreign policy, the power of the president to deter communism in Central America, or the president's responsibilities to protect American citizens from terrorist attacks abroad. Col. North told the crowd, many of whom wore North buttons and frequently broke into chants of "Ollie! Ollie! Ollie!"

"Nor did I ever dream that I would have to endure the largest investigation in the history of our republic, an investigation that has probed every aspect of my professional and personal life and that of my family, he said.

"From certain commentaries in the media, it is clear that some believe once a man is accused he is branded forever," said Col. North.

"Well, I've been accused of helping the brave young men and women of the Nicaraguan resistance. I have been accused of trying to rescue American hostages held captive and of trying to prevent other terrorist attacks.

"Those accusations are not a brand. They are a badge of honor," he declared to sustained applause.

Col. North challenged the 400

- The Washington Post _____
- The Washington Times H-1
- The New York Times _____
- The Wall Street Journal _____
- The Baltimore Sun _____
- The Los Angeles Times _____
- USA Today _____
- The Chicago Tribune _____
- The Philadelphia Inquirer _____

Date 5-3-88

Page 3

graduating students to take similar risks for the good of the country as they enter their working lives, out to hold fast to a "compass of values — faith, honesty, loyalty, patriotism and generosity."

"This is going to mean not quitting if you fall down. Because failure is never final. It's courage that counts, courage to pick yourself up, learn from your mistakes and try again," he said.

Col. North said the students' "special challenge" is "responsibility — responsibility to yourselves, responsibility to your families and responsibilities to your country."

President Reagan, he said, "has aptly described America as the world's last, best hope. It's time to give something back to a nation that's been so good and given so much to so many. You can start by being informed, by speaking out, by casting a ballot and taking part in the upcoming elections."

"Certainly one lesson of the last eight years is that even a strong right-minded God-fearing president cannot alone do all that needs to be done," said Col. North. "We must not just choose the right president; we need a better Congress."

"Your challenge then is to help find and elect these people. And for some of you, one day to run for high office, and, yes, be those people. Your future is exciting, with limitless opportunity. Your generation can win."

Col. North emphasized to the graduates the freedoms available in America and contrasted them to those countries under communist rule.

He also was sharply critical of the Soviet Union for speaking "soothing words of peace" while there's been "no let up in their aggression, their patterns of subversion across the globe ... and their deplorable pattern of cheating on major arms control treaties."

"And the only reason the Soviets are leaving Afghanistan is because

the United States helped the unbelievably brave Afghan people drive the Red Army out," Col. North said to loud applause.

He acknowledged, however, that his views are colored deeply by personal observation and intense experience. "For you see, 20 years ago, I graduated on a playing field just as you are. But shortly after I graduated, I was assigned as an infantry officer to a unit in Vietnam. The young men that I was blessed to lead were some of the most heroic people that this country has ever raised up."

But, said Col. North: "Sons of this nation were maimed and crippled, and they died for naught because the political leadership of this country lost its will. They lost faith not only in themselves, but the lost faith in

The Rev. Jerry Falwell set the tone when he said, "We serve a Savior who was indicted."

the ideals of freedom and democracy. They betrayed millions of people to death and tyranny. And that cannot happen again. ...

"Yet, even as we meet here," he said, "that tragedy is about to be repeated in Nicaragua. ... Once again, Congress is turning its back on America's truest friends."

The Marxist Sandinista regime in Nicaragua "doesn't threaten us, in and of itself," Col. North said. "But what does threaten the United States is its sworn vow to spread a revolution without frontiers throughout Central America, sending millions of refugees streaming across into Mexico and across our borders."

Clutching a Bible in his hand, Col. North said he and his wife, Betsy,

who looked on from the audience, and their four children have received more than 2 million cards, letters and telegrams of support and encouragement over the last 17 months.

"From these, our family has taken strength. We have been reminded that in this magnificent country, might makes right," he said. "And God willing, with your prayers and support, we will prevail — even in Washington."

Col. North was indicted by a federal grand jury in March on charges that he masterminded a secret financial supply operation for the Nicaraguan Resistance at a time when such aid was banned by Congress. A trial date has not been set.

His appearance in Lynchburg was the former White House aide's first full day as a private citizen after 20 years in the Marine Corps, and only after considerable thought and hesitation did he finally agree to spend it at the fundamentalist Christian institution founded by Mr. Falwell.

In an interview, Mr. Falwell confirmed that were it not for the efforts of conservative North Carolina Republican Sen. Jesse Helms, a strong supporter of Col. North, the speech probably would not have come about. Mr. Falwell, who met Col. North for the first time yesterday, is leading a petition drive to have the Marine pardoned for his alleged crimes.

Mr. Falwell set the tone for the day when he told the crowd, prior to Col. North's appearance, that when asked why an indicted man had been invited to speak, he replied, "We serve a Savior who was indicted."

The Baptist minister said that in the last four weeks, he has collected 500,000 signatures on a petition calling for Col. North's pardon and hopes for a total of 2 million before delivering it to the White House.

Col. North's address was so well received that he stayed an extra 90 minutes facing a blazing sun so he could personally present the graduates with their diplomas. He also received an honorary doctorate in humanities from the university.

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Excerpts from Col. North's address

The following are excerpts from retired Marine Lt. Col. Oliver North's commencement address yesterday to the 1988 graduating class of Liberty University in Lynchburg, Va.

What is your challenge? In a word, I think that challenge is responsibility — responsibility to yourselves, responsibility to your families and responsibility to your country.

When I sent my biography to Rev. [Jerry] Falwell for the introduction today, I said that my honest preference was to be introduced as the husband of one and the father of four. And I said that because that part of me is so much more important than whatever I've already done or whatever else I will do, I believe with all the strength of my soul that with the faith and the solidarity of the American family remain the foundation of freedom in this country.

From certain commentaries in the media, it is clear that some believe once a man is accused, he is branded forever. Well, I've been accused of helping the brave young men and women of the Nicaraguan resistance in their struggle for the very liberties that we claim as a birthright. I have been accused of trying to rescue American hostages held captive and of trying to prevent other terrorist attacks. These accusations are not a brand. They are a badge of honor.

Yesterday was May Day, the biggest holiday in the communist world. Think about that for a moment. As you leave Liberty University in 1988, you can be anything you want to be. As your counterparts are graduating from the University of Moscow, they can be anything the state wants them to be. And that alone should be enough to remind

you of your responsibility as citizens of this blessed land.

Now, I admit, I do not speak as an objective bystander. My views are colored deeply by personal observation and intense experience. I certainly want a new, more peaceful Soviet Union ... but the only reason that the Soviets are leaving Afghanistan is because the United States helped the unbelievably brave Afghan people drive the Red Army out.

Unfortunately, Afghanistan is the exception, not the rule for American foreign policy over the last two decades. I know, I have lived through the reality of that tragic truth. For you see, 20 years ago, I graduated on a playing field just as you are, but shortly after I graduated, I was assigned as an infantry officer in Vietnam.

Sons of this nation were maimed and crippled, and they died for naught because the political leadership of this country lost its will. They lost faith not only in themselves, but they lost faith in the ideals of freedom and democracy. They betrayed millions of people to death and tyranny. And that cannot happen again.

Certainly one lesson of the last eight years is that even a strong, right-minded, God-fearing president cannot alone do all that needs to be done. We must not just choose the right president; we need a better Congress. Your challenge then is to help find and elect these people. And for some of you, one day to run for high office and, yes, be those people.

If you get out and do as I have suggested, the contribution you will make to your communities and your country will be invaluable. To this point in your lives, you have been the recipients of this great country's blessings. Now is the time to step forth and provide something in return ... God bless you on your journey. Semper Fidelis. Thank you.

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North takes the stump for military, flag, God

By Susan Warner
Staff Writer

Oliver L. North, his Marine medals tucked for a pinstride suit, was met in the orders of flag-waving supporters yesterday when he took his patriotic message to the Pennsylvania Fair in Bensalem.

"In a world haunted by terrorists and wackos of every stripe, I don't believe we can ever let our vigilance down in the defense of the flag of the United States," North said in his first public address since retiring from the Marine Corps on May 1.

He also called on President Reagan to be cautious in dealing with Soviet leader Mikhail S. Gorbachev, and he urged American youth to respect their parents.

A friendly crowd of more than 1,000, nearly all of them North supporters, cheered the retired Marine lieutenant colonel, who was indicted in March for his role in the Iran-Contra scandal. The crowd yelled, "You did right, Ollie," and "Semper Paratus," the Marine Corps motto.

"I believe he was right in what he was doing," said Tony Martin of Morristown. "I think the more people see him, the more they will understand what he stood for."

About 20 protesters gathered outside the gates of the fair, held at Philadelphia Park race track, carrying banners and passing out leaflets criticizing North.

"We're here because Philadelphia is the home of the Constitution, and



The Philadelphia Inquirer / VICKI VALERIO

Oliver L. North addresses Pennsylvania Fairgoers in Bensalem.

Oliver North is not here to make money. It is the fact not the need for the Constitution," said Beth Westzard of the Committee in Solidarity with the People of El Salvador.

North has joined the lecture circuit to supplement his military pension. His fee for yesterday's speech was not disclosed.

North loosened up the crowd with a few jokes. It is nice to be invited somewhere without a subpoena, he said. "There is almost as many of us here as makes up a congressional hearing."

But he grew solemn as he spoke of his respect for police officers, Vietnam veterans, the Constitution and God. "The Constitution says there should be a separation between church and state," North said. "But I don't believe there will ever be a separation between God and the hearts of the people of America."

He also said the government should "promote the general welfare, not promote welfare to the general public," and he said he believed the Constitution should "protect the first right, the right to life."

On world affairs, he said the United States should not negotiate with Panamanian military leader Manuel Antonio Noriega, who, North said, is allied with Cuban President Fidel Castro and Libyan leader Moammar Gadhafi.

"We tried sweet reason, it didn't work," North said. "I believe the time has come to tell Panama that if they want to keep Noriega, we get to keep

the Panama Canal.

North also said that while he was hopeful about the Reagan-Corbacho summit that begins today, the president should be cautious before the lamb lies down with the lion. He said Reagan should demand freedom for Soviet political prisoners and insist that the Soviets abide by existing arms agreements.

Nicaragua, he said, has now turned to the Soviet Union. North said the Soviets have supplied the Sandinista government with \$500 million in military aid. And he said other communist leaders also have lent support to Nicaragua.

Good heavens, what is a lunatic fringe like that doing only a few hundred miles from our borders?" North said.

He chastised Congress, saying it was walking away from Nicaragua and leaving it vulnerable to the communists.

North also called on the young to "live a life that is a statement, not an apology." And he asked them to make sure their parents vote for leaders who will support a strong U.S. military.

"I don't think the young people here, or my teenage son, should have to pay the price for people who were elected to bring us knowledge and foresight and have failed to bring us either one," he said.

As fair officials urged the crowd to remain for hot air balloon races, North left the stage to calls of "Ollie for President."

The nation

Oliver North stumps for Calif. candidates

LONG BEACH, Calif. — Two former White House aides running for Congress in California have turned to former Marine Lt. Col. Oliver North for tactical support.

North, who faces federal conspiracy charges for his role in the Iran-Contra affair, on Wednesday urged election of conservative Republican Dana Rohrabacher to represent the 42nd Congressional District.

It was his first campaign appearance since the Iran-Contra hearing last year, said Rohrabacher spokesman Robert Rule. Rohrabacher, a former speechwriter for President Reagan, is an old friend from North's days as an aide to the National Security Council.

North was to campaign today for Christopher Cox, who is running in the GOP primary for 40th Congressional District.

Cox, 35, of Newport Beach, was senior associate counsel for Reagan from 1986 to this year, when he resigned to seek election.

North, speaking Wednesday to about 350 people in the hangar where Howard Hughes' mammoth Spruce Goose airplane is housed, repeatedly said that American freedoms were being stripped away, and urged greater support for the Nicaraguan Contras in their fight against that country's Sandinista government.

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North rallies 'freedom fighters'

LOS ANGELES — Retired Marine Lt. Col. Oliver North, campaigning for a conservative congressional candidate, said yesterday it was up to "freedom fighters" to defend the cause of freedom.

"Our future is wide open and can be as free, abundant and secure as those who fight for it. Freedom is only as strong as freedom fighters," he said, using the Reagan administration's term for the Nicaraguan resistance.

The former presidential aide, speaking at a rally for Republican candidate Dana Rohrabacher, also said the only reason the Soviet Union agreed to pull out of Afghanistan was that "the United States got off their duff and helped the incredibly brave Afghan people."

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Out and About

Indicted former White House aide Oliver L. North may have been willing to charge up any number of hills for President Reagan, but he obviously isn't standing with his commander in chief on the Moscow summit. Now that he no longer is a Marine lieutenant colonel, North is going political, and in his first campaign speech Wednesday for Dana Rohrabacher, a former Reagan speech writer and a conservative Republican candidate for Congress in Orange County, Calif., North made emphatic references to the Soviet Union as an "evil empire," a phrase his commander in chief seems to have recanted. North's campaign efforts were expected to raise \$100,000 for Rohrabacher at the \$500-per-couple fund-raising evening at a Long Beach museum. North was also campaigning yesterday for Christopher Cox, another former Reagan aide also running for Congress. Cox was a senior associate counsel to the president. In his tough-talk for Rohrabacher, North warned that the conservative movement is "being picked apart, piece by piece, day after day, by a liberal Congress hell-bent on undoing this president's economic program and selling out freedom across the world" . . .

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NORTH CAMPAIGNS FOR REPUBLICANS

Western Candidates Welcome Ex-Marine's Help Despite Iran-Contra Indictment

By MICHAEL ORESKES

Special to The New York Times

LONG BEACH, Calif., June 2 — To viewers who last saw him on daytime television, the boyish face was unmistakable, but the setting was brand new.

Lieut. Col. Oliver L. North, United States Marine Corps, retired, was on the campaign trail for the first time.

Mr. North,

was campaigning in Southern California Wednesday and today for two men seeking the Republican nomination to run for Congress from their respective districts.

Now many candidates might not want a man under Federal indictment out stumping for them. But here south into Orange County is basic Ronald Reagan country. Around here the independent prosecutor's charges against Mr. North, which include conspiracy to defraud the Government, theft of Government property and obstruction of Congress, are read by many as a badge of honor for a patriot who was wounded twice in Vietnam and survived, only to be wounded in the political crossfire in Washington.

Attack on 'Leftist Liberals'

"He stands before us an indicted man," said Dana Rohrabacher, one of the candidates Mr. North came here to support, "but as far as I'm concerned, it's not Oliver North but the leftist liberals who defrauded the country."

Like Mr. North, Mr. Rohrabacher and the other candidate, Christopher Cox, had worked in President Reagan's White House and, like Mr. North, they say their mission is to carry on the President's conservative agenda.

Both Mr. Cox, who worked in the White House counsel's office, and Mr. Rohrabacher, a former Reagan speech writer, are in tough races for the Republican nomination to run for Congress. Both are from districts where the party's nomination, to be decided in next Tuesday's primary, is tantamount to election.

Mr. Rohrabacher is running here in the district that covers southern Los Angeles County and northern Orange County. Mr. Cox is running south of here, in affluent Orange County coast communities like Newport Beach and Lido.

In each district, the Republican incumbent is not seeking re-election, attracting a substantial field of would-be successors who are furiously jockeying for any advantage.

Benefits of North's Visit

Mr. North's visit, Mr. Cox and Mr. Rohrabacher said, did two things: It brought substantial free exposure in an area where television advertising is prohibitively expensive, and it helped each candidate raise more than \$100,000 from people who just wanted a chance to see and hear Ullie North.

What those people heard from Mr. North was a type of unreconstructed conservatism that even Mr. North's commander in chief rarely utters these days.

"Who knows?" Mr. North said at a rally at the Long Beach airport for Mr. Rohrabacher. "With a conservative majority in Congress, we might even have an American interest section in our State Department that would be supporting enthusiastically and effectively the greatest struggle on the planet Earth: the struggle between liberty and freedom versus totalitarianism."

Democracy would rise in a freed Nicaragua, Mr. North said as he imagined a world under a conservative Congress.

Fidel Castro and his repressive henchmen would be but a sad memory in a liberated Cuba, he said. Pope John Paul would be joining Lech Walesa to conduct Christmas Mass in Warsaw, and the Red Army would be digging in against popular uprisings across the whole breadth of their evil empire.

Uses 'Evil Empire' Phrase

Mr. North picked up the "evil empire" phrase that Mr. Reagan has largely abandoned, using it just as the President he had served was finishing a meeting with the Soviet leaders Mr. North condemns.

Mr. North declined to speak with reporters who attended his various appearances. "His lawyer says, no way," said Mr. Rohrabacher's spokesman, Rob Rule.

"He's under orders and he's a good Marine," Mr. Rule said. "The minute they drop those onony charges against him he'll talk like crazy."

Until May 1, when his retirement from the Marine Corps took effect, Mr. North was barred by Federal law from engaging in politics. On May 4 he agreed to campaign, said Mr. Rohrabacher.

His crisp uniform bedecked with medals is gone now, replaced by a charcoal pinstripe suit, button-down blue shirt and dark red tie.

Mr. North, who is free on his own recognizance pending trial, makes his living these days from fees for speaking engagements. But he took nothing but expenses for this trip, he told the guests at a dinner to raise money for Mr. Rohrabacher here last night.

Mr. Rohrabacher and Mr. Cox said they considered making a contribution to Mr. North's defense fund in recompense for his appearances, but decided it might be misconstrued.

Mr. North referred to his own legal troubles only once. "It's nice to be away from Washington," he said at the dinner, "and to be invited somewhere without a subpoena."

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West Coast greets North as a hero

By Jennifer Spevaker
THE WASHINGTON TIMES

COSTA MESA, Calif. — Retired Lt. Col. Oliver North unstaged the congressional candidate he is backing as he received a hero's welcome from a wildly cheering audience here yesterday.

One man can make a difference, said Col. North, the star attraction at a rally for GOP congressional candidate Christopher Cox.

Despite the successes of the Reagan years, "all of our progress is being picked apart day by day" by liberal Democrats in Congress, he said. "We have got to stop them."

Mr. Cox is "one who will look House speaker Jim Wright in the eye and just say no," Col. North said.

He jokingly referred to himself as "a former Marine currently out of work," and denied being a "hired gun" for Mr. Cox. "This guy isn't for hire by anybody."

The crowd, made up largely of Orange Coast college students, screamed and cheered and waved signs reading "I'm a NORTH American" and "I'm for Ollie, by golly!"

They applauded nearly every line of Col. North's 20-minute speech, then mobbed him when, to the dismay of his bodyguards, he jumped off the stage into the audience to shake hands.

Campus Security Police intervened after one student, holding up a "Contra Cocaine" sign, was tackled

by another student and wrestled to the ground.

Asked by a reporter if he would consider running for the US Senate in Virginia, Mr. North said: "No."

Mr. Cox, 36, running for the GOP congressional nomination in California's 40th district, is a Republican fund-raiser, former White House aide and the founder of the company that first began providing English translations of the Soviet Communist Party daily newspaper Pravda.

Col. North's two-day campaign swing through California began Wednesday with a rally and fund-raisers for Dana Rohrabacher, a former White House speechwriter now seeking the GOP nomination for the 42nd congressional district race.

Plans for Col. North and Mr. Rohrabacher to campaign door-to-door in the Long Beach-area district Wednesday were canceled for security reasons.

Both Mr. Cox and Mr. Rohrabacher are conservatives seeking the GOP nomination for open congressional seats being vacated by conservative Republican congressmen.

Both districts are overwhelmingly Republican, making the winner of the GOP nomination the likely victor in the fall.

Col. North's campaigning here marked his first participation in partisan politics since becoming a nationally known and controversial figure for his role in the Iran-Contra affair.

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The North Star

Retired Marine Lt. Col. Oliver North will be the next hot ticket on the lecture circuit. Since North signed on with the Washington Speakers Bureau, he has lined up 15 speeches for \$25,000 each—more than his annual Marine pension (\$22,000) and in the same league as speech fees for former president Gerald Ford (\$20,000) and former secretary of state Henry Kissinger (\$25,000). His patriotic themes seem particularly attractive to Southern audiences and GOP candidates raising funds.

Party with Ollie

Big contributors to the Conservative Victory Committee's gala in New Orleans on Aug. 16 will get a special invitation to a dinner in late September hosted by Oliver North. The 100 or so invited will include those who purchase \$10,000 tables for the gala, which is designed to raise \$500,000 for an anti-Dukakis independent expenditure campaign and \$200,000 to help fund conservative candidates in targeted races nationwide. "This is Col. North's way of thanking the true leaders of the conservative movement," said L. Brent Bozell III, chairman of the political action committee. "Oliver North is a true hero and patriot who is being persecuted because he stood up for freedom and democracy in Central America," he said. "People from all over the nation are eager to meet this great American."

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Oliver North will help King in Senate race

By JOHN PATRICK HUNTER
Capital Times Associate editor

Indicted former National Security Council aide Oliver North will campaign in Wisconsin Aug. 24 for Steve King, a candidate for the Republican senate nomination.

North will speak at fund-raisers in Waukesha and Milwaukee, said Cindy Schultz, King's campaign manager. Schultz said the times and places have not been set, though the Waukesha dinner price has been set at \$150 a person.

North, a retired Marine Corps lieutenant colonel, is accused of conspiring to defraud the government by illegally diverting profits from the U.S.-Iran arms sale to the Nicaraguan Contras after Congress had banned direct U.S. military aid to the rebels.

Schultz said she had worked for several weeks to arrange for North's visit.

"He's pretty popular in Wisconsin," Schultz said. "People like him here. He took on the Senate and kind of ran them around a little bit. You know how that goes. He gave the politicians a run for their money, and they like him."

Schultz said North's indictment would not hurt King's efforts to defeat state Sen. Susan Engelleiter, Menomonee Falls, in the Sept. 13 GOP Senate primary. "No, not at all," Schultz said.

Schultz said North has spoken for a few Republican candidates in other states and had been a successful fund raiser.

King, a conservative and a rural Whitewater resident, trailed Engelleiter, a moderate, in the most recent Milwaukee Journal poll. Some 52 percent favored Engelleiter, 21 percent supported King and the rest were undecided.

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North Criticizes Iran-Contra Judge

Defendant Contends Trial Is Timed to Influence Electorate

By George Larimer Jr.
Washington Post Staff Writer

Former White House aide Oliver L. North told a group of supporters in Texas last weekend that U.S. District Court Judge Gerhard A. Gesell's decision to begin his trial Sept. 20 was politically motivated.

"We will go to trial before the election in what is a truly blatant effort to politicize this activity and create dissension right at the time of a national election," North said at a \$100-a-plate fund-raiser Saturday morning at the Dallas-Fort Worth Airport's Marriott Hotel.

Gesell set the trial date last Friday and made it clear in his ruling that he would tolerate no more delays even if some of the charges have to be dropped because of pre-trial wrangling.

Television reporters and photographers who tried to cover North's remarks were told they could listen to the warmup speakers but would have to leave after taking silent shots of North at the podium. However, his speech was taped by the USA Radio Network, a Dallas-based service owned by one of the warm-

up speakers, Martin Maddoux. Excerpts were provided to United Press International and The Washington Post.

North described his case as one which could well determine who will control the foreign policy of the United States of America: the president, who is constitutionally empowered to do so, or 535 members of Congress . . .

North and his lawyers have said they will call the highest-level government officials—suggesting the possible appearances of President Reagan and Vice President Bush—to testify in support of their contention that North's actions were authorized by his superiors.

Complaining of independent counsel Lawrence E. Walsh, North said Walsh "is in the second year of the largest investigation in the history of this republic. He has an unlimited budget, an enormous staff that includes 28 lawyers with 50 investigators and support personnel. They even have three press agents. Along with congressional committees, they've spent over \$11 million of our taxpayers' dollars."

North reportedly raised about

\$40,000 Saturday in Texas for his defense, primarily at an evening barbecue at the Midland, Tex., Country Club where guests paid \$150 each for barbecue and some paid \$500 for a private reception with North and his wife, Betsy. The North Defense Trust, which he sponsors, published an advertisement in The Wall Street Journal last Thursday headlined, "Ollie and Betsy North Need Your Help Now!"

Maddoux said the fund-raiser at the airport, which drew about 90 people, was a hastily organized affair arranged after the Midland barbecue had been set. He said his network was "the only one allowed to record the talk" because he had been seeking a live interview with North for his daily 90-minute program for some time only to be put off by North and his lawyers.

North and the lawyers had said "the give and take (of a live interview) would not be advisable," Maddoux said. He said they let him tape the 30-minute speech because it was prepared. Maddoux played it in its entirety yesterday on the 240 radio stations that subscribe to his program, "Point of View."

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CERTIFICATE OF SERVICE

I hereby certify that I have caused a true copy of the attached Government's Memorandum of Points and Authorities in Opposition To Defendant North's Motion for a Continuance to be hand delivered to the offices of Williams & Connolly, 839 Seventeenth Street, N.W., Washington, D.C. 20006, Fulbright & Jaworski, 1150 Connecticut Ave., N.W., Washington, D.C. 20036, Janis, Schuelke & Wechsler, 1728 Massachusetts Ave., N.W., Washington, D.C. 20036, and Sharp, Green & Lankford, 1800 Massachusetts Ave., N.W., Washington, D.C. 20036, this 25th day of July, 1988.

Clifford M. Sloan

Clifford M. Sloan
Associate Counsel