

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Criminal No.
	:	
v.	:	
	:	Violations:
ELLIOTT ABRAMS,	:	2 U.S.C. § 192
	:	
Defendant.	:	
	:	

GOVERNMENT'S STATEMENT OF THE
FACTUAL BASIS FOR THE GUILTY PLEA

COUNT ONE

From July 1985 through 1988, ELLIOTT ABRAMS was Assistant Secretary of State and headed the United States Department of State's Bureau of Inter-American Affairs. As Assistant Secretary of State for Inter-American Affairs, MR. ABRAMS chaired a Restricted Interagency Group ("RIG") comprised of, among others, representatives of the United States Department of Defense, the Joint Chiefs of Staff, the Central Intelligence Agency ("CIA"), the National Security Council ("NSC"), and the Department of State. During 1985 and 1986, the RIG met regularly to coordinate the activities of these agencies in Central America.

During 1985 and 1986, Alan D. Fiers, Jr., was the Chief of the CIA's Central American Task Force, the headquarters element that managed CIA operations in Central America. During that period until November 25, 1986, Oliver L. North was a

Lieutenant Colonel in the United States Marine Corps detailed to the NSC staff, where he held the position of Deputy Director, Political-Military Affairs. MR. ABRAMS dealt with Mr. Fiers and Lt. Col. North on Central American issues and on a number of occasions during 1985 and 1986 discussed sensitive matters relating to Central America with them, rather than with the entire RIG.

Throughout 1985 and 1986, the Nicaraguan democratic resistance, also known as the Contras, were insurgents engaged in military and paramilitary operations in Nicaragua. Throughout 1985 and until October 18, 1986, the United States Government was prohibited by the Boland Amendment from providing lethal assistance to the Contras.

After enactment of the Boland Amendment in October 1984 and continuing into 1986, certain private individuals, including American citizens, provided financial support and supplied arms, military equipment and logistical support to the Contras. These individuals became known to ELLIOTT ABRAMS and other United States Government officials as the "private benefactors."

In 1985 MR. ABRAMS became generally aware that Lt. Col. North was working with the Contras and the private benefactors with the goal of keeping the democratic resistance alive while the Boland Amendment prohibited the United States Government from providing the Contras with lethal assistance. From at least December 1985 through October 1986, Lt. Col. North acted as the principal channel of communication between the private

benefactors and United States Government officials, including the RIG.

In August 1985, Congress modified the Boland Amendment by appropriating \$27 million for humanitarian, but not lethal, assistance to the Contras. President Reagan created the Nicaraguan Humanitarian Assistance Office ("NHAO") in the Department of State to administer these funds.

On September 4, 1985, as the NHAO program was being organized, Secretary of State George P. Shultz instructed ELLIOTT ABRAMS that he had to know how the Contras were obtaining support, including lethal supplies (arms), from sources outside the United States Government. MR. ABRAMS recorded Secretary Shultz's instruction in his notebook as follows: "monitor Ollie."

In early 1986, before the NHAO funds were depleted, President Reagan requested that Congress authorize the United States Government to provide both humanitarian and lethal assistance to the Contras and to appropriate \$100 million for this purpose. In March 1986, the United States House of Representatives rejected the request.

On May 16, 1986, MR. ABRAMS attended a National Security Planning Group meeting where President Reagan, among others, addressed alternative funding sources for the Contras. Following that meeting, MR. ABRAMS informed Secretary Shultz that the Sultan of Brunei was a good prospect for a substantial contribution to the Contras.

After receiving approval from Secretary Shultz to solicit a contribution from the Sultan of Brunei, MR. ABRAMS asked Lt. Col. North for advice on how to provide to the Contras any funds contributed by the Sultan of Brunei. Lt. Col. North provided ELLIOTT ABRAMS with the number of a Swiss bank account into which funds for the Contras could be deposited.

In July 1986, after the \$27 million available to the NHAO program had been depleted, MR. ABRAMS and Mr. Fiers asked Lt. Col. North whether the private benefactors could provide food for the Contras. Lt. Col. North replied that he would ask the private benefactors to do so.

Congress eventually reconsidered President Reagan's request for \$100 million to assist the Contras, but as of October 17, 1986, the appropriation was being held in conference awaiting final enactment, and the funds were not available. It was the opinion of MR. ABRAMS that disclosure of Lt. Col. North's activities in the resupply of the Contras would jeopardize final enactment of the appropriation.

On October 5, 1986, a C-123K aircraft carrying arms and other supplies to the Contras was shot down over Nicaragua. Three crewmen were killed; Eugene Hasenfus, the sole survivor, was captured by the Nicaraguans.

Following press reports regarding the shootdown, the United States Senate Committee on Foreign Relations requested briefings from United States Government officials, including ELLIOTT ABRAMS, on the circumstances surrounding the downed plane

and the resupply operation. MR. ABRAMS appeared before the Committee on Foreign Relations to provide the briefing on October 10, 1986.

In response to a request that he comment on an article in The Los Angeles Times reporting that an elaborate system supplied the Contras, ELLIOTT ABRAMS explained the United States Government's purported "distance" from that lethal supply system as follows:

[MR. ABRAMS]: . . . In the last two years, since Congress cut off support to the resistance, this supply system has kept them alive. It is not our supply system. It is one that grew up after we were forbidden from supplying the resistance, and we have been kind of careful not to get closely involved with it and to stay away from it

I think that people who are supplying the Contras believe that we generally approve of what they are doing -- and they are right. We do generally approve of what they are doing, because they are keeping the Contras alive while Congress makes its decision, which each House has separately, though obviously final legislation is not yet ready.

So, the notion that we are generally in favor of people helping the Contras is correct.

We do not encourage people to do this. We don't round up people, we don't write letters, we don't have conversations, we don't tell them to do this, we don't ask them to do it. But I think it is quite clear, from the attitude of the administration, the attitude of the administration is that these people are doing a very good thing, and if they think they are doing something that we like, then, in a general sense, they are right. But that is without any encouragement and coordination from us, other than a public speech by the President, that kind of thing, on the public record.

At the time MR. ABRAMS made this statement he was aware that Lt. Col. North had been in contact with people supplying the Contras, had conversations with people supplying the Contras and had asked and encouraged them to supply the Contras.

COUNT TWO

In August 1986, after receiving authorization from Secretary of State George P. Shultz, ELLIOTT ABRAMS requested from a representative of the Sultan of Brunei a contribution of \$10 million to the Contras. MR. ABRAMS provided to the Sultan's representative a Swiss bank account number obtained from Lt. Col. North.

On or about September 16, 1986, MR. ABRAMS learned of a Department of State cable reporting that the Sultan of Brunei had agreed to contribute \$10 million to the Contras. On or about September 26, 1986, MR. ABRAMS learned of a Department of State cable reporting that the \$10 million had been sent from the Sultan to the Swiss bank account and MR. ABRAMS had that expectation on October 14, 1986.

Following the press reports regarding the shutdown described in the statement of the factual basis for Count One, the United States House of Representatives Permanent Select Committee on Intelligence requested a briefing from United States Government officials, including ELLIOTT ABRAMS, regarding the circumstances surrounding the shutdown and the lethal resupply operation. MR. ABRAMS appeared before the Committee to provide the briefing on October 14, 1986.

During the briefing, ELLIOTT ABRAMS responded to a series of questions regarding foreign government help for the Contras as follows:

[THE CHAIRMAN]: Do you know if any foreign government is helping to supply the contras?

There is a report in the LA paper, for example, that the Saudis are.

[MR. GEORGE]: No sir, we have no intelligence of that.

[MR. ABRAMS]: I can only speak on that question for the last fifteen months when I have been in this job, and that story about the Saudis to my knowledge is false. I personally cannot tell you about pre-1985, but in 1985-1986, when I have been around, no.

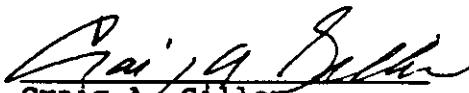
[THE CHAIRMAN]: Is it also false with respect to other governments as well?

[MR. ABRAMS]: Yes, it is also false.

Respectfully submitted,

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