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OFFICE OF INDEPENDENT COUNSEL  
555 THIRTEENTH STREET, N.W.  
WASHINGTON, D.C. 20004

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CONTACT: JAMES WIEGHART  
(202) 383-8953

Lawrence E. Walsh, Independent Counsel, announced today that the Grand Jury investigating the Iran/Contra matter issued a five-count Indictment charging Joseph F. Fernandez, former chief CIA officer in Costa Rica, with conspiracy to defraud the United States, obstructing the inquiry of the President's Special Review Board (the Tower Commission), and making false statements to government agencies.

Walsh said the investigation was directed by Associate Counsel Michael Bromwich, Laurence Shtasel and William Hassler.

The conspiracy count charges that Fernandez, 51, together with "others known and unknown to the Grand Jury" conspired to "defraud the United States by impeding, impairing, defeating and obstructing the lawful governmental functions" by "deceitfully and without legal authorization organizing, directing and concealing a program to continue logistical and other support for military and paramilitary operations in Nicaragua by the Contras, at a time when the prohibitions of the Boland Amendment and other legal and administrative restrictions on the execution of covert actions were in effect . . . ."

The Indictment alleges that Fernandez and his co-conspirators operated a clandestine supply network to support military and paramilitary activities by the Contras in southern Nicaragua (the "Southern Front").

As part of this effort, according to the Indictment, Fernandez helped to locate a site for an airstrip in northern Costa Rica to be used for supplying the Contras with weapons and ammunition. The Indictment charges that Fernandez and the other conspirators used a Panamanian corporation, Udall Research Corp., to acquire the land and build the airstrip. The Indictment further charges that while the airstrip was being constructed, Fernandez encouraged Contra forces to enter Nicaragua by promising that he would provide them with military supplies.

Between January and early April 1986, the Indictment alleges, Fernandez and his co-conspirators attempted to deliver military supplies to the Contras along the Southern Front. On April 11-12, 1986, Fernandez and his co-conspirators caused the successful aerial delivery of lethal military supplies to Contra forces.

Between the middle of April and September 1986, Fernandez and others continued to direct the delivery of lethal military supplies to the Contras in southern Nicaragua. During this period, Fernandez and others directed approximately eight

deliveries of weapons and ammunition to the Southern Front, the Indictment charges.

In late September 1986, "to conceal and cover up the conspirators' illegal activities, . . . Fernandez made a false and misleading statement to an employee of the CIA's Central American Task Force when . . . questioned about the CIA's role in the construction and operation of the airstrip in northern Costa Rica." Fernandez is also alleged to have covered up the conspiracy by submitting incomplete and unresponsive cables to officers of the CIA's Central American Task Force in November and December 1986, after an aircraft that was attempting to drop supplies to the Contras in Nicaragua was shot down in October 1986. In January 1987, the Indictment charges, Fernandez made false and misleading statements to the CIA's Office of Inspector General and to the Tower Commission in order to "conceal and cover up the conspirators' illegal activities."

Count Two of the Indictment charges that Fernandez obstructed the inquiry of the Tower Commission "by making false, fictitious, fraudulent and misleading statements and representations to investigators of the Tower Commission, all for the purpose of concealing and causing to be concealed material facts."

Count Three charges that on January 21, 1987, Fernandez

"unlawfully, willfully and knowingly did make and cause to be made a material false, fictitious and fraudulent statement" to the Tower Commission by stating that he "did not know for a fact that Oliver L. North had been involved in assisting the resupply of the Contras" when he "well knew and believed . . . Oliver L. North had been involved in assisting the resupply of the Contras."

Count Four charges that on January 21, 1987, Fernandez made a false statement to the Tower Commission when he stated that he did not know that supplies he assisted in delivering to the Contras in September 1986, contained weapons and ammunition. When Fernandez made that statement, the Indictment alleges, he "knew and believed" the supplies he had helped deliver "contained weapons and ammunition."

Count Five charges that on January 11, 1987, Fernandez made a material false statement to the CIA's Office of Inspector General in describing a project to build an airstrip in northern Costa Rica as an initiative of the Costa Rican government to be used for training activities by Costa Rican forces. In fact, the Indictment charges, Fernandez knew "the project . . . was not an initiative of the Costa Rican government, but rather was an initiative of the defendant Fernandez and his co-conspirators . . . designed to facilitate the resupply of the Contras."

The maximum penalty under the law for each of the five counts is five years imprisonment and a fine of \$250,000.

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on January 28, 1987

UNITED STATES OF AMERICA	:	Criminal No.
	:	
v.	:	
	:	Grand Jury Original
JOSEPH F. FERNANDEZ,	:	
	:	
Defendant.	:	Violations:
	:	18 U.S.C. § 371;
	:	18 U.S.C. § 1001;
	:	18 U.S.C. § 1505.
	:	
	:	(Conspiracy; False
	:	Statements; Obstruction
	:	of Proceedings)

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**I N D I C T M E N T**

COUNT ONE

(Conspiracy)

The Grand Jury charges:

INTRODUCTION

1. At all times relevant to this Indictment, the Central Intelligence Agency ("CIA") was the principal United States Government agency responsible for the collection of foreign intelligence and the conduct of covert and foreign intelligence operations.

2. At all times relevant to this Indictment, the National Security Council ("NSC") was a government entity whose function was to advise the President on the integration of domestic, foreign and military policies relating to the national security, to facilitate cooperation among the military services and other departments and agencies of the government in matters involving the national security, and to review, guide and direct foreign intelligence activities and covert actions.

3. At all times relevant to this Indictment, intelligence activities undertaken by the United States were subject to the restrictions and limitations contained in Executive Order 12333, promulgated by the President on December 4, 1981, which, in part, prohibited any United States Government agency, except the CIA, from conducting covert actions without a determination by the President that the agency other than the CIA was more likely to achieve a particular objective. On January 18, 1985, the President signed National Security Decision Directive 159, which required that the President specifically approve by a written finding all covert actions undertaken by any United States Government agency or entity.

4. At all times relevant to this Indictment, the Contras, also known as the Nicaraguan democratic resistance, were military insurgents engaged in military and paramilitary operations in Nicaragua. In many instances, these operations

occurred near the borders of Costa Rica and Honduras, Nicaragua's neighboring countries to the south and north respectively.

5. From in or about December 1981 to on or about October 11, 1984, the United States Government, acting principally through the CIA, pursuant to written presidential findings, provided the Contras with financial support, arms and military equipment, as well as supervision, instruction, tactical and other advice, coordination, intelligence and direction.

6. On October 12, 1984, Public Law 98-473 was enacted and expressly prohibited funds available to the CIA, as well as certain other agencies and entities of the United States, from being obligated or expended in support of military or paramilitary operations in Nicaragua, stating in relevant part:

During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

This provision of law was commonly known as the Boland Amendment. On October 19, 1984, staff members of the CIA's Central American Task Force informed CIA personnel stationed in Central America by cable that the Boland Amendment "clearly end[ed] U.S. support for the war in Nicaragua" and prohibited "any expenditure, including those from accounts for salaries and all support costs" for the purpose of such support.



7. On August 12, 1985, Congress modified the Boland Amendment by approving \$27 million for humanitarian assistance to the Contras and permitting the United States Government to exchange information with the Contras.

8. On December 4, 1985, Congress passed modified restrictions on Contra aid for fiscal year 1986. This legislation authorized the provision of \$3 million for communication equipment and communication training for the Contras. In addition, it allowed United States Government employees to provide "advice" to the Contras on the "effective delivery and distribution of materiel." Congress, however, retained the prohibition upon the CIA and other agencies or entities involved in intelligence activities from engaging in activities "that amount[ed] to participation in the planning or execution of military or paramilitary operations in Nicaragua by the Nicaraguan democratic resistance, or to participation in logistics activities integral to such operations." In November 1985, in anticipation of this legislation, staff members of the CIA's Central American Task Force informed CIA personnel stationed in Central America by cable of this restriction. This prohibition remained in force until October 18, 1986, when Congress authorized the CIA to provide military aid to the Contras.

THE DEFENDANT

9. At all times relevant to this Indictment, the defendant JOSEPH F. FERNANDEZ was an employee of the CIA, serving as the senior CIA officer in Costa Rica. As the senior CIA officer, the defendant FERNANDEZ had immediate control over and responsibility for all CIA operations in Costa Rica. The defendant FERNANDEZ reported to and received supervision from the Chief of the CIA's Central American Task Force, who was stationed at CIA headquarters in Langley, Virginia.

THE CONSPIRACY AND ITS OBJECTS

10. From the late spring or early summer of 1985 up to and including at least January 1987, in the District of Columbia and elsewhere, the defendant JOSEPH F. FERNANDEZ, together with others known and unknown to the Grand Jury, unlawfully, willfully and knowingly did combine, conspire, confederate and agree together and with each other:

(a) to defraud the United States by impeding, impairing, defeating and obstructing the lawful governmental functions of the United States, including compliance with legal and administrative restrictions governing the conduct of military activities and covert actions and congressional control of appropriations and exercise of oversight for such activities, by deceitfully and without legal authorization organizing, directing and concealing a program to continue logistical and other support for military and paramilitary operations in

Nicaragua by the Contras, at a time when the prohibitions of the Boland Amendment and other legal and administrative restrictions on the execution of covert actions were in effect;

(b) to commit offenses against the United States, including:

(1) Violations of Title 18, United States Code, Section 1505, Obstructing an Inquiry Being Conducted By The President's Special Review Board (the "Tower Commission"), as alleged in Count Two of this Indictment;

(2) Violations of Title 18, United States Code, Section 1001, Making False and Misleading Statements to Government Agencies, to wit, the Tower Commission and the CIA's Office of Inspector General, as alleged in Counts Three through Five of this Indictment.

#### THE BACKGROUND OF THE CONSPIRACY

11. In order to continue activities in support of the Contras and to conceal those activities following the enactment of the Boland Amendment in October 1984, members of the conspiracy enlisted and utilized private individuals to provide lethal military weapons and supplies to the Contras.

12. In the middle of 1985, members of the conspiracy established a clandestine supply network to support military and paramilitary operations in Nicaragua by the Contras. To promote these operations, members of the conspiracy purchased aircraft, recruited and employed pilots, crews and other

individuals, and arranged for the use of a military airfield and warehouse in a Central American country. They concealed their role in creating and maintaining this operation by, among other things, instructing the individuals they had recruited not to reveal the participation of specific members of the conspiracy in these activities and not to disclose the use of intervening corporate entities. The network of individuals working under the direction of certain members of the conspiracy came to be known as the "private benefactors."

#### THE MEANS OF THE CONSPIRACY

13. In the middle of 1985 and thereafter, in order further to assist the Contras in Nicaragua, the defendant JOSEPH F. FERNANDEZ worked in coordination with his co-conspirators in establishing a clandestine supply network to support military and paramilitary operations in Nicaragua by the Contras and, among other things, undertook to enable the Contras to engage in military operations in southern Nicaragua (the "Southern Front").

14. In August 1985, the defendant JOSEPH F. FERNANDEZ met on several occasions in Costa Rica with an associate of a co-conspirator and discussed various strategies to accomplish the formation of a Southern Front, including the resumption of combat by Contra forces in southern Nicaragua and the construction of an airstrip in northern Costa Rica.

15. In August 1985, the defendant JOSEPH F. FERNANDEZ undertook to locate a site for and begin construction of a clandestine airstrip in northern Costa Rica that could be used to assist the resupply of lethal military supplies to the Contras.

16. In the late summer or early fall of 1985, members of the conspiracy, in coordination with the defendant JOSEPH F. FERNANDEZ and others, and to conceal their participation in these activities, enlisted an individual and utilized Udall Research Corp., a Panamanian corporation, to acquire land in northwest Costa Rica for construction of an airstrip to be used for the delivery of lethal military supplies to the Southern Front. Throughout the fall of 1985, the defendant JOSEPH F. FERNANDEZ met regularly with this individual in order to coordinate the construction of the airstrip.

17. In the fall of 1985 and the winter of 1985-86, while the airstrip was being built, the defendant JOSEPH F. FERNANDEZ took additional steps to strengthen the military capabilities of the Contras along the Southern Front. By promising Contra leaders that he would support them with military supplies, the defendant FERNANDEZ caused Contra forces inside Costa Rica to return to Nicaragua and continue fighting the Sandinista forces.

18. Beginning in January 1986, in order to ensure the secrecy of the communications between the defendant JOSEPH F. FERNANDEZ and others within the private benefactor network, a

member of the conspiracy obtained a number of secure communication devices from a United States Government agency. In January or February 1986, one of these secure communication devices was delivered to the defendant FERNANDEZ.

19. Between January and early April 1986, the defendant JOSEPH F. FERNANDEZ and his co-conspirators, in coordination with private benefactors, made attempts to deliver military supplies to the Contra forces then located along the Southern Front. In connection with these attempts, the defendant FERNANDEZ identified the location of Contra forces that were prepared to receive an air drop of supplies, and notified those forces of the date and time of delivery.

20. On or about April 11-12, 1986, the defendant JOSEPH F. FERNANDEZ, along with his co-conspirators, caused the successful aerial delivery of lethal military supplies to Contra forces. Following this successful air drop, the defendant FERNANDEZ sent a secure message to a co-conspirator in which the defendant FERNANDEZ described his plans for expansion of the Southern Front military forces.

21. Between the middle of April and September 1986, the defendant JOSEPH F. FERNANDEZ, along with his co-conspirators, continued to direct the delivery of lethal military supplies to the Contras in southern Nicaragua. On approximately eight occasions during this period, Contra forces received deliveries of weapons and ammunition based upon the defendant FERNANDEZ's

designation of the locations where and the troops to whom the lethal military supplies were to be dropped.

22. In June 1986, in order to conceal the secret resupply operation being directed by the defendant JOSEPH F. FERNANDEZ and his co-conspirators, a co-conspirator sent a secure communication to the defendant FERNANDEZ advising him of steps being taken to shield the defendant FERNANDEZ and his co-conspirator from being held responsible for directing the resupply operation in the event that the operation became exposed.

23. In late September 1986, to conceal and cover up the conspirators' illegal activities, the defendant JOSEPH F. FERNANDEZ made a false and misleading statement to an employee of the CIA's Central American Task Force when the defendant FERNANDEZ was questioned about the CIA's role in the construction and operation of the airstrip in northern Costa Rica.

24. In November and December 1986, following the shooting down in October 1986 of an aircraft that was attempting to drop supplies to the Contras in Nicaragua, the defendant JOSEPH F. FERNANDEZ was directed by an attorney assigned to the CIA's Central American Task Force to document any involvement the defendant FERNANDEZ had with the private benefactor network and the lethal resupply of the Contras. The defendant FERNANDEZ, to conceal and cover up the conspirators' illegal activities,

submitted incomplete and unresponsive cables to officers of the CIA's Central American Task Force.

25. In January 1987, to conceal and cover up the conspirators' illegal activities, the defendant JOSEPH F. FERNANDEZ made false and misleading statements to a member of the CIA's Office of Inspector General concerning, among other things, the nature of the defendant FERNANDEZ's involvement in the construction of the airstrip in northern Costa Rica, the extent of the defendant FERNANDEZ's contacts with members of the conspiracy, and the extent of the defendant FERNANDEZ's involvement in assisting the lethal resupply of the Contras.

26. In January 1987, to conceal and cover up the conspirators' illegal activities, the defendant JOSEPH F. FERNANDEZ made false and misleading statements to investigators conducting a fact-finding inquiry on behalf of the Tower Commission concerning, among other things, the role of a member of the conspiracy in assisting the lethal resupply of the Contras as well as the defendant FERNANDEZ's own role in supporting the Contras.

#### OVERT ACTS

27. The following overt acts, among others, were knowingly committed and caused to be committed, in the District of Columbia and elsewhere, by the defendant JOSEPH F. FERNANDEZ and his co-conspirators in furtherance of the conspiracy and to effect the objects thereof:



(1) On June 28, 1985, in Miami, Florida, Oliver L. North and Richard V. Secord met with, among others, Adolfo Calero, a Contra leader, and Enrique Bermudez, the Contras' military commander.

(2) In August 1985, in Costa Rica, the defendant JOSEPH F. FERNANDEZ met with, among others, Robert W. Owen, an associate of Oliver L. North, to discuss the construction of an airstrip and other means to support the Contras.

(3) In August 1985, in Costa Rica, the defendant JOSEPH F. FERNANDEZ directed CIA officers to survey and select a site for the construction of an airstrip to support the lethal resupply of the Contras.

(4) In September 1985, in Vienna, Virginia, Oliver L. North and Richard V. Secord met with William Haskell, a/k/a "Robert Olmsted."

(5) In October 1985, Oliver L. North and Richard V. Secord caused William Haskell, a/k/a "Robert Olmsted," to meet with the defendant JOSEPH F. FERNANDEZ in San Jose, Costa Rica.

(6) In or about late 1985, in Costa Rica, the defendant JOSEPH F. FERNANDEZ directed a CIA officer to meet with and train members of the Contras.

(7) In January 1986, in Costa Rica, the defendant JOSEPH F. FERNANDEZ met with Rafael Quintero, an associate of Oliver L. North and Richard V. Secord.

(8) Beginning in January 1986, in the District of Columbia, Oliver L. North obtained certain secure communication

devices belonging to an intelligence agency of the United States Government.

(9) In or about January or February 1986, in Costa Rica, the defendant JOSEPH F. FERNANDEZ travelled with Rafael Quintero and others to inspect the site of the airstrip being built in northern Costa Rica.

(10) In or about January or February 1986, in Costa Rica, the defendant JOSEPH F. FERNANDEZ received from Rafael Quintero a secure communication device that had been obtained by Oliver L. North.

(11) In the spring of 1986, in Costa Rica, the defendant JOSEPH F. FERNANDEZ directed a CIA officer to meet with and train members of the Contras.

(12) In March 1986, in the District of Columbia, the defendant JOSEPH F. FERNANDEZ met with Richard V. Secord, Rafael Quintero and others to discuss the airstrip in northern Costa Rica.

(13) On or about April 11-12, 1986, in Costa Rica, the defendant JOSEPH F. FERNANDEZ assisted Oliver L. North, Richard V. Secord and others in the delivery of weapons and supplies to the Contras' Southern Front.

(14) Between the spring and fall of 1986, in Costa Rica and elsewhere, the defendant JOSEPH F. FERNANDEZ sent to and received from Oliver L. North and Rafael Quintero by a secure communication device numerous messages concerning the lethal resupply of the Contras.

(15) Between June and September 1986, in Costa Rica and elsewhere, the defendant JOSEPH F. FERNANDEZ, together with members of the conspiracy, directed the delivery of approximately eight shipments of weapons and supplies to the Contras' Southern Front.

(16) In late September 1986, in Langley, Virginia, the defendant JOSEPH F. FERNANDEZ made a false and misleading statement to a staff member of the CIA's Central American Task Force regarding the airstrip in northern Costa Rica.

(17) In or about November and December 1986, in Costa Rica and elsewhere, the defendant JOSEPH F. FERNANDEZ sent cables to officers of the CIA's Central American Task Force.

(18) In January 1987, in Langley, Virginia, the defendant JOSEPH F. FERNANDEZ made false and misleading statements to a member of the CIA's Office of Inspector General.

(19) In January 1987, in Langley, Virginia, the defendant JOSEPH F. FERNANDEZ made false and misleading statements to investigators conducting a fact-finding inquiry on behalf of the Tower Commission.

(Violation of Title 18, United States Code, Section 371.)

COUNT TWO

(Obstruction of the Tower Commission)

The Grand Jury further charges:

1. Paragraphs 1 through 27 of Count One of this Indictment are repeated, realleged and incorporated by reference herein as if fully set forth in this Count.

2. On or about January 21, 1987, in the Eastern District of Virginia, the defendant JOSEPH F. FERNANDEZ unlawfully, willfully and knowingly did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due and proper administration of the law under which a pending proceeding was being had before a department and agency of the United States, to wit, the Tower Commission's conduct of a fact-finding inquiry on behalf of the President, by making false, fictitious, fraudulent and misleading statements and representations to investigators of the Tower Commission, all for the purpose of concealing and causing to be concealed material facts.

(Violation of Title 18, United States Code, Section 1505.)

COUNT THREE

(False Statement to the Tower Commission)

The Grand Jury further charges:

1. Paragraphs 1 through 27 of Count One of this Indictment are repeated, realleged and incorporated by reference herein as if fully set forth in this Count.

2. On or about January 21, 1987, in the Eastern District of Virginia, the defendant JOSEPH F. FERNANDEZ unlawfully, willfully and knowingly did make and cause to be made a material false, fictitious and fraudulent statement to a department and agency of the United States, to wit, the Tower Commission, in a matter within its jurisdiction, to wit, the examination of the role of the NSC staff in national security operations, as follows: that the defendant FERNANDEZ did not know for a fact that Oliver L. North had been involved in assisting the resupply of the Contras.

3. That statement and representation was false, fictitious and fraudulent because in truth and in fact, as the defendant JOSEPH F. FERNANDEZ then and there well knew and believed, among other things, Oliver L. North had been involved in assisting the resupply of the Contras.

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

COUNT FOUR

(False Statement to the Tower Commission)

The Grand Jury further charges:

1. Paragraphs 1 through 27 of Count One of this Indictment are repeated, realleged and incorporated by reference herein as if fully set forth in this Count.
2. On or about January 21, 1987, in the Eastern District of Virginia, the defendant JOSEPH F. FERNANDEZ unlawfully, willfully and knowingly did make and cause to be made a material false, fictitious and fraudulent statement to a department and agency of the United States, to wit, the Tower Commission, in a matter within its jurisdiction, to wit, the examination of the role of the NSC staff in national security operations, as follows: that the defendant FERNANDEZ did not know that the supplies the defendant FERNANDEZ assisted in delivering to the Contras in September 1986 contained weapons and ammunition.
3. That statement and representation was false, fictitious and fraudulent because in truth and in fact, as the defendant JOSEPH F. FERNANDEZ then and there well knew and believed, among other things, the supplies that the defendant FERNANDEZ helped deliver to the Contras in September 1986 contained weapons and ammunition.

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

COUNT FIVE

(False Statement to the CIA's Office of Inspector General)

The Grand Jury further charges:

1. Paragraphs 1 through 27 of Count One of this Indictment are repeated, realleged and incorporated by reference herein as if fully set forth in this Count.
2. On or about January 11, 1987, in the Eastern District of Virginia, the defendant JOSEPH F. FERNANDEZ unlawfully, willfully and knowingly did make and cause to be made a material false, fictitious and fraudulent statement to a department and agency of the United States, to wit, the CIA's Office of Inspector General, in a matter within its jurisdiction, to wit, the investigation of unlawful and unauthorized CIA support for military and paramilitary operations in Nicaragua by the Contras, as follows: that a project to build an airstrip in northern Costa Rica in 1985 was an initiative of the Costa Rican government to be used for training activities by Costa Rican forces in preparation for a possible Nicaraguan invasion of Costa Rica.
3. That statement and representation was false, fictitious and fraudulent because in truth and in fact, as the defendant JOSEPH F. FERNANDEZ then and there well knew and believed, among other things, the project to build an airstrip in northern Costa Rica was not an initiative of the Costa Rican government, but rather was an initiative of the defendant