



Chapter 6

Robert L. Earl

Marine Lt. Col. Robert L. Earl served on the National Security Council staff from February to December 1986. He worked closely as a subordinate to Lt. Col. Oliver L. North on counter-terrorism activities, including the Iran arms sales. Earl was aware of North's plan to use profits from the arms sales to support the contras, and in the summer of 1986 Earl helped North calculate the marked-up prices of the arms sold to Iran. In November 1986, Earl attempted to conceal evidence regarding the arms sales to Iran and the diversion of profits to the contras. He destroyed NSC documents, assisted North in the destruction of documents, assisted North's secretary, Fawn Hall, in the illegal removal of NSC documents, conspired with Hall to make false statements to the FBI, and made false statements to the FBI.

On April 15, 1987, Independent Counsel granted Earl immunity from prosecution in exchange for his truthful testimony. He provided important evidence about the Iran arms sales and North's contra-resupply network, including the diversion of profits from the arms sales to the contras.¹

1 In addition, because Earl testified before the Grand Jury in May and June 1987 -- before North testified to Congress under the grant of use immunity -- Earl was able to testify at North's trial without serious objections from the defense that his testimony was tainted by North's congressional appearance.

North and Earl met many years before Earl was detailed to the NSC. The two attended the Naval Academy in Annapolis at the same time and became friends while attending an amphibious warfare training school in the early 1970s. Subsequently, their career paths in the Marine Corps crossed on a number of occasions.

In the summer of 1985, Earl was assigned to work on the Vice President's Task Force on Terrorism. In its final report, the task force recommended that the NSC add staff to address terrorism on a full-time basis. To implement this recommendation, Earl and Coast Guard Cmdr. Craig P. Coy, who had also served on the Vice President's task force, were assigned to the NSC staff in February 1986. Earl and Coy both reported to North, who supervised the NSC staff's counter-terrorism activities. In May 1986, North, Earl, Coy and Hall moved into suite 302 of the Old Executive Office Building.

In April 1986, before North traveled to Tehran with former National Security Adviser Robert C. McFarlane, North briefed Earl about the Iran arms sales.² At the same time, according to Earl, North informed him about one of the initiative's most secret aspects: that a portion of the proceeds from the arms sales to Iran was to be used to support the contras.³

2 Earl, North Trial Testimony, 3/23/89, pp. 5531-32, 5555. Before North left for Iran, he told Earl that if he did not return, Earl should destroy the contents of the bottom drawer of his safe. (Ibid., p. 5564.)

3 Ibid., pp. 5532-33.

Later, during the summer of 1986, North asked for Earl's help in determining the prices of the various pieces of military equipment requested by the Iranians.⁴ Based on information provided to him by North regarding the pricing in prior arms sales to the Iranians, Earl determined that the average mark-up of the sales had been 370 percent. For consistency, Earl applied a 3.7 multiplier to the cost of the equipment from the Department of Defense to calculate the price that the Iranians

would have to pay for each item. Earl understood that one purpose of the 370 percent mark-up was to generate funds for the contras.⁵

4 Ibid., pp. 5537-38.

5 Ibid., pp. 5538-45.

On Friday, November 21, 1986, North learned that the Department of Justice was conducting a fact-finding inquiry into the Iran arms sales. North asked Earl to give him the entire contents of Earl's file on Iran and told Earl about the fact-finding inquiry. From this exchange, Earl understood that North was going to destroy the contents of his file.⁶ Believing that he was following North's cue, Earl then went through his own files and destroyed his copies of documents and computer notes that related to the Iran arms sales.⁷ Earl also observed North going through his own files later that same day, segregating documents to be destroyed.⁸ Fawn Hall, meanwhile, was feeding a large number of documents into the shredder.⁹

6 Ibid., 3/28/89, pp. 5616-17.

7 Ibid., pp. 5608, 5620-21, 5633-34, 5641.

8 Ibid., pp. 5616, 5620.

9 Earl, Grand Jury, 5/1/87, p. 91; Earl, Select Committees Deposition, 5/2/87, p. 72.

Earl said North told him after returning from a White House meeting on November 21 ``that it was time for North to be the scapegoat." <sup>10</sup> According to Earl, North said ``he had asked the Attorney General if he could have -- I'm not sure whether it was 24 or 48 hours -- and that the Attorney General replied that he didn't know whether he could have that long, or something to that effect." ¹¹ Independent Counsel was not able to corroborate Earl's testimony.

¹⁰ Earl, Grand Jury, 5/1/87, p. 82.

¹¹ Ibid., p. 86.

On Saturday, November 22, 1986, North told Earl that the shredder in suite 302 was broken. North and Earl discussed the location of other shredders in the OEOB or the White House. Later, Earl saw North leave their office suite with a pile of documents; Earl understood that North was planning to use the shredder in the Situation Room of the White House to shred the documents.¹²

¹² Earl, North Trial Testimony, 3/28/89, p. 5625.

On the afternoon of Tuesday, November 25, 1986, after North had been fired and NSC staff member, Brenda Reger, had sealed suite 302 so that documents could not be removed, Hall told Earl that she needed to take some documents from the suite. She either asked Earl to take the documents out of the suite or Earl volunteered to do so; Earl placed the documents in one of his suit coat pockets, but a few minutes later Hall retrieved them. After concealing the documents under her clothes, Hall asked Earl whether he could see them and Earl said no. Hall subsequently left suite 302 with the documents concealed under her clothes.¹³

¹³ Earl, Grand Jury, 5/1/87, pp. 121-25; Earl, FBI 302, 4/30/87, p. 2; Hall, Grand Jury, 3/18/87, pp. 201-2; Hall, FBI 302, 1/29/87, morning session, pp. 7, 9; Hall, FBI 302s, 2/5/87, pp. 13-14, and 2/8/87, p. 7.

On the evening of November 25 or 26, Earl testified that he had a conversation with North and Coy on the stairway adjoining the two floors of suite 302. According to Earl, it concerned a call that North had received from President Reagan on November 25, after North was fired. ``Colonel North

turned and confided, 'And you know what' -- again I don't have the exact wording so I'm just going to relay the thrust of what he said -- that the President had told him that it was important that he not know; that he was told that it was important that he not know." 14 Independent Counsel was not able to corroborate Earl's testimony regarding this conversation.

14 Earl, Grand Jury, 5/1/87, pp. 118-19.

Three days later, on Friday, November 28, 1986, the FBI contacted Earl and asked to interview him during the weekend. That evening, Earl and Hall agreed that neither would disclose to the FBI that Hall had removed documents from suite 302 after Reger sealed it on November 25.¹⁵

15 Hall, Grand Jury, 3/20/87, pp. 38-40; Hall, FBI 302, 2/8/87, pp. 1-2. Earl testified that he "repressed" his memory of this conversation "almost totally" and that he could not "recall almost anything from that conversation." (Earl, Select Committees Deposition, 5/2/87, p. 94; see also Earl, FBI 302, 4/30/87, p. 2.)

On Saturday, November 29, 1986, Earl was interviewed about Iran/contra by two FBI agents. During the interview, Earl made a number of false statements. Earl falsely stated that he merely "suspected" but did not know that North was diverting the profits from the arms sales to the contras.¹⁶ In addition, Earl falsely stated that he did not observe North or anyone else in suite 302 engaging in an unusual destruction or shredding of documents in November 1986.¹⁷ Earl subsequently admitted that he lied to the FBI agents in this interview.¹⁸

16 Earl, FBI 302, 11/29/86, p. 8.

17 Ibid., p. 10.

18 Earl, North Trial Testimony, 3/28/89, pp. 5636, 5640-41.

In April 1987, Independent Counsel granted Earl full immunity from prosecution for his role in Iran/contra. In exchange, Independent Counsel obtained Earl's testimony about the roles of North and others in Iran/contra. At North's trial, Earl's testimony confirmed the documentary evidence that showed that North knowingly and intentionally diverted some of the profits from the Iran arms sales to the contras and that North planned the diversion as early as April or May of 1986. Earl also complemented Hall's account of North's role in the illegal destruction and removal of documents from the NSC from November 21-25, 1986.