



Chapter 18

United States v. Duane R. Clarridge

Duane R. ``Dewey" Clarridge was a career CIA officer whose major posts included chief of the Latin American Division, chief of the European Division, and chief of the Counterterrorism Center. He retired from the CIA in 1987 after being formally reprimanded for his role in the Iran/contra affair.

As chief of the Latin American Division from 1981 to 1984, Clarridge directed CIA efforts to support the Nicaraguan contras. One of the people helping Clarridge during this period was Lt. Col. Oliver L. North of the National Security Council staff. When Congress passed the Boland Amendment and cut off all aid to the contras in October 1984, Clarridge allegedly passed off responsibility for supporting the contras to North.

The investigation of Clarridge focused on his knowledge of and role in both parts of the Iran/contra affair -- the arms-for-hostages trades with Iran and the effort to secure covert foreign funding for the contras after Congress cut off U.S. aid. In November 1985, when North became involved in an Israeli effort to ship U.S.-made HAWK missiles to Iran to secure the release of U.S. hostages being held in Lebanon, he turned to Clarridge, then chief of the CIA's European Division, for assistance. Clarridge testified extensively about his role in the operation, but steadfastly denied contemporaneous knowledge that the shipment contained weapons. Clarridge also testified at length about his efforts to support the contras, but denied soliciting support from third countries or even knowing about discussions of such efforts. In both instances, there was strong evidence that Clarridge's testimony was false.

On November 26, 1991, a federal Grand Jury indicted Clarridge on seven counts of perjury and false statements to congressional investigators and to the President's Special Review Board (the Tower Commission) stemming from his testimony about his role in the November 1985 arms shipment to Iran.¹ The OIC decided not to seek an indictment against Clarridge for false testimony about CIA efforts to solicit third-country funding for the contras, primarily because the solicitation effort in which Clarridge was involved was called off at the last minute by his superiors.

¹ On December 10, 1992, Judge Harold H. Greene ruled that Counts One and Two and Counts Six and Seven were multiplicitous, and ordered the OIC to choose between Counts One and Two and between Counts Six and Seven. Count One charged Clarridge with lying to the Senate Select Committee on Intelligence about when he learned, from any source, that the cargo of the November 1985 shipment was weapons. Count Two charged Clarridge with lying to the same Committee when asked specifically when North told him the plane contained weapons. The court ruled those statements were essentially the same lie, and ordered the OIC to choose between them. At the time Clarridge was pardoned, the OIC's motion to reconsider that ruling was pending.

Counts Six and Seven did charge essentially the same lies, but the statements were made to different entities. The false statements charged in Count Six were made to the staffs of the Select Committees while the false statements charged in Count Seven were made to the Committee members themselves. At the time of the pardon, the OIC had not yet chosen between Counts Six and Seven.

Counts One through Three of the Indictment charged Clarridge with perjury (18 U.S.C. 1621) before the Senate Select Committee on Intelligence on December 2, 1986. Count One was based on the following exchange:

Mr. Newsom: At what point did you . . . have knowledge that the cargo of the plane was actually weapons?

Mr. Clarridge: Well, as I say, the trouble is that when I really got a fix on it was in January when Charlie [Allen] debriefed a -- the Iranian go-between in all this.²

² Clarridge, SSCI Testimony, 12/2/86, p. 20.

In Count Two, in response to a question about whether North had ever told him the cargo of the flight from Israel to Iran was military equipment, Clarridge answered: "No, and I can't say that he [North] knew. I can't say for sure that he knew."³

³ Ibid., p. 73.

In Count Three, Clarridge was asked whether he had any concern about using the CIA proprietary airline for a mission like this. He responded that "it seemed to be a straight commercial deal. In other words, private people apparently hiring our proprietary."⁴ Senator Thomas Eagleton then asked: "Didn't you have a second thought or question, 'Here's a hotshot from the NSC who's on this interagency group coming to my personal office, one on one. Maybe this might be a shade more than a commercial endeavor.'" Clarridge responded: "I'm sorry, I didn't see it any more than what he was telling me."⁵

⁴ Ibid., p. 14.

⁵ Ibid., pp. 56-57.

Count Four charged Clarridge with perjury for testifying before the House Permanent Select Committee on Intelligence on December 11, 1986, that a November 25, 1985, CIA cable from an Asian country stating that the pilot of the proprietary had said that the cargo was military equipment was "the first indication that we had that maybe that something other than oil drilling equipment was on the plane."⁶

⁶ Clarridge, HPSCI Testimony, 12/11/86, p. 69.

Count Five charged Clarridge with making false statements for testifying before the Tower Commission on December 18, 1986, as follows:

[T]he question was asked when did I feel that that shipment in November, the 25th, had had weapons on board. By the 26th or 27th -- and I can't give you a precise date -- Charlie Allen was showing me [intelligence reports] . . . that indicated that that flight had had munitions or something on board.⁷

⁷ Clarridge, Tower Commission Testimony, 12/18/86, p. 14.

Count Six charged Clarridge with perjury before the Select Iran/contra Committees for the following exchanges:

Mr. Eggleston: As of this early time [November 22, 1985], your initial conversations with Colonel North, did you know or had you been informed by Colonel North what was on the plane?

Mr. Clarridge: No, I was not.

* * *

Mr. Eggleston: . . . it is your understanding as of that time [November 22] that the cargo onboard is oil drilling equipment . . . ?

Mr. Clarridge: Yes.

* * *

Mr. Eggleston: The person who gave you the problem knew [the cargo was weapons]. The person you gave the problem to solve [a senior CIA field officer in a European country] knew. The person who was helping, [the charge AE1 d'affaires to the European country], knew. The [European] government knew. But you did not know?

Mr. Clarridge: That is the way it was.

* * *

Mr. Eggleston: You had not heard . . . other than this cable . . . that reflected what the pilots had said . . . that it [the cargo] was anything other than oil-drilling equipment?

Mr. Clarridge: I had not.⁸

8 Clarridge, Select Committees Deposition, 8/4/87, pp. 8, 21, 32, 42.

Finally, Count Seven charged Clarridge with making false statements in a deposition before the staffs of the Select Committees, when he stated that he had no knowledge that the cargo was weapons as of November 21 or 23; that North never told him in November 1985 that the cargo was military equipment; and that as of November 25, 1985, he believed the cargo was oil parts.

The Clarridge trial, which would have been the final Iran/contra prosecution, was scheduled to begin March 15, 1993.⁹ Trial was precluded by President Bush's December 24, 1992, par-don of six Iran/contra defendants, including Clarridge.

⁹ Had the Clarridge case gone to trial, it would have been conducted by Associate Counsel Paul J. Ware, Kenneth J. Parsigian, and David J. Apfel.

Clarridge's Role in the November 1985 HAWK Shipment

In the summer of 1985, President Reagan approved an Israeli plan to ship weapons to Iran in exchange for the Iranians' pledge to use their influence to persuade Lebanese kidnappers to release American hostages. With U.S. acquiescence, Israel shipped 504 U.S.-made TOW missiles to Iran in August and September of 1985, and U.S. hostage Benjamin Weir was released as a result.

Israel was planning another shipment, this time of HAWK missiles, in November 1985, when it ran into difficulty obtaining requisite flight clearances.¹⁰ Israeli Defense Minister Yitzhak Rabin sought assistance from National Security Adviser Robert C. McFarlane, who directed North to help the Israelis in obtaining the flight clearances.¹¹ The plan called for an Israeli El Al 747 to fly 80 HAWK missiles into a European country, transfer them to other planes, and then fly the missiles, one plane at a time, into Iran.¹² The first delivery was supposed to trigger the release of two hostages, followed by another delivery, another release, and a third delivery and a third release.¹³

¹⁰ North, Select Committees Testimony, 7/7/87, pp. 133-134, 156-157.

¹¹ Ibid.

¹² North Notebook, 11/17/85, AMX 001865; Ibid., 11/18/85, AMX 001866-71. There is some evidence that the initial plan called for as many as 500-600 HAWKs to be shipped. There was also some talk of 120 HAWKs. The number actually on the El Al plane, however, was only 80. Transferring the HAWKs from the El Al plane to the other planes was necessary because poor relations between Israel and Iran made it untenable to fly an Israeli plane into Iran.

13 Ibid., 11/20/85, AMX 001878-81.

North enlisted retired Air Force Maj. Gen. Richard Secord to go to the European country to obtain the necessary clearances to land the El Al flight.¹⁴ North also brought Clarridge into the mission to get a senior CIA field officer in the European country to assist Secord.¹⁵ Late on November 21, 1985, Clarridge sent cables to the senior officer and his deputy instructing them to report to the office and stand by for messages.¹⁶ The cables were sent "flash" priority, which is the second highest priority for CIA cables and requires immediate attention.¹⁷ The senior field officer and his deputy went to their office where they received another flash cable from Clarridge instructing them to contact Secord, who was using the code name "Copp," and offer him assistance.¹⁸ The cable indicated that Secord was on assignment for the National Security Council and that the mission was so sensitive that the senior field officer should not discuss it with the U.S. ambassador to the European country.¹⁹ The senior field officer contacted Secord, who indicated he did not require assistance at that time; the senior field officer cabled that information back to Clarridge and awaited developments.²⁰

¹⁴ North, Select Committees Testimony, 7/7/87, pp. 135-36, 157; Letter from McFarlane to Secord, 11/19/85, AKW 000001.

¹⁵ North, Grand Jury, 2/1/91, pp. 20-21. Precisely when Clarridge became involved in the mission would have been a key issue at trial. Clarridge testified that he first learned of the mission on November 21, 1985, when North called seeking his assistance. (Clarridge, Select Committees Deposition, 8/4/87, p. 6.) The OIC would have established at trial, however, that Clarridge was involved and knew the flight would be carrying weapons at least by November 19.

¹⁶ DIRECTOR 624839, 11/22/85, DO 21379; DIRECTOR 624939, 11/22/85, DO 21378. (The cables are dated November 22, 1985 because CIA cables use "Zulu," or Greenwich mean time).

¹⁷ The only precedence higher than "flash" is "critic," which is rarely used and is only for events like an attack on an embassy or a coup. (CIA Field Communications Officer, Select Committees Deposition, 7/13/87, pp. 18-19.) When a "flash" message is sent, the intended recipient will be contacted at home, if necessary, and must open the message within thirty minutes. (Ibid., p. 18.)

¹⁸ Senior CIA Field Officer, Select Committees Deposition, 4/13/87, pp. 4-5. The actual cable is missing. The senior field officer referenced that cable, DIRECTOR 625103, however, in his cable back to Clarridge in which he indicated that he had spoken with Copp and offered "all assistance" but that Copp did not require assistance at that time. (CIA Cable, 11/22/85, DO 21380.)

¹⁹ Senior CIA Field Officer, Select Committees Deposition, 4/13/87, p. 5.

²⁰ Ibid., pp. 5-6; CIA Cable, 11/22/85, DO 21380.

At that time, Secord was confident that his contacts at a private company in the European country would get him access to the foreign minister, who would grant the necessary clearances.²¹ Unfortunately for Secord, the private company's contacts were not helpful and an attempt by the company's president to bribe a European country official to secure the necessary clearances not only failed but angered the European government.²² Thus, by 12:50 p.m. European country time on November 22, 1985, the entire operation was in jeopardy and Secord telephoned the senior CIA field officer with an urgent request for assistance.²³ The senior CIA field officer immediately made inquiries ²⁴ and suggested to Clarridge that a more formal diplomatic approach should be made by the second-ranking person in the U.S. Embassy, who was the charge AE1 d'affaires. The senior CIA field officer indicated that Secord approved of involving the charge AE1 and was seeking approval from Washington.²⁵ Clarridge cabled back that the NSC wanted the senior CIA field officer to bring the charge AE1 into the operation and to "pull out all the stops" because the El Al plane was only one hour from aborting.²⁶

21 Secord, FBI 302, 3/11/92, p. 4. Indeed, Secord apparently believed, and informed the senior CIA field officer in the European country, that the foreign minister of the European country had orally approved the clearances before November 22, 1985, but had failed to sign the papers. (CIA Cable, 11/22/85, DO 21381.) The OIC was not able to verify that oral approval.

22 CIA Cable, 11/23/85, DO 21397-96.

23 Ibid.

24 See Classified Appendix.

25 CIA Cable, 11/23/85, DO 23197-96. The Ambassador was out of the country.

26 DIRECTOR 625908, 11/22/85, DO 21383. Clarridge also telephoned the senior CIA field officer with approval for bringing the charge AE1 into the operation. (Senior CIA Field Officer, Select Committees Deposition, 4/13/87, p. 13.)

The cables between Clarridge and the senior CIA field officer over the next day show extensive knowledge and involvement by both men in trying to salvage an operation that North later described as "a bit of a horror story." 27 First, it was discovered that when the president of the private concern used by Secord had been in contact with European country authorities on November 20, 1985, he claimed to be working with a retired U.S. general. The authorities had checked with the U.S. Embassy and were told the Embassy knew nothing of such an operation and that the United States remained opposed to arms sales to Iran.²⁸ Thus the senior CIA field officer had to explain to European country officials that while the Embassy's position had been correct on November 20, circumstances had changed by November 22.²⁹

27 North, Select Committees Testimony, 7/7/87, p. 137.

28 Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, pp. 8, 14; CIA Cable, 11/22/85, ALW 0034616-17; CIA Cable, 11/22/85, DO 21384.

29 CIA Cable, 11/22/85, DO 21384; Senior CIA Field Officer, Select Committees Deposition, 4/13/87 p. 12.

The next problem was that the foreign minister of the European country was the only person who could approve the clearances, and he was in a cabinet meeting. The senior CIA field officer asked a lower-level ministry official to pull the foreign minister out of the meeting and was told that would require a formal statement from the U.S. Embassy.³⁰ Secord told the senior CIA field officer he had called the White House and recommended authorizing the charge AE1 to pull the foreign minister out of the cabinet meeting. Secord noted that McFarlane was being pulled out of a meeting with the Pope in order to telephone the foreign minister. Clarridge then telephoned the senior CIA field officer and instructed him to have the charge AE1 formally request that the foreign minister be pulled out of the cabinet meeting.³¹

30 CIA Cable, 11/22/85, DO 21384; Senior CIA Field Officer, Select Committees Deposition, 4/13/87, p. 13.

31 Ibid.

While waiting for the foreign minister, the El Al plane had to abort and return to Israel.³² The NSC was still hoping that McFarlane could reach the foreign minister and revive the operation for the next day, November 23.³³ With that hope in mind, Clarridge cabled CIA officers in an Asian country requesting advice and assistance in obtaining clearances for three planes to fly through that country's airspace en route from a European country to Iran and back on November 23 or 24.³⁴ Clarridge explained that this was a "National Security Council initiative" that had "the highest level

of USG [U.S. Government] interest." 35 He described the mission as ``humanitarian in nature" and in ``response to terrorist acts," and told the senior CIA official in the Asian country not to inform the Ambassador.³⁶

32 CIA Cable, 11/22/85, DO 21386.

33 DIRECTOR 626226, 11/22/85, DO 21388.

34 Ibid., DO 21389.

35 Ibid.

36 Ibid.

When the European cabinet meeting ended, the foreign minister still would not approve the flights. Instead, his aide informed the charge AE1 that the U.S. Embassy would have to send a diplomatic note stating the type of aircraft, the routes to and from the European country, and the cargo.³⁷ Late at night on November 22 (European country time), McFarlane finally reached the foreign minister by telephone and persuaded him to approve the flights without a diplomatic note.³⁸ It was not until mid-morning the next day, however, that the charge AE1 was able to contact anyone in the Ministry of Foreign Affairs.³⁹ When the charge AE1 did reach the secretary general of the Foreign Ministry and then the chief of the Cabinet of the Foreign Minister, they knew nothing of McFarlane's deal with the foreign minister and insisted that a diplomatic note was required.⁴⁰

37 CIA Cable, 11/23/85, DO 21391; Senior CIA Field Officer, Select Committees Deposition, 4/13/87, p. 16.

38 DIRECTOR 626552, 11/22/85, DO 21390; Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, p. 9.

39 Ibid., pp. 9-10.

40 Ibid.; CIA Cable, 11/23/85, DO 21397-96; Senior CIA Field Officer, Select Committees Deposition, 4/13/87, pp. 17-18. The charge AE1 ultimately confirmed that the phone call between the foreign minister and McFarlane occurred, but the foreign minister thought he agreed only to approve the clearances if he received the necessary background information -- i.e., a diplomatic note about the cargo and the purpose of the mission. (Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, p. 20.)

On Saturday, November 23, North telephoned CIA intelligence officer Charles Allen at home and asked him to go to his office and show Clarridge a collection of intelligence reports concerning Mohsen Kangarlu, Iran's director of security, and Manucher Ghorbanifar, the Iranian expatriate arms dealer who was serving as an intermediary between Israel and the Iranians.⁴¹ At about the same time, North was beginning to seek alternate routes for delivering the missiles and asked Clarridge if the CIA could recommend a reliable charter.⁴² Clarridge began checking into charters, and North headed in to the CIA to meet with Clarridge.⁴³

41 Allen, Grand Jury, 12/18/87, pp. 52-55. Ghorbanifar's codename was ``Ashgari." As a result, these intelligence reports have come to be known as the A-K, or Ashgari-Kangarlu, Reports.

42 Clarridge, SSCI Testimony, 12/2/86, pp. 5-6.

43 Allen, Select Committees Deposition, 4/21/87, p. 160.

Allen arrived at the CIA before North and showed the packet of intelligence reports to Clarridge per North's instructions. Allen explained to Clarridge that North wanted him to understand that this was

"a very serious initiative under way by the White House." 44 Allen told Clarridge that the reports had been very tightly held and they discussed the highly sensitive nature of the operation.⁴⁵ Clarridge leafed through the intelligence reports and told Allen that he understood this was a serious initiative; Allen left the reports with Clarridge who said he would read them.⁴⁶

44 Ibid., p. 157.

45 Ibid., 7/2/87, p. 669; Allen, Grand Jury, 12/18/87, p. 54.

46 Allen, Select Committees Deposition, 4/21/87, p. 157; Ibid., 7/2/87, p. 669; Allen, FBI 302, 1/10/91, p. 2.

While waiting for North, Clarridge called the CIA Air Branch seeking the name of a reliable charter. The Air Branch recommended that North use a CIA proprietary airline.⁴⁷ Clarridge then called his superior, acting Deputy Director for Operations Edward Juchniewicz, to inform him that North wanted to use a CIA proprietary. According to Clarridge, Juchniewicz approved North's using a CIA proprietary.⁴⁸

47 Clarridge, SSCI Testimony, 12/2/86, pp. 5-6.

48 Ibid. Juchniewicz, who placed the call from Clarridge on November 22, has told somewhat conflicting stories about this event. He testified that Clarridge told him only that North was searching for a reliable charter, not that he had specifically requested assistance. (Juchniewicz, SSCI Testimony, 12/4/86, p. 4.) Later, he testified, North called him at home and inquired about using a CIA proprietary. Juchniewicz testified that he told North the proprietary was a "strictly commercial venture" that anyone could hire. (Ibid., p. 5.) When he was interviewed by the OIC in 1991, however, Juchniewicz told a version of the events that more closely parallels Clarridge's testimony. He said that Clarridge had come to his office and said that North needed a plane to ship some oil-drilling equipment. He asked if it would be a problem for North to use the CIA proprietary and Juchniewicz said he did not see it as a problem. (Juchniewicz, FBI 302, 10/8/91, p. 2.) At that time, Juchniewicz did not recall a phone call from North. (Ibid., p. 3.)

About an hour after Allen left Clarridge's office, North arrived.⁴⁹ The mission was now proceeding on two separate fronts. While the senior CIA field officer and the charge AE1 were still trying to obtain clearances from the European country, North was attempting to set up a series of flights using the CIA proprietary and flying through a different city, perhaps in a second European country.⁵⁰ Clarridge, who was monitoring efforts in the first European country, was simultaneously attempting to arrange clearances for a CIA proprietary to fly from Israel through an Asian country's airspace with a possible stopover in the second European country "for deception purposes," that is, to satisfy the Asian country's concerns about being involved with a direct flight from Israel to Iran.⁵¹ Clarridge informed senior field personnel in both the second European country and the Asian country that the mission was essential to the release of the U.S. hostages.⁵² By this time, a CIA Air Branch officer was in Clarridge's office to discuss staffing the proprietary flights and arranging an "appropriate cover . . . so it would look like a normal charter activity." ⁵³ Allen had also returned to Clarridge's office along with another CIA intelligence official, Dr. Joseph Markowitz; thus, Clarridge, North, Allen, the CIA Air Branch officer, and Markowitz were all in Clarridge's office working on the operation.⁵⁴

49 Allen, Select Committees Deposition, 7/2/87, p. 670.

50 For a brief period, there was some thought that the flights by the CIA proprietary might still be able to fly through the first European country. (CIA Cable, 11/23/85, DO 21397; Senior CIA Field Officer, Select Committees Deposition, 4/13/87, p. 18; Clarridge, Select Committees Deposition, 4/27/87, pp. 45-47.)

51 DIRECTOR 627461, 11/23/85, DO 21402 (to Asian country personnel); DIRECTOR 627576, 11/23/85, DO 21404 (to second European country personnel).

52 Ibid.

53 Allen, Select Committees Deposition, 4/21/87, pp. 162-63.

54 Ibid., 7/2/87, pp. 670-72.

The situation in the first European country finally collapsed on the afternoon of November 23, 1985. Despite his telephone conversation with McFarlane, the foreign minister was still insisting on a diplomatic note that said the purpose of the mission was to secure the release of the U.S. hostages. McFarlane and his deputy, Vice Admiral John M. Poindexter, determined that the United States would not send a formal note mentioning the hostages, but could tell the European country that the mission was "humanitarian" in nature.⁵⁵ Finally, McFarlane and Poindexter decided to terminate efforts to run the planes through the European country. Clarridge cabled a message from Poindexter to the charge AE1 to send the following note to the European government: "We regret that your government was unable to fulfill the USG [U.S. Government] request for this humanitarian mission." ⁵⁶

55 Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, pp. 10-11; Clarridge, SSCI Testimony, 12/2/86, pp. 4, 10-11; CIA Cable, 11/23/85, DO 21405; CIA Cable, 11/23/85, DO 21406; DIRECTOR 627621, 11/23/85, DO 21407; DIRECTOR 627627, 11/23/85, DO 21410.

56 Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, pp. 11-12; DIRECTOR 627621, 11/23/85, DO 21407; DIRECTOR 627627, 11/23/85, DO 21410.

Meanwhile, negotiations with the Asian country were continuing. It agreed to permit one flight, not three as requested, with the possibility of more the next day; the Asian government also insisted on information about the cargo the plane would be carrying.⁵⁷ According to Clarridge, that was the first time he asked North what the cargo was and North told him it was spare parts for the oil industry.⁵⁸ Clarridge cabled that information to a senior CIA field officer to relay to the Asian country authorities.⁵⁹ After another day of negotiations and cables between Clarridge and CIA field personnel, the Asian country permitted one plane to traverse its airspace. The plane, which left Israel late on November 24 and arrived in Iran early on November 25, carried 18 HAWK missiles from Israel to Iran with a stop in an intermediate country.⁶⁰

57 CIA Cable, 11/23/85, DO 21412.

58 Clarridge, Tower Commission Testimony, 12/18/86, p. 7.

59 DIRECTOR 627797, 11/24/85, DO 21416.

60 Clarridge, SSCI Testimony, 12/2/86, pp. 15-16; CIA Cable, 11/25/85, DO 21428.

At that time, four additional flights were planned, and Clarridge continued his efforts to arrange necessary clearances. The Asian country authorities were upset about the stop in the intermediate country, so Clarridge arranged for the remaining four flights to stop in the second European country.⁶¹ A senior CIA field officer cabled Clarridge on November 25 that the Asian country authorities were also upset about confusing accounts about the cargo of the completed flight. According to Asian country authorities, the proprietary's ground personnel had said the cargo was medical supplies; CIA field officers, at Clarridge's direction, had told them it was spare parts for the oil industry; and the pilot had told Asian country ground controllers it was military equipment.⁶² In response to that cable, Clarridge checked with North, who confirmed that the cargo was spare parts for the oil industry.⁶³ Clarridge cabled that information back to the field.⁶⁴

61 Clarridge, SSCI Testimony, 12/2/86, p. 16.

62 CIA Cable, 11/25/85, 21428.

63 Clarridge, Tower Commission Testimony, 12/18/86, p. 9. Clarridge later determined that the pilot probably did not tell the ground controllers anything about the cargo and that the Asian country authorities were ``on a fishing expedition" trying to find out what the cargo was. (Ibid.)

64 DIRECTOR 628289, 11/25/85, DO 31394-95.

Clarridge continued working on arrangements for the remaining four flights until mid-December, when they were finally called off.⁶⁵

65 Clarridge, SSCI Testimony, 12/2/86, p. 25. On Monday, November 25, Deputy Director of Central Intelligence John McMahon told Clarridge that no more flights should take place without a Presidential Finding authorizing such flights. (McMahon, Select Committees Deposition, 6/1/87, p. 105; Clarridge, SSCI Testimony, 12/2/86, pp. 18-19.) Apparently, Clarridge did not understand McMahon's instruction to preclude planning for further flights. (Clarridge, Select Committees Deposition, 8/4/87, pp. 47-48.) McMahon was surprised that such planning took place and considered it a violation of his instructions. (McMahon, Select Committees Deposition, 6/1/87, p. 105.)

The Case Against Clarridge

When the arms sales to Iran first became public in November 1986, the Reagan Administration was concerned about the legality of the 1985 shipments.⁶⁶ The November 1985 HAWK shipment was particularly troubling because a CIA proprietary airline had transported the weapons, and the CIA had been heavily involved in attempting to influence foreign governments to obtain clearances for the flight without a written finding authorizing such action under the National Security Act.

66 The 1986 shipments were made pursuant to a written Presidential Finding under the National Security Act. Under that act, the President was required to give Congress ``timely" notice of the covert action of shipping weapons to Iran. In the Administration's view, the President could withhold notification from Congress for a reasonable period to protect the lives of the hostages. Because neither the statute nor the case law defined ``timely" notice, Administration officials were not nearly as concerned about the legality of the 1986 shipments as they were about the 1985 shipments, which were not made pursuant to a Finding.

On November 20, 1986, CIA Director William J. Casey, Attorney General Edwin Meese III, Poindexter, North and others met to prepare Casey's testimony to Congress on the arms shipments. The group agreed that Casey would testify that no one in the U.S. Government was aware that weapons were on the November 1985 flight by the CIA proprietary. The story was that the CIA believed the cargo was oil-drilling equipment and that the true nature of the cargo did not become clear until January 1986.

Later that day, Abraham D. Sofaer, State Department legal adviser, protested to the Department of Justice that Casey's planned testimony was wrong because Secretary of State George P. Shultz had been informed in advance of the November 1985 HAWK shipment by McFarlane. That revelation sparked an inquiry by Meese that focused on who in the U.S. Government had contemporaneous knowledge that the November 1985 shipment contained HAWK missiles.⁶⁷

67 See Meese chapter.

When Meese falsely stated at a November 25, 1986, press conference that the President was not aware of the November 1985 HAWK shipment until February 1986, but that others in the

Government ``probably" knew,⁶⁸ attention focused on who in the Government had known of the HAWK shipment but had failed to inform the President (or had failed to report to their superiors, who in turn might have informed the President). Because he had directed the CIA's efforts in the November 1985 HAWK shipment, Clarridge, along with North, was one of the lower-level officials suspected of being involved in a ``rogue" operation without Presidential approval. As a result, everyone investigating Iran/contra -- the Tower Commission, the CIA's inspector general, Congress, and Independent Counsel -- questioned Clarridge at length about his role in the November 1985 HAWK shipment, as well as his efforts on behalf of the contras.

68 Transcript of Meese press conference, 11/25/86, ALV 014375.

The critical questions about Clarridge's testimony regarding the November 1985 shipment are not what he did, but what he knew about the mission and when he knew it. Although Clarridge testified in detail before the Tower Commission and congressional investigators about his role in facilitating the shipment, he steadfastly maintained that he did not know until after the mission was completed that the shipment contained weapons.

All of the charges against Clarridge were based on evidence that he knew prior to November 24, 1985, that the shipment contained weapons. Six of the seven counts charged Clarridge with a variety of false statements about his knowledge of the cargo of the November 1985 shipment, while the other count charged him with falsely stating that he believed the use of the CIA proprietary was a ``straight commercial deal." At trial, Independent Counsel would have proven in three ways that Clarridge learned before November 24, 1985, that the November 1985 shipment contained weapons: (1) from discussions with North, (2) from a cable sent to Clarridge by the senior CIA field officer in the first European country, describing the mission as an arms-for-hostages exchange -- a cable that has never been found -- and (3) from the intelligence reports given to Clarridge by Allen to brief Clarridge on the mission.

Discussions With North

The most direct evidence that North told Clarridge prior to November 24, 1985, that the shipment contained weapons is the testimony of CIA official Vincent Cannistraro. In November 1985, Cannistraro was a career CIA officer who had been detailed to the NSC where he served as director of intelligence programs. On November 19, 1985, Cannistraro received a call from North, who said he needed to meet with Cannistraro and Clarridge that evening at a McLean, Virginia restaurant called Charley's Place.⁶⁹ Cannistraro had plans that evening, but North insisted that the meeting was important and Cannistraro relented.⁷⁰

69 Cannistraro, Grand Jury, 8/2/91, pp. 10-11. Cannistraro was unable to precisely date the meeting other than to state that it occurred before the November 24, 1985 shipment. (Ibid., pp. 14, 57; Cannistraro, FBI 302, 7/24/91, pp. 3-4.) North's calendar for November 19, 1985 lists a 7:00 p.m. meeting at ``Charlie's [sic] Place Vince + Dewey [Clarridge's nickname]." Clarridge's calendar for that evening has only an illegible erasure. (North Calendar, 11/19/85, AKW 003910.)

70 Cannistraro, Grand Jury, 8/2/91, pp. 10-11, 50-51. Cannistraro recalls North urging him to attend the meeting ``because Americans are dying face down in the mud." (Ibid., pp. 50-51.)

Cannistraro arrived at Charley's first, followed by Clarridge; North arrived later.⁷¹ Cannistraro and Clarridge were having drinks and talking while waiting for North when Cannistraro told Clarridge that North was shipping weapons to Iran in an attempt to free the U.S. hostages; Clarridge indicated that he already knew.⁷² When North arrived, he told Clarridge and Cannistraro that he needed Clarridge's help getting clearances to fly a shipment of military equipment to Iran from the first European country.⁷³ North said he needed authorization from Poindexter to bring Clarridge into the operation, and he called Poindexter from Charley's seeking such authorization.⁷⁴ North then reported to Clarridge and Cannistraro that Poindexter had approved using Clarridge to obtain the

clearances.⁷⁵ Several days after the Charley's meeting, Cannistraro asked Clarridge what had happened and Clarridge responded that he had made some arrangements for the flight.⁷⁶

⁷¹ Ibid., p. 12.

⁷² Ibid., p. 13. Cannistraro's memory of the conversation is vivid because he thought the news that North was shipping weapons to Iran would be "a real shocker to Mr. Clarridge." He was surprised to learn that Clarridge already knew. (Ibid., p. 50.)

⁷³ Ibid., pp. 15-16; Cannistraro, FBI 302, 7/24/91, p. 4. Cannistraro could not recall the precise language North used to describe the cargo, but was positive North identified the cargo as military equipment:

. . . I can't recall whether he specifically said HAWK missile parts or TOWs or what; but he indicated there was military equipment on board. . . . I'm not positive he said missiles. He said military equipment. My impression is that he said missiles, but I can't be 100 percent certain of it.

(Cannistraro, Grand Jury, 8/2/91, p. 15.)

⁷⁴ Ibid., pp. 16-17.

⁷⁵ Ibid., p. 16.

⁷⁶ Cannistraro, FBI 302, 7/24/91, p. 5.

Cannistraro's testimony establishes that Clarridge knew by November 19, 1985 -- two days before Clarridge testified he first learned of the operation -- that North was trying to ship arms to Iran, through the European country, to secure the release of U.S. hostages. North's notebook provides further evidence that Clarridge knew of the operation by November 19, 1985.⁷⁷

⁷⁷ See Classified Appendix.

North gave conflicting testimony about when he told Clarridge the shipment contained arms. During the Poindexter trial, North testified that he "made sure" the CIA knew that weapons were going to be on the CIA proprietary flight.⁷⁸ In his July 7, 1987, Select Committees testimony, however, North stated several times that he could not say whether he informed Clarridge that the shipment contained arms before or after the flight.⁷⁹ He did not remember the Charley's Meeting, but conceded "it could well have happened." ⁸⁰

⁷⁸ North, Poindexter Trial Testimony, 3/12/90, pp. 1197-98.

⁷⁹ North, Select Committees Deposition, 7/7/87, pp. 165, 184.

⁸⁰ North, Grand Jury, 11/15/91, p. 104.

There is documentary evidence that North and Clarridge discussed the operation in great detail before December 4, 1985. North wrote Poindexter a long computer message about the operation on December 4, 1985. In it, he discussed both the November HAWK shipment, which the Iranians had rejected as having the wrong type of missile, and the plans for further shipments.⁸¹ The plan called for the Israelis to provide 50 HAWKs and 3,300 TOWs in five staggered shipments beginning on December 12; one or two of the five American hostages and one French hostage would be released after each shipment.⁸² After describing the plan, North wrote:

⁸¹ PROFs Note from North to Poindexter, 12/4/85, AKW 002070-73.

⁸² Ibid.

Dewey is the only other person fully witting of this entire plan. Copp is not briefed on [another classified aspect of the plan] -- though he suspects. The Israelis are in the same position. Dewey and I have been through the whole concept twice looking for holes and can find little that can be done to improve it given the "trust factor" with the Iranians.⁸³

⁸³ Ibid., AKW 002073.

While the computer note does not establish that North told Clarridge the cargo was weapons before November 24, it does contradict Clarridge's testimony that he did not get "a fix on" the cargo until "January [1986] when Charlie Allen debriefed . . . the Iranian go-between in all this." ⁸⁴ It also contradicts Clarridge's testimony that his only involvement with the planning for shipments in December 1985 was "getting the aircraft clearances." ⁸⁵ Clarridge disputed the story told in the December 4, 1985 computer note, claiming not to remember any conversations during early December 1985 with North about the operation, and specifically denying that he and North had gone over the "whole concept twice." ⁸⁶ Indeed, Clarridge testified that as late as the middle of December 1985, when he pointed out to North that reliable intelligence reports were "beginning to . . . suggest" that the cargo had been weapons, that North still maintained it was oil-drilling equipment.⁸⁷

⁸⁴ Clarridge, SSCI Testimony, 12/2/86, p. 20.

⁸⁵ Ibid., p. 25.

⁸⁶ Clarridge, Select Committees Deposition, 4/27/87, pp. 102-03.

⁸⁷ Clarridge, SSCI Testimony, 12/2/86, pp. 75-76.

Finally, the relationship between North and Clarridge makes more compelling the evidence that North told Clarridge that the cargo of the November 1985 shipment was weapons. North and Clarridge had a close working relationship, dating back to Clarridge's work in support of the Contras when he was chief of the Latin American Division. According to former Deputy Director of Central Intelligence John McMahon, "North thought that Duane Clarridge was the best guy in CIA . . . [b]ecause he was . . . an action-oriented guy who would get things done." ⁸⁸ He described North and Clarridge as "professionally close" and "peas in a pod." ⁸⁹ The husband of a CIA employee who had worked for Clarridge recalled a CIA Christmas party he attended at which Clarridge was wearing an "Ollie North is an American Hero" T-shirt.⁹⁰

⁸⁸ McMahon, Grand Jury, 9/18/91, pp. 60-61.

⁸⁹ McMahon, FBI 302, 7/22/87, p. 4; FBI 302, 3/26/87, p. 2.

⁹⁰ [Classified Identity Withheld], FBI 302, 9/16/91, p. 2.

Given North's admiration for Clarridge, it makes little sense for him to have kept Clarridge in the dark about the cargo when virtually everyone else involved in the mission -- North, Allen, Poindexter, numerous CIA field personnel in the European country, Secord, the charge AE1, and even officials of the European country -- knew that weapons were being shipped.⁹¹ Clarridge has testified that he was not informed about the cargo because of "compartmentation"; that is, he did not have a "need to know." ⁹² But excluding Clarridge from information about the cargo was inexplicable when persons with much smaller roles in the operation were aware that the cargo was weapons.⁹³ Moreover, North testified that there would not have been any reason for him not to have told Clarridge that the cargo was weapons.⁹⁴

⁹¹ In a hearing before the Select Committees, Clarridge was involved in the following exchange regarding the anomaly of his not knowing that the shipment contained weapons while nearly

everyone else involved with operation did know:

Mr. Eggleston: The person who gave you the problem [North] knew. The person you gave the problem to solve [the senior CIA field officer in the European country] knew. The person who was helping, [the charge AE1], knew. The [European] government knew. But you did not know?

Mr. Clarridge: That is the way it was.

(Clarridge, Select Committees Deposition, 8/4/87, p. 32.)

With respect to the charge AE1's knowledge and the knowledge of the European government, see Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, pp. 20-22. Allen's knowledge has been discussed previously in this section.

92 Clarridge, Select Committees Deposition, 4/27/87, p. 49.

93 For example, a CIA secretary in the European country on November 23, 1985, was aware that the cargo was weapons, as was a CIA communications officer in that country. (CIA Field Secretary, FBI 302, 9/23/92, p. 2; CIA Field Communications Officer, Select Committees Deposition, 7/13/87, p. 67.)

94 North, Grand Jury, 2/1/91, p. 128.

In fact, not informing Clarridge that the cargo was weapons would have been inconsistent with North's disclosures when he brought others in to help with the mission. When Secord was having trouble obtaining the clearances and asked North to get the U.S. Embassy involved, North called Ambassador Robert Oakley, who was then director of the State Department's counter-terrorism unit. According to Oakley, North said he needed to get a plane into the first European country in order to ship arms to Iran, and wanted Oakley to authorize involving the charge AE1 there.⁹⁵ Oakley agreed and called Clarridge to tell him that the State Department was aware of the operation and that Clarridge should contact the foreign minister of the first European country for assistance.⁹⁶ Although Oakley cannot recall the details of his conversation with Clarridge, he had no doubt that Clarridge knew the cargo was weapons.⁹⁷ North was "completely up front" about the cargo with Oakley, and there was no suggestion of compartmentation.⁹⁸

95 Oakley, FBI 302, 11/14/91, p. 1.

96 Ibid., pp. 1-2.

97 Ibid., p. 1.

98 Ibid. (quotation is from FBI 302, which paraphrases Oakley).

The "Missing" Cable

North was not the only person who contemporaneously informed Clarridge that the cargo of the November 1985 shipment was weapons. On November 23, 1985, the senior CIA field officer in the first European country sent Clarridge a cable explaining that the cargo was HAWK missiles. Although Clarridge has steadfastly maintained that he never received any such cable, there is overwhelming evidence that the cable was sent. CIA communications experts would have testified that, under the circumstances, there is no reason that the cable would not have been received in Washington.⁹⁹

99 The CIA inspector general conducted an exhaustive search for the "missing cable," electronically checking the files and systems of the CIA field officers involved in the November 1985 shipment and those at CIA headquarters. The inspector general also interviewed relevant CIA personnel.

Independent Counsel then conducted his own search, interviewing additional witnesses and searching files from various CIA field locations by hand.

On Saturday, November 23, 1985, the senior CIA field officer, the charge AE1 and Secord were still trying to recycle the mission through the first European country, using three planes instead of the original El Al plane that had aborted its flight and returned to Israel when clearances were not obtained. At about 11:30 a.m. European country time, Secord called the senior CIA field officer to seek assistance in arranging for the planes that would fly to Iran.¹⁰⁰ During that conversation, Secord asked if the officer had been briefed on the operation. When the officer replied that he had not, Secord suggested they meet.¹⁰¹

¹⁰⁰ Senior CIA Field Officer, Select Committees Deposition, 4/13/87, p. 18.

¹⁰¹ Ibid., pp. 18-19.

The senior CIA field officer and Secord met at Secord's hotel shortly thereafter. They sat in the officer's car and discussed the operation for approximately ten minutes.¹⁰² Secord told the officer that HAWK missiles were being shipped to Iran in exchange for the release of U.S. hostages.¹⁰³ The officer promptly returned to his office and wrote two cables: (1) a round-up report on the morning's events in which he mentioned the meeting with Secord, and (2) a detailed report on his meeting with Secord in which he reported that the cargo being shipped to Iran was HAWK missiles.¹⁰⁴ The officer sent the first cable to Clarridge at 2:13 p.m. European country time, and the second cable, in which he mentioned the HAWK missiles, shortly thereafter.¹⁰⁵

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Ibid., pp. 25, 32-33; Senior CIA Field Officer, Deposition in lieu of Grand Jury testimony, 4/8/87, pp. 33-35.

¹⁰⁵ CIA Cable 63397, 11/23/85, DO 21397-96; Senior CIA Field Officer, Deposition in lieu of Grand Jury testimony, 4/8/87, pp. 33-35 (senior CIA field officer recalls sending the first cable at approximately 12:30, but the cable, DO 21397-97, indicates the transmission time as 1413, or 2:13 p.m., Zulu (Greenwich) time which was the same as European country time). The senior officer was clear that he sent the more detailed cable about 30 minutes after the round-up cable. (Senior CIA Field Officer, Select Committees Deposition, 4/13/87, pp. 25-26.)

The senior CIA field officer's testimony is supported by four persons who were in his office that day: a CIA field communications officer, who sent the cable; the charge AE1; a CIA operations officer; and a CIA administrative officer. Furthermore, the CIA cable call-numbering system indicates that a cable was sent from the European country at the appropriate time. This was the only cable missing from the file Clarridge kept of cables he received from the European country during the November 1985 operation.¹⁰⁶

¹⁰⁶ One cable Clarridge sent to the European country, DIRECTOR 625103, is also missing. (Memorandum from CIA Iran/contra Task Force to Scopeletis, 7/8/87,

2.)

The CIA field communications officer was on duty at the senior CIA field officer's office on Saturday, November 23, 1985, when the senior officer claims to have sent the critical cable.¹⁰⁷ The communications officer testified that he regularly reads the cables he transmits and that he distinctly remembers transmitting a cable on November 23, 1985, that a shipment of HAWK missiles was being sent from Israel to Iran. He remembered the cable so clearly because it angered him that Israel

was shipping weapons to its ``arch-enemy" and that the United States was trying to help; the communications officer personally felt Iran was ``the enemy" because he had a good friend who had been held hostage by Iran for 444 days in 1980.¹⁰⁸ Finally, the communications officer noted that he ``had nothing to gain" by supporting the senior officer's story because he and the senior officer disliked each other. He simply felt he had a professional obligation to tell what he remembered.¹⁰⁹

¹⁰⁷ CIA Field Communications Officer, Select Committees Deposition, 7/13/87, pp. 11, 66-67.

¹⁰⁸ Ibid., p. 67; CIA Field Communications Officer, IG Interview, 7/13/87, p. 1.

¹⁰⁹ CIA Field Communications Officer, Select Committees Deposition, 7/13/87, pp. 68-69; CIA Field Communications Officer, IG Interview, 7/13/87, p. 1; FBI 302, 5/8/92, p. 2. In his interview with the CIA inspector general, the communications officer was quite graphic in describing his relationship with the senior officer, stating that the senior officer regarded communicators as ``creatures that `crawled out from under the rocks, the lowest form of life.' " Carla Scopeletis, who interviewed the senior officer for the CIA, observed that ``[i]t was hard not to be convinced that [the communications officer] believes he saw such a cable. Moreover, his true feelings about [the senior officer] were very apparent as well. I don't think this is a man lying or speculating to save his boss." (CIA Field Communications Officer, IG Interview, 7/13/87, p. 1.)

The charge AE1 also recalls the ``missing" cable. He was in the senior CIA field officer's office when the officer returned from his meeting with Secord. According to the charge AE1, the senior CIA officer returned ``around midday" and briefed him on the meeting with Secord.¹¹⁰ Later, the senior officer showed the charge AE1 a cable to CIA headquarters in which he discussed the meeting with Secord. The charge AE1 did not recall whether he read the cable or the senior officer read it to him, but the charge AE1 was certain the cable indicated that the cargo of the shipment going from Israel to Iran was HAWK missiles.¹¹¹ The senior CIA officer told him he was sending the cable to CIA headquarters, and the charge AE1 ``has no doubt" that the cable was sent.¹¹²

¹¹⁰ Charge AE1 d'Affaires, FBI 302, 3/11/92, p. 3; Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, pp. 34-36. The Charge AE1's recollection that the briefing occurred ``around midday" is consistent with the cable traffic and the senior CIA field officer's testimony that he met with Secord at approximately 11:30 a.m. (CIA cable, 11/23/85, DO 21397-96; Senior CIA field officer, Select Committees Deposition, 4/13/87, p. 19.)

¹¹¹ Charge AE1 d'Affaires, FBI 302, 3/11/92, pp. 3-4; Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, pp. 34-36.

¹¹² Charge AE1 d'Affaires, Select Committees Deposition, 5/27/87, p. 36; Charge AE1 d'Affaires, FBI 302, 3/11/92, p. 5.

Another CIA operations officer in the European country also saw the cable informing CIA headquarters, that is, Clarridge, about the details of the Secord briefing.¹¹³ On November 23, 1985, the senior CIA officer asked the operations officer to become involved in obtaining flight clearances for the Israeli aircraft.¹¹⁴ The operations officer later learned that Secord had informed the European country authorities that he was seeking clearances for a plane carrying HAWK missiles from Israel en route to Iran.¹¹⁵ Secord reportedly had told the officials that the missiles would be flown on one plane then transferred to another plane and flown into Iran.¹¹⁶ Secord reportedly suggested that, as a cover story, the European country could say that a transfer had occurred at an airport in their country but that the cargo was oil-drilling equipment.¹¹⁷

¹¹³ CIA Operations Officer, Grand Jury, 9/13/91, pp. 5-6.

¹¹⁴ Ibid., pp. 9-10; CIA Operations Officer, FBI 302, 9/12/91, pp. 2-3. See also Classified Appendix.

115 CIA Operations Officer, FBI 302, 9/12/91, pp. 2-3.

116 Ibid.

117 Ibid.

When the CIA operations officer returned to the senior field officer's office, he told the senior officer what he had learned about Secord's overtures. The senior CIA officer said he had heard essentially the same story from Secord.¹¹⁸ The senior CIA officer said he was pleased that the operations officer's information matched Secord's.¹¹⁹ The senior officer told the operations officer to prepare a cable for CIA headquarters with his report, which the operations officer did, specifically mentioning that the cargo was HAWK missiles and that oil-drilling equipment was a cover story.¹²⁰ Meanwhile, the senior officer was preparing his own cable on the Secord meeting.¹²¹ The two officers compared their cables and found them to be "[b]asically, the same thing."¹²² The operations officer was not sure whether the senior officer sent both cables or simply combined the two into a single cable.¹²³ In either event, the operations officer did see a final draft of a cable to "C[hief]/EUR," reporting the details he had learned and what the senior officer had learned from Secord, between 1:00 p.m. and 2:00 p.m. on November 23, 1985.¹²⁴ The senior officer showed the operations officer the draft before taking it up to the communications center to send out.¹²⁵

118 Ibid., p. 3.

119 Ibid., p. 4.

120 Ibid., p. 3; CIA Operations Officer, Grand Jury, 9/13/91, pp. 18-20.

121 Ibid., pp. 18, 21.

122 Ibid., p. 21.

123 Ibid., pp. 38-39.

124 CIA Operations Officer, FBI 302, 9/12/91, p. 3; CIA Operations Officer, Grand Jury, 9/13/91, pp. 21-23.

125 CIA Operations Officer, FBI 302, 9/12/91, pp. 3-4. The round-up cable, which immediately preceded the "missing" cable, was sent from the European country at 1413 or 2:13 p.m.

The operations officer received a "come-back copy" of the cable the following Monday.¹²⁶ A "come-back copy" is a copy generated by the CIA communications system for each cable sent. It indicates the time and date the cable was transmitted.¹²⁷ The operations officer reviewed the "come-back copy" and found that it contained the same information as his original draft cable.¹²⁸

126 Ibid., p. 4; CIA Operations Officer, Grand Jury, 9/13/91, pp. 24-26.

127 Ibid.

128 CIA Operations Officer, FBI 302, 9/12/91, p. 4. The operations officer vividly recalls the "come-back copy" because he used it later that week as a reference in drafting another cable. (See Classified Appendix.)

Finally, a CIA administrative officer in the European country also saw a copy of the "missing" cable, which reported on the senior officer's briefing by Secord. The administrative officer was taking all of the cables up to the communications center for the senior officer on Saturday, November 23, 1985, and recalls a cable that described the Secord briefing in detail, including that the cargo Secord was trying to ship to Iran was HAWK missiles. The administrative officer

remembered being upset that trading ``HAWKs for Hostages" would encourage terrorists to ``grab us and get missiles." 129

129 CIA Administrative Officer, FBI 302, 10/31/91, p. 4.

Assuming the ``missing cable" was sent, the next question is, was it received at CIA headquarters in Langley, Virginia? The cables between Langley and the European country that weekend were sent in Clarridge's ``privacy channel" -- a special channel for ``background exchanges on sensitive issues between Chiefs of Division and [senior field officers]. . . ." 130 Privacy channel cables may be retained only ``temporarily"; they must be destroyed once the ``issue in question is transferred to the command channel or when the temporary circumstances end." 131 Although the senior CIA officer in the European country destroyed all of his copies of the cables, Clarridge instructed his secretary to retain copies in an unofficial, ``shadow" file.¹³² Clarridge's secretary maintained carbon copies of the cables in a file ``in a corner of her desk," while the originals went to CIA field chronological files and were routinely purged in accordance with normal practice.<sup>133</sup> Clarridge's secretary kept the file even after Clarridge left to become chief of the Counterterrorism Center because she ``never got around to throwing the material away." 134 When the Iran/contra affair became public in November 1986, Clarridge called his former secretary to see if she still had the file, and she sent the entire file to him.¹³⁵ It turned out that Clarridge had retained the CIA's only file of the November 1985 cables.

130 Memorandum from McMahon re: Privacy Channel Correspondence, 4/14/80.

131 Ibid.

132 CIA Secretary, IG Interview, 4/10/87; Clarridge, IG Interview, 4/10/87, p. 1.

133 CIA Secretary, IG Interview, 4/10/87.

134 Ibid.

135 Ibid. Clarridge recalls that he asked his new secretary to contact his former secretary. (Clarridge, IG Interview, 4/10/87, p. 1.)

The CIA cable system automatically assigns a number, in sequential order, to each cable transmitted from a particular location.¹³⁶ Thus, Country X Cable 63397 would be followed by Country X Cable 63398, and so on.¹³⁷ When the CIA inspector general conducted an investigation of the ``missing cable," he recovered copies (either from Clarridge's file or from CIA electronic searches) of every cable sent out of the European country on November 22 and 23, 1985 except one.¹³⁸ The cable immediately preceding the missing cable is unrelated to the arms shipment.¹³⁹ The cable before that is the round-up cable the senior field officer sent in which he referenced his meeting with Secord but did not provide details. That cable was transmitted at 2:13 p.m. European country time on November 23, 1985. The cable after the missing cable, which is also about the arms shipment, was transmitted at 2:53 p.m. European country time on November 23, 1985. Thus, the missing cable was transmitted between 2:13 and 2:53 p.m. European country time on November 23, 1985. That corresponds with the senior CIA field officer's testimony that he sent the cable in which he identified the cargo as HAWK missiles approximately 30 minutes after he sent the round-up cable, and with the CIA operations officer's testimony that he saw a final draft of such a cable between 1:00 p.m. and 2:00 p.m. on November 23, 1985.

136 CIA Communications Expert, FBI 302, 11/21/91, p. 2.

137 The numbers are assigned based on when each cable is sent, not when it is printed at the receiving end. When numerous cables are sent, they often queue up at the printer on the receiving

end. Higher-priority cables will jump the queue and be printed before lower priority cables that were sent earlier. (DDO Duty Officer, FBI 302, 7/16/92, p. 2.)

138 Memorandum from CIA Iran/contra Task Force to Scopeletis, 7/8/87, p. 3,

8.

139 Ibid.

At trial, CIA cable communications experts would have explained how once a cable is given a number and transmitted, there is virtually no way for that cable to disappear from the system.¹⁴⁰ If a number is skipped on the receiving end, the supervisor on the receiving end automatically inquires about the missed number, usually each hour.¹⁴¹ Thus, if the missing cable had not been received in Langley, inquiries would have been made.¹⁴² There is no record of any such inquiry, no record of any power outage, and no record of a mechanical problem with the system in the European country during the relevant period.¹⁴³ In addition, if the missing cable had been sent by flash precedence, as it surely would have been, the message center in Langley would have been required to acknowledge its receipt, and such acknowledgment would have been automatically generated by the system within a minute of transmission.¹⁴⁴

¹⁴⁰ CIA Communications Expert, FBI 302, 11/21/91, pp. 2-3. When asked if he knew of any explanation for the missing cable, former Deputy Director for Operations Clair E. George testified, "I suppose three times in the last 20 years I have seen a cable eaten alive by the relay station. . . . The odds are so high, I am afraid we would be foolish to think that happened." (George, Select Committees Deposition, 8/5/87, p. 296.)

¹⁴¹ CIA Communications Expert, FBI 302, 11/21/91, pp. 2-3.

¹⁴² Ibid. See also Iran/contra Telecommunications Review of Late November 1985, 6/19/87,

14 (prepared by CIA) ("Missing check numbers are serviced back to the field within hours, at most.").

¹⁴³ Ibid.,

13; CIA Field Communications Officer, Select Committees Deposition, 7/13/87, p. 21.

¹⁴⁴ Ibid. pp. 36-38; CIA Communications Expert, FBI 302, 11/21/91, p. 3.

Thus, all the evidence confirms that the "missing cable" was sent. The only evidence suggesting the cable was not received is the testimony of Clarridge and former Deputy Director for Operations Clair E. George that they do not recall such a cable. Because the missing cable, like all the cables between Clarridge and senior CIA field officers that weekend, was sent in the privacy channel, only Clarridge and George would have received copies.¹⁴⁵ Clarridge could have destroyed his copy of the cable at any time, even after he retrieved the working file from his secretary in 1986.¹⁴⁶ George has testified that on Monday, November 25, 1985, he instructed both his secretary and Clarridge to collect the relevant cables and bring them to him.¹⁴⁷ Whether Clarridge or George's secretary was the last to see the package of cables delivered to George is unclear. In addition, a CIA cable duty officer who was on duty on November 23, 1985 in Langley has testified that if the named recipient of a privacy channel cable had requested that he be given all the copies of the cable -- including the copy slated for the Directorate of Operations -- the duty officer probably would have complied.¹⁴⁸

¹⁴⁵ CIA Cable Duty Officer, FBI 302, 7/10/92, p. 3.

¹⁴⁶ The secretary who maintained the file did not read the cables. CIA Secretary, IG Interview, 4/10/87.

147 George, Select Committees Testimony, 8/5/87, p. 293.

148 DDO Duty Officer, FBI 302, 7/16/92, p. 3. The duty officer also testified that the copy of a privacy channel cable slated for the Directorate of Operations ("DO") would normally print out automatically at the DO Registry. If, however, the named recipient of the cable was coming in to pick it up, the cable duty officer could print it out on his own printer. This would be especially likely when the Registry was closed. Ibid., p. 2.

The A-K Reports

The third way Clarridge learned that the cargo of the November 1985 shipment was weapons was from the A-K Intelligence Reports Allen showed him on November 23, 1985. The A-K Reports concerned negotiations between Iranian expatriate arms dealer Manucher Ghorbanifar (code named "Ashgari," the "A" of A-K) and Iran's Chief of Security Mohsen Kangarlu (the "K" of A-K). Distribution of the reports was extremely limited.¹⁴⁹

149 Allen, Grand Jury, 1/11/91, pp. 61-62.

On Saturday, November 23, 1985, North asked Allen to show the A-K Reports to Clarridge to brief him on the mission. Allen gave the reports to Clarridge to read, telling him that this was

an extremely sensitive NSC initiative, that . . . had been held with a small number of people in Washington at the White House and Defense and within the Central Intelligence Agency, that the Department of State was not part of this process, and that through this process we had obtained the release of Reverend Weir [a U.S. hostage in Lebanon released in September 1985]. . . .¹⁵⁰

150 Ibid., p. 47.

Allen left the reports with Clarridge for approximately half an hour.¹⁵¹

151 Ibid.

Clarridge admitted that he saw the A-K Reports and that they were given to him to brief him on the mission.¹⁵² He read the reports with at least sufficient scrutiny to glean that the purpose of the mission was to secure the release of the U.S. hostages being held in Lebanon.¹⁵³ According to Clarridge, however, there was nothing in the reports about weapons, at least not that he could recall.¹⁵⁴

152 Clarridge, Select Committees Deposition, 4/27/87, pp. 36-38.

153 Clarridge, Select Committees Testimony, 8/4/87, pp. 13-14.

154 Ibid.

In fact, the reports are replete with references to an arms-for-hostages swap, including specific references to HAWK, TOW, Phoenix, Harpoon, and Sidewinder missiles.¹⁵⁵ As Allen put it, the "the principal content of the intelligence [reports] reflected negotiations relating to military equipment." ¹⁵⁶ After reading the reports, Allen said, he had "no doubts" the cargo of the November 1985 shipment was military equipment and that it was "clear" to him that North's assertion that the cargo was oil-drilling equipment was "a cover story." ¹⁵⁷ North similarly agreed that the packet of reports Allen showed Clarridge made it "very obvious" that the cargo was missiles.¹⁵⁸ Finally, there is no reference in any of the reports to oil-drilling equipment.¹⁵⁹

155 Allen, Grand Jury, 1/11/91; A-K Reports, 9/15/85-11/22/85, AMW 0001918-91.

156 Allen, Grand Jury, 1/11/91, pp. 66, 68 (the file of reports Allen showed Clarridge ``refers directly on a consistent basis to military equipment").

157 Allen, FBI 302, 1/10/91, p. 3. In his testimony before congressional investigators, Allen was never quite so forthcoming. When questioned about North's assertion that the cargo was oil-drilling equipment, Allen testified that he ``had doubts . . . as to whether Colonel North was being totally candid. . . ." (Allen, Select Committees Deposition, 4/21/87, p. 165.) At other times he referred to a ``suspicion" he had that the cargo was weapons. (Ibid., 7/2/87, pp. 674-78; *ibid.*, 6/29/87, pp. 625-26.) He never admitted to congressional investigators, however, that he knew the cargo was weapons. (See Allen, Select Committees Deposition, 7/2/87, p. 678, denying certainty about cargo but admitting ``suspicion.")

Whether from the A-K Reports or otherwise, however, Allen was quite certain that the cargo was weapons. On Monday, November 18, 1985, Allen told intelligence officials responsible for the reports that a ``planeload of arms" was going into Iran, ``probably" on Wednesday, November 20, 1985. (Classified Communications Log, November 18, 1985.) On November 22, 1985, Allen told these officials that a ``planeload of arms is now over the Med[iterranean] en route to Iran." (Classified Communications Log, 11/22/85, AMW 0000548.)

The Classified Communications Logs raised serious questions about Allen's evasive congressional testimony about his knowledge of the cargo. Independent Counsel decided not to pursue possible perjury and false statements charges against Allen because he admitted his knowledge of the cargo in interviews with Independent Counsel and in testimony before the Grand Jury, and assisted the investigation with truthful testimony about the knowledge of others.

158 North, Grand Jury, 2/1/91, pp. 113-15. North was shown a packet of the A-K Reports dating from September 1985 to November 22, 1985. (*Ibid.*, p. 114.) Allen testified that he showed Clarridge all the A-K Reports he had for that period. (Allen, Grand Jury, 1/11/91, p. 15.)

159 *Ibid.*, p. 66. There are a very few references to using the proceeds from oil sales to pay for military equipment, but no references to oil-drilling equipment. (*Ibid.*)

Admission Evidence

In December 1986, Clarridge attended a CIA Christmas party wearing an ``Ollie North is an American Hero" T-shirt.¹⁶⁰ At the party, Clarridge had a heated argument with the husband of a CIA employee who worked for Clarridge, about congressional oversight of the CIA.¹⁶¹ Clarridge was generally opposed to congressional oversight, while the husband was defending it.¹⁶² According to the husband, Clarridge ``had no real use for Congress." ¹⁶³

¹⁶⁰ [Classified Identity Withheld], FBI 302, 9/16/91, p. 2. A CIA employee who worked for Clarridge remembered Clarridge's wearing an Ollie North button rather than a T-shirt. ([Classified Identity Withheld], FBI 302, 9/9/91, p. 4.)

¹⁶¹ [Classified Identity Withheld], FBI 302, 9/9/91, pp. 3-4; [Classified Identity Withheld], FBI 302, 9/16/91, pp. 1-2.

¹⁶² *Ibid.*

¹⁶³ [Classified Identity Withheld], FBI 302, 9/16/91, p. 2. Clarridge had a reputation for being less than forthcoming with Congress. Juchniewicz, Clarridge's superior, said that Clarridge ``never told anyone a full story." (Juchniewicz, FBI 302, 3/20/91, p. 14.) Clarridge, he said, would ``dance around a question" and would not tell Congress anything unless specifically asked. (*Ibid.*) Senator Thomas Eagleton, who questioned Clarridge extensively, was asked at the trial of Clair George whether he assumed everyone testifying on behalf of the CIA would lie to Congress. He responded,

"I didn't trust Dewey Clarridge. We knew he was lying." (Eagleton, George Trial Testimony, 11/5/92, p. 2317.)

The CIA employee who worked for Clarridge also recalled that Clarridge said at the party that he "had slipped something by Congress" or "really slipped by Congress." 164 The CIA employee said Clarridge moved his hand forward in a sliding motion while making the statement.¹⁶⁵

164 [Classified Identity Withheld], FBI 302, 9/9/91, p. 3. Later in the interview, the employee said she was not certain Clarridge had made the comment at the Christmas party, but that he had said it a day or two after his congressional testimony. (Ibid., p. 4.) Clarridge testified before the congressional committees investigating Iran/contra on December 2, 1986 and December 11, 1986 and before the Tower Commission on December 18, 1986.

165 [Classified Identity Withheld], FBI 302, 9/9/91, p. 3.

Count Three -- "Straight Commercial Deal" -- Evidence

In Count Three, Clarridge was charged with perjury for testifying that he believed the November 1985 flight by the CIA proprietary airline from Israel to Iran was a "straight commercial deal." While the evidence set forth above that Clarridge knew the cargo of the flight was weapons would have been sufficient to disprove Clarridge's stated belief that it was a "straight commercial deal," there is additional evidence material only to that count.

The text of the false statements charged in Count 3 is emphasized in the following exchange from Clarridge's December 2, 1986, testimony under oath before the Senate Select Committee on Intelligence:

Mr. Newsom: At that time, did you have any concern about the [sic] whether necessary or sufficient authority existed to use a U.S. proprietary aircraft under the control of the CIA for this kind of mission?

Mr. Clarridge: For oil spare parts?

Mr. Newsom: For using the CIA proprietary to fly a mission destined for Iran.

Mr. Clarridge: Well, the way I talked to Juchniewicz about it was that this would, although the NSC was interested in it, it seemed to be a straight commercial deal. In other words, private people apparently hiring our proprietary. That was the reason that he felt he [Juchniewicz] didn't have to go any higher apparently on the approval process.¹⁶⁶

166 Clarridge, SSCI Testimony, 12/2/86, pp. 13-14.

* * *

Sen. Eagleton: . . . You thought this was a commercial undertaking, right, this flight? We're going back to this flight.

Mr. Clarridge: Right.¹⁶⁷

167 Ibid., p. 54.

* * *

Sen. Eagleton: Didn't you have a second thought or question, "Here's a hotshot from the NSC [North] who's on this interagency group coming to my personal office, one on one. Maybe this might be a shade more than a commercial endeavor."

Mr. Clarridge: I'm sorry, I didn't see it any more than what he was telling me.¹⁶⁸

¹⁶⁸ Ibid., pp. 56-57.

While the charged quotes do not state it expressly, the underlying premise of Clarridge's professed belief that the operation was a "straight commercial deal" was that the cargo was normal commercial cargo -- oil-drilling equipment. The committee's concern about the use of the CIA proprietary airline paralleled its concern about Iran/contra generally: that unsupervised operatives like North and Clarridge were running the affair with minimal authorization from those in charge. Clarridge's response, "For oil spare parts?" implies that authorization for using the proprietary was not a major problem because the cargo was oil spare parts which are commercial. In response to Eagleton's follow-up questioning to the passage quoted above, Clarridge makes the point more clearly:

Sen. Eagleton: The second time the guy from the NSC [North] comes back.

At that second time, did that cause you to say, "Well, gee, I wonder if this is completely commercial"?

Mr. Clarridge: You know, you have to believe in people once in awhile. A fellow says it's, you know, this flight has got all spare parts on it.¹⁶⁹

¹⁶⁹ Ibid., p. 60.

Conversely, if Clarridge knew the cargo was military equipment, he did not believe that the operation was a "strictly commercial deal." ¹⁷⁰

¹⁷⁰ Clarridge was formally reprimanded and reduced in rank for "provid[ing] assistance to the NSC staff in connection with [shipping arms to Iran] . . . without appropriate authorizations." (Letter from Webster to Clarridge, 12/16/87.) In a memorandum for the record of his meeting with Clarridge to discuss the reprimand, Webster wrote that he told Clarridge that he was "culpable in respect to his testimony before Congress" and for "fail[ing] to keep his senior officials properly apprised and to obtain appropriate authorizations" in connection with the use of the CIA proprietary in November 1985. (Memorandum from Webster to the Record, 12/16/87.) In other words, Clarridge was reprimanded for failing to tell Juchniewicz the truth about the operation when he sought approval for using the proprietary. According to Juchniewicz, even if Clarridge thought the cargo was "commercial," he had an obligation to inform Juchniewicz that the purpose of the mission was to secure the release of the hostages and that the flight was going into Iran. (Juchniewicz, FBI 302, 3/20/91, p. 13.) If he knew the cargo was weapons, it would have been even more critical that he inform his superiors. (Ibid.) Thus, once Clarridge lied to Juchniewicz, he had to lie to Congress to conceal the first lie. If he was reprimanded merely for not informing Juchniewicz that the mission was about the hostages and that the flight was going into Iran, Clarridge might well have been fired for failing to inform Juchniewicz that the cargo was weapons.

Clarridge testified that he thought Juchniewicz had been reviewing the flash cables between headquarters and the European country and thus knew all about the mission. (Clarridge, Tower Commission Testimony, 12/18/86, p. 5.) Flash priority cables in a division chief's privacy channel are screened, with only the most important of them being forwarded to Juchniewicz's level. (Hohing, FBI 302, 7/10/92, pp. 1-2; Juchniewicz, FBI 302, 3/20/91, pp. 11-12.) According to Chimera Hohing, who was reviewing the cables in November 1985, she would pass on only 75-150 of the roughly 1000 cables she screened per day. (Hohing, 7/10/92, p. 2.) She would decide which cables were important based on content, not precedence (flash, immediate, etc.). She did not think it likely that she would have forwarded cables about flight clearances and weapons being shipped to Iran. (Hohing, FBI 302, 7/13/92, p. 3.)

The testimony of John McMahon, former Deputy Director of Central Intelligence, was that Clarridge would withhold information from his superiors if he thought the superior would impede an operation he believed in. (McMahon, FBI 302, 2/15/91, p. 9.) Juchniewicz agreed, stating that Clarridge "never told anyone a full story," and that Clair George and McMahon never felt that Clarridge "squared with them." (Juchniewicz, FBI 302, 3/20/91, p. 14) (quotations are from the report, which paraphrases Juchniewicz). McMahon believed that using oil-drilling equipment as a cover story within the CIA would have been a good way to get the operation "through the CIA hierarchy without setting off alarms. . . ." (McMahon, FBI 302, 2/15/91, p. 9) (quotations are from the report, which paraphrases McMahon).

Clarridge seemed to distinguish a commercial deal that the "NSC was interested in," from an NSC operation. Everything Clarridge knew and said about the operation at the time, however, belies that purported belief.

First, Clarridge repeatedly testified that he knew the purpose of the operation was to secure the release of the hostages -- hardly a "strictly commercial" deal.¹⁷¹ Second, the cables Clarridge sent to the first European country identify the "Subject" as "NSC Mission." ¹⁷² Third, when Allen gave Clarridge the reliable intelligence reports he told him this was

¹⁷¹ See, e.g., Clarridge, SSCI Testimony, 12/2/86, pp. 10-11; Clarridge, Select Committees Deposition, 12/11/86, p. 63; Clarridge, Tower Commission Testimony, 12/18/86, pp. 3-4.

¹⁷² The cables Clarridge sent to the second European country also identify the "Subject" as "NSC Mission," while the cables Clarridge sent to the Asian country identify the "Subject" as "NSC Request."

an extremely sensitive NSC initiative, that . . . had been held with a small number of people in Washington at the White House and Defense and within the Central Intelligence Agency, that the Department of State was not part of this process, and that through this process we had obtained the release of Reverend Weir.¹⁷³

¹⁷³ Allen, Grand Jury, 1/11/91, p. 47.

Finally, in a cable Clarridge sent to the senior CIA officer in the second European country on November 25, 1985, he wrote: "One of the key elements for [the Asian country] is the requirement that they have at least a good approximation when the aircraft is going to enter their airspace eastbound. . . . If this were a normal commercial flight, it probably wouldn't make much difference to them but under the circumstances it does." ¹⁷⁴

¹⁷⁴ DIRECTOR 628959, 11/25/85, DO 21443 (emphasis added).

Soliciting Third-Country Support for the Contras

Independent Counsel also investigated Clarridge's role in soliciting funding from a third country for the contras. Clarridge testified that he did not solicit funds from the country and that he was unaware of discussions within the CIA about soliciting third-country funding for the contras. Although CIA cables about a spring 1984 trip that Clarridge took to the country belie Clarridge's testimony, Independent Counsel decided not to pursue false statement and perjury charges against Clarridge. The reasons for Independent Counsel's decision are set forth in the Classified Appendix.