

# CONVERGENCE

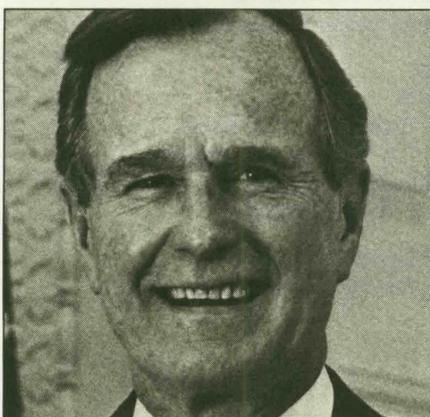
*The Christic Institute*

Summer 1989

Washington, D.C.

## Iran-contra puzzle unsolved

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*After 2½ years,  
why has the scandal  
produced no reforms?*

By EVA BERTRAM

Two and a half years after an obscure Lebanese newspaper printed the first reports of United States missile sales to Iran, pieces are still being added to the Iran-contra puzzle. New evidence surfaced in the trial of Oliver North and in recent investigations by the Senate Intelligence Committee and a Foreign Relations subcommittee. The American public has yet to learn the full story, and has seen virtually no changes in the policies or personnel behind our national security affairs. There is no reason to believe we will not see a recurrence of the abuses of power and violations of law exposed in the Iran-contra affair.

Yet the White House remains perplexed and more than a little annoyed that the Iran-contra issue stubbornly refuses to fade into history. "If there are unanswered questions," announced spokesman Marlin Fitzwater, "my vote would be to leave them to the historians and others who want to delve into this, and we get on with the business at hand."

President Bush and members of his administration fail to understand that the Iran-contra scandal left deep cracks in the public's confidence in government that will not be smoothed over by a series of limited official investigations followed by no reforms in law or policy, or by the criminal indictment of a handful of those involved and the partial conviction of Oliver North. Nor will the public's trust be restored by the election of a key player in the scandal to the nation's highest office, or by his limp assurances that he was "out of the loop," that his "conscience is clear," and—in the case of an illicit third-country agreement on contra assistance—that "there was no quid pro quo."

The Iran-contra scandal has persisted because our democratic institutions—Congress, the courts, the executive branch and the press—have thus far failed to respond to a political and constitutional crisis on the order of Vietnam and Watergate.

The Iran-contra affair began with a secret White House strategy to sell arms to Iran and supply the Nicaraguan *contras* in direct violation of stated United States policies and Federal law. The President himself had pledged never to negotiate with "terrorist" nations, including Iran,

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## Christic continues La Penca investigation; Secord indicted

The trial on Federal criminal charges of retired Air Force Maj. Gen. Richard Secord, one of four Iran-*contra* defendants, is scheduled to begin on Nov. 13.

Secord, who is also a defendant in the Christic Institute's La Penca lawsuit, faces 12 felony counts, including charges that he lied to Congress and profited personally from the sale of missiles to Iran.

Following the pattern established in the Oliver North trial, which ended in May, Independent Counsel Lawrence E. Walsh is expected to move for the dismissal of the most serious charges against Secord, including conspiracy, mail fraud and theft of Government property.

Secord was the chief operating officer for the enterprise used by Oliver North to supply weapons to the Nicaraguan *contras* in violation of the Boland amendment. He controlled the secret Swiss bank accounts where the enterprise deposited profits from the Iranian arms deal.



AP/Wide World Photos

*Secord may face trial in November.*

In 1987 the Iran-*contra* investigating committees learned that Secord had allocated more than \$100,000 from these accounts to investigate the Christic Institute and its clients in the La Penca case, Tony Avirgan and Martha Honey.

New indictments against Secord unsealed in May allege that he "retained a personal economic interest in the profits of the enterprise." Secord's "interest," the grand jury said, added up to more than \$1 million. Secord and others also used a front company to conceal their profits from the sale of weapons to the *contras*, the indictments allege.

The La Penca lawsuit against Secord and 28 other defendants is still on hold while the Federal appeals court in Atlanta weighs the Institute's motion to reinstate the case. The Institute argues that Federal Judge James L. King in Miami, who dismissed the lawsuit in July, disregarded key evidence and committed multiple errors.

Attorneys do not expect the Atlanta court to schedule oral arguments on the appeal until this fall at the earliest.

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# How much did Bush know?

## *Gregg nomination raises new questions about contra link*

By ANDREW LANG

How much did George Bush know about Oliver North's illegal operation to smuggle military supplies to the *contras*?

Neither the passage of time nor Bush's landslide electoral victory last November has erased doubts about his involvement in the Iran-*contra* affair. A poll conducted in early May by CBS News and the *New York Times* showed that 64 percent of the American people still think Bush knows more than he has revealed about the scandal.

The Oliver North trial and Senate confirmation hearings for Donald Gregg—the former Central Intelligence Agency official nominated by President Bush as United States ambassador to Korea—have kept these doubts alive.

The North trial raised questions about Bush's role in a plan approved by President Reagan to release millions of dollars in U.S. aid to Honduras as a "quid pro quo" for the Honduran Government's agreement to supply military equipment to the *contras*.

The Gregg nomination has revived evidence of a direct connection between the former Vice President and North's illegal operations in Central America. The evidence includes documents subpoenaed last year by the Christic Institute showing that Bush was briefed on "resupply of the *contras*" in May 1986.

The Boland amendment, which expressly prohibited all "direct or indirect support" for the *contras*, was in force from October 1984 to October 1986.

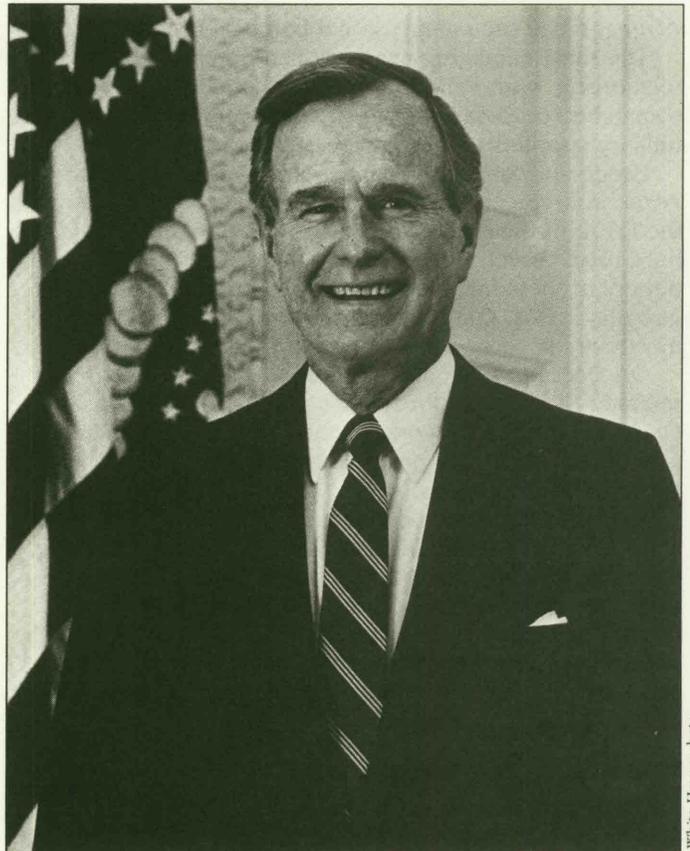
Gregg, a 28-year veteran of the C.I.A., joined Bush's staff in August 1982 as national security adviser. He reported directly to Bush and worked closely with North, then a senior official on the National Security Council staff.

Attempts by the White House to name Gregg to a senior post in the C.I.A. were blocked by senators who suspect he may have misled Congress on his role in North's operation. Oklahoma Democrat David L. Boren, chair of the Senate Select Committee on Intelligence, says he warned the White House that Gregg's nomination for a job at the agency would reopen "questions about the Iran-*contra* affair."

"I said it was just better if it didn't happen," Boren told the *Washington Post*. "Why create more controversy?"

But controversy was assured when the White House decided to nominate Gregg instead to the ambassadorial post in Seoul.

Gregg's nemesis on the Senate Foreign Relations Committee proved to be Democratic Sen. Alan Cranston of California, who confronted the nominee with evidence of his role in the *contra* supply operation. "Your career training in establishing secrecy and deniability for covert



White House photo

operations . . . apparently led you to believe you could serve the national interests by sponsoring a freelance covert operation out of the Vice President's office," Cranston told Gregg during hearings in May.

On June 14 the *Washington Post* revealed that Gregg was under investigation by Lawrence E. Walsh, the Iran-*contra* independent counsel, to determine whether he lied to Congress about his knowledge of North's operation.

On June 20 the Foreign Relations Committee voted to recommend Gregg's appointment by a margin of 12 to 7. As *Convergence* went to press, the full Senate was expected to approve the nomination, although further opposition seemed likely on the Senate floor.

### **Bush denies knowledge**

Bush denies he had any knowledge of the illegal *contra* aid program until after the Iran-*contra* affair surfaced in the press. In sworn depositions taken last year by the Institute, Gregg and his former deputy, Col. Sam Watson, both testified that they did not learn about the program until August 1986, three months before the scandal was exposed, but insisted they did not inform the Vice President.

However, a careful examination of several hundred pages of phone logs and other office records subpoenaed by the Institute, along with evidence published by congressional committees, reveals that Gregg and Watson were consulted frequently about illegal military aid to the

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## DID BUSH KNOW?

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*contras* while the congressional ban was in force.

The most damaging evidence centers on Gregg's relationship with Felix Rodriguez, a former C.I.A. agent dispatched to El Salvador to organize airlifts of illegal military supplies to *contra* forces in Honduras.

Gregg and Rodriguez have been associates for many years. Rodriguez, a Cuban expatriate, was recruited by the C.I.A. in the early 1960s for covert operations against the Cuban Government. He later worked as Gregg's deputy in Vietnam, specializing in airstrikes against guerrilla forces. Gregg has described Rodriguez as "the most extraordinary C.I.A. comrade I have ever known."

On Dec. 21, 1984, according to an official chronology released by the Vice President's office, Rodriguez told Gregg he wanted to work for the Salvadoran Air Force as a civilian adviser. Gregg introduced Rodriguez to Oliver North on the same day.

Later, Gregg called several high officials in the State and Defense Departments—including Thomas Pickering, the United States Ambassador to El Salvador at the time—to "recommend that they meet and talk with Mr. Rodriguez to assist him in going to El Salvador," the chronology says. "Rodriguez met with these officials and also subsequently met with General Paul Gorman, commander of the Southern Command."

### Probably a 'cover story'

According to Senator Cranston, however, the claim that Rodriguez was posted to El Salvador merely as a civilian aide to the Salvador Air Force was probably a "cover story." A number of documents support Cranston's view.

In February 1985, for example, General Gorman cabled Ambassador Pickering and Col. James Steele, chief of the U.S. military assistance group in El Salvador, to report that "Rodriguez' primary commitment to the region is in [deleted], where he wants to assist the F.D.N. [the *contras*]." Gorman added, "I told him that the F.D.N. deserves his priority."

"I warned him," the cable continued, "that whatever his consulting role in E[ll] S[alvador] amounted to, he could not become visible to the press in any sense without damaging our cause there."

The relationship between North and Rodriguez is confirmed by a second cable from General Gorman to Ambassador Pickering. Rodriguez, Gorman wrote, had been "put into play by Ollie North" and had "high level contacts at the White House, DOS [Department of State] and DOD [Department of Defense], some of whom are strongly supporting his use in El Salvador."

White House records show that Rodriguez met with Bush's national security staff on a regular basis. The Christic Institute's investigators have identified at least 19 meetings and 14 phone calls between Rodriguez and Gregg or Watson during the period when military aid to the *contras* was prohibited by the Boland amendment.

Gregg has testified under oath that he knew nothing about the connection between Rodriguez and North until the summer of 1986, when Rodriguez returned from El Salvador to report on corruption and mismanagement in the secret *contra* aid program. Among the complaints

voiced by Rodriguez, according to Watson's notes from the meeting, were that former C.I.A. agent Tom Clines and retired Air Force Maj. Gen. Richard Secord were "ripping off the *contras*." Clines and Secord were two key figures in the *contra* resupply operation. Both are defendants in the Christic Institute's La Penca lawsuit.

Watson described the meeting in a sworn deposition taken by the Institute in April 1988. He recalled that Rodriguez told him that Clines, Secord and others were "a bunch of crooks . . . that they were making immoral profits off of other people's blood. . . ." During the meeting, Watson said, Rodriguez described Oliver North as "chairman of the board" and Secord as "chief operating officer" of the *contra* rearmament program. Rodriguez recalls that he told Watson and Gregg that "[t]his is going to be worse than Watergate and is going to destroy the President of the United States."

The meeting took place on Aug. 8, 1986. The congressional ban on aid to the *contras* was still in force at the time. Gregg and Watson both insist that this was the first time they learned of the connection between Rodriguez and *contra* rearmament, a claim Gregg underlined in his sworn deposition to the Institute: "My testimony has been that, up until August '86, there were no conversations whatsoever [with Rodriguez] in terms of support or supply or resupply of the *contras*." Gregg also insists that "North had asked [Rodriguez] to keep secret his relationship with the *contra* effort and, in particular, not to tell me about it."

However, White House records and Oliver North's sworn testimony earlier this year show that on several occasions in 1985 and 1986, Watson and Gregg discussed Rodriguez' activities in the illegal *contra* arms program.

North testified during his trial, for example, that he met in the fall of 1985 with Gregg and Robert C. McFarlane, President Reagan's national security adviser at the time, for a detailed discussion of Rodriguez' role in the *contra* effort. On July 29, 1986, Watson recorded in his office notebook a complaint lodged by North that "Max" had discontinued airlifts to the *contras*. ("Max Gomez" was an alias frequently used by Rodriguez.) On the following day, Watson jotted down a note from another meeting with Oliver North: "F[elix] screwed up S[outhern] front." The "Southern Front" refers to a plan to organize a second *contra* army in Costa Rica on Nicaragua's southern border.

One other event demonstrates that the Vice President's national security staff was an important link to Rodriguez and the *contra* rearmament program. On Oct. 5, 1986, an airplane bearing military supplies for the *contras* was shot down over Nicaraguan territory. The lone survivor, a United States citizen named Eugene Hasenfus, was captured by the Nicaraguan army. The plane's point of origin was Ilopango airfield, Rodriguez' base for military airlifts to the *contras*.

Watson was the first official in Washington alerted by Rodriguez. According to Watson's phone logs, Rodriguez called his home in northern Virginia at 10:30 or 11 p.m. that evening to break the news that "a C-123 is missing, possibly in Nicaragua." Rodriguez called Watson's office the following morning to report that "three Americans and one Nicaraguan" were on board the missing aircraft. Watson immediately informed the National Security Council and later that day called Rodriguez to warn him

not to use open phone lines for sensitive communications.

### How much did Bush know?

In a handwritten note dated Jan. 9, 1986, Oliver North complained that "Felix" was "talking too much about the [Vice] P[resident] connection." How much did George Bush know about Rodriguez' activities in Central America?

After their Aug. 8 meeting with Rodriguez, both Watson and Gregg knew, if they had not known all along, that a *contra* resupply program existed despite the congressional ban, that Oliver North was "chairman of the board" of the program, and that Clines and Secord—according to Rodriguez—were "ripping off the *contras*."

Nevertheless, says Watson, "I did not consider it significant or relevant information." Bush was not told because "he has more important things to worry about than little rumors, or little stories that I hear."

Gregg has testified that Bush knew nothing about Rodriguez and his role in the illegal *contra* military aid program until the morning of Dec. 13, 1986, when an interview with Gregg appeared in the *New York Times*. By this date the Iran-*contra* scandal had already been public knowledge for one month, and four months had elapsed since the Aug. 8 meeting with Rodriguez and Watson.

"This version of events is hardly credible," says attorney Daniel Sheehan, the Christic Institute's general counsel. "As the Vice President's senior national security aides, Gregg and Watson were responsible to a man who once directed the C.I.A., who prides himself in his knowledge of foreign and military policy, who has considerable executive experience in both private business and government, and whose duties as Vice President included membership on the National Security Council.

"Yet the public is asked to believe that Bush would tolerate the failure of his staff to inform him about a major operation in the field of national security, or that Gregg would reveal the operation to a newspaper before he told the Vice President."

But much more direct evidence on Bush's connection with the *contra* rearmament effort has been part of the public record for more than a year.

According to phone logs and other office records, the former Vice President met with Rodriguez at least three times during the lifetime of the Boland amendment.

Bush denies emphatically that Rodriguez' role in the *contra* resupply program was ever discussed at these meetings. "On the three occasions when the Vice President met with Mr. Rodriguez," insists a statement released by the Vice President's office on Dec. 15, 1986, "the

discussions dealt entirely with the insurgency in El Salvador and there was no discussion, direct or indirect, of the *contra* aid network." Bush repeated this denial in an interview published by Time magazine on Jan. 26, 1987. "I met Max Gomez three times and never discussed Nicaragua with him," Bush said.

Bush's denials, however, are strongly contradicted by an office memorandum released by the Vice President's office in answer to a congressional subpoena.

On April 16, 1986, Gregg asked the Vice President's staff in writing to schedule a briefing by Rodriguez, whom he described as "a counterinsurgency expert visiting from El Salvador." The purpose of the 15-minute session, Gregg added, was "to brief the Vice President on the status of the war in El Salvador and *resupply of the contras*." [Emphasis added.] The proposal was approved and the meeting scheduled for 11:30 a.m. on May 1. In a

second memo dated April 30, Gregg reminded the Vice President that Rodriguez would "provide a briefing on the status of the war in El Salvador and resupply of the *contras*."

Gregg has been unable to explain why this phrase appears on the agenda for Rodriguez' meeting with the Vice President. "It baffles me to this day," he told the Christic Institute in April 1988. "I'm baffled as to how that agenda item appears."

After more than one year of reflection, Gregg still could not satisfactorily explain the reference

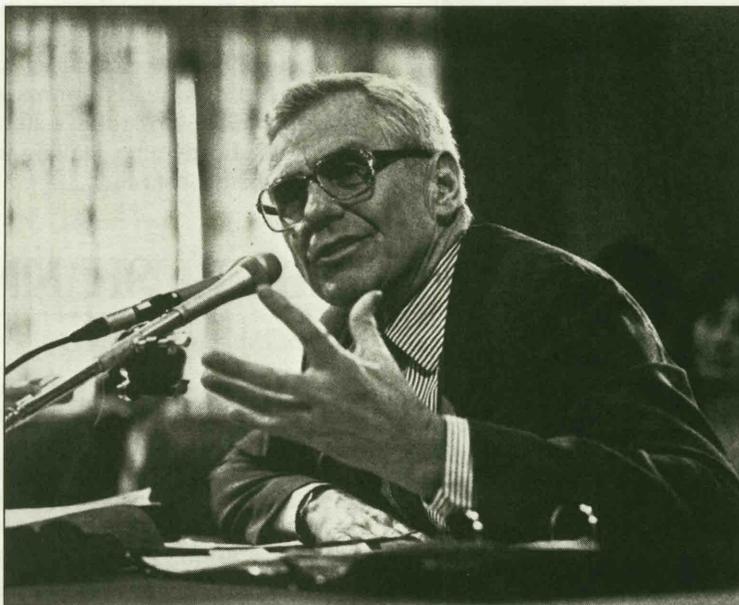
to the *contras* in the Vice President's schedule. Questioned on this point during his confirmation hearing in May, Gregg told the Senate Foreign Relations Committee that the incriminating memos might have been the result of a secretarial mistake. The words "resupply of the *contras*," he said, could be "a garbled reference to resupply of *copters*."

### North trial produces new evidence

Bush's denial of personal involvement in the illegal *contra* rearmament effort has also been challenged by new evidence revealed in May during the Oliver North trial in Washington. State and Defense Department records released to the court show that President Reagan approved a plan to offer increased military and economic assistance to Honduras in return for the Honduran Government's agreement to supply military aid to the *contras* during the congressional prohibition.

This "quid pro quo" arrangement was fulfilled immediately after Vice President Bush met with the Honduran president in Tegucigalpa on March 16, 1985. On the following day, the United States released \$70 million in

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Donald Gregg at confirmation hearing.

Congressional Quarterly

## LA PENCA

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In a separate development, the Costa Rican Legislative Assembly is moving toward an official investigation into the La Penca bombing. Members of the assembly have joined the Costa Rican Journalists' Association in a public campaign to establish a special investigative commission on La Penca. A vote on the proposal was pending when *Convergence* went to press.



"Per Anker Hansen," center.

La Penca, an isolated jungle clearing in Nicaragua near the Costa Rican border, was the scene of a bombing attack in May 1984. The bomb exploded while *contra* commander Eden Pastora was meeting with reporters. Pastora survived the blast, but several Costa Rican journalists and one United States citizen—reporter Linda Frazier of the Religious News Service—were killed.

ABC cameraman Tony Avirgan was wounded in the attack. He and his wife, Martha Honey, are the plaintiffs in the Institute's lawsuit.

Roberto Cruz, a Costa Rican reporter severely wounded at La Penca, said a legislative investigation will "support the findings of the Christic Institute." The Institute alleges that key figures in the illegal *contra* supply network, including North American businessman John Hull, attempted to assassinate Pastora because he opposed a Central Intelligence Agency plan to merge his small *contra* force in Costa Rica with the larger army based in Honduras, the F.D.N.

There are also indications that the Office of Judicial Investigations (O.I.J.), the Costa Rican equivalent of the F.B.I., will take a fresh look at the bombing. In April the senior O.I.J. official responsible for the La Penca investigation, Angel Salano, was fired after the Costa Rican Government learned he was accepting payments from the C.I.A. Salano's replacement says he plans to reopen the investigation.

In recent months Christic Institute investigators have

followed new leads on the La Penca bombing and the movements of the bomber immediately before and after the attack.

The bomber travelled with a group of journalists to the press conference, claiming to represent a news agency which later proved to be nonexistent. He identified himself as "Per Anker Hansen," a Danish reporter, but spoke no Danish.

Several witnesses have confirmed that "Hansen" left the press conference minutes before the explosion. One guard stopped and questioned Hansen as he was leaving the shack where Pastora was meeting with reporters, and later saw him standing near another shack just before the bomb detonated.

O.I.J. investigators discovered the remote control device used to detonate the bomb when they searched the area where Hansen was seen standing. The device was wrapped in red tape. The O.I.J. later found the same tape in Hansen's hotel room in San Jose, the Costa Rican capital.

Hansen was admitted to a hospital in San Jose after the attack and was treated for a superficial wound, which the doctor later described as self-inflicted. He checked out of his hotel shortly after leaving the hospital and disappeared from Costa Rica. □

## DID BUSH KNOW?

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economic aid previously withheld because Honduras had refused to adopt economic reforms demanded by the U.S. Government.

Bush refused to comment on these allegations during the North trial. After North's conviction, Bush denied he had discussed a "quid pro quo" with the Honduran president during the meeting on March 16.

However, in a memo to President Reagan dated Feb. 19, 1985, then-National Security Adviser Robert C. McFarlane spelled out the plan to provide "incentives" to persuade the Honduran Government to continue its aid to the *contras*. The memo included a notation indicating that a copy was sent to the Vice President.

Both the "quid pro quo" plan and Bush's relationship with Felix Rodriguez have raised the specter of criminal involvement by the former Vice President. Christic Institute Litigation Director Lanny Sinkin explains: "If Bush knew that the military aid shipped to Honduras was intended to replenish the Honduran Army for military equipment supplied to the *contras*, and if he also knew that his national security staff was directly involved in the illegal military airlifts organized by Rodriguez, then he violated not only the Boland amendment, but also the Neutrality Act, as well as laws prohibiting the misappropriation of public funds and the illegal export of weapons."

Even though it seems likely the Senate will confirm Gregg's nomination, these unanswered questions may continue to haunt the Bush Administration in the coming months. The President's answers to those questions could determine whether this scandal, which has persisted now for over two years, will eventually escalate into the Bush Administration's Watergate. □

# Kerry: contras smuggled drugs

## *Narcotics subcommittee says officials knew about drug traffic*

The use of drug profits to finance the *contra* war against Nicaragua was confirmed by a report released on April 13 by the Senate Foreign Relations subcommittee on narcotics and terrorism.

The subcommittee, chaired by Democratic Sen. John Kerry of Massachusetts, found "substantial evidence" of *contra* drug trafficking. Through a web of business relationships with Latin American drug cartels, the *contras* were supplied with "cash, weapons, planes, pilots, air supply services and other materials," the subcommittee said.

The report is the latest independent confirmation of one of the key allegations of the Christic Institute's La Penca lawsuit, that drug shipments were smuggled through *contra* bases in Central America at the height of the secret war to topple the Nicaraguan Government. Among the lawsuit's 29 defendants is alleged drug trafficker John Hull, a United States businessman whose ranch in northern Costa Rica was used as a staging area for cocaine flights to the United States. Hull, who served as the Central Intelligence Agency's liaison with *contra* forces in Costa Rica, figures prominently in the Kerry report.

"The Colombian drug cartels which control the cocaine industry constitute an unprecedented threat . . . to the national security of the United States," the report says. "Well-armed and operating from secure foreign havens, the cartels are responsible for thousands of murders and drug-related deaths in the United States each year. They exact enormous costs in terms of violence, lower economic productivity and misery across the nation."

But "U.S. officials involved in Central America failed to address the drug issue for fear of jeopardizing the war effort against Nicaragua," the subcommittee reported. "There was substantial evidence of drug smuggling through the war zones on the part of individual *contras*, *contra* suppliers, *contra* pilots, mercenaries who worked with the *contras*, and *contra* supporters throughout the region."

The subcommittee concluded that senior officials in the Reagan-Bush Administration, including Lt. Col. Oliver

North of the National Security Council staff, knew that the *contras* were shipping drugs into the United States, but took no action. Although the Federal Bureau of Investigation had "significant information regarding the involvement of narcotics traffickers in *contra* operations and Neutrality Act violations," the Justice Department "was adamantly denying that there was any substance to the narcotics allegations."

"The logic of having drug money pay for the pressing needs of the *contras* appealed to a number of people who became involved in the covert war," the subcommittee said. "Indeed, senior U.S. policy makers were not immune to the idea that drug money was a perfect solution to the *contras*' funding problems."

The Administration not only ignored reported links between the *contras* and drug traffickers, but allocated more than \$800,000 to four companies controlled by traffickers, the subcommittee said. The money was part of a fund set aside by Congress for "humanitarian aid" to the *contras*.

One of the companies, a seafood shipping firm called Frigorificos de Punterenas, was identified in the La Penca lawsuit as a front for drug smugglers. The Administration paid \$261,000 to the firm, the report said.

Although the report's language reportedly was watered down as the result of compromises demanded by Bush Administration supporters on the subcommittee, the panel nevertheless found that the war against Nicaragua—the Administration's overwhelming priority in Central America at the time—"contributed to

weakening an already inadequate law enforcement capability in the region which was exploited easily by a variety of mercenaries, pilots and others involved in drug smuggling."

The report confirms the La Penca lawsuit's allegation that John Hull served as "a liaison between the *contras* and the United States government" and details evidence that narcotics were smuggled through his ranch in Costa Rica. According to eyewitness testimony, weapons destined for the *contras* were flown in small planes to the ranch. The planes were then refueled and returned to the United States with cargoes of cocaine. On at least two occasions, according to the testimony, Hull was present while bags of cocaine were transferred to the planes.

The report describes successful efforts by U.S. Embassy officials in Costa Rica to frustrate an investigation by the U.S. Attorney in Miami into Hull's activities.



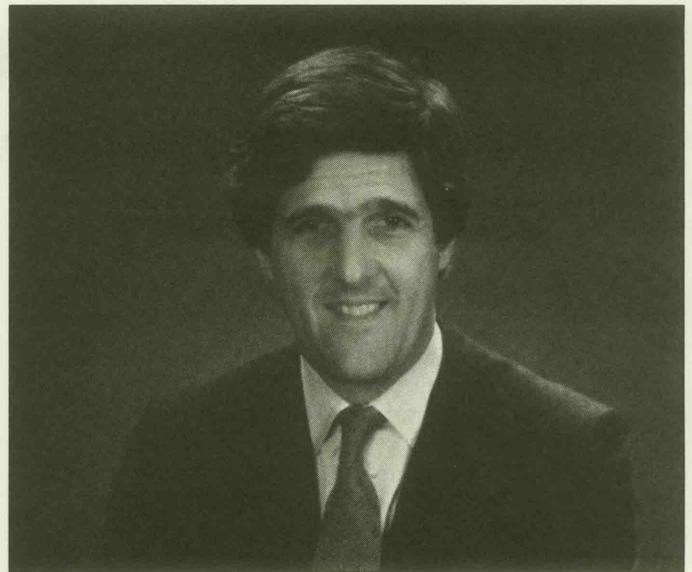
*Boats owned by alleged front company for contra drug smuggling in Costa Rica harbor. Kerry report revealed Administration paid more than \$261,000 to this firm.*

## CONTRA DRUGS

■ *Continued from page 7*

The report is weak or indecisive in some key areas, according to Christic Institute investigators. The subcommittee, for example, was unable to "find that the *contra* leaders personally were involved in drug trafficking," despite references in Oliver North's files to allegations of drug running against at least three leading personalities in the *contra* movement. Although the subcommittee examines in some detail the transfer of U.S. Government "humanitarian aid" for the *contras* to companies controlled by convicted or suspected drug smugglers, the panel was "unable to determine who selected these firms to provide services to the *contras*." In 1987, however, La Penca defendant Rob Owen told Christic Institute attorneys in a sworn deposition that he had chosen one of these companies, Ocean Hunter, as a conduit for "humanitarian aid" because "the people involved in Ocean Hunter in Costa Rica had been helpful to the cause." Owen was Oliver North's liaison to the *contras*. The report makes no mention of Owen's knowledge of the company, or his \$50,000 State Department contract to supervise other payments of humanitarian aid.

The report recommends a number of administrative and legislative measures to curb drug trafficking, including a ban on payments by intelligence agencies "to any



Senator Kerry.

person convicted of narcotics related offenses, except as authorized in writing by the Attorney General in connection with the investigation or prosecution of criminal activity." The report, however, fails to suggest a prohibition on contacts or cooperation between Government officials and drug traffickers for purposes other than prosecuting the war against drugs. Moreover, the report does not mention one obvious step that would discourage future cooperation between national security officials and drug traffickers—criminal investigations and prosecutions based on the subcommittee's findings.

However, the Kerry report is the strongest official confirmation to date that the Reagan-Bush Administration's obsession with the war in Central America undermined the Government's strategy against one of the most serious threats to our national security in decades: the epidemic of drugs and drug-related violence in our cities and schools.

"The Kerry investigation of the Reagan-Bush Administration's tolerance for *contra* drug dealing is an invaluable service to the country, but everyone who reads the report should remember that the *contra*-drug connection falls within a well-established pattern of drug smuggling shielded by covert operations," said Christic Institute Executive Director Sara Nelson. "The next step must be a serious congressional investigation into the past and present links between drug traffickers and the intelligence community, such as those forged in Southeast Asia between the opium-heroin industry and a number of senior intelligence and military officers." □

### *State Department payments to known drug traffickers in support of the contras*

- \$185,924.25** to **SETCO**, controlled by a cocaine dealer sought in connection with the murder of D.E.A. Agent Camarena.
- \$41,120.90** to **DIACSA**, headquarters of cocaine trafficking/money laundering, according to F.B.I. affidavits.
- \$261,930.00** to **FRIGORIFICOS DE PUNTERENAS**, drug trafficking and money laundering enterprise, whose principal was indicted by a U.S. attorney and pleaded the Fifth Amendment in an I.R.S. investigation.
- \$317,425.17** to **VORTEX**, whose vice president was a self-confessed drug trafficker and indicted by a U.S. attorney.
- \$806,402.32** **TOTAL** paid by the State Department in support of the *contras* to firms controlled by narcotics traffickers.

Source: Kerry subcommittee, April 13, 1989.

For copies of the Kerry report, call or write your Senators in Washington. The Capitol Hill switchboard is (202) 224-3121. The address is: U.S. Senate, Washington, D.C. 20510. The Christic Institute recommends that you order several copies and share them with your colleagues and friends. When you write, express your views on the subcommittee's findings. □

# Social ministries under attack

## *Defendant Shackley asks ex-C.I.A. agents to block Christic funds*

A former C.I.A. chief of operations, Theodore Shackley, has asked a group of retired intelligence officers to block the Christic Institute's funding from churches and synagogues.

Shackley, who presided over the "Operation Phoenix" assassination program while serving as C.I.A. station chief in Saigon, is a defendant in the Christic Institute's La Penca lawsuit.

Writing in the summer 1988 issue of *Periscope*, a magazine published by the Association of Foreign Intelligence Officers, Shackley described the Institute's lawsuit as "part of a long-range plan to weaken the entire U.S. intelligence community." The "question to put to your congressional delegation is whether the House or Senate intelligence committees have looked at the Christic Institute's funding and whether it has foreign links," he advised the magazine's readers.

In the meantime, Shackley wrote, "veterans of the intelligence process" should "defang the Christic Institute" by blocking its funding from religious groups.

To "obstruct" the Institute's "fund raising efforts," he wrote, former intelligence operatives should "have a word with your pastor, rabbi or priest."

According to the Rev. William Teska of the Institute, Shackley's attempt to pressure churches and synagogues should be seen against the background of a broader attempt by neoconservatives to roll back the generous financial and moral support Christians and Jews have provided over the years for ministries aimed at promoting social justice and world peace.

Father Teska, an Episcopal priest, is the Institute's new liaison with the Jewish and Christian communities.

"During the early years of the Reagan Administration, when the Right was ascendant in American politics, Christian denominations and the Jewish community kept progressive politics alive in the United States," he said.

"The Administration took power in 1981 with a radical agenda: military intervention in Central America, nuclear rearmament and a freeze on relations with the Soviet Union. Many progressive voices spoke out against the Administration's agenda for a new Cold War, but none more forcefully than the churches and the Jewish community."

In 1982 the bishops of the Roman Catholic Church issued their challenge to the Administration's plans for a global increase in nuclear weapons: a carefully-reasoned pastoral letter arguing the case that nuclear arms control was a moral imperative for Christians. The following year, the bishops of the United Methodist Church drafted an even stronger pastoral letter against nuclear weapons.

"The churches not only issued statements, but took action," Father Teska said. "During the early years of the Administration, churches and synagogues became centers of resistance to the Administration's war plans in Central



*Ted Shackley earlier in his career.*

America. Thousands of refugees from El Salvador and Guatemala found sanctuary in congregations throughout the country. Churches organized humanitarian aid to the war-torn region. Protestant and Catholic missionaries, returning from duty in Central America, reported to their churches on the death squads and their reign of terror.

"It is no exaggeration that without this witness to the truth, the Reagan regime might well have proceeded with plans to intervene militarily in Central America," Father Teska said.

Today, however, the Right is attempting to intimidate church agencies that have supported social justice and world peace. Using a combination of tactics, including widely-published disinformation claiming that churches are funding "communist" groups, a number of neoconservative organizations are pressuring denominational executives to close down programs that fund progressive causes.

One of these organizations is the pro-*contra* Institute on Religion and Democracy, a Washington-based pressure group which has organized front committees in the United Methodist, Presbyterian and Episcopal churches. "I.R.D. has a whole laundry list of groups and agencies opposed to military intervention in Central America, which they seek to discredit as 'pro-communist' and so on," said Teska. "This is in fact a battle for the heart and soul of the churches, an attempt to roll back the historic witness of these churches for justice and peace."

The Christic Institute is one of many progressive

*Continued on page 10* ■

## SHACKLEY

■ *Continued from page 9*

organizations that have attracted I.R.D.'s fire. Writing in the November 1988 issue of *Religion and Democracy*, I.R.D. Research Director Alan Wisdom described the Institute's La Penca lawsuit as a "grotesque fantasy" that has become "a big hit in certain mainline Protestant circles." The Institute's argument that covert operations threaten our constitutional system is "an incredible tale . . . the delusion of a small band of feverish paranoids—a John Birch Society of the Left," he wrote.

The Institute's lawsuit alleges the existence of an illegal operation to arm the *contras* in violation of Federal law. The suit was filed six months before the Iran-*contra* scandal hit the front pages of newspapers across the country, and named as defendants many of the same figures implicated in the scandal, including retired Generals Richard Secord and John Singlaub.

According to I.R.D., the Christic Institute has won few cases. "The Christic Institute has never let the facts stand in the way of its greater ideological crusade," Wisdom wrote. "Generally, this approach has meant firing off a volley of sensational charges against public officials, winning wide publicity but no convictions."

"The I.R.D. article was pure disinformation, typical of attacks that have originated from the extreme Right to discredit the Institute's supporters in the religious community," said Father Teska. "The charge that the Institute has won 'no convictions' is an invention, of course. The opposite is true: the Institute has seldom lost a case in which it was the principal litigant."

Teska pointed to the Karen Silkwood case, which resulted in a 1983 Supreme Court decision that citizens injured by radiation could collect punitive damages from reckless nuclear corporations; the Greensboro, N.C. Massacre case, which resulted in a civil judgment against members of the American Nazi Party, the Ku Klux Klan and the Greensboro police force who were linked with the assassination of five demonstrators in 1979; the Eddie Carthan case, which freed the black mayor of a small Mississippi town after he was framed on murder charges by local plantation owners, and the recent restoration of local town government in the small black town of Keyville, Ga., where residents had been unable to elect their own town councillors since 1933.

"In fact, the Institute's rare courtroom defeats have usually been reversed on appeal," Father Teska said. "That's one of the reasons—apart from the legal merits of the case—that our litigation department is confident the La Penca lawsuit will be reinstated by the appeals court."

Teska sees the attempts to block further financial support for the case as "a sign of panic by extremists on the Right who prefer not to debate their political differences with their adversaries, but instead try to destroy the ability of progressive organizations to function by intimidating their funders and spreading disinformation.

"It's a strategy unworthy of an organization that uses the word 'democracy' in its title," he added. "For example, I am not aware of any group opposed to I.R.D.'s ideological agenda that is attempting to sever I.R.D.'s relationship with its funders."

"Denominational executives and leaders of Jewish

organizations need to hear from members who support their witness for justice and peace," Father Teska said. "The last word heard in churches and synagogues must not be the disinformation spread by the pressure groups of the Right." □



To counteract the Religious Right's disinformation campaign, the Christic Institute is asking its supporters to write letters of support for the peace and justice witness of their denominations (some of the appropriate addresses are listed below), and to join the Institute's Religious Response Network. Members will receive information on the I.R.D. and related groups, and news of particular interest to religious activists. Should the need arise, they may be asked to respond to attacks on their own denomination's support for peace and justice work.

American Baptist Churches in the U.S.A.  
P.O. Box 851  
Valley Forge, Pennsylvania 19482  
(215) 768-2000

Christian Church (Disciples of Christ)  
222 South Downey  
P.O. Box 1986  
Indianapolis, Indiana 46206  
(317) 353-1491

Episcopal Church  
National Mission in Church and Society  
815 Second Avenue  
New York, New York 10017  
(800) 334-7626

Evangelical Lutheran Church in America  
Commission for Church in Society  
8765 West Higgins Road  
Chicago, Illinois 60631  
(312) 380-2700

Presbyterian Church (U.S.A.)  
Church and Public Issues  
100 Witherspoon Street  
Louisville, Kentucky 40202  
(502) 569-5812

United Church of Christ  
Office for Church and Society  
105 Madison Avenue  
New York, New York 10016  
(212) 683-5656

United Methodist Church  
Women's Division  
General Board of Global Ministries  
475 Riverside Drive  
New York, New York 10115  
(212) 870-3600

For more information, call Father Bill Teska at (202) 797-8106. □

# Drama in Robeson County

## *Christic defense of Timothy Jacobs highlights corruption*

Fourteen million cars pass every year through Robeson County, N.C. on Interstate Route 95, the artery connecting Boston in the north to Miami in the south.

When the highway skirts the edge of Lumberton, the county seat, it is unlikely most of these travellers are aware they are driving through a region described by Federal investigators as "awash in cocaine." Robeson County has become a major center for drug trafficking on the East Coast.

I-95 is an important reason. The highway is a favorite route for smugglers moving cocaine from Miami up the coast to the urban drug markets in Washington, Philadelphia and New York.

Another reason is poverty. With a population of 106,000—divided among Indians, blacks and whites—the county is one of the nation's poorest. The unemployment rate is twice the state average. For small-time local dealers, the drug trade is a source of income. For the growing number of addicts, cocaine provides the brief illusion of escape from the conditions under which they live.

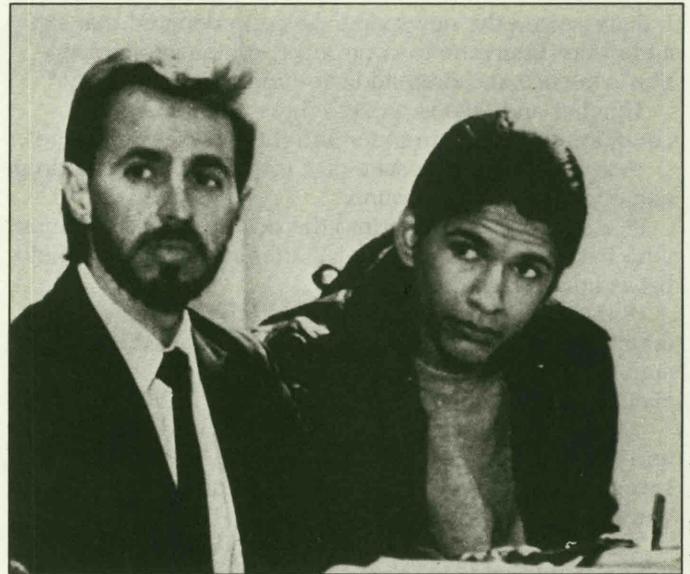
"Outside the county seat," reporter Lee Freeland Hancock wrote in the *Raleigh News and Observer* in February 1987, "tedious miles of coastal plain are broken only by battered shacks and rusting tobacco barns, trailers and rundown homes."

"The cocaine people are just flooding the market [in the county]," says former U.S. Attorney Sam T. Currin. "They want to drive the price down, create more habit, create more users and more addiction."

One more reason for the drug epidemic, many county residents believe, is a pattern of collusion between the sheriff's department and the drug dealers. Although drug trafficking charges have been brought against only one deputy sheriff, several ministers in the county have sworn out affidavits describing the confessions of parishioners, including former drug addicts, who told them about phone calls tipping off dealers minutes before police raids, bribes paid to officials in the sheriff's department, and the refusal of authorities to follow leads on drug traffickers.

"Former District Attorney Joe Freeman Britt and County Sheriff Hubert Stone have created the illusion of law enforcement by singling out a few small-time Indian or black drug dealers for prosecution or physical attack," says attorney Lewis Pitts, director of Christic Institute South. "Britt has put more people on death row, mostly Indians and blacks, than any other prosecutor in the United States."

Residents fear police brutality and escalating violence in their county. Julian Pierce, a respected Indian lawyer who campaigned as a reform candidate against Britt in the race for superior court judge, was found shot to death



Lewis Pitts and Timothy Jacobs.

Mike Okoniewski

in his home on March 26, 1988. Law enforcement officials closed the murder investigation after three days. Britt was elected without opposition, although he won less than 50 percent of the votes. A majority of county voters cast their ballots for the slain lawyer as a protest.

In December 1986, a Federal grand jury indicted Deputy Mitchell Stevens in connection with the theft and sale of more than 400 grams of cocaine from the sheriff department's evidence locker. He was later acquitted.

One month before the indictment, a small-time drug dealer named Jimmy Earl Cummings was shot and killed by Deputy Kevin Stone, the sheriff's son. Cummings, his family acknowledged after the shooting, was buying drugs from the evidence locker for resale in the county.

Stone told the coroner's jury that Cummings attacked him with a plastic bucket full of marijuana. There were no other witnesses to the shooting and no attorney to represent the victim's family at the hearing. "The family was notified only hours before the hearing convened, and was afforded no opportunity to find a lawyer to challenge Stone's testimony," Pitts says. The jury ruled that the shooting was "accidental or in self-defense."

### **Act of desperation**

Robeson County's drug epidemic became a national story when two young Tuscarora Indians, Eddie Hatcher, 31, and Timothy Jacobs, 20, entered the office of *The Robesonian* newspaper in Lumberton on the morning of Feb. 1, 1988. Armed with sawed-off shotguns, they seized the building and took 19 hostages.

"The occupation of the newspaper office was an act of desperation by the two men, both of whom are well-known Indian rights activists in the county," says Pitts. "Ten days earlier, Hatcher had confronted Sheriff Stone with evidence that allegedly linked county law enforcement officials and local businessmen to drug trafficking.

"Believing their lives were in imminent danger, the two

*Continued on page 12* ■

## ROBESON COUNTY

■ *Continued from page 11*

Indians seized the newspaper office to demand that state authorities intervene to control the epidemic of corruption, violence and drug addiction in their community."

Hatcher and Jacobs pressed three demands as a condition for their surrender and the release of hostages:

- appointment of a state task force to investigate drugs and corruption in the county.
  - a state investigation into the death of a black inmate who had died in the county jail after authorities withheld his asthma medicine.
  - the release or relocation of an Indian inmate in the county jail who possessed information about the relationship between drug traffickers and county officials.
- Hatcher and Jacobs believed his life was in danger.

After 10 hours the hostages were released unharmed and the two Indians surrendered to the Federal Bureau of Investigation. No shots had been fired during the incident and no one had been injured.

Both men were indicted under a Federal hostage-taking statute and six other charges. Christic Institute South agreed to represent Jacobs in court and help local activists organize their campaign to clean up official corruption in the county. Hatcher was represented by renowned civil rights attorney William Kunstler.

"The Institute, although it did not condone the tactics used by the two men, believed they were entitled to a vigorous defense that informed both the jury and the public about the conditions that forced them to act in desperation," says Pitts.

The defense of Hatcher and Jacobs was based on the premise that the defendants were motivated by fear, and that neither possessed the criminal "state of mind" required for a guilty verdict.

### Acquitted by Federal jury

The Federal jury agreed, and acquitted both men of all charges on Oct. 14, 1988. Encouraged by the verdict, local activists with organizing assistance from C.I. South initiated a county-wide petition drive to remove Sheriff Stone and Deputy Kevin Stone from office.

On Dec. 6 Britt filed state kidnapping charges against Hatcher and Jacobs. It was one of his last official acts as district attorney before assuming his new post as superior court judge on Jan. 3. Still convinced that their lives would be in danger if they fell into the hands of Sheriff Stone, the two men fled from the county, Jacobs to an Indian reservation near Wampsville, N.Y., and Hatcher to a reservation in Idaho.

Jacobs was arrested on Dec. 14 near Syracuse. His extradition hearing before County Judge William R. O'Brien in February gave the Institute an opportunity to enter into the public record testimony describing official corruption and violence in the county.

One witness was Maurice Geiger, a Justice Department official during the Nixon and Ford Administrations who today directs the Rural Justice Center in Montpelier, Vt. Interviews with more than 200 Robeson County residents, Geiger told the court, convinced him that "there are members of the Robeson County sheriff's department who are engaged in extensive drug trafficking.

"Furthermore," he added, "I have no doubt that some members of that department have killed people in the county in connection with drug trafficking."

Allegations that law enforcement officials were involved in violence and drug trafficking were supported by former Robeson County Deputy Sheriff Solomon Sanderson, now serving as a security officer at Pembroke State University in Lumberton. "Over the past five years the flow of drugs in Robeson County has become overwhelming," he told the court in a sworn affidavit. "I am familiar with the statements and allegations that Eddie Hatcher and Timothy Jacobs have made about drug trafficking and related violence in Robeson County and complicity in such criminal activity by law enforcement officials.

"Based upon my experience, observations and investigations, I believe their assertions to be accurate accounts of conditions in Robeson County," the former deputy said.

Several Robeson County ministers, including the county's present and former State Representatives, submitted affidavits describing unsolved killings, drug trafficking and official corruption in their community. State Rep. Sidney A. Locks, a Baptist pastor, accused Deputy Sheriff Burnice Wilkins of an attempt to fabricate testimony that the Representative, a vocal critic of corruption in the sheriff's department, was a drug trafficker.

### Unsolved killings of Indians and blacks

Former State Rep. Joy Johnson, also a Baptist pastor, testified that state and local officials had never conducted a serious investigation of "the numerous unsolved killings of Indians and blacks in the county, or the complicity of local law enforcement in the drug trafficking and corruption.

"There are people in Robeson County who would give evidence of corruption and drug trafficking in exchange for immunity and protection," he went on. "These people would not testify without such guarantees because they know they would be victims of reprisals and even death against themselves and members of their families."

The Rev. Robert Lee Mangum, a United Methodist pastor, told the court in his affidavit about the admission of one parishioner that members of the sheriff's department were accepting payoffs from dealers. The parishioner "told me . . . how he went to purchase drugs and while at the site of purchase a sheriff's deputy drove up," Mangum said. "The penitent was afraid, but was told by the seller not to worry about the deputy, that [the dealer] paid \$500 per week to not be arrested." The Rev. Jerry Lowry, also a United Methodist pastor and a former member of the Governor's Task Force on Alcohol and Drug Abuse, described several confessions in which parishioners had revealed collusion between drug traffickers and the sheriff's department.

Nevertheless, Judge O'Brien ruled against Jacobs. Weary of the fight and unwilling to serve a life term in prison, the Indian activist waived his right to an appeal and returned to the county. Following the advice of a court-appointed attorney, he pled guilty in May to the state kidnapping charges. He was sentenced to six years in prison and a six-year suspended sentence under supervised probation.

*Continued on page 23* ■

# Gov't deports 11,000 Navajos

## *Congress orders expulsion of Indians from sacred lands*

In 1974 Congress attempted to resolve an old land dispute between the Navajo and Hopi tribes by expelling 11,000 Navajos and 100 Hopis from 1.8 million acres on the Black Mesa of northern Arizona, the heart of their ancestral homeland.

Navajo leaders and some Hopi elders have joined forces to oppose the Federal policy, which is destroying their economy and culture. Opponents of the deportation policy believe the Federal Government's goal is to clear the disputed lands for strip mining. The Black Mesa is rich in coal and other mineral resources.

Traditionally, the Navajos who live on the Black Mesa have been shepherds. They were poor, but self-sufficient. The Relocation Act ordered the Indians to sell their livestock as a prelude to deportation. Herds that once numbered 150,000 have been reduced to less than 2,000. Deprived of their traditional livelihood and forced from their homes, the refugees are sinking into poverty. Many have been forced to subsist on Federal handouts for the first time in their lives.

"At first, the Federal Government promised that the Navajo community would be reestablished in new areas," says Anita Parlow, director of the Christic Institute's Sacred Lands Project. "They promised to build new homes, roads and schools for the deportees, to provide social services and jobs. Instead, the Indians were moved into English-speaking border towns outside the reservation. The Navajo community was not reestablished, but scattered. No roads and schools were built. And there were no jobs.

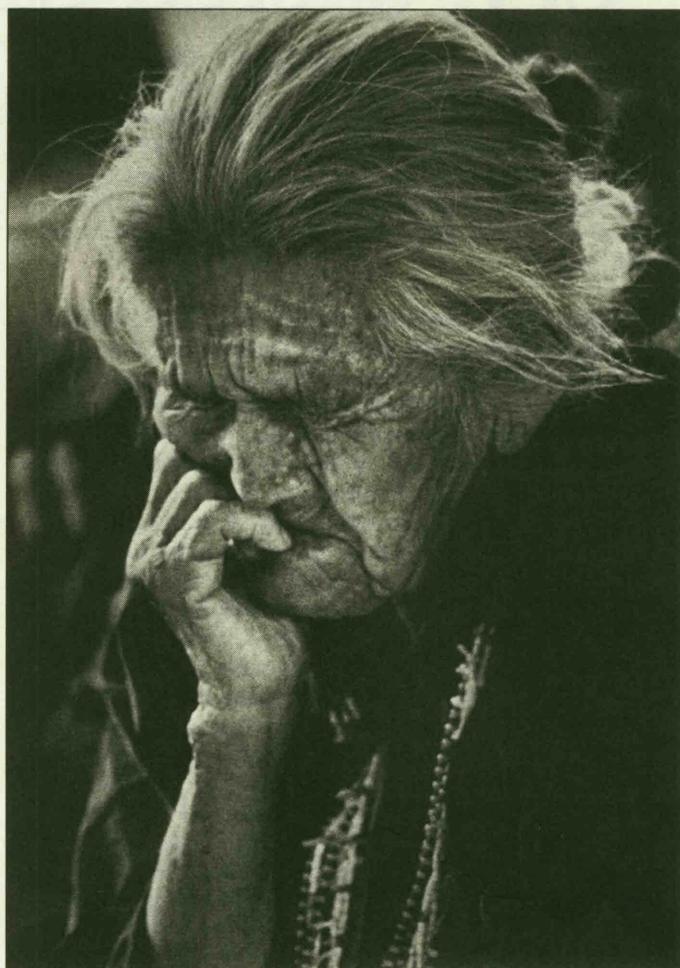
"Banks began to foreclose on the new homes. The traditionally strong Navajo family began to break down under the new pressures of unemployment, poverty and alcoholism."

The disputed lands were once the common property of the Navajo and Hopi peoples. In the late 19th century the Federal Government arbitrarily divided the Black Mesa into tribal reserves, setting the stage for conflict



To contribute to the Big Mountain Legal Office, a non-profit organization representing the Navajo and Hopi people in their lawsuit against the policy of forced relocation, please write to: Betty Tso, Project Director, Big Mountain Legal Office, P.O. Box 1509, 15 1/2 North Agassiz, Flagstaff, Arizona 86002. Checks should be made out to the 'Big Mountain Legal Office.' Phone: (602) 774-4444.

A limited number of copies of *Cry, Sacred Ground* are available from the Christic Institute. Call our Orders Department at (202) 797-8106 for details. □



Matthew Strassberg

*Jennie Manybeads, 103, is the leading plaintiff in a Federal lawsuit to halt the deportations.*

between the Hopi and Navajo governments over oil, gas and mineral rights.

In 1972 the Federal court in Phoenix ruled that 1.8 million acres in the region were jointly held by the two tribes. The Hopi government did not accept the decision, and with the support of Arizona Sen. Barry Goldwater successfully lobbied Congress to partition the land. The result was the Navajo-Hopi Relocation Act, which ordered the expulsion of 11,000 Navajos and 100 Hopis who lived on the wrong side of the Federally imposed tribal boundary.

The decision is opposed by traditionalists in both tribes who believe the land is sacred. The Federal Government, the traditionalists argue, is exploiting tribal rivalry to clear the Black Mesa for coal mining and commercial development. Hopi critics of the policy also argue that their tribe has become economically dependent on payments from coal companies, while alternative paths of economic development have been neglected.

In October 1988 the Peabody Coal Co. announced plans to strip mine an additional 54,000 acres on Hopi lands. Coal mined by the proposed project will be shipped to Japan. Peabody already extracts 12 million

*Continued on page 23* ■

# 'Cry, Sacred Ground'

*The following is adapted from Cry, Sacred Ground, ©1988 by Anita Parlow. "J.U.A." refers to the "Joint Use Area," the reserved area in Arizona disputed by the Hopi and Navajo tribal councils. In October 1988 a lawsuit filed by traditional Navajo and Hopi Indians to halt their deportation from the J.U.A. was heard by the Federal court in Phoenix. A decision is expected later this year.*



Religious belief forms the cornerstone of the resistance that has grown in the 13 years since Public Law 93-531 [the Federal "Navajo-Hopi Indian Relocation Act"] was enacted. . . . The lawsuit reflects a significant decision by the usually private practitioners of traditional Navajo religion to reveal some of their most sacred and secret beliefs in order to save their way of life.

. . . The Elders linked the place of the individual, family and clan to the Four Sacred Mountains that define the physical and spiritual contours of Navajo life. The Four Sacred Mountains—*Sis Naajini*, *Tsoodzil*, *Dook' o' oosliid* and *Dibe Nitsaa*—encircle the Navajo aboriginal territory that overlaps what is now Arizona, New Mexico, Utah and Colorado. Inside the barbed wire fence that surrounds the resisting Navajos and demarcates the Navajo and Hopi partitioned lands, the Navajos of the J.U.A. are literally, emotionally and spiritually connected to the rhythms and inner and outer landscapes of Black Mesa—the Holy Lands within the Four Sacred Mountains. "Black Mesa begins in us," one resister told me. "Navajo people emerged from the previous worlds, here, between our Four Sacred Mountains, and this is where we must remain to live in the *Dineb* [traditional term for Navajo] Way."

For generations, traditional Navajos have buried the umbilical cords of the newly born beneath the sheep corrals, signifying the place to which the children will always return. They make prayers and offerings to strengthen each person's ties to the earth. J.U.A. Navajos resist relocation [because] they do not want to watch Black Mesa become yet another uninhabited shrine, in full view but lost to their ancient vision.

. . . [I]n the long winter nights, the Medicine Men, or Singers, describe the Creation and Emergence in stories that reenact the Navajos' spiritual journey from three previous worlds to the present world. The stories, much like the Judaeo-Christian Bible or Hindu Vedas, have been handed down for generations in the oral tradition and teach the proper way to live a Navajo life.

Hastiin Tahí, a Singer whose Anglo name is Herman Smith, said, "Once again we refuse to collaborate with the *belagaana* (white) policy makers who devise the method of destruction of a people." For Tahí, by expunging the present—and therefore the past—the policy makers deny the ability to create the future.

Hastiin Tahí described Navajo religion as a deeply held spiritual belief that determines the relationship of person to person, person to place and place to person. For Navajos who face relocation, there is no separation between individuals, community, the land, and plant

and animal life. All are viewed as relatives, with a place in a finely ordered universe. Hastiin Tahí explained that the connection between the people and specific places on the land is the source of history, identity and strength, as well as the source of healing, renewal and understanding.

Certain fundamental freedoms are identified in the Bill of Rights. Without exception, these rights and freedoms belong to the individual. There are no guarantees of collective rights in the Constitution. The Anglo mind separates and compartmentalizes; the Navajo system links and connects. . . . If forced into a world of unconnected individuals, Hastiin Tahí would lose his sense of identity. He would cease to exist.

Tahí asked whether Congress and the administrative agencies created to carry out relocation have decided that Navajo shepherders spin too far outside of ordinary reality, whether they are too few in number and too powerless to count.



Several medicine men who preferred to remain unidentified said they use their religious beliefs to respond to the assault of relocation. One Singer said, "we use the prayer way to oppose the relocation," explaining that he has been called to conduct healing ceremonies more frequently as a result of the relocation. "The people are crying for the land, and I use the Navajo Ways to heal them."

In the language of psychology, forced separation from the land is similar to a deeply felt loneliness that tears away the sense of self, which forms the foundation for healthy interaction in the world. For healing to occur, both the therapist and the Navajo Singer use appropriate cultural symbols to return the patient to his or her origins, to face the demons and return—transformed, reborn.

Much more could be said of Navajo religion and its inextricable relationship with the land that lies within the Four Sacred Mountains. But perhaps [the case] can be better put in political terms. As a result of the 1974 Relocation Act, livestock were reduced from approximately 150,000 to fewer than 2,000 sheep. Thousands of people were uprooted from their homelands and thrust into a reality that is not of their choice. Families have been torn apart. . . .

Relocation costs were originally projected at \$28 million. However, \$150 million has already been spent. [The relocation commissioners] estimate that the actual price tag will be above half a billion dollars. Litigation costs and damages arising from Public Law 93-531 approach \$200 million.

Could Congress find a way to improve both Navajo and Hopi life on the J.U.A. with the money? Critics of relocation say the millions of dollars being spent could be used to develop grazing techniques and range land, and provide water, schooling and housing to both the Navajo and Hopi nations.

*Continued on page 23* ■

# Christic inauguration concert

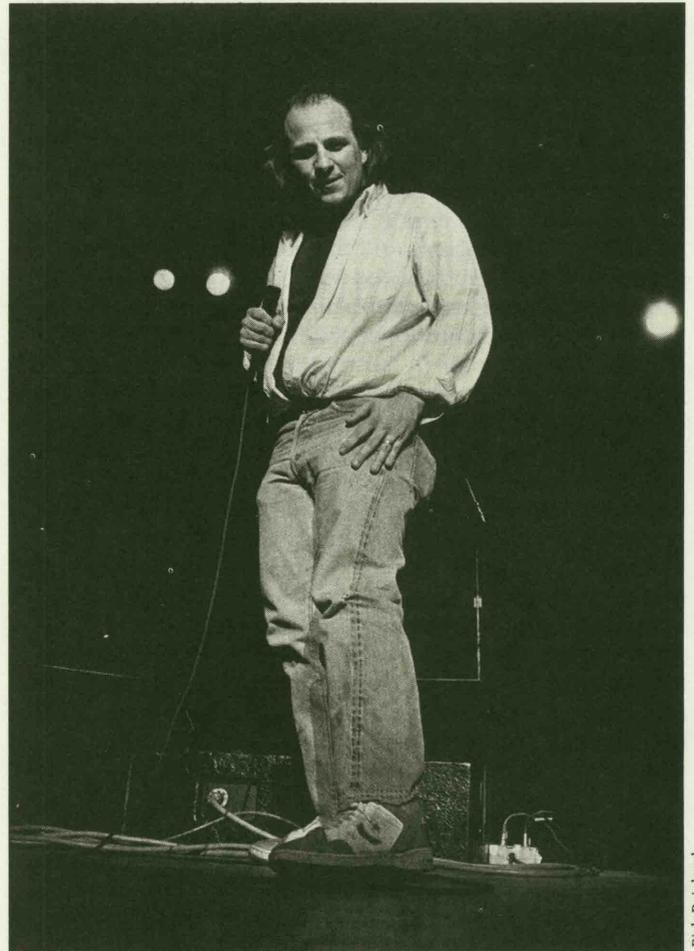
*Thousands gather in Washington, D.C. to 'inaugurate truth'*



Rick Reinhard

*A sellout crowd of 2,000 at Washington's Warner Theater helped the Christic Institute 'inaugurate the truth' on the eve of President Bush's inauguration. Above, C.I. General Counsel Daniel Sheehan and Executive Director Sara Nelson call for a full investigation of national security scandals.*

**The Christic Institute wishes to thank Avocado Productions and performers Michelle Shocked, Graham Nash, David Crosby, Kris Kristofferson and Bobcat Goldthwait.**



Rick Reinhard

*Comic Bobcat Goldthwait at Christic benefit.*



Rick Reinhard

*Performers Graham Nash, David Crosby, Bobcat Goldthwait and Kris Kristofferson.*

# IRAN-CONTRA

■ *Continued from page 1*

and had signed into law the Boland amendments prohibiting United States assistance to the *contras*. The Iran-*contra* deals were carried out in secret, without the knowledge or approval of Congress or the public. The Administration used unaccountable funds and a group of unelected government officials and private operatives to conduct a wide range of secret operations that violated laws from the Arms Export Control Act to the Neutrality Act. Efforts by Congress and the courts to investigate these activities were blocked by lies and disinformation.

In the end, the Iran-*contra* affair represented a direct assault on our constitutional system of government. The Reagan Administration's "secret government" of intelligence officials and their private associates not only violated the law and bypassed the democratic policy-making process, but directly undercut the ability of Congress, the courts, the press and the public to act as a check on executive power. The exclusive authority of Congress to declare war and appropriate funds was subverted. Through direct pressure or the refusal to release evidence on the grounds of "national security," the Administration intervened in numerous judicial investigations and court prosecutions. The press and the public were misled and manipulated by a White House disinformation campaign created by a former C.I.A. propaganda expert and run by the National Security Council. Democratic debate was stifled, and "deniability" replaced accountability.

## 'Secret government'

Clark Clifford, who drafted the 1947 National Security Act creating the National Security Council and the Central Intelligence Agency, said of the Iran-*contra* affair: "We read of events taking place that surpass any nightmare we ever had . . . unbelievable acts that bore no resemblance whatsoever to the functions of the N.S.C. and the C.I.A. . . . a secret government operating in a democracy. . . . I don't think our forefathers had any concept of anything like that taking place. I know I had no thought at any time of such an organization. . . . This operation constituted the grossest kind of violation of the tenets of our Government."

The Administration's record of lies and law-breaking has evoked little response from the institutions—most notably Congress—that were deceived and defied. And the deeper questions raised by the Iran-*contra* affair remain untouched by official inquiries. What are the real costs of secret, unauthorized "national security" operations—measured in terms of the loss of human lives, the damage to the credibility and moral authority of the United States abroad, and the erosion of our democracy here at home? What are the acceptable parameters for conducting foreign policy? Who determines the real security interests of the nation and how? How are abuses of legal and constitutional authority corrected? What reforms are necessary to avoid a recurrence of "national security" scandals and to restore public trust?

The nation has wrestled with these questions before. The Vietnam and Watergate crises, like the Iran-*contra* affair, were rooted in a President's attempt to conduct and sustain a war in a Third World nation despite public

opposition and congressional restrictions. In each case, White House officials used secrecy and deception to circumvent democratic channels, spending unvouchered funds and recruiting private operatives to conduct covert actions in violation of United States and international law.

But the abuses of Vietnam and Watergate triggered aggressive investigations by Congress and the press. The Watergate break-in itself, we learned, was carried out by a secret White House unit—"the plumbers"—created to stop leaks to the press about the unauthorized bombing of Cambodia. A fragile national consensus emerged that the executive branch had gone too far, and the costs of unrestrained interventionism were too high.

The Watergate scandal swept an attorney general, an acting director of the F.B.I. and a President from office. Criminal investigations by the judiciary resulted in no less than 25 indictments. Federal Judge Gerhard Gesell—who tried and sentenced Oliver North to a mere fine and community service—sentenced several of the Watergate criminals to hard time: 20 months for Presidential adviser John Ehrlichman, one year each for White House official Chuck Colson and Watergate burglar G. Gordon Liddy. Defying claims of "executive privilege," the Supreme Court compelled President Nixon to hand over the evidence that sealed his fate. Within days, he had resigned to escape impeachment for "high crimes and misdemeanors."

The aftermath of Watergate and Vietnam saw a new public judgment on the ends and means of U.S. foreign policy. The right and necessity of the United States to intervene at will in Third World conflicts was called into question, and measured against a more realistic assessment of U.S. national security requirements. Congress sought to curb a range of executive abuses and to restrict the instruments of covert intervention. In one two-day period in October 1973, a total of 44 Watergate-related bills were introduced in the House of Representatives. A rigorous study by a Senate select committee to investigate intelligence abuses, chaired by Sen. Frank Church of Idaho, proposed stringent restrictions on covert foreign policies. "Given the open and democratic assumptions on which our Government is based," the final report stated, "the committee gave serious consideration to proposing a total ban on all forms of covert action."

Finally, reforms reached the national security establishment itself. In response to sustained public concern over the abuses of the intelligence agencies, Director of Central Intelligence Stansfield Turner under President Carter eliminated 2,800 C.I.A. positions, 820 in the department responsible for covert operations.

What changes have taken place in the years since the Iran-*contra* affair was exposed? Only one trial has been concluded to date. No one involved in a criminal operation Clifford described as the "grossest kind of violation of the tenets of our Government" has yet been sentenced to prison. The scandal, with its cast of dozens in the C.I.A., White House, State and Justice Departments, has brought few changes in Administration personnel. A number of Iran-*contra* luminaries were in fact rewarded with promotions rather than prosecutions by the incoming Bush Administration.

If there exists a new consensus among the public on United States national security policy after the Iran-*contra* affair, it has not been given voice in either the press or

Congress. The single feeble attempt at legislative reform—a bill stiffening Presidential reporting requirements—was shelved by the Democratic leadership in the House of Representatives as a “bipartisan” gesture.

Finally, only a handful of intelligence officials were disciplined for their roles in the affair: two C.I.A. officials were dismissed, one was demoted, and several others were reprimanded. And the vast web of interlocking private organizations and operatives partially exposed by the affair have for the most part escaped investigation and prosecution. This semi-private “secret government” remains intact, ready to serve a future president who may decide to prosecute a secret war without congressional approval or appropriated funds.

### Unresolved Questions

The official investigations into the scandal left troubling questions unexamined. For example:

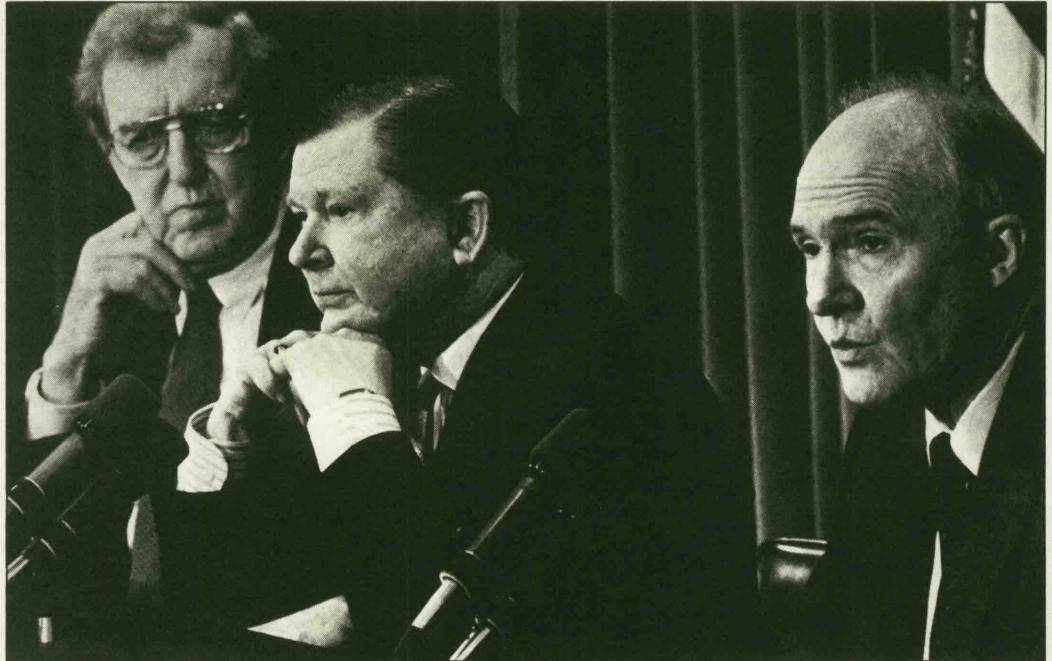
- The Iran-*contra* committees compiled extensive testimony and hundreds of documents on a Reagan Administration domestic disinformation office created in 1983. Staffed by U.S. Army psychological warfare experts and others, the State Department’s “Office of Public Diplomacy” planted news stories, pressured journalists, and distributed propaganda reports to manipulate public opinion and stir up support for the Administration’s war against Nicaragua. Extensive evidence on this domestic covert operation was suppressed when House and Senate Republicans blocked publication of the draft chapter for the committees’ final report.

- Evidence of drug trafficking by the *contras* and their supporters surfaced repeatedly in official inquiries into the Iran-*contra* affair. Entries in Oliver North’s office diary and memos drafted by his courier, Robert Owen, confirm that Government officials knew about the use of *contra* base camps and supply routes to smuggle drugs into the United States. Yet the Iran-*contra* committees refused to examine this aspect of the scandal. Independent Counsel Lawrence Walsh has initiated no criminal investigations. The Senate Foreign Relations subcommittee on terrorism and narcotics recently released an 1,196-page report with further details on the contra-drug operations—but the press quickly dropped the subject.

- Numerous foreign officials and governments—most notably, Israel and Saudi Arabia—were implicated in the Iran-*contra* scandal for conducting secret operations at the behest of the Administration. Documents discovered by attorneys in the North trial and more recently by the Senate Intelligence Committee detail secret White House plans to convince third countries to assist the *contras* in return for increased U.S. aid, at a time when the Boland

amendment prohibited assistance to the *contras*. The Administration’s use of foreign governments to circumvent congressional and legal restrictions has yet to be addressed by Congress or the courts.

- Administration officials engineered an extensive coverup of the Iran-*contra* initiatives. Beginning before the scandal became public knowledge, efforts to shield the operations escalated from public deception to blatant obstruction of justice. The Iran-*contra* committees described a pattern of lies, false chronologies and blocked inquiries. The final report documents several examples of direct N.S.C. interference in criminal investigations and prosecutions that “show how the N.S.C. staff . . . tried to



Members of the Tower Commission brief reporters on the commission’s findings. From left are Edmund Muskie, chair John Tower, and Brent Scowcroft.

prevent exposure of the enterprise by law enforcement agencies.” Evidence was destroyed, delayed or classified secret to block investigations by Congress and the courts. In a supplementary submission to the final report, for example, several Democrats asserted that unresolved questions remain because “the White House itself and a number of other executive agencies on several occasions refused to produce documents or delayed production to such an extent that the materials could not be reviewed in time for witness interviews or public testimony.” The extent of the coverup has never been fully investigated by Congress or the independent counsel.

Why the gaps in the official investigative record, the failure to issue reforms and seek prosecutions? Certainly not for lack of evidence. Consider the information amassed to date: in addition to the lengthy final reports of the Tower Board and select congressional committees, over 50,000 pages of public hearings, depositions, documents, chronologies and witness accounts were compiled, along with hundreds of thousands of additional documents not available in print, now stored in the committees’ archives. Add to that the evidence uncovered at the North trial, by standing congressional committees and by

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private investigations such as that of the Christic Institute.

Responsibility for the inadequate response to the evidence of abuse in the Iran-*contra* affair rests with Congress, the courts, the executive and the press. With few exceptions, the investigations of each lacked depth and rigor, failed to consider the underlying systemic and policy problems, and concluded with few and superficial recommendations for reform. The real "scandal" behind Iran-*contra* is the collective failure of our institutions to represent the nation in an honest assessment of the Iran-*contra* affair and the threat posed to our constitutional democracy, and to take steps to prevent a recurrence.

## Executive coverup

The Reagan-Bush Administration's response to the Iran-*contra* affair was marked from the outset by a refusal to come forward with the full truth. President Reagan's initial response to reports that weapons had been sent to Iran to win the release of hostages was a flat denial: "Those charges are utterly false." As evidence mounted, he claimed to identify with the concerned public. Like us, he said, he was waiting to find out what really happened.

A preliminary inquiry by Attorney General Edwin Meese was widely viewed as part of an Administration coverup. Alerted that the Justice Department was beginning an investigation, Oliver North and National Security Adviser John Poindexter destroyed and altered countless documents.

Meese's investigation was followed by the Tower Commission, a special review board created by President Reagan to investigate the scandal and recommend reforms in executive branch policies and institutions.

The Commission's proposals were limited. Each Administration should "formulate" and then "strictly adhere to" procedures for considering covert action, the report suggested. The position of legal adviser to the N.S.C. should be "enhanced in stature." And the Commission recommended effectively reducing congressional oversight by "replacing the existing intelligence committees of the respective Houses with a new joint committee with a restricted staff to oversee the intelligence community."

Debate, decision-making and implementation of the Iran-*contra* arms deals were shifted away from the larger executive agencies charged with carrying out foreign policy, such as the Departments of State and Defense, to less accountable Presidential "advisory" bodies such as the N.S.C. and C.I.A. Yet the recommendations of the Tower Commission skirted issues of internal executive branch accountability.

The Commission's "non-recommendations" are perhaps more revealing. The report recommends *against*: any "substantive change" in "the structure and operation of the N.S.C. system"; "requir[ing] Senate confirmation of the National Security Adviser", and "barring limited use of private individuals to assist in United States diplomatic initiatives or in covert activities."

The failure of the executive branch to investigate and resolve an ever-widening scandal of its own making is hardly surprising. Less understandable, however, is the collective failure of our other institutions.

Congress has been perhaps the worst offender. After examining some 500 witnesses and 300,000 documents over ten months, the joint select committees failed to reveal fully the events, origins and implications of the Iran-*contra* affair. Despite volumes of mail from concerned constituents, committee members projected no meaningful reforms in law or policy. "What Congress has not done," acknowledged Sen. William Cohen, "is admitted its own responsibility. We have been anxious to fix blame but not accept it."

The response of Congress hinged on its interpretation of the scandal as a product of individual shortcomings. Rep. Lee Hamilton (D-Indiana), who co-chaired the select committees, concluded that "the House and Senate Iran-*contra* committees believe that extensive new legislation is not the remedy for the abuse of covert operations in this affair. Rather, the answer lies in better attitudes by those who serve in public office."

The final report of the committees echoed this assessment, observing that "the Iran-*contra* affair resulted from the failure of individuals to observe the law, not from deficiencies in existing law or in our system of governance." The report then absolved Congress of corrective responsibility, noting that "Congress cannot legislate good judgment, honesty or fidelity to law."

The committees largely confined themselves to a series of myopic questions, with many members focusing almost exclusively on whether and when the President knew of the diversion of part of the profits from the Iran arms sales to the *contras*. "In my mind, there are two questions for us to try to answer," Republican Sen. Orrin Hatch of Utah declared in his introductory statement. "What did the President know? And where did the money go?" The implication: if the President were unaware of this single transaction, Congress and the nation could breathe a collective sigh of relief, for there was no deeper crisis.

## "Congress cannot legislate. . ."

Yet the Iran-*contra* operations represented nothing less than an attack on congressional authority by members of the executive branch and the national security establishment. Reagan Administration officials and their private sector associates not only denied Congress its constitutional role as a partner in the foreign policy process, but openly withheld information, lied to individual members and committees, and evaded or violated a range of laws enacted by Congress.

The point was not lost on Oliver North, who commented that his court case "could well determine who will control the foreign policy of the United States of America: the President . . . or 535 members of Congress. . . ."

Congress' institutional role uniquely positioned its members to re-examine the misguided policies that gave rise to the Iran-*contra* affair, and to correct systemic flaws in the foreign policy process. Congress' constitutional obligation to oversee the execution of its laws and policies should have triggered investigations followed by dismissals, prosecutions or impeachment proceedings for lawbreakers.

The congressional investigations fell far short of these aims, for a range of procedural and political reasons that in the end added up to a lack of will. Members of Congress remain reluctant to assume responsibility and

enter confrontations with the President over foreign policy and "national security" questions that might leave them vulnerable to charges of being "soft on communism." Moreover, representatives who favored the President's policy goals—in the case of the *contra* policy, a lopsided two-thirds of the committee members—were unwilling to challenge his means, even when they violated congressional restrictions.

Committee Republicans instead pointed fingers at the laws themselves, charging that the Congress had over-restricted the President in foreign affairs. Congressional Democrats were unwilling to project a positive alternative to the Reagan Administration's failed foreign policy agenda. "The Democrats in Congress were apprehensive that if they were too critical they would be perceived as weak in contrast with a President standing tall," explained Iowa Republican Rep. Jim Leach. "And they were scared to death that if they pulled the rug [on the *contras*], the Administration would blame them for losing Central America."

The final report of the committee offered no coherent policy vision or legislative framework for reform. Yet several recommendations were promising, including a ban on N.S.C. conduct of covert actions, tighter reporting requirements on secret arms transfers and mandatory disclosure of all covert operations to the congressional committees. In the 20 months since the report was issued, however, there have been few signs of congressional action on these issues.

More important, any new legislative restraints on the executive will be only as effective as the congressional will to enforce them. The constitutional and statutory authority for Congress to restrain most cases of executive and intelligence agency abuse already exists, but is rarely exercised. "Congress has the responsibility to protect our democratic institutions, even if it means reducing the freedom of future presidents to install political friends as head of United States covert operations," asserts Vermont Sen. Patrick Leahy. "The limitation of power, accountability to higher or independent authority, and the rule of law are principles that must apply as fully to intelligence agencies and activities as to any other functions of government."

### Limits to judicial authority

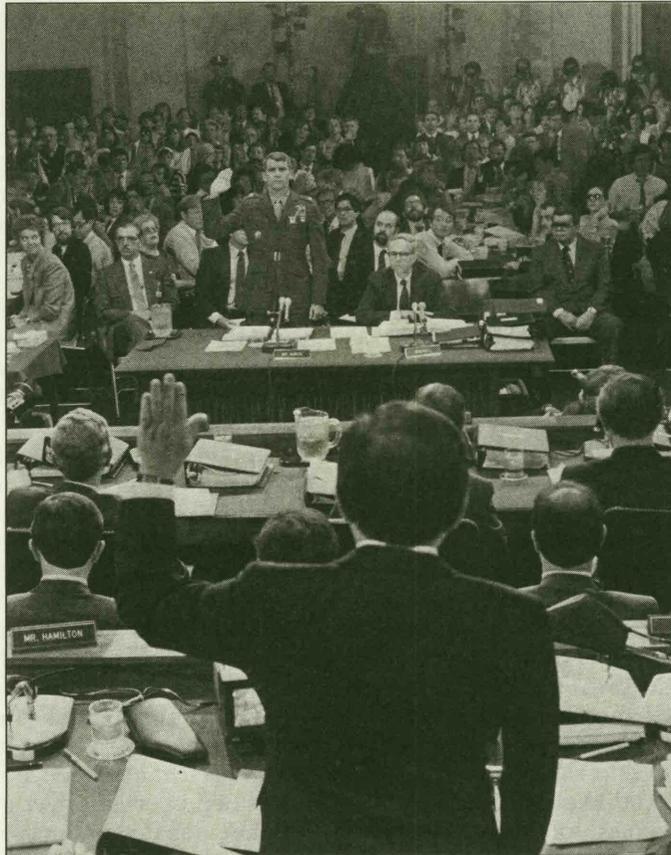
Independent Counsel Lawrence Walsh, appointed by a special court, has conducted a protracted but limited investigation into criminal activities conducted in the course of the Iran-*contra* affair.

Walsh won guilty pleas from former National Security Adviser Robert McFarlane, private *contra* fundraiser Carl Spitz Channel and public relations executive Richard Miller. In March of last year, Walsh's grand jury returned a 23-count indictment against Oliver North, retired Rear Adm. John Poindexter, retired Maj. General Richard Secord and businessman Albert Hakim. Secord and Hakim are defendants in the Christic Institute's La Penca lawsuit.

The 101-page indictment fell short of addressing the range of illegal acts and individuals involved in the scandal. Despite evidence uncovered by the Iran-*contra* committees, the Christic Institute and others, Walsh chose

not to build a case against North and the Secord-Hakim "enterprise" based on alleged criminal violations of the Arms Export Control Act, the Neutrality Act, the Federal Racketeering Act (RICO), or federal laws prohibiting narcotics trafficking, money laundering and obstruction of justice.

Significantly, the criminal investigation of one defendant, Oliver North, has been carried through to conviction and sentencing. Yet the independence and integrity of the judicial process in the North case was compromised by the intervention of the Reagan-Bush Administrations. Citing "national security," both Administrations repeatedly refused to release secret documents needed for a full and fair trial. As a result, the two most serious charges against North were dropped; the "independence" of special prosecutor Walsh was compromised,



Swearing in of Oliver North at the Iran-*contra* hearings.

and the trial was jeopardized and delayed repeatedly.

Judge Gerhard Gesell's judicial skill and persistence brought the trial to conclusion. Yet his willingness to exercise judicial authority stopped at executive claims of "national security." The Freedom of Information Act, enacted after Watergate, provides for judicial review of executive "national security" classification decisions. Judge Gesell elected not to challenge the Administration's abuse of its classification authority, even when White House claims limited the scope of the prosecution.

The courts have consistently deferred to the executive in cases of foreign affairs, often exempting themselves from the struggle to define the limits of national security policy even when the issues are legal and constitutional. Lower courts, for example, have refused to hear cases challenging the legality of specific aspects of the Vietnam and *contra* wars, arguing that these are "political" and

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"nonjusticiable" questions. Yet the effectiveness of our system of checks and balances rests on the courts' willingness to vigorously prosecute illegal activity, even when shrouded in secrecy and conducted under the guise of "national security."

### If not for a Beirut weekly

The American media have shown remarkably little introspection or interest in determining why they missed the Iran-*contra* story. The scandal "broke" only after *Al-Shiraa*, a Lebanese newspaper, reported on Nov. 3, 1986 that the United States had secretly sold arms to Iran. A flood of revelations on the secret N.S.C. operations involving both Iran and the *contras* followed the Administration's admissions of the arms sales diversion. But why was it left to a Beirut weekly to uncover the most significant foreign policy scandal of the decade?

Not for a lack of leads. Beginning in 1984, stories by the Associated Press, *New York Times* and *Washington Post* pointed to evidence of secret Administration programs to finance the *contra* effort with funds from private citizens and foreign governments. A study by the *Washington Post* turned up Oliver North's name in no less than 62 news stories from 1983 through 1985.

Yet more disturbing than the late-breaking revelations has been the mainstream media's reluctance to take the offensive as an independent investigative force. Despite its critical role in providing information, setting the terms of debate and shaping the public's response, the media have not actively helped to define a national judgement on the Iran-*contra* affair. With a few notable exceptions, the media have been content to selectively report events as they unfold, with little insight, analysis or investigative probing. Rather than pursue new leads or point to inconsistencies in the public record, members of the press largely followed the example of congressional Iran-*contra* committee investigators, who refused to ask obvious follow-up questions of witnesses. And like members of Congress, the press corps searched hard for "smoking guns" to provide conclusive answers to narrow questions. Despite pages of newsprint devoted to the Iran-*contra* affair, the American public was left to make sense of the scandal with fragmentary and inconclusive news stories.

### 'At risk in a dangerous world. . .'

In the case of the Iran-*contra* scandal, why hasn't "the system" worked to challenge and correct the abuses of power? Why have our institutions failed to identify and address the underlying political and constitutional crisis?

Significantly, every official investigation into the affair has failed to locate these events within a broader historical pattern. The evidence on the Iran-*contra* scandal, within its larger context, points to three interrelated patterns, each of which threatens our democratic and constitutional fabric. The scandal revealed dangerous increases in executive control over foreign affairs, in the power and independence of the national security establishment, and in the "privatization" of our foreign policy.

Despite the fact that the President and Congress share constitutional authority over international affairs, control

over foreign policy has steadily shifted to the executive branch since the early days of the republic. Under the Constitution, Congress is charged with the majority of the specified foreign policy powers, including the authority to declare war and to appropriate funds. The only foreign affairs powers explicitly granted to the executive are the powers to nominate ambassadors, to negotiate treaties and to command the Armed Forces; two of these are expressly conditioned on Senate approval, and the third is limited by congressional war making power. Presidents have consistently circumvented Congress, however, acting unilaterally to respond to real or perceived threats to the nation's security. And Congress has generally acquiesced in the face of executive initiative.

The pattern of executive control and circumvention increased dramatically and became institutionalized in the Cold War years. The National Security Act of 1947 created an array of new executive institutions, including the intelligence agencies and the Department of Defense. Driven by the Cold War logic that the United States must act decisively to contain "communism" in any form around the globe, the burgeoning national security apparatus grew increasingly unaccountable to the public, the Congress and at times even the President.

Congress, equally committed to an aggressively anti-communist foreign policy, was unwilling to challenge the need for a growing national security apparatus and consistently deferred to the President—until the abuses of Vietnam and Watergate.

Outraged by evidence of President Nixon's secret war in Laos and Cambodia, of unauthorized, semi-private covert actions, of wholesale lying and law-breaking—evidence not unlike that presented to the Iran-*contra* committees—Congress responded with a series of reforms to rein in the executive and the intelligence agencies. The 1973 War Powers Resolution was passed to curb executive war-making; the 1974 Hughes-Ryan Amendment required that the President report "in a timely fashion" all C.I.A. covert operations; the Case-Zablocki Act stipulated that all secret agreements must be reported to Congress, and the select intelligence committees were created to strengthen oversight over executive branch activities.

While debate continues over the effectiveness of the reforms, many of which lacked "teeth" or were riddled with loopholes, at least two of the institutions created in the aftermath of Vietnam and Watergate were instrumental in exposing and investigating the Iran-*contra* affair: specifically, the intelligence committees and the independent counsel, established by the post-Watergate Ethics in Government Act.

Ironically, however, the abuses of Iran-*contra* were partly the result of the post-Vietnam/Watergate reforms: the scandal serves as the most recent example of executive branch evasion of congressional restrictions. Associate Professor of Law Harold Hongju Koh describes the process in the June 1988 *Yale Law Review*:

"It was the Vietnam War that originally spurred Congress to pass the War Powers Resolution in an attempt to regulate overt executive warmaking. Yet far from eliminating such warmaking, the War Powers Resolution only drove it underground, stimulating the executive to substitute covert for overt operations and to transfer control of those operations from the military establishment to the intelligence agencies, particularly the C.I.A.

Increased congressional regulation of the C.I.A. through the special oversight committees then led to . . . a shifting of agency activities toward an unregulated alternative, the N.S.C. When the N.S.C. found its own resources inadequate to execute covert operations it subcontracted its duties to private agents and financed the payments with contributions from private parties and foreign governments. Existing laws limiting overt arms sales then inspired N.S.C. officials and their delegates to sell arms covertly. And after the Boland amendments restricted any official United States funding to the *contras*, military aid was privatized. In short . . . Congress' successive efforts to catch up with executive evasion of its legislative controls served only to shift executive activity into a new pattern of evasion."

Congress remains unwilling to challenge the policies at the root of executive branch abuses. And as long as the pattern of abuse continues unchecked and unpunished, "it should not surprise us when an institutional Presidency so rarely held accountable for its acts stops trying to keep account." The arrogance of executive officials in the *Iran-contra* affair, Koh continues, "was not born of ignorance, but of habit."

The pattern of executive branch circumvention has been exploited by officials like Oliver North and his private associates, whose unbending commitment to eliminating "communism" leads to a dangerous contempt for democracy. Bending the rules is justified, North argued, because "this nation is at risk in a dangerous world . . . we all had to weigh . . . the difference between lives and lies." Open debate, legal and constitutional restraints and democratic decisionmaking have no place in North's "dangerous world." The public will, expressed through our elected representatives and the laws they enact, must be manipulated, circumvented or obstructed when necessary. Both Watergate and the *Iran-contra* scandal demonstrated how C.I.A. covert tactics used abroad—from disinformation to disruption of the electoral process to intimidation and break-ins—can be turned on United States citizens engaged in legitimate democratic dissent.

### 'Privatizing' foreign policy

The institutional balance of power in foreign policy has been subverted not only by Presidential action, but by the semi-independent national security establishment. The national security agencies have not been confined to their original intent: the gathering and analysis of intelligence information. The C.I.A. and now the N.S.C. have become "operational," defining and conducting unauthorized

foreign policies which may even contradict the stated policies and diplomatic initiatives of the United States.

None of the official investigations into the *Iran-contra* affair elected to delve into the full realm of covert foreign policy, focusing instead on narrowly selected activities of Oliver North and the Secord-Hakim enterprise over a two-year time period, from 1984 to 1986. Had they examined the broader context within which North and his associates operated—many over a period of decades—members of Congress and the American public might have emerged from the *Iran-contra* scandal far more disturbed at the trend toward "privatizing" United States foreign policy.

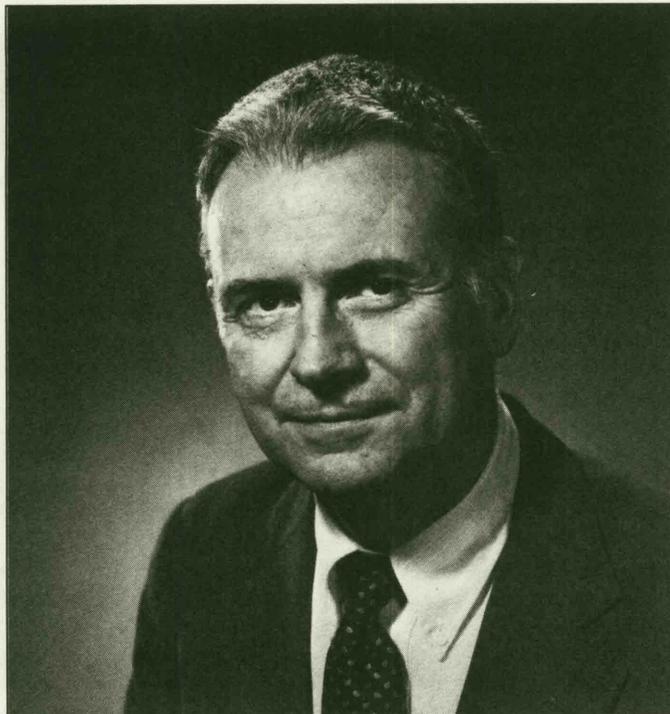
The privatization of "sensitive" intelligence activities is not new. The C.I.A. has used front companies, private citizens and funds to conduct or assist in operations ranging from the Bay of Pigs to the war in Southeast Asia. In the wake of post-Vietnam restrictions on covert action, however, United States Administrations and national security agencies have turned increasingly to private, independent networks.

Oliver North described the goal of late Director of Central Intelligence William Casey: "Director Casey had in mind, as I understand it, an overseas entity that was capable of conducting operations or assistance to United States foreign policy goals that would be a 'stand-alone'—it was [to be] self-

financing, independent of appropriated monies and similar to the ones we had conducted here [the *Iran-contra* ventures]."

Members of the *Iran-contra* committees listening to North's testimony may not have understood the extent to which Casey's vision was realized. Yet even the limited evidence before them was replete with examples of unauthorized private citizens "representing" the United States in arms transactions, negotiations with foreign leaders and top-secret operations unknown even to the United States Congress.

The Christie Institute lawsuit offers an important lens on the dangers of semi-private covert actions. Institute investigators have tracked the activities of the lawsuit's 29 defendants—all private citizens—over a period of more than a decade. Many are former military or intelligence officials, others are mercenaries or private arms dealers. Several have been accomplices in covert United States policies beginning with the first "*contra*" war against Cuba in the 1960s.



Office of Rep. Lee Hamilton

*Rep. Lee Hamilton, co-chair of the Iran-contra hearings: 'Extensive new legislation is not the remedy for the abuse of covert operations in this affair. Rather, the answer lies in better attitudes. . . .'*

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The record on the Iran-contra affair and the Institute's investigation shows that when foreign policy is "contracted out" to private operatives, democratic control and accountability are lost. Private motives range from profit to avoiding prosecution for illegal activities—such as drug trafficking—carried out under the cover of a "legitimate" U.S. covert operation. The web of criminal activity that results is documented in part by the Institute's court filings and press reports citing evidence of gun and drug smuggling, money laundering and political assassinations.

The domestic impact of these private covert operations is not limited to an abstract subversion of constitutional democracy. Mercenaries are trained in paramilitary camps in local communities while traffic in dangerous weapons increases. Banking and currency laws are distorted. Federal and local law enforcement efforts are compromised or blocked to protect covert actions abroad. Perhaps most insidious, drugs are shipped into the United States to be sold on our city streets for profit—with proceeds going to fund continued covert operations.

The full scope of these "off-the-books" covert activities and their impact on United States citizens was never revealed in the course of official investigations into the Iran-contra affair. The inquiries afforded the public only a glimpse of the abuses conducted under the guise of "national security." To really address the issues raised by the Iran-contra affair would require that our Government institutions expose and confront these dangerous trends toward decreasing accountability. The issues, finally, have little to do with Representative Hamilton's call for "better attitudes" by public officials.

### Redefining national security

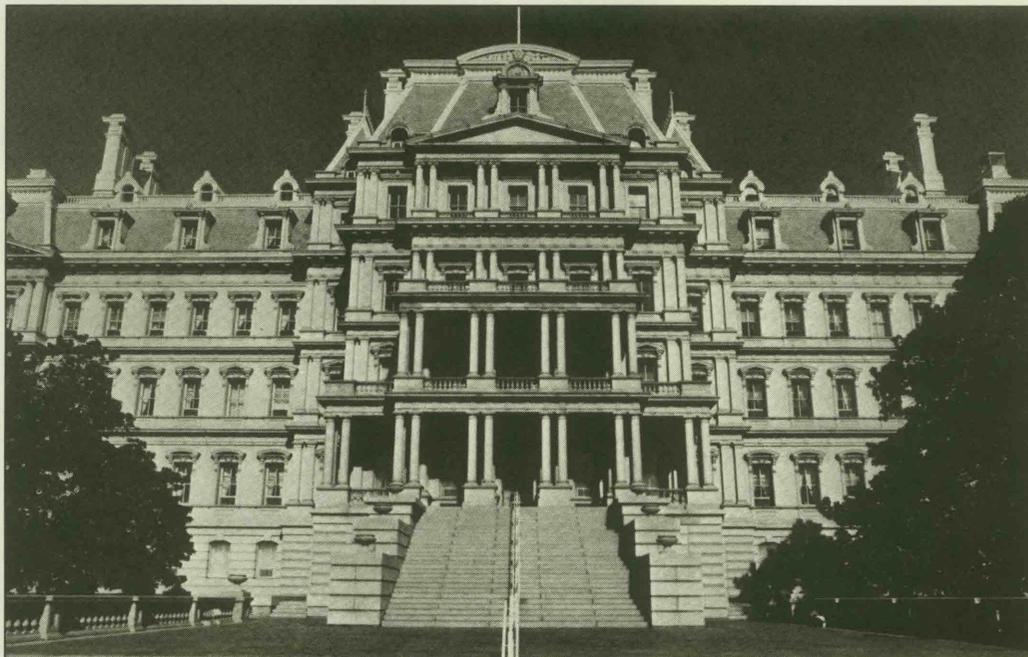
To rest the blame on democratic institutions is inconclusive. In a democracy, however imperfect, the institutions of self-government can be only as responsive and accountable as its citizens make them, only as strong as the pressure we bring to bear on them. The Congress' willingness to investigate fully and institute reforms corresponds directly to the amount of constituent pressure members feel. The Administration can brush aside these issues only if the public permits it.

The political will of our representatives and institutions must be strengthened by constituent pressure in order to reach the twin goals of redirecting our foreign policy and

rededicating ourselves to the democratic process. Concerned citizens can demand access to information and accountability from government officials.

More important, any meaningful reform will require a new definition of national security, one that rejects the Cold War logic behind our current foreign policy. A national dialogue on the real requirements of our national security can be sustained only by a concerned public.

And while it remains unlikely that the Bush Administration or a majority in Congress is prepared to fundamentally rethink the goals and direction of United States foreign policy, international events may force a shift. The democratic opening in the Soviet Union and elsewhere



*The Old Executive Office Building, where the offices of Vice President Bush and Oliver North were located.*

White House photo

has led even conservatives to project an end to the Cold War. As the perceived need to contain or eliminate "communism" is challenged, the rationale for covert policies and "national security" abuses is gradually removed. Sustained and informed public pressure, applied against a backdrop of dramatic change in the international political landscape, may yet provide an effective counterweight to the inertia of our institutions.

In the final analysis, public passivity in the face of a willful and "imperial" executive and an expanding and unaccountable national security establishment has exacted too high a price already. The issues raised by the Iran-contra affair transcend a debate over foreign policy objectives. Our covert policies and the agencies and private networks used to conduct them pose a threat to the democratic institutions, laws and principles which our foreign policy is designed to protect.

The degree of danger was bluntly assessed in the final report of the Iran-contra committees: "Suffice it to say here that under the view of North and Poindexter, a President whose appropriation requests were rejected by Congress could raise money from private sources or third countries for armies, military actions, arms systems and even domestic programs. That is the path to dictatorship." □

# Join Democracy Watch

Despite attempts by many of our policy makers to brush aside the unanswered questions of the Iran-*contra* affair, new evidence continues to surface of illegal activities conducted by members of the Reagan-Bush Administrations, defendants in the La Penca lawsuit and others involved in the scandal. The Senate Foreign Relations subcommittee report on "Drugs, Law Enforcement, and Foreign Policy," the North trial documents indicating high-ranking official involvement in the illegal resupply of the *contras* and the continuing investigations of the La Penca lawsuit have created a body of evidence suggesting the need for fundamental changes in our foreign policy.

Whether these revelations bring us closer to resolving the Iran-*contra* scandal and ending the pattern of criminal covert activity exposed in the Christic Institute lawsuit depends on all of us. Here's what you can do to help build a more lawful and democratic Government and to support the La Penca lawsuit:



**1. Join Democracy Watch: A Campaign for Lawful and Open Government.** Democracy Watch is a citizens' action campaign designed to build a national consensus against the covert policies that resulted in the La Penca bombing, the Iran-*contra* scandal, and U.S. Government complicity in drug smuggling. The campaign seeks to generate public support for a new definition of national security—one that respects international law abroad and democracy at home. By reaching out to more people about these critical issues, we can also build awareness of and support for the La Penca lawsuit.

The Democracy Watch campaign incorporates public education, community organizing, media outreach and congressional pressure. You can participate by joining one of the following nationwide networks:

- *The Democracy Watch Action Network.* In the wake of continuing revelations in the Iran-*contra* trials and recent congressional reports, concerned citizens must be able to respond quickly to urge our policy makers to take action. Members of the Action Network agree to carry out one simple action per month. Actions may include writing a letter to Congress, phoning the media, or attending a local event.

- *Media Watch.* This media response network is designed to press for more comprehensive coverage of the important policy issues raised by the Iran-*contra* scandal and the Institute's lawsuit. Participants will receive timely information and news stories every six to eight weeks and write letters to the editor of their local papers about these critical issues.



**2. Expose and End the Drug-Foreign Policy Connection.** New evidence confirms that the pursuit of such covert and illegal policies as the *contra* supply program has led to U.S. Government complicity with

drug smugglers involved in the operations. In many cases, drug profits have been used to fund covert activities. The Senate report entitled "Drugs, Law Enforcement, and U.S. Foreign Policy" documents the ways in which covert wars and misguided claims of "national security" have led to widespread U.S. Government cooperation with drug traffickers, and confirms many of the Christic Institute's allegations of guns-for-drugs operations run by the *contras* and their supporters.

- *Call or write your senators to request a free copy of the Senate Foreign Relations subcommittee report entitled "Drugs, Law Enforcement, and U.S. Foreign Policy".* By ordering the report through your senators, you help send the message that these issues are important to you.

- *Organize a community forum on the relationship between the drug crisis at home and our covert policies abroad.* The Institute can provide speakers, videos, background materials, and sample flyers.



### 3. Press for Judiciary Committee Investigations.

The House Judiciary Committee is uniquely positioned to examine criminal activities in the conduct of covert operations, including the illegalities of the Iran-*contra* scandal, the La Penca bombing and the involvement of Government agencies and their associates with drug trafficking.

- *If your representative is on the House Judiciary Committee, write and press for full investigations into these criminal activities.* Please send us a copy of your letter.

The following Members of Congress serve on the House Judiciary Committee: Chair: Brooks (D-Tex.); Democrats: Kastenmeier (Wisc.), Edwards (Calif.), Conyers (Mich.), Mazzolli (Ky.), Hughes (N.J.), Synar (Okla.), Schroeder (Col.), Glickman (Kans.), Frank (Mass.), Crockett (Mich.), Schumer (N.Y.), Morrison (Conn.), Feighan (Ohio), Smith (Fla.), Berman (Calif.), Boucher (Va.), Staggers (W.Va.), Bryant (Tex.), Cardin (Md.), Sangmeister (Ill.); Republicans: Fish (N.Y.), Moorhead (Calif.), Hyde (Ill.), Sensenbrenner (Wisc.), McCollum (Fla.), Gekas (Penn.), DeWine (Ohio.), Dannemeyer (Calif.), Coble (N.C.), Slaughter (Va.), Smith (Tex.), Smith (Miss.), Douglas (N.H.), James (Fla.).

- *If your representative is not listed above, write to ask what s/he is doing to get to the bottom of the Iran-*contra* scandal, and to stop the criminal activity documented in the Senate report on drugs and foreign policy.* Urge your representative to speak to Rep. Jack Brooks, chair of the House Judiciary Committee, and to support comprehensive investigations followed by appropriate policy reforms.

- *Visit your Member of Congress when s/he is in your district and raise these concerns directly.* The next scheduled congressional recess will be Aug. 5 to

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## SACRED LANDS

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tons annually from the Black Mesa.

"The deportations from the Black Mesa are destroying the basis for the traditional Navajo religion," says Parlow. "Native American spirituality, unlike the religions of Western Europe, depends on the earth. The land is part of an inseparable unity between the spirits of the dead, who are buried there, and the living, who continue the old traditions. By expelling native Americans from their sacred land, the Federal Government is depriving them of their freedom of religion. The policy is morally and legally equivalent to closing churches and confiscating Bibles."

With the help of an advisory board drawn from six Indian nations, the Sacred Lands Project began four years ago to collect stories and documentation on the destruction of the traditional cultures on the Black Mesa. The goal was to create a document that could be used to make an effective case against the policy of deportation.

The result is *Cry, Sacred Ground*. Written and edited by Parlow, this 212-page book collects into one source the oral history of the Navajo and Hopi Indians, including their sacred stories about the Black Mesa, their memories of life before the deportations, and their fight against the Federal policy.

Author Noam Chomsky calls the book "a call to action to prevent yet another major tragedy in the Western search for wealth and power at the expense of indigenous peoples." Navajo lobbyists have used the book to support their argument that Congress should reopen the debate on the relocation policy.

The book is also being used in Phoenix Federal court, where attorneys representing the Navajos are seeking an injunction to halt future deportations on the grounds that they constitute a violation of the First Amendment right to the "free exercise of religion." The case was heard in October 1988. A decision is expected later this year. □

## CRY, SACRED

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A century of Federal intervention created the Navajo-Hopi land dispute, exacerbating tensions that existed between clans, villages or individuals into a full-blown intertribal conflict. The U.S. Government imposed an adversarial system that broke the Navajo and Hopi ways of consensus government. Battle lines were drawn by Congress and the courts, who shifted reality to conform to legal fictions, leaving the Hopi and Navajo tribal councils locked in opposing corners, each vying for Federal attention. Traditional Navajos who live on the disputed J.U.A. and Hopis like Thomas Banyacya who oppose their removal speak from a spiritual view and an experience impossible to ignore: "It is not the Navajos and Hopis fighting each other on the Black Mesa; it is the tribal councils, controlled by Washington, who want us to move away and live like the White Man." □

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Sept. 5, with adjournment in October. Write us for a congressional packet and tips on carrying out delegation visits (\$5.00/packet).



**4. Educate and activate your community by showing *Cover-Up*.** Produced by the Empowerment Project, this award-winning documentary film explores in detail the history of U.S. covert operations, the gaps in the Iran-*contra* congressional committee investigations, and the La Penca lawsuit. The film is now available for both 16 mm film showings and video house parties. Videos may be obtained from the Christic Institute. Contact the Institute to find out about requirements for public showings of *Cover-Up*.

Organize a Christic Institute speaking event at your campus, church or synagogue. Contact us for details.



For more ideas and information on getting involved, contact the Christic Institute Outreach Department at (202) 797-8106. □

## ROBESON COUNTY

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"Under the circumstances, we agreed with Timothy's decision to plead guilty," says Pitts. "The state charges were brought in bad faith and designed to silence the voices seeking an end to the lawlessness and corruption in Robeson County. I certainly understand why Timothy did not want to gamble his liberty on getting a fair trial from that corrupt system.

"The hostage taking may have been wrong, but the result was to end once and for all the obscurity of this small, impoverished county ruled by drug pushers and corrupt officials," Pitts adds. "The citizens of Robeson County now know that they are not alone, that they have allies around the country, and that they have the power to organize for their rights.

"Even Bob Horne, editor of *The Robesonian* and one of the hostages, said of Jacobs and Hatcher that 'they accomplished more in 10 hours than has been accomplished in a hundred years' in Robeson County."

One sign that the drug and violence epidemic in Robeson County has become a national issue is the inquiry now underway by the U.S. Senate's Select Committee on Indian Affairs, chaired by Sen. Dennis Deconcini, Democrat of Arizona. The leading newspapers in North Carolina also have taken up the cause, editorializing that the state should launch a new investigation of official corruption and unsolved murders in the county.

"There's a long and hard road ahead for the people who live in Robeson County, and a long struggle before the dealers are jailed and corrupt officials removed from office," Pitts says. "But the people already have begun to take the first steps." □