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Source: *Foreign Policy*, No. 68 (Autumn, 1987), pp. 19-41

Published by: [Washingtonpost.Newsweek Interactive, LLC](#)

Stable URL: <http://www.jstor.org/stable/1148729>

Accessed: 17-02-2016 22:54 UTC

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THE REAL CAUSE OF IRANGATE

by Kenneth E. Sharpe

On the 200th birthday of the signing of the U.S. Constitution, Americans would do well to look at the common threads of three scandals that have bedeviled the country: the secret bombing of Cambodia, Watergate, and the ongoing Iran-*contra* affair. Each had its genesis in a policy aimed at imposing U.S. political will on a Third World country. Each involved serious violations of law, the Constitution, and American democratic practice. And each prompted an effort to change the people and laws that had promoted or allowed the abuses. But most important, each scandal pointed to a deeper problem for constitutional democracy—one whose source was not merely bad people or bad laws, but the chronic tension between America's democratic domestic political system and its nondemocratic national security system.

On April 30, 1970, President Richard Nixon astonished the country with his televised announcement that the United States had invaded Cambodia to attack North Vietnamese army strongholds. Until then, he said, "neither the United States nor South Vietnam ha[d] moved against these enemy sanctuaries, because we did not wish to violate the territory of a neutral nation." The reality was quite different: For 13 months the government had been directing the secret bombing of Cambodia. By May 1970, B-52 bombers had dropped 110,000 tons of bombs in 3,630 raids. The operation was run from the basement of the White House by then national security adviser Henry Kissinger and the colonel who served him, Alexander Haig, Jr. In formulating articles of impeachment against Nixon in 1974, the House Judiciary Committee debated, but then decided against, a draft article charging that the president's efforts to conceal the bombing from Congress, and his "false and misleading state-

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ments,” were “in derogation of the power of the Congress to declare war, to make appropriations, and to raise and support armies.”

In May 1969 the Nixon White House moved to protect the secrecy of the Cambodia bombing by illegally ordering the wiretapping of high government officials and journalists suspected of leaking information. In June 1971, after a former Defense Department consultant, Daniel Ellsberg, leaked the “Pentagon Papers,” which detailed the rationale for U.S. involvement in the Vietnam War, the White House expanded these operations with the creation of “the Plumbers,” a secret White House “special investigative unit” assigned to plug the leaks. Later the unit was given the task of helping the Committee for the Re-Election of the President to spy on, discredit, and disrupt the Democratic party. The Plumbers’ botched break-in at Democratic campaign headquarters at the Watergate office complex in Washington in June 1972 eventually led to the disclosure of an intense effort to apply at home many of the illegal and antidemocratic covert practices long used abroad. One of the three proposed articles of impeachment adopted by the House in 1974 charged that Nixon had “repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposes of these agencies.”

Ten years after Nixon’s 1974 resignation, Congress cut off covert aid to the Nicaraguan rebel army created by the Reagan administration to destabilize and overthrow the Marxist Sandinista government. To circumvent the law, the White House created a secret network to keep the rebels, known as *contras*, alive and fighting. Among those recruited were former CIA and Defense Department officials, international arms merchants, anti-Castro Cuban terrorists, and soldiers of fortune. Congressional appropriations were replaced by private funding from right-wing organizations and by donations from Saudi Arabia and other foreign governments. In 1985 and 1986 this same network was used illegally to ship arms to Iran in exchange for Americans held hostage by pro-Iran terrorist groups in Lebanon and to divert some of the profits from the sales to the *contras*.

The particular vision of national security that

was to inspire these three scandals began to emerge even before the cold war. President Franklin Roosevelt's global vision had begun to create a new international economic and political order with the United States at the center. The logic of world power demanded an imperial executive to create and manage the new global order. The cold war then made rational the growth of a powerful security apparatus ruled by an "imperial president" to defend this order against the rival power, the Soviet Union. In 1973 the historian Arthur Schlesinger, Jr., explained in *The Imperial Presidency* how the "belief in permanent and universal crisis, fear of communism, faith in the duty and the right of the United States to intervene swiftly in every part of the world—had brought about the unprecedented centralization of decisions over war and peace in the Presidency."

The centerpiece of the new security system was the National Security Act of 1947. It created the National Security Council (NSC), the CIA, the National Military Establishment (later known as the Defense Department), which integrated all the military services under the secretary of defense, and the Joint Chiefs of Staff. The national security system was a cold-war system and, as such, rapidly grew independent of most constitutional and democratic controls. Checks and balances aimed at ensuring shared decision making in foreign policy with Congress were, often by tacit agreement, suspended; the president and his security managers increasingly were allowed to rule by decree.

The president was allowed to commit troops—to Korea in 1950 and to Lebanon in 1958, among other places—without a declaration of war, and secret executive agreements replaced treaties. The CIA regularly used covert operations to make foreign policy—including trying to overthrow foreign governments such as Iran in 1953, Guatemala in 1954, and Cuba in 1962—without congressional approval, participation, or even oversight. Deception, outright lying, and procedures to ensure "plausible deniability" minimized popular and congressional control, while secret budgets for intelligence activities undermined accountability. Congress acquiesced by and large because the security of a superpower in the nuclear age seemed to demand a level of secrecy, efficiency, and unity of action that made prolonged debate and legislative checks obstructive.

Some practices were blatantly antidemocratic: U.S. support for authoritarian regimes, American involvement in the assassination of foreign citizens and in the bribery and manipulation of foreign elections, and the provision of U.S. aid in overthrowing undesirable governments. Further, the messianic and Manichaeic vision used to justify these policies—the forces of democratic good fighting totalitarian evil—meant a willingness to impose American values on others that was contrary to the tolerance, pluralism, and spirit of compromise that the country publicly embraced.

Such a nondemocratic security apparatus could exist within a constitutional democracy because of the balance forged between the two systems in the early postwar period. This balance had three components. First, an anticommunist ideology deleted all debate about the security mission and methods from the political agenda. Communism had to be contained, and because communists were as unscrupulous as they were expansionist, the argument went, international politics was an anarchic Hobbesian struggle. Too much constitutional restraint or moral scruple would make the United States vulnerable. So self-preservation demanded the creation of a security leviathan with power enough to establish a safe world order and capable, when necessary, of fighting dirty. At the same time, the anticommunism had to square with America's national idealism. Public exercises of power needed to glisten with high moral principle, so dirty deeds needed to be made covert and used only as a last resort.

Second, the sphere of national security operations had to be limited. A boundary would be drawn around Americans' domestic lives, and the leviathan would be kept outside. Third, the security system would not be granted full autonomy, even abroad, because that would be a danger and an offense to basic constitutional principles. The National Security Act, for example, said that the CIA "shall have no police, subpoena, law-enforcement powers, or internal-security functions." The power of the purse would provide the ultimate control. The leviathan was put on a leash, albeit a long one.

Forging the actual substance of this balance, however, involved fierce struggles within the government over the specific content of the legitimating ideology, the boundaries, and the controls.

The postwar balance was imposed only after President Harry Truman unleashed an anticommunist crusade that destroyed the progressive Wallace wing of the Democratic party and then spawned McCarthyism and its decimation of all organized “leftist” opposition. But since the widespread opposition to the Vietnam War, the struggle to restore a proper balance has been shaped by the domestic reaction to the decline of U.S. hegemony. Exerting American will in Southeast Asia exacted a high cost at home and created enormous reluctance to sacrifice the national treasure, the lives of American citizens and the country’s moral self-image. The bipartisan consensus thus was undermined: Foreign policies were challenged and the balance between the two systems was lost, at least temporarily.

When attempts by national security elites to achieve a policy consensus by using “lower cost” tactics, such as Nixon’s Vietnamization program and Reagan’s *contra* war, proved inadequate, policymakers sought ways to shelter better the security apparatus and its policies from domestic opposition. This generated another struggle. Covert operations spilled over into domestic life as the government crossed the boundary set up between domestic and international affairs to quell opposition at home. Administrations tried to undermine public control, burrowing deeper into secret chambers and inventing new mechanisms, such as the intricate private arms transfer networks created to ship weapons to Iran in the Reagan administration, to circumvent the law and the Constitution. Officials attempted to shore up the legitimacy of the security system by exaggerating threats, inflaming fears, and reinterpreting the president’s constitutional powers—all of which corrupted trust and undercut the public’s right to elect leaders on the basis of what the government had done. The illegal bombing of Cambodia and the Watergate and Iran-*contra* scandals represent the public surfacing of this struggle.

Nixon’s Secret Bombing

The military aim of the Cambodia bombings was to destroy North Vietnamese sanctuaries. However, a more important political motive existed. Basic to Nixon’s strategy for ending the Vietnam War and bringing about “peace with honor” were the slow withdrawal of American troops

and the arming and training of South Vietnamese forces to take over the fighting. But this Vietnamization required sufficient U.S. force, particularly air power, to compel Hanoi to negotiate an "honorable" peace settlement. The bombing of Cambodia was Nixon's first attempt to frighten Hanoi; he would show his determination to be tough by expanding the war in ways that the Johnson administration had resisted.

Kissinger created an elaborate covert network to keep the bombing secret. A dual reporting system was set up to by-pass the command and control procedures of the Strategic Air Command. Officially, pilots were sent to bomb targets in South Vietnam, but a handful were told to expect special, secret target instructions from controllers at ground radar sites. Chairman of the Joint Chiefs of Staff General Earle Wheeler and Secretary of Defense Melvin Laird knew of and approved of the bombings. But Secretary of the Air Force Robert Seamans, Air Force Chief of Staff General John Ryan, the Cambodian desk officers in the Saigon embassy, and the relevant congressional committees all were kept in the dark.

The air war's organization was a clear effort to subvert the constitutional controls on the security system. As the supporters of impeachment on the House Judiciary Committee wrote in an opinion included in the committee's August 1974 report: "The Constitution does not permit the President to nullify the war-making powers given to the Congress. Secrecy and deception which deny to the Congress its lawful role are destructive of the basic right of the American People to participate in their government's life-and-death decisions."

But presidents had been cutting into congressional war-making powers since the 1947 National Security Act apparatus was put in place. President Lyndon Johnson's commitment to Vietnam of 500,000 U.S. soldiers between 1965 and 1967 without a declaration of war (the Gulf of Tonkin resolution notwithstanding) had demonstrated how much Congress was acquiescing to the erosion of its control over the security system. Why, then, did Nixon not openly bomb Cambodia? Even before Nixon took office, the bipartisan consensus on waging war in Vietnam was becoming unglued, and with it, the acceptance of the autonomy of the executive and the security bureaucracy. As the tragic costs of the Vietnam

War grew clear in 1966, Congress tried, timidly at first, to respond to popular opposition and exercise the constitutional powers it thought it had by holding Senate Foreign Relations Committee hearings. But progress was difficult. Tacitly accepting executive commitments—agreements with the government of South Vietnamese President Ngo Dinh Diem and sending aid, advisers, and finally combat troops—had created, in Alexander Hamilton's words, an "antecedent state of things" that was difficult to reverse. Lawmakers asked questions like, How can we abandon our boys? Renege on our commitments? Go back on our word?

Growing public opposition, however, made further escalation politically difficult. Johnson was forced to halt troop escalation, and Nixon felt compelled to withdraw soldiers and adopt Vietnamization. But this lower-cost policy did not allow Nixon to force the negotiated settlement he wanted. He needed both to demonstrate his political will through the attacks on Cambodia and to avoid domestic opposition by creating the clandestine network. The secret bombing dramatized how far a president faced with strong domestic opposition was willing to go to free the national security system from constitutional and democratic controls.

The cold war made rational the growth of a powerful security apparatus ruled by an "imperial president."

If Cambodia demonstrated how difficult it was becoming to control the security system abroad, Watergate showed how the security system could spill over into life at home. Covert activities once aimed at America's enemies abroad suddenly were used against domestic enemies—those who opposed Nixon's foreign policies and threatened his bid for re-election.

Watergate often is misremembered simply as "a botched burglary, a campaign of dirty tricks and an attempted cover-up of those miserable deeds," as described in May 1987 by Senator Daniel Inouye (D.-Hawaii), the chairman of the Iran-

contra investigative committee.¹ But the disruption and harassment of the Democratic party, and the tampering with the very electoral system of American democracy, formed only the surface stream of a corrosive undercurrent of overt and covert attempts to quell domestic opposition. Nixon's open attempts to protect his security policies from opposition were grounded in antidemocratic mechanisms developed before his tenure. For example, the Johnson administration had pushed through laws that cut off federal aid to college students convicted of rioting and had begun a major conspiracy prosecution against antiwar leaders in the so-called Coffin-Spock trial. Then Yale University Chaplain William Sloane Coffin, the noted pediatrician Benjamin Spock, and three other antiwar-movement leaders were indicted in January 1968 for conspiracy to "counsel, aid, and abet" violators of the draft. The charges and convictions eventually were appealed and dismissed.

Nixon employed such procedures on a more massive scale, using extremely shaky conspiracy prosecutions against radical leaders to tie up the antiwar movement's resources. Upon taking office, the Nixon administration, through Attorney General John Mitchell's Justice Department, resumed an investigation, which had been dropped by the Johnson administration, of eight antiwar activists. The charges, which were found in the Anti-Riot Act of 1968, stemmed from the disruption of the 1968 Democratic National Convention in Chicago. In 1969 the Chicago Eight, which included Students for a Democratic Society leader Tom Hayden, Youth International party (Yippie) leaders Abbie Hoffman and Jerry Rubin, and Black Panther party Chairman Bobby Seale, were tried for conspiring to cross state lines with the intent to incite a riot and for teaching the use of incendiary devices to other protesters. During the trial, they were cited many times for contempt. Although they were found guilty, eventually all the convictions and most of the contempt citations were overturned.

Nixon's Justice Department also used grand juries to gather political intelligence and to harass radicals. Between 1970 and 1973, more than 100 grand juries in 36 states and 84 cities looked into dissident activities. More than 1,000 people were

¹New York Times, 3 May 1987, sec. 4, 27.

subpoenaed.² There also were attempts to intimidate the “liberal press” by using antitrust suits, by subpoenaing files, and by threatening to withdraw broadcast licenses. “Every legal and constitutional means,” said the then White House speech writer Patrick Buchanan in 1973, should be taken to “break the power of the networks.”³ In addition, the police used violence and indiscriminate and illegal arrests to harass antiwar demonstrators. During the 1971 May Day demonstrations in Washington, 7,200 people were arrested in 1 day, many of whom were confined temporarily in a huge outdoor stockade without being told what crime they allegedly had committed.

Nixon’s domestic covert operations also had roots in earlier administrations. Claims of communist and other domestic subversion had long been used to justify spying on those who sought radical change in the United States.⁴ But after a lull in such operations in the early 1960s Johnson built a vast covert-operations machine to combat the growing antiwar and black militant movements. The counterintelligence program (COINTELPRO) was one example. Originally created by the FBI to “expose, disrupt and otherwise neutralize” the Ku Klux Klan and other white hate groups, it was expanded in 1967 and used against black militant groups and “New Left organizations, their leadership and adherents.” Then FBI Director J. Edgar Hoover ordered his agents to frustrate “every effort . . . to consolidate . . . forces or to recruit new or youthful members” and to give consideration “in every instance . . . to disrupting the organized activity of these groups.”⁵ In practice, this could mean getting activists fired or evicted. (In one attempt, the FBI wrote letters to the spouses of leftist and black activists saying that their partners were having extramarital affairs.) The CIA and the National Security Administration (NSA) began large domestic spying operations, and the army assigned 1,500

²Robert J. Goldstein, *Political Repression in Modern America: From 1870 to the Present* (Cambridge, Mass.: Schenkman Publishing Company, 1977), 493.

³Quoted in Goldstein, *Political Repression in Modern America*, 497.

⁴For a thorough discussion, see Frank J. Donner, *The Age of Surveillance* (New York: Vintage Books, 1981), and Goldstein, *Political Repression in Modern America*.

⁵Quoted in Goldstein, *Political Repression in Modern America*, 451.

of its intelligence agents to collect political information on “virtually every group seeking peaceful change in the United States,” according to the April 1976 report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Operations.

Not surprisingly, given its view of the antiwar opposition, the Nixon administration expanded this machinery. In 1969 Vice President Spiro Agnew compared isolating activists with “discarding rotten apples from a barrel.”⁶ Using wiretaps, bugs, and informants, the FBI broadened its intelligence activities to cover almost all forms of political dissent. The harassment by COINTELPRO, including the use of agents provocateurs, became, according to the April 1976 Senate select committee report, a “sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association.” CIA and NSA covert activities also intensified, and the Internal Revenue Service was drafted to disrupt political dissidents by giving the FBI confidential tax information.⁷ The same report concluded that the tactics used were “unworthy of a democracy and occasionally reminiscent of the tactics of totalitarian regimes.”

Yet these threats to constitutional democracy yielded no widespread opposition until the Watergate operation was fully revealed. Here was a secret team set up and administered in the White House and answerable only to the president. Even more shocking was its target: not “leftist” opposition but the Democratic party. Only when it was discovered that covert operations had reached mainstream Democratic critics did Watergate emerge—and only slowly—as a scandal.

The Post-Vietnam Formula

The Vietnam War and the Cambodia bombing, followed by Watergate, warned the American people about the dangers of an increasingly autonomous national security bureaucracy headed by an unaccountable president. Congress was spurred to establish a new balance between the security system and constitutional democracy—to strengthen controls and redefine boundaries. Landmark legislation included the War Powers

⁶*Quoted in Goldstein, Political Repression in Modern America, 462.*

⁷*Ibid., 481.*

Act of 1973, which set a 60-day limit on the use of U.S. troops in hostile areas without a declaration of war or congressional authorization, and the creation of congressional intelligence oversight committees to monitor the CIA.

The public revulsion at secrecy, lying, and distortion led to a significant increase in investigative reporting, most notably during the unraveling of the Watergate cover-up. Congress lessened government control over information and in 1974 strengthened the Freedom of Information Act. It also forbade secret executive agreements. In June 1978 President Jimmy Carter promulgated a new executive order on classification that narrowed the minimum basis for creating official secrets and insisted that the protection of information be balanced against the public's need to know.

The new post-Vietnam formula was a commitment not only to open up the foreign-policymaking process, but also to alter its content. Washington became reluctant to send U.S. troops to fight in Third World countries when the goals were not clearly defined and the conflict unpopular at home. Awareness grew that Third World turmoil often was caused by poverty and repression and that a North-South perspective was more accurate than an East-West one. In a May 1977 speech at the University of Notre Dame, Carter charged that post-World War II American policy had been hobbled by an "inordinate fear of communism" that "led us to embrace any dictator who joined us in our fear."

Although Carter's belief that covert operations had detracted from the CIA's primary intelligence-gathering role led to their reduction, little was done to restructure fundamentally the national security apparatus. The basic assumption of post-war foreign policy remained unchanged: It was America's responsibility to prevent the spread not simply of Soviet power but of communism in general. Leftist revolutionary regimes still were considered antithetical to U.S. global interests, and the aim of U.S. policy still was to minimize the chances of such outbreaks. Many conservatives remained ready and willing to use military force to prevent the spread of revolutionary regimes, despite domestic opposition and economic costs. Moderates sought other means: active encouragement of human rights, centrist alternatives to repressive rightist dictatorships, and the

use of diplomacy and economic leverage. But few publicly questioned either the power of the United States to influence the character of Third World regimes or the necessity—indeed the global responsibility—to do so.⁸

In 1981 President Ronald Reagan returned the conservative and woefully outdated vision of containment to the White House. The Reagan Doctrine butted up against the “no more Vietnams” consciousness forged in the 1960s and 1970s and the institutions and legislation designed to improve constitutional control over the national security system. Reagan sees the period of détente as a dangerous delusion about Moscow’s goals. In his view, the Soviet Union harbors plans for global military conquest that will necessitate a primarily military U.S. response. The doctrine also interprets Third World turmoil in East-West terms. “Let’s not delude ourselves,” presidential candidate Reagan warned in an interview in June 1980. “The Soviet Union underlies all the unrest that is going on. If they weren’t engaged in this game of dominoes, there wouldn’t be any hot spots in the world.”

The abuses of the Reagan administration show that new laws are insufficient if the political will to enforce them is lacking.

Moreover, according to the Reagan Doctrine’s logic, containing communism is insufficient. The Soviet Union can be challenged by “rolling back”—undermining and overthrowing—Third World revolutionary governments. The Iran-*contra* affair thus has been only the most dramatic expression of a larger Reagan mission: to repair the damage to the security system caused by the post-Vietnam formula. Appointing the late William Casey, an old Office of Strategic Services agent deeply committed to covert operations, to be CIA director symbolized the broad administration effort.

One part of the effort was to stress strategies that would lower costs and thus minimize oppo-

⁸See Morris Blachman, William LeoGrande, and Kenneth Sharpe, eds., *Confronting Revolution: Security through Diplomacy in Central America* (New York: Pantheon Books, 1986), chaps. 12 and 13.

sition at home. Increased military aid and training to anticommunist allies fighting leftist insurgents in El Salvador, Guatemala, and the Philippines would, like Nixon's Vietnamization, keep the conflicts at a level of low intensity back in Washington. Enlarging the Rapid Deployment Force would allow lightning victories before domestic opposition could organize. The 1983 Grenada invasion provided an excellent example of such a victory. Further, using anticommunist guerrillas in Afghanistan, Angola, Cambodia, and Nicaragua would allow proxy forces, not American soldiers, to absorb the costs of rollback.

By themselves, however, these strategies did not prevent public, media, and congressional resistance. Therefore the administration sought to rebuild the shield that in the past had protected security policy from public controls. There also was some evidence of Watergate-like activities as the FBI scrutinized the political activities of American critics of U.S. Central America policy, and as more than 20 break-ins occurred nationwide at offices of groups opposing the policy. But domestic covert operations—harassment and spying—were not the main event. First, the armor of legitimacy would be refurbished. The administration struggled, with some success, to revive the fears of Soviet expansionism that justified its policies and to clothe its actions in righteousness. Drawing on the moral messianism that is so deeply rooted in American culture, the president portrayed the Soviet Union as the “evil empire,” the *contras* as “freedom fighters” who are the “moral equivalent of our founding fathers,” the Nicaraguan government as a “totalitarian dungeon,” and the United States as a “shining city.” Buchanan, as the Reagan White House communications director, argued that the Democratic party's stance on *contra* aid revealed “whether it stands with Ronald Reagan and the resistance—or Daniel Ortega and the communists.”⁹ The flavor of McCarthyism usually was only subtly invoked, but people remembered, and many moderates fell into line or went on the defensive.

Second, the security apparatus would be insulated from public control by restricting and manipulating information to limit policy debate. “You can't let your people know what the government is doing without letting the wrong peo-

⁹Washington Post, 5 March 1986, A19.

ple know—those who are in opposition to what you're doing," the president said on October 19, 1983, shortly before the Grenada invasion, which the press was barred from covering. Acting on this theory, the Reagan administration weakened the Freedom of Information Act by eliminating the requirement that agencies withholding documents show the release of such papers to be "demonstrably harmful" to the government. The president also instituted polygraph tests for federal employees in sensitive positions who are under suspicion of mishandling government secrets; proposed prior censorship for more than 100,000 government employees; and increased use of the McCarran-Walter Immigration and Nationality Act's visa restrictions to keep out foreigners with critical views, including such notables as the Nobel literature laureate Gabriel García Márquez and Hortensia de Allende, the widow of former Chilean President Salvador Allende Gossens. When it became inadvisable or impossible to conduct policy in private, the administration turned inward to a pattern of deception and lies—thoroughly documented in the February 1987 report of the President's Special Review Board, commonly known as the Tower commission, and by the congressional Iran-*contra* hearings—to make reality fit its vision.

Still, the mirrored surface of legitimacy and its dark underside of secrecy were not by themselves sufficient to block critical, contrary information and troubling opposition. The wax of moral mission washed off the *contras* as fast as it was rubbed on, as well-documented reports of *contra* human rights violations continued steadily. Starting in 1984, Congress shifted from quietly overseeing the *contra* war to voting openly against U.S. funding for the rebels. The administration then took another route: circumventing congressional controls.

The mechanisms designed to strengthen constitutional controls were perverted so that policy could be insulated from control. The covert operations that the Senate select committee had reluctantly allowed in "extraordinary circumstances" in 1975 were turned into the very "parallel but invisible system" of "routine" operations that the committee had warned against. Casey made covert wars an important, routine CIA instrument for carrying out the Reagan Doctrine in Afghan-

istan, Angola, Cambodia, and Nicaragua. Even when duly reported to congressional intelligence committees, the use of covert operations to make and change foreign policy stifled public debate and limited congressional opposition to only the most extreme cases.

The letter, as well as the spirit, of the law was violated. The fundamental purpose of requiring a presidential finding and "timely" reporting of covert operations to Congress was to ensure consultation during, if not before, implementation. However, when the White House initiated the arms-for-hostages deal with Iran, Reagan signed a finding and then deliberately kept it hidden in a safe, presenting it only when the illegal activity was revealed 10 months later.

Reagan administration officials circumvented congressional restrictions on funding simply by institutionalizing loopholes in the appropriations process. The president used his defense "draw-down" authority to tap special funds that had been earmarked for military emergencies to increase military aid to El Salvador by \$25 million in 1981. (Congress had appropriated \$5.5 million.) Similarly, an extra \$55 million was used in 1982 when Congress appropriated only \$26 million. Reprogramming authority, intended to give flexibility in moving small amounts of funds approved for one project to another, became a routine way to fund Central American projects that Congress had not approved. Funds slated for maneuvers were used to station U.S. combat troops in Honduras, thereby avoiding the War Powers Act; permanent military bases were established in Honduras without the required congressional authorization for military construction; and arms and bases for the *contras* were provided beyond what was authorized by the intelligence committees. To avoid Senate oversight of CIA covert operations, the administration beefed up the military's Special Operations Forces, funded, like the CIA, from the black budget, which is hidden from congressional scrutiny. In 1980, for example, the Pentagon, behind Congress's back, reportedly created the Intelligence Support Activity, a secret army spy squad with at least 250 officers.¹⁰ After Congress tried to close the last loophole on *contra* funding with the seemingly all-inclusive language

¹⁰See Mark Perry, "The ISA behind the NSC," *Nation*, 17 January 1987, 33, 48–50.

of the 1984 Boland amendment, which prevented any government agency from directly or indirectly providing support, the administration initiated its most innovative and dangerous effort to date—a semiprivate network in which government security managers subcontracted out security policy and financed it with private contributions and donations from foreign governments. This secret network was the most blatant attempt to protect administration doctrine from constitutional and democratic controls since those controls had been reinvigorated in the wake of Vietnam.

Aberrationists versus Legalists

In each of the three scandals the struggle between the national security system and constitutional democracy surfaced from beneath the cover of secrecy, but the public debate was often misleadingly narrow. In a common pattern, the “aberrationists” locked horns with the “legalists.”

Aberrationists focus on people’s failures. Problems in human character—ambition, ignorance, overzealous patriotism, disrespect for the laws, dishonesty—occasionally cause an “aberration,” as former Texas Republican Senator John Tower, who chaired the President’s Special Review Board, described the Iran-*contra* affair. But aberrationists see the relationship between the national security system and constitutional democracy as fundamentally sound. The Iran-*contra* affair was “a mistake, not a scandal,” asserted Representative Newt Gingrich (R.-Georgia). It was a series of “blunders,” according to Senator Robert Dole (R.-Kansas). The scandal was caused, said the Tower commission, by Reagan’s “management style” and by “unprofessional” NSC staff behavior.

The legalists often accept bad people as the cause, but, like the Founding Fathers, they assume that abuses of power are inevitable unless checked by institutional restraints. New legislation and possibly constitutional controls are needed to prevent such abuses from happening again. As Allan Goodman, a former CIA official, argued, “The CIA made mistakes that are not unique to the politics and personalities involved in the Iran-*contra* affair but that represent major defects in the country’s system of intelligence sup-

port to foreign policy.”¹¹ The threat of new controls often spurs a refreshing bluntness among defenders of the security system. National security and constitutional democracy often are in conflict, they say, but saving constitutional democracy may require partially sacrificing it. In 1948 the diplomatic historian Thomas Bailey put it bluntly in *The Man in the Street*:

Deception of the people may in fact become increasingly necessary unless we are willing to give our leaders in Washington a freer hand. . . . Just as the yielding of some of our national sovereignty is the price that we must pay for effective international organization, so the yielding of some of our democratic control of foreign affairs is the price that we may have to pay for greater physical security.

Nixon echoed this defense when he explained to a British television interviewer in 1977 that illegal acts are not illegal when the president orders them.

If the President . . . approves something, approves an action because of national security, or . . . because of a threat to internal peace and order of significant magnitude, then the President's decision in that instance is one that enables those who carry it out to carry it out without violating a law.¹²

And as the Iran-*contra* affair was unfolding, the commentator Charles Krauthammer, actually a strong legalist, argued in the February 9, 1987, issue of the *New Republic* that “imperial responsibility demands imperial government” and secrecy and that this will to an extent “constitute a diminution of democracy,” but that it is a price worth paying to protect American democracy from “a totalitarian threat.”

These arguments are revealing because they concede that the problem goes beyond the failures of individuals. When domestic opposition threatens policies crucial to exercising imperial responsibility or projects an image of weakness damaging to U.S. credibility, security elites are tempted to undercut constitutional controls or to quell opponents. Nixon knew that potential congressional opposition could be mobilized to block funding if he expanded the Vietnam War, especially after he had promised to wind it down. He

¹¹Allan E. Goodman, “Reforming U.S. Intelligence,” *FOREIGN POLICY* 67 (Summer 1987): 122.

¹²Quoted in Donner, *Age of Surveillance*, 243.

worried, too, about America's image abroad. One reason for the secrecy, Nixon candidly admitted in his autobiography, *RN: The Memoirs of Richard Nixon* (1978), "was the problem of domestic anti-war protesters." Protests would have undermined the national will he wanted to demonstrate to Hanoi, and therefore the very credibility of the Nixon threat to continue to use force. Since the threat was necessary to negotiate "peace with honor," as Nixon put it, foreign countries had to be shown that the United States would continue to exercise global power. Failure to quiet the opposition—even if it meant threatening constitutional democracy—would leave America "hobbled by restraints," reducing it to a "pitiless, helpless giant." As the writer Jonathan Schell argued in *Time of Illusion* (1976), "A President determined to uphold American credibility at all costs would have to get free of the American people, and the only way he could do that was to destroy the democratic system that gave the people power over him."

It was precisely this credibility, this willingness to project power and draw the line against communism, that Reagan sought to restore. He correctly feared opposition if he, too, committed troops to a prolonged Third World conflict. So he looked for other ways to exercise U.S. will and restore U.S. prestige with little regard for the spirit or the letter of the law. Subsequently, when the mechanisms strengthened by the post-Vietnam reaction allowed political opponents to place real limits on his policies, it seemed rational to him to create an illegal private network.

If the willingness of security elites to move against constitutional democracy is rooted not in some character flaw but in a perception that domestic opposition is dangerous, this situation is made even more serious by the decline of U.S. hegemony. The costs of exercising American will abroad are going up, which means that domestic opposition will become ever more pronounced.

The world of the 1980s is not the world of the 1950s. New, more complex social forces have arisen in the Third World: parties and organizations of the middle class created by recent industrialization; a progressive wing of the Roman Catholic church; radical Moslem fundamentalists; and a bewildering variety of nationalist, Marxist, and Christian organizations among peasants, work-

ers, and urban slum dwellers. These groups make it much harder to manipulate reality as easily as in the past. A few hundred CIA-trained exiles took 2 weeks to install a pro-American government in Guatemala in 1954; thousands of *contras* have yet to shake the Nicaraguan government after 6 years of fighting. As the United States holds on to a strategic vision of the Third World that grows less realistic, the policies it produces will raise the costs for American citizens.

There is the cost in human lives. By the late 1960s it already was hard to convince many Americans that the cause in Southeast Asia was worth dying for, falling dominoes and moral mission notwithstanding.

There is the moral price of aid to tyrants and the low-cost proxy wars Washington sponsors around the world. For example, the opposition to Reagan's Central America policy by sectors of the American religious community—the criticism of Catholic bishops, the church sanctuary program, and the Witness for Peace volunteers—is centered on human rights concerns, not fear of U.S. losses. Public opposition to brutal and corrupt regimes weakened administration backing for El Salvador, Guatemala, and the Philippines until their rulers were replaced with reform-minded, if ineffectual, elected leaders.

There also is the economic cost. In 1965 Johnson kept secret the planning of his troop commitment to Vietnam not because of potential public opposition—there would have been little—but because he recognized the competition between guns and butter in national spending. If his Vietnam price tag had been known, the substantial conservative opposition to his domestic Great Society program would have been greatly strengthened. By 1968, Wall Street's doubts about the costs were perhaps more pivotal than popular opposition in his decision not to send more troops. Today, the cost of Washington's Central America policy, about \$1 billion per year, is still relatively low. But resistance to rising military budgets and the worry over massive federal budget deficits reflected in the Gramm-Rudman-Hollings Act show the potential of widespread public opposition to any prolonged financial involvement.

Curbing the Security Leviathan

The dangerous tension between the national

security system and constitutional democracy is likely to continue. Pursuit of imperial policies will keep generating strong domestic opposition. Security elites, defining this opposition as dangerous to the programs and image of unity they want, will have an incentive to take actions that threaten constitutional democracy; there will be no shortage of people whose character flaws make them willing to abuse their authority even as some define them as national heroes. How, then, can a safer balance be established between the security structure and constitutional democracy?

The search for laws to restrain such abuses should not be overlooked. The Iran-*contra* affair would not have been subject to investigations by the Tower commission, a court-appointed prosecutor, and congressional committees had it not been for the regulations on covert operations, the existence of the intelligence committees, and legislation like the Boland amendment. New legislation confining the NSC staff to a truly advisory role, requiring Senate approval of the national security adviser, and mandating more explicit reporting to the intelligence committees would be useful. But the abuses of the Reagan administration show that new laws are insufficient if the political will to enforce them is lacking.

A common pattern in all three scandals is the absence of just such a will. "It is not a lack of power which has prevented the Congress from ending the war in Indochina," said then Senator J. William Fulbright in 1972, "but a lack of will."¹³ And while the post-Vietnam legislation was being debated, Schlesinger argued in *The Imperial Presidency* that congressional Lilliputians—a reference to the tiny people in Jonathan Swift's novel *Gulliver's Travels*—could not tie down the presidential Gulliver with even "a thousand small legal strings. . . . The effective means of controlling the Presidency lay less in law than in politics. For the American President ruled by influence; and the withdrawal of consent, by Congress, by the press, by public opinion, could bring any President down." For Nixon and Reagan, the threat to constitutional democracy went a long way before that consent was withdrawn—before there were "scandals." With laws on the books that provided

¹³J. William Fulbright, *The Crippled Giant: American Foreign Policy and Its Domestic Consequences* (New York: Vintage Books, 1972), 194.

the means of exposing and controlling abuses of authority, and with widespread knowledge of these abuses, why was there no uproar? Why were Congress and the press so cowardly before the Iran-*contra* affair broke in November 1986?

To be fair, there was some protest—a hearing, a rebuke, a slap on the wrist. From 1983 on, some members of Congress protested a variety of possible illegalities: alleged violations of the Boland amendments, the use of military-exercise funds to build bases in Honduras, the CIA's failure to inform congressional intelligence committees of its 1984 mining of Nicaraguan harbors, and former NSC aide Lieutenant Colonel Oliver North's early involvement in the private *contra* aid network. But only those who strongly opposed the actual policies were willing to protest the abuses of constitutional authority. Those who shared the president's aims opposed strong sanctions against the executive. Just as in the case of Cambodia, they read the Constitution to emphasize the president's role as commander in chief and tolerated the illegal circumvention with a wink and a nod. Even after the Cambodian revelations, the House Judiciary Committee dropped the impeachment charge against Nixon because prowar Republicans would not have supported it and because the Senate majority leader, Mike Mansfield of Montana, and other Senate Democrats had known about the secret bombing but kept quiet. Obedience to the law, checks and balances, honesty and trust, the power of the purse, specified war powers—all fundamental to constitutional democracy—were considered secondary by those who wanted Nixon to have free rein over national security issues.

More recently, the political will of the opposition likewise was weakened by an unwillingness to challenge the overall ends of the Central America policy. While many moderates feared the commitment of U.S. troops, criticized the covert operations, and protested the law breaking, they shared the assumption that revolutionary regimes of the left were antithetical to U.S. global interests and that the United States could not stand by idly and allow communism to spread unchecked. And when the arms sales to Iran were revealed, some in Congress who condemned the policy were nevertheless willing to accept the premise that the initiative represented a strategic opening to Iran

aimed at keeping out the Soviets. Only when it became widely accepted that the intent of the sales was to trade arms for hostages—outrageous even to conservatives—were enough members of Congress willing to demand investigations.

To defend constitutional democracy against the security system, the imbalance between the two must be corrected. The security leviathan must not be allowed to roam freely abroad or to encroach on domestic political institutions. But the political will is not present to enforce even the weak restraints of the post-Vietnam legislation, let alone more significant measures that would redress the balance, such as forbidding covert actions or restricting the CIA purely to intelligence gathering. Ultimately, the leviathan is protected by the legitimating shield of “national security.” Defining national security, in essence, as hegemony—as carrying an imperial responsibility—means accepting the basic structure of the security system, and this limits the political will to demand obedience to the law, protection of dissent, access to information, public debate and scrutiny, executive accountability, and even honesty.

But these scandals should make more suspect the claims that restrictions harm America’s standing in the world. In all three cases, the very covert policies responding to perceived threats to constitutional democracy became greater threats themselves to U.S. national security. The secret bombing of Cambodia only temporarily disrupted North Vietnamese supply lines, failed to frighten Hanoi into negotiations, and, far worse, encouraged the North to move its sanctuaries and supply lines deeper inside Cambodia. This development brought the North into increased conflict with Cambodian villagers and troops and helped destabilize the government of Prince Norodom Sihanouk. His overthrow in 1970 allowed the war to spread into once neutral Cambodia and set into motion events that led to the takeover by the Marxist Cambodian leader Pol Pot’s genocidal Khmer Rouge. The Vietnam policy itself, which created the logic for Cambodia and Watergate and for the abuses of authority in three administrations, was a disaster for human life, national strength, and international credibility.

Trading arms for hostages in the Iran-*contra* dealings exposed Washington’s empty “no concessions” policy toward terrorists, damaged Amer-

ica's credibility with its allies, and encouraged further terror by sending militant groups a signal that their actions could be profitable. Reagan's *contra* policy has encouraged the Sandinista government to build up its military forces and to seek closer military relationships with Cuba and the Soviet Union. Indeed, the war in Nicaragua has destabilized Honduras and Costa Rica and risks becoming a regional conflict that might draw in U.S. troops. The rebel attacks have only stiffened the Sandinista resolve to remain in power.

What makes such policies self-defeating is the outdated but rarely criticized strategic vision upon which they rest: Since World War II, every administration has assumed that national security demands the global exercise of U.S. power to prevent or overthrow leftist revolutionary regimes. This imperial vision is no longer in tune with reality, and the decline of American hegemony has meant that policies inspired by this vision are ever more costly and dangerous to national security. It is not national security but pursuit of empire that clashes with constitutional democracy. Until the foreign-policy community confronts that reality and explains it to the American people, the Iran-*contra* scandal will be no more an aberration than was Watergate. Neither carefully crafted laws nor administration officials of great character can do very much to keep the country out of the trap into which this pursuit of empire has pushed it. Only an American willingness to face the world as it is will suffice.