

Congress bungles probe of intelligence board

by Jeffrey Steinberg

It was a stunning stroke of Hollywood choreography. With all eyes and television cameras riveted on the Iran-Contra affair's only genuine sex starlet, Fawn Hall, the brief appearance of Bretton Sciaroni, the general counsel to the President's Intelligence Oversight Board (IOB), before the joint congressional panel, on the morning of June 8, 1987, was treated with all the seriousness afforded an amateur standup comic warming up a Las Vegas nightclub audience for the main attraction.

Occupying less than four hours of the Iran-Contra panel's time, the Sciaroni testimony may go down in the Contragate record books as the single most effective—and blatant—cover-up of the entire televised congressional probe, one that sought to bury an absolutely critical piece of the “secret parallel government” under a thick cover of bungling “incompetence.”

Since the April 1987 release of *EIR*'s special report “Project Democracy: the parallel government behind the Iran-Contra affair,” this publication has been emphasizing the role of the Intelligence Oversight Board, which emerged out of a series of late 1981 Executive Orders and National Security Decision Directives that radically expanded the powers of the various intelligence agencies, including the FBI, to the overall benefit of the “illegal” private networks operating on the periphery of the official intelligence community. Within this overall restructuring, the Intelligence Oversight Board was empowered with the specific responsibility to investigate and report to the President any activities conducted by the intelligence community that might be in violation of the Con-

stitution, federal laws, executive orders, and presidential directives.

Yet, it was a series of IOB “findings” dating back to the spring of 1985, that Lt. Col. Oliver North and others have cited as the legal basis for the National Security Council's role in coordinating lethal aid to the Nicaraguan Contras during the period of the Boland Amendment's ban on such efforts.

With that as the backdrop, Congress, by all rights, should have defined the IOB as a priority target of its inquiry. What in fact happened was quite different. In plain English, “Congress was had.”

Incompetence or design?

In his opening remarks before the joint committee on June 8, Sciaroni, the 35-year-old general counsel to the IOB, took full personal responsibility for a Sept. 12, 1985 Board memorandum that found: 1) “that the Boland Amendment was not applicable to the NSC because it was not part of the intelligence community”; and 2) “that the nature of Lt. Col. North's activities . . . did not constitute a violation of the Boland Amendment even if it applied to the NSC staff.”

Under cross-examination by the panel, Sciaroni admitted that the sum total of his investigation into the NSC's role in the Contra aid program consisted of a five-minute “late evening” conversation with his friend Oliver North, a 30-minute interview with Navy Commander Paul Thompson, the attorney for the NSC, and a perusal of a six-inch stack of pre-screened NSC documents dealing with the Contras. Sciaroni

acknowledged that the September 1985 finding was the first such evaluation of a federal statute that he had ever undertaken.

(In April 1985, Sciaroni had sent a draft opinion on “the legal basis for covert actions in Central America” to North, soliciting his comments.)

Sciaroni then gratuitously admitted to having failed four separate bar examinations in California and Washington, D.C. between 1979-84 before finally passing the Pennsylvania bar in July 1984—the day before he began his job as general counsel to the IOB at a starting salary of \$62,000 a year.

All of this prompted Sen. George J. Mitchell (D-Maine), a former federal judge, to chastise Sciaroni and the IOB: “The dictionary, Mr. Sciaroni, defines ‘oversight’ in two ways. One is ‘a failure to notice or consider an omission due to carelessness.’ The other is ‘supervision with watchful care.’ I think it’s fair to say [that the Executive Order setting up the IOB] intended the latter. But it’s hard to conclude this opinion represented anything but the former.”

Missing the forest for the trees

EIR’s probe of the IOB and Executive Orders 12333 and 12334 of Dec. 4, 1981 points unavoidably to the conclusion that Bretton Sciaroni’s apparent bungling of the September 1985 investigation and his studied, embarrassing ineptitude before the Congress were nothing other than a “dog and pony show” aimed at covering up the central role of the IOB in steering and protecting the illegal parallel government now caught up in the Iran-Contra affair.

On Dec. 4, 1981, President Ronald Reagan signed into law two Executive Orders, 12333 and 12334. The latter formally reconstituted the Ford-era Intelligence Oversight Board as an arm of the Executive Office of the President. The three-member board, to be chaired by a standing member of the President’s Foreign Intelligence Advisory Board (PFIAB), and drawing “from among trustworthy and distinguished citizens outside the government who are qualified on the basis of achievement, experience and independence,” was given broad oversight and investigative authority to probe any actions by the intelligence community in possible violation of the law.

The laws governing the responsibilities and powers of the U.S. intelligence community were themselves broadly expanded under Executive Order 12333, which provided broad authorization for the FBI, CIA, National Security Agency, State Department Bureau of Intelligence and Research, and the military intelligence branches—plus outside contract agents—to engage in domestic spying, electronic surveillance, break-ins, and other covert activities in cases where foreign intelligence activity, terrorism, or narcotics trafficking were suspected. The broad expansion of power applied to the targeting of American citizens as well as foreign na-

tionals. The Executive Order at the same time explicitly prohibited any agencies of government not falling within the formal definition of “intelligence community” from engaging in any form of covert operations. That dimension of Executive Order 12333 was “overlooked” by Sciaroni in his endorsement of the NSC’s covert operations role with the Contras. Oliver North’s involvement in the Iran-Contra business was explicitly in violation of Executive Order 12333!

Who’s who on the IOB

While Sciaroni was painting a picture of amateurish incompetence at the IOB, the congressional panel failed to even take note of the personnel who actually make up the presidentially appointed board. Even a cursory review of these individuals provides a clue as to the actual clout behind the IOB.

As of the summer of 1984, when Sciaroni was being hired as general counsel and Congress was preparing to enact the Boland Amendment in response to evaluations of the CIA mining of Managua harbor, the IOB was made up of:

- **Wesley Glenn Campbell**, the IOB chairman. The Canadian-born Campbell, also a member of PFIAB since 1981, has been the director of the Hoover Institution of War, Peace and Revolution at Stanford University since 1960. Prior to his post at Hoover, Campbell was research director of the American Enterprise Association, the forerunner to the American Enterprise Institute, a Washington, D.C. neo-conservative think tank deeply implicated in the Project Democracy affair. It should be noted that following his completion of his law degree at UCLA in 1978, Bretton Sciaroni worked exclusively for Hoover Institute and AEI up to his July 1984 appointment to his IOB post. It is a fair assumption that Sciaroni was installed as an asset of Campbell, who also served on Ronald Reagan’s Transition Team on Intelligence Policy in late 1980. The Transition Team’s recommendations formed the basis for Executive Orders 12333 and 12334.

- **Charles Jarvus Meyers**, president of the IOB since 1982. The former dean of the Stanford University Law School, Meyers is now a practicing attorney in Denver.

- **Charles Tyroler**. A Washington, D.C. attorney, Tyroler was a founder and active member of the neo-conservative Committee on the Present Danger (CPD), a group whose membership includes numerous figures since implicated in the Project Democracy scandal.

John Norton Moore: IOB’s legal brains

Executive Order 12334, which created the IOB, provided for the hiring of both “full-time staff and consultants as authorized by the President.” *EIR*’s investigation has identified Prof. John Norton Moore of the University of Virginia Center for Law and National Security as the chief consultant, and, indeed, the actual legal brain behind the IOB effort. No evaluation of the role of the IOB in the Iran-Contra scandal

and in the broader activities of what Senator Boren has labeled the “secret parallel government” can be considered complete without a thorough probe of Professor Moore.

A member of the New York Council on Foreign Relations, John Norton Moore has served in a number of State Department and National Security Council posts dating back to 1972, when he served Secretary of State Henry Kissinger as State Department Counselor on International Law. From 1973 to 1976 he served as chairman of the National Security Council Interagency Task Force on the Law of the Sea, serving simultaneously as Elliot Richardson’s Deputy Special Representative to the Law of the Sea Conference with the rank of ambassador.

Aside from his special status as the sole paid consultant to the Intelligence Oversight Board, Professor Moore, since 1984, has been the attorney representing the United States before the World Court in a suit brought by the Sandinista government charging U.S. violation of Nicaraguan sovereignty. In February 1986, he became the first chairman of the U.S. Institute of Peace, a congressionally funded parallel to the National Endowment for Democracy which lists among its directors a gaggle of Contra-linked neo-conservatives including the Heritage Foundation’s director of foreign policy Bruce Weinrod, the Hoover Institution’s associate director Dennis Bark, and Evron Kirkpatrick, the husband of former United Nations ambassador Jeane Kirkpatrick.

Heralding the now-discredited NED, Moore wrote in a June 1986 op-ed in the *Christian Science Monitor*, “President Reagan established the National Endowment for Democracy to engage America more effectively in promotion of freedom and democracy in the global struggle for ideas. The United States Institute of Peace is an institution in this great American tradition that hopefully will make an important contribution toward the control of violence and achievement of a just peace of freedom and human dignity.”

Most importantly, Moore has been a participant in virtually every planning session marking every phase of the Reagan administration’s plunge into the morass of the Iran-Contra debacle:

- In December 1980, he took part in a planning session of the Consortium for the Study of Intelligence, directed by Georgetown professor Roy Godson, at which ex-Deputy CIA director Theodore Shackley presented a formula for U.S. covert involvement in Central America through the building up of a covert army equipped with massive stockpiles of arms, airlift capabilities, clandestine airstrips, etc. The same Theodore Shackley was the original contact point between the Reagan NSC and Iranian arms broker Mansour Ghorbanifar.

- On March 4-5, 1983 Moore attended a private conference on “Special Operations in U.S. Strategy,” sponsored by the National Strategy Information Center and Georgetown University. Among the other participants at this event were Shackley and Oliver North. According to recent news re-

ports, this conference prepared the more fine-tuned blueprint for the “privatization” of the U.S. support for the Nicaraguan Contras. Professor Moore, along with a former CIA official, Douglas Blaufarb, apparently urged that a “new bureaucratic nerve center,” preferably housed at the National Security Council, be constituted to overcome the bureaucratic infighting that had up until that point sabotaged the effective counterinsurgency mission in Central America. Another attendee summed up the overall objective of the session as “privatizing the Reagan Doctrine.”

Was Moore perhaps the actual author of the “legal finding” supporting the NSC’s plunge into private covert warfare? In the January 1986 issue of the *American Journal of International Law*, Moore penned a 94-page article summarizing his arguments before the World Court under the revealing title “The Secret War in Central America and the Future of World Order.” Addressing the ongoing activities of the National Security Council in directing the private support operations to the Contras, he wrote:

“The United States also has not violated any national law concerning the use of force, such as the War Powers Resolution, the neutrality acts and the Boland Amendment. . . . The Boland Amendment, which prohibits U.S. assistance to the ‘democratic resistance’ forces for purposes of overthrowing the Sandinista government, nonetheless permits U.S. assistance to such forces for the collective defense of Central American states. Indeed, the House’s adoption of the Boland Amendment followed the rejection of a proposal to deny funds for the purpose of carrying out military activities in or against Nicaragua and a second proposal to deny funds to groups or individuals known by the United States to intend to overthrow the Government of Nicaragua. The clear intent of Congress, like that of the administration, was that the United States should limit its response against Nicaragua to actions necessary and proportional to a hemispheric defense against the ongoing secret attack” [by Nicaragua against its Central American neighbors].

Since 1971, Professor Moore, along with Princeton University’s Richard Falk, an enthusiastic and active supporter of the Khomeini Islamic fundamentalist revolution of 1979, has been one of the leading world-federalist “specialists” in international law as applied to low-intensity conflict, wars of national liberation, and international terrorism.

If the congressional panel members want to get to the heart of the secret government—to the juridical rationale behind the crimes of Contragate—attention must be refocused back on the IOB. This time, rather than gloating over the flaunted incompetence of a designated, well-paid fall-guy, Congress should begin by studying the texts of Executive Orders 12333 and 12334, as well as the still classified follow-on National Security Decision Directives.

Then bring on the serious players—such as John Norton Moore—who are the intellectual authors of the Iran-Contra mess.