EIR Feature

The revocation of Executive Orders 12333 and 12334

by Lyndon H. LaRouche, Jr.

On July 4, Democratic presidential candidate Lyndon LaRouche issued a draft presidential executive order on national security, superseding Executive Orders 12333 and 12334, and eliminating all guidelines subsumed under them.

The draft executive order, now being circulated to intelligence professionals, will appear in a future issue of Executive Intelligence Review. *It is prefaced by a statement of findings. The statement indicates the reasons that 12333 and 12334 must be revoked, and identifies the most crucial among the corrections to be made.*

Mr. LaRouche is himself a target of politically motivated, covert intelligence operations conducted chiefly under 12333 and 12334. He has reported earlier, that elements of the Justice Department operating under 12333, have indicted him on charges which the Justice Department knows to be false accusations.

The politically motivated legal persecution of LaRouche has marked similarities to the politically motivated, fraudulent indictment of former NASA administrator James Beggs, who was prosecuted by the identical set of Justice Department officials targeting LaRouche. It is almost certain that the Justice Department's fraudulent indictment of Mr. Beggs was the principal cause for the tragic incident with the Shuttle Challenger.

What follows is the "Summary statement of findings" section of Lyndon LaRouche's report.

Summary statement of findings

Under Presidential Executive Orders 12333 and 12334, issued Dec. 4, 1981, there grew up a complex of covert activities which has been fairly described as a virtual "secret government."

Although some portions of that "secret government" structure have been dismantled since November 1986, operations under the authority of 12333 continue. The continuation of 12333 and 12334 must, under present circumstances, regenerate structures incorporating the obnoxious features of those elements which have been dismantled.

So far, especially since some point during 1983, these two Executive Orders

© 1987 EIR News Service Inc. All Rights Reserved. Reproduction in whole or in part without permission strictly prohibited.

Lyndon LaRouche, shown here at the office of his attorney, Odin Anderson, on July 8, 1987, the day of his arraignment in a Boston court, on false charges of "conspiracy to obstruct justice."

have been employed to the effect of tending to establish a lawless secret government of the United States. This has made the Department of Justice an accomplice in subverting the Constitution of the United States.

Under this arrangement, some foreign governments, variously allies or simply friends of the United States, have been covertly subverted; overthrow of such allied governments has been attempted, and in at least one case accomplished. This practice is continuing at this time.

Under the provisions for use of private agencies, under 12333, private agencies not under the control of lawful authority have succeeded in taking control over crucial elements of the intelligence and related functions of our government. By the same means, an adversary government, that of the Soviet Union, has been able to transform the U.S. Department of Justice in repeated instances into an instrument of Soviet state policy. This subversion is also ongoing at this time.

Soviet subversion of U.S. domestic law

The most direct track for Soviet subversion of the U.S. Department of Justice is centered today in the Justice Department's Office of Special Investigations (OSI). This connection runs through channels of the U.S. Department of State and other tracks. Through this OSI channel and the office and functions of Mark Richard, the Department of Justice and elements of its Federal Bureau of Investigation have been contaminated more broadly, and, through interagency working groups, the broader intelligence community has been contaminated by the same influence.

Also, according to responsible sources in both allied and friendly nations, not only have foreign intelligence functions of the U.S. been deployed for subversion under the authority of 12333, but the OSI and office of Mark Richard have been operating as a foreign intelligence service of the U.S. under the same authority of 12333. In some among these instances, the actions of the OSI can not be fairly construed as anything but covert operations in service of Soviet foreign policy.

The case of OSI must receive special attention, not only in its own right, but as it has served as a principal point of entry for Soviet influence over the de facto "secret government" which grew up under the cover of 12333 and 12334.

The OSI is one among the outgrowths of an agreement between the U.S. Department of State and the Soviet government, during Henry A. Kissinger's tenure as Secretary. Under these arrangements, documents forged by the Soviet KGB, chiefly through channels of the Moscow Procurator, have been used repeatedly to deprive U.S. citizens of their constitutional rights to due process of law. Such U.S. citizens, accused by Soviet forgeries, have been victimized by the Justice Department under civil procedure, denying those citizens the protection of the Constitution and related legal process under appropriate, criminal proceedings.

It is sufficient to cite three among the notable examples of this.

In the first two instances, U.S. citizens were deprived of their rights, stripped of their citizenship, and deported, without any access to due process of law for persons facing criminal charges. The first is the case of a most distinguished and honored U.S. rocket scientist, Arthur Rudolph; recent offi-

cial investigation of the matter by authorities of the Federal Republic of (West) Germany add to proof that the U.S. Justice Department's allegations against Rudolph were fraudulent, and were concocted forgeries of the Warsaw Pact intelligence services. The second, is the case of Karl Linnas, who has died in Soviet KGB custody after being stripped of his U.S. citizenship and sent to certain death by a witting U.S. Department of Justice, an action of Justice based on unsupported allegations fabricated by the Soviet government.

The third instance, is the case of the President of Austria, former UNO Secretary General Kurt Waldheim. President Waldheim was placed on a U.S. "watch-list," and denounced as a war criminal, with the complicity of U.S. Attorney General Edwin Meese, and the induced endorsement of this action foisted upon President Reagan.

In the Waldheim case, the U.S. government has officially refused, through Mark Richard and the OSI, to present any evidence supporting the actions announced by Attorney General Meese and President Reagan. The only putative evidence alleged to exist is a report issued by the Soviet KGB and reportedly transmitted to the U.S. Department of Justice.

This putative report is alleged to be a "contact report" filed by a Soviet NKVD officer from approximately 1945. The contact report is purported to reference a conversation between this actual or hypothetical NKVD officer and a colonel of the Yugoslav partisans. All evidence is, that Waldheim could not have been guilty of alleged actions under the terms of his military assignment at that time, and that no record of evidence supporting the accusation against Mr. Waldheim is to be found outside channels collaborating with the Soviet government.

It is such connections among the OSI, relevant elements of the State Department, and activities conducted under 12333, which exemplify the extreme lawlessness which has been licensed under the cover of activities established by authority of 12333. The fact that the apparatus of the Justice Department as a whole is induced to violate the laws of the United States, is only exemplary of the more general malfeasance prompted by, or aided by, provisions of 12333.

The Panama case

On June 15, 1987, the legislative branch of the government of an allied nation, Panama, documented a plot to overthrow the government of that nation, a plot to establish a "junta" form of dictatorship.

The act of the legislature of Panama included the following specifications:

"The conspiratorial group called Modelo, Local Democratic Movement, has been coordinated by Gabriel Lewis Galindo."

Señor Lewis Galindo is a former Panamanian ambassador to the United States. All evidence indicates that the conspiratorial group, Modelo, is supported by the same "Project Democracy" with which Oliver North et al. collaborated in arranging support for a "Contra" organization identified by U.S. legal proceedings as a circle engaged in conduiting drugs into the United States.

This "Project Democracy" is subsidized by the National Endowment for Democracy; it functions with aid of Charles Z. Wick's U.S. Information Agency, and in collaboration with the international department of the AFL-CIO. This "Contra"-linked complex is part of the "secret government" which developed under the cover of 12333.

The report by the government of Panama states also:

"That this group approached Dr. Rodrigo Esquivel, the vice president of the Republic, and several members of the general staff, and proposed that they overthrow President Eric Arturo Delvalle, dismiss General Noriega, dissolve the Legislative Assembly, dismiss the judges of the Supreme Court, and establish a government junta."

Following this, the National Assembly of Panama called for the U.S. Ambassador, Arthur H. Davis, to be declared *persona non grata,* and expelled from the country. Davis had been caught red-handed in fostering the plot, an allegation supported in large part by the Ambassador's own public admissions.

Also denounced as complicit in aiding the plot, are two foundations based in the Federal Republic of Germany, the Konrad Adenauer Stiftung and the Hanns Seidel Stiftung. Similar charges have been placed against West German foundations operating inside Ecuador.

The use of social-democratic and other varieties of foreign organizations in the manner suggested by the governments of Panama and Ecuador, is typical of operations conducted under the authority of EO 12333 and EO 12334, not limited to operations under the direction of the State Department's Elliott Abrams. The interface between entities operating under the cover of 12333 and 12334 with agencies such as the Interaction Council, is to be noted as of particular importance.

The effect has been, that under the guise of coopting both U.S. and foreign private organizations to assist the Reagan administration's intelligence community, the operations of regular U.S. intelligence services have come under the virtual control of networks of both foreign and domestic, public and private intelligence organizations. Executive Order 12333 has enabled this kind of role of private and even foreign private agencies in shaping the covert intelligence and other policies of the U.S. government.

Law and U.S. intelligence directives

The repugnant lawlessness which appears to be characteristic of numerous of the activities conducted under 12333 and 12334, is in no sense accidental. Such lawlessness is intrinsic to the architecture of Executive Order 12333.

We know of no evidence which would compel us to infer that the establishment of such a lawless form of "secret government" was the intent of President Ronald Reagan, in sign-

ing 12333 and 12334 on Dec. 4, 1981. The available evidence strongly indicates that, in these respects, the President did not know what he was doing, that he was badly advised, and that he was ill-equipped to foresee or recognize the practical implications of what he was signing.

His expressed astonishment at discovery of activities identified in the Tower Commission report corroborates this estimate of his intentions. Had the President ever understood the practical implications of his signing of 12333, he would have recognized, during the period from November 1986 onward, that what Lt.-Col. Oliver North and others were alleged to have done, was already implicitly authorized by the architecture of combined 12333 and 12334.

The causes for the President's probable ignorance of the practical implications of what he was signing, include lack of knowledge of intelligence operations, and lack of understanding of principled problems of constitutional law bearing upon definition of the proper missions and methods of U.S. intelligence operations. In addition to the President's probable want of professional competencies in these areas, the pattern of conduct of policy by his administration shows that the President appears to be poorly informed of the actual history of the United States, and, therefore poorly informed of those principles of natural and constitutional law upon which the establishment of our republic and its Constitution were chiefly premised.

It is an extenuating circumstance, that this latter fault is not peculiar to President Reagan's administration. The tendency to substitute the principle of apparent expediency, and even capricious whims, for constitutional principles of law, has been a perceptible trend among all three branches of the federal government, especially during the recent 20 years or so.

The tendency, which the Reagan administration's policy of practice shares, has been that those holding political power assume that they have the right to impose their arbitrary will upon our domestic and foreign affairs, merely because they are incumbent authority. This has been the tendency not only in the Executive Branch, but also the policy of practice too often tending to dominate the opinion of majorities within the legislative branch.

This same tendency is also evident in a significant number of instances in judicial proceedings.

Our government has been established as a system of constitutional representative government, implicitly subject to the kind of natural law addressed by our Declaration of Independence. The leading explicitly contrary current in law, is that elaborated as the dogma of "historicity" by Berlin's Karl Friedrich Savigny. The tendency to employ Savigny's irrationalist dogma of law, the so-called *Volksgeist*, is evident in "environmentalist" and other patterns of judicial lawmaking during the recent dozen years or more.

When judges rely upon a perception of some selected agency of assumed "public opinion" in interpretation of law and fact, rather than using the rational standards traditional to our law, the result is a trend toward the tyranny of arbitrary irrationalism. The authority of being incumbent authority in the judicial system, is then construed in the form of arbitrary authority; in such instances, law, as understood by the founders of our republic, virtually ceases to exist.

These trends within the executive, legislative, and judicial branches of our government, must be considered as extenuating circumstances in judging the degree of personal fault of President Reagan and other members of his administration, in matters bearing upon 12333 and 12334.

Nonetheless, extenuating circumstances taken into account, the following facts persist.

Executive Orders 12333 and 12334 have the clear implicit intent of creating subterfuges, by aid of which the administration could evade or violate the law of the United States, to the purpose of imposing that administration's arbitrary will upon such portions of our domestic or foreign affairs as the administration might choose.

The kernel of this subterfuge, is the effort exemplified by 12333 and 12334, to delimit the definition of propriety to conformity with whatever might happen to be currently established policy, perception, methods, and procedures.

In that instance, the only efficient constraint on making of policy becomes, in our vernacular, "what the traffic will bear." Areas of policy-making are identified, but the boundaries of these areas are defined nebulously, as in 12333 and 12334. No clear principle is stipulated as defining rational standards for composition of policy; the force of incumbent governmental authority is permitted to roam as widely as it may choose, within the constraints of public outcry.

In 12333 and 12334, mechanisms for inserting arbitrary policy are prescribed. In the instance of these two Executive Orders, a few vague words of sentiment expressed by the President set into motion a policy-defining process effectively out of the range of control by constitutional authority, a "Frankenstein's monster," so to speak.

Once policy is elaborated in such a manner, the intelligence community and coopted public and private agencies find a substitute for lawfulness and morality in the implementation of policy-directives so inserted later, according to prescribed methods and procedures. Adherence to a combination of arbitrary perception, methods, and procedures, becomes then a substitute for morality of intent or practice, cloaked in the bureaucrat's all-too-familiar, counterfeit substitute for lawful practice: policy, methods, and procedures.

In this manner, the cloaking of nebulously defined expediency with the mere appearance of forms of constitutional legality, is substituted for coherence with constitutional principle. Therein lies the essence of the subterfuge.

By creating a mechanism of subterfuges for evading or violating the law, 12333 and 12334 established the basis for creating a "Frankenstein monster," a "secret government," which the President himself could, manifestly, no longer

control, a monster which came to the verge of destroying its maker, the President himself.

Similar errors occurred under the administration of President Richard Nixon, as they are occurring under the architecture of the Reagan administration's 12333 and 12334.

Here, in that tendency to place the expediency adopted by incumbent authority above principle of constitutional law, lies the root of the immorality and lawlessness embedded in the architecture of 12333.

The fact that the principle of law integral to the composition of our Constitution is so little recognized in policies of practice of our government during recent times, obliges us to summarize here exactly that which President Reagan overlooked, both in signing 12333, and in enjoying certain of the illicit fruits of capricious desire obtained by aid of the subterfuges implicit in 12333.

The analogy of Goethe's *Faust* is not to be overlooked. The elected official's particular desires serve as the bait. Mephistopheles offers a subterfuge of expediency as means for gaining the particular object the official desires. Or, the analogy of the Malaysian monkey-trap might be used. The Mephistopheles who first appeared as merely a useful means, as disguised as a mere servant, employed to secure the administration's particular desires, turns to his master, and says, like Dickens' Uriah Heep, "Now, I own you."

The drafting of our Federal Constitution, then shaped by reflection upon constitutional principles since Solon of Athens, produced the briefest and most excellent of all modern constitutions. If a President of the United States, when taking his oath of office, were to understand the beauty and genius of that Constitution, this would have sufficed to prevent him from tolerating a drafted Executive Order such as 12333, and to refuse to tolerate the kinds of obnoxious practices typified by the interaction of 12333 with the OSI. It is our belief that President Reagan, for one, lacks such comprehension of our Constitution.

It is urgent that Executive Orders 12333 and 12334 be revoked. These revoked orders must be superseded by an Executive Order whose design is consistent with the implicit purposes as well as explicit provisions of our Federal Constitution.

The Constitution implicitly defines the domestic, foreign, and defense policies in the following terms of reference.

The kernel of the Constitution is composed of three principal parts:

a) The most important portion is the Preamble, specifying the intentions which must govern the Executive, Legislative, and Judicial branches of our federal government in all important matters of shaping and conduct of policy and practice.

b) The second, is the seven Articles of that Constitution, which order the composition of representative forms of self-government.

c) The third, affixed later, is the Bill of Rights, which specifies prohibition of the unlawful practices we had suffered under British rule, and which aided in striking down the tendencies toward tyrannical practices of government under the administration of our second President, John Adams.

There is a fourth aspect. In the body of amendments to that Constitution, there is included the extermination of the institutions associated with chattel slavery, and the later extension of the suffrage. These are in the spirit of the Bill of Rights, and should be understood as integral to the Bill of Rights in character and principle.

Other amendments have more the character of ordinary legislative law enacted as constitutional amendments, than constitutional law as such. Although they have the force of positive law, they have otherwise no immediate bearing upon the essential intent of our Constitution as a whole.

The Constitution as a whole must be read in the light of the 1776 Declaration of Independence. Our republic was established by authority of a body of law higher than that of the law of any nation. The Declaration appeals to the authority of that higher body of law, and avows our nation's rightful independence under the authority of that higher body of law.

Thus, the existence of our nation, the premise upon which the composition and intent of our Constitution also depends, depends upon the authority of the natural law addressed by the Declaration of Independence. In that respect and that degree, the Declaration of Independence is the most fundamental definition of intent of our Constitution and constitutional law as a whole.

That higher body of law is what is broadly known as Christian natural law, as this term applies to the influence of St. Augustine's writings on matters of statecraft, and the reaffirmation of such natural law in proceedings centered upon the 1439 Council of Florence. Christian natural law, as this bears on matters of statecraft, is rightly identified otherwise as Western European Judeo-Christian natural law in the spirit of the collaboration between St. Peter and Philo of Alexandria.

Our founders' perception of such Christian natural law, was most strongly and directly influenced by the form which the heritage of Augustinian natural law assumed in England's 17th-century struggles for the cause of civil and religious liberty. This Protestant notion of Christian natural law was also influenced from Germany, by the writings of the famous Puffendorf, and the more rigorous restatement of natural law presented by Leibniz; English writings reflecting the influence of Grotius, Puffendorf, and Leibniz were significant for our own 18th-century development of notions of universal law.

This heritage is beautifully, succinctly, and efficiently expressed in the Preamble to our Constitution:

"We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the General Welfare, and secure the blessings of Liberty to ourselves

and our Posterity, do ordain and establish this Constitution for the United States."

That is the Constitution's essential statement of intent. This declaration of intent expresses and depends upon the commitment to Christian natural law adopted by our Declaration of Independence. In its proper, historical and rational reading every other feature of our Constitution is subordinated to the fulfillment of this intent by aid of the composition of our institutions of representative forms of self-government.

Any law, any executive order, any policy, or policy of practice, which violates the implications of that intent, is an abomination by government. Such, as will be indicated below, is the abominable character of Executive Orders 12333 and 12334.

It is useful to look back to the case of that ancient constitution, given to Athens by the famous Solon.

In a moment of crisis, a crisis so severe that the continued existence of the city was threatened, the people of Athens arose, behind the leadership of Solon, to effect sweeping repudiation of the practice of usury, and to effect other reforms prefiguring our own founders' notion of principled forms of civil liberty and self-government.

As an afterthought, the great Solon composed a constitution. The argument made, showing the need for such a document, is key to understanding the purpose and authority in law of all kindred constitutions, such as our own, since.

There are rare moments, in the history of a great people, in which the majority of that people is awakened, in the happy words of Shelley, to enjoy a power for imparting and receiving profound and impassioned conceptions respecting man and nature, in far greater degree than under ordinary circumstances. The conjunction of these ennobled moments with the experience of crises which threaten the very existence of the nation, is the rare moment in which that people will compose and adopt a great constitution.

Such were the circumstances in which our Declaration of Independence and Constitution were composed and adopted.

Later, as Solon foresaw, the same great people which had aroused itself to magnificent undertakings, would fall into a lower moral condition of occupation with petty matters of hedonistic selfishness and faction. Under these circumstances, it were likely that popular opinion would be dominated by successive, episodic majorities for this or that view, and this all in a way which eroded those precious reforms which had rescued the nation from peril at the earlier time.

Thus, a wise people, finding itself in the kind of ennobled momentary state associated with great undertakings, will bind itself and its posterity to principles of law and self-government which must thereafter be efficient means to defeat the capricious whims of public opinion. This is the essence of the nature and authority of a good constitution. So says the Preamble of our Constitution, and the Declaration of Independence before it.

In the ennobled moment of composition of a great constitution, such as our own, a great people perceives more or less clearly, that the Creator has embedded in the composition of Creation certain principles of physical law, and has endowed mankind with means by which it may act successfully in accord with that physical law, to the effect that the human species is perpetuated, and its political and physical condition of existence improved. If men act in a manner contrary to such law, that law will act to the effect of injuring or even destroying the nation which allows such error. Thus, a good constitution is one which echoes such a perception of natural law.

A wise people, finding itself in the kind of ennobled momentary state associated with great undertakings, will bind itself and its posterity to principles of law and self-government which must thereafter be efficient means to defeat the capricious whims of public opinion. This is the essence of the nature and authority of a good constitution. So says the Preamble of our Constitution, and the Declaration of Independence.

The guiding notions of natural law which must govern the deliberations of all branches of the federal government, include the following most notably.

It is the essence of the natural law, that our Creator holds mankind accountable for the condition of mankind. Such is the duty of each and every person: to develop his or her talent, and to employ that talent in such a way as to contribute to the well-being of mankind within the limits of his or her power to do so. This obligation bears down with extraordinary force on the President, federal legislatures, and federal courts of our republic.

The mortal individual within society lives, at most, a fragile and historically brief existence. It is society upon which that person depends for nurture of his or her talent, and for opportunities to employ that talent for the good. The person lacks the means to ensure that such good as he or she contributes will prosper to the advantage of both present and posterity. The person depends upon a more powerful, less mortal agency for these important things which are beyond

the means of the individual. That agency is society.

The best form of organization of society is a constitutional form of perfectly sovereign nation-state republic. It is perfectly sovereign in the specific sense, that no foreign or supranational authority may dictate the laws or the practice of government of that republic. The only higher authority which the republic allows, is the universal authority of the natural law.

This form of republic must be efficiently dedicated to the improvement of the condition of mankind as a whole, to such effect that the individual citizen, by contributing to the progress of the republic, is contributing efficiently to the well-being of mankind as a whole.

The President and Executive Branch of the United States must embody that view of the individual, the nation, and mankind in their consciences. The Preamble to our Constitution expresses this obligation insofar as the internal affairs of our republic are concerned, and also in respect to the defense of this republic. The application of this same principle to foreign policy is left implicit, rather than stated, but the implication should be sufficiently clear from reading of our national history.

In the papers of Secretary of State John Quincy Adams bearing upon the circumstances and intent of the 1823 Monroe Doctrine, that implicit intent of our Constitution, respecting foreign policy, is made explicit. If those papers are read properly, in the circumstances in which they were written, the proper design of today's foreign policy of the United States is readily derived. That improved view of our proper foreign policy is the proper guide to formulating the functioning of our intelligence community.

That improved view of our foreign policy, illuminates directly the irrationality, and the fostering of lawlessness embedded in the architecture of Executive Orders 12333 and 12334. It should be readily recognized, that irrationality and lawlessness in the direction of our intelligence community's foreign activities must foster a similar irrationality and tendency for lawlessness in the domestic practice of agencies engaged otherwise in foreign intelligence.

Command: the military analogy

The best armies of Western European culture developed a doctrine of command identified in 19th-century German military doctrine as "mission tactics." Through World War II, this same doctrine was embedded in the rules of engagement under which our officer-corps was intended to function.

This analogy is most appropriate for study of the flaws embedded in the architecture of 12333 and 12334. These Executive Orders prescribe the functioning of a command structure in a manner analogous to a military hierarchy, and for this reason they are most aptly criticized from that standpoint.

In the functioning of the intelligence community, the form of a command structure is indispensable, at least in a general way. The central, although by no means exclusive, feature of counterintelligence and foreign intelligence is the conduct of "irregular warfare." By "irregular warfare," we mean to include all forms of cultural, political, and even lethal conflict to which a nation may become subject, excepting the direct engagement of regular military forces.

Guerrilla warfare deployed by a foreign power, is but an aspect of irregular warfare generally, but reflects most of the features of irregular warfare in other guises.

In the effective conduct of guerrilla warfare, the use of lethal force is fairly described as essentially not more than 10-20% of the total effort expended. Even under conditions of regular warfare, cultural, political, and economic actions to increase our strength relative to the adversary's, and other actions of irregular warfare, should be usually a total of at least 70% of the total effort expended on the conflict. Even in regular warfare, in which all seems subordinated to the use of lethal force by regular armed forces, the irregular component predominates within the totality of effort exerted for the conduct of the war.

During the postwar period to date, the hostile activity of our chief adversary, the Russian empire under its Bolshevik dynasty, has been chiefly use of methods of irregular warfare. In the currently revised Soviet order of battle, irregular warfare assisted by Soviet sympathizers within the territory of nations allied to or otherwise friendly to the United States, is of the first echelon in the Soviet order of battle for launching of a first-strike attack on the U.S. and our allies.

The chief strategic function of the U.S. intelligence community is to wage defensive irregular warfare against the forces of the Russian empire and its allies, as Soviet intelligence forces are now outgunning our forces in this form of warfare.

One of the world's leading authorities on irregular warfare is Brigadier Professor von der Heydte, a senior figure with distinguished careers in the military and legal professions. Professor von der Heydte has demanded attention to the most troublesome problem in our efforts to defend Western civilization from the irregular-warfare assault currently being conducted by the Russian empire. He emphasizes, as all thoughtful leaders of our nation must agree, that our key problem is that of fighting against Russian irregular warfare without employing means which tend to destroy our own institutions of law and justice. How could we win the irregular warfare conflict, if, in fighting against that foe, we ourselves destroy the very system of law we are fighting to defend?

The abominations unleashed by aid of Executive Orders 12333 and 12334 are an excellent illustration of the way in which our government, has acted to destroy that very system of law it purported to defend.

The President of the United States must defend our republic against the threat from the Russian empire, both as Commander-in-Chief of our regular armed forces, and also

in the conduct of necessary forms of irregular warfare defense. His intention in the latter enterprises of the intelligence community may be pure as the driven snow, but he must ensure that he does not unleash the intelligence community as an out-of-control monster which might do great damage to, or even destroy, our constitutional republic.

In the matter of the law of war, Western civilization has made great progress since the 15th century. The modern Western code of law for conduct of warfare and structure of military command is broadly an excellent one. The conduct of our armed forces during World War II is a noble example of the morality of the command structure of the regular armed forces of a republic such as our own. As Professor von der Heydte implies, in the area of irregular warfare, we are still morally a Stone Age culture in design of our command structures. This latter danger the President must bear in mind as he designs the command structure of the intelligence community as a whole.

The perfect congruence of military efficiency and lawful morality of command-structures is illustrated by the notion which the Scharnhorst tradition identifies by "mission tactics." The fact that we departed from that in the conditions surrounding the attack upon the *USS Stark,* shows the practical importance of this principle of command-structure.

It is a fundamental error in military practice, to oblige the field commander—such as the commander of a naval vessel or flotilla—to wait actually or implicitly for approval from Washington, or some other central command, before responding appropriately to engagement by adversary forces. The commander must be trained, selected, and otherwise qualified, to operate on the basis of combination of the best designed standards for rules of autonomous command-decision under conditions of engagement by adversary forces. Equally urgent, the commander must operate efficiently, innovatively, to accomplish his mission under conditions often unforeseen by, and unknown to central command.

The same is broadly indispensable policy for the command structure of the strategic functions of our intelligence establishment.

The key to defining the intelligence community's command-structure is the definition of "mission." Many would imagine that "mission" means roughly the same thing as "target." Perhaps President Reagan thought so, when he was misled into signing EO 12333; if Edwin Meese's public statements are a reliable indicator, Meese would almost certainly be among those who tended to confuse "mission" with "target." Once "mission" is properly defined, the way in which rules of engagement must be shaped follows without great difficulty.

Secretary of State John Quincy Adams's papers on the 1823 Monroe Doctrine point to the proper notion of the kind of "mission" orientation which should govern the intelligence community.

The long-term mission assigned to the U.S. foreign policy and intelligence services during the 1820s, was to defend a "community of principle" against the alliance of Castlereagh's Britain with Metternich's Holy Alliance. Since the nations of Europe were all committed, by the 1815 Treaty of Vienna, to destroying both what the United States represented and the United States itself, our only allies among nations then to be found were among those republics of the Americas which had obtained their independence for purposes akin to those stated in our own 1776 Declaration of Independence. As Adams stipulated, although we were not physically prepared to go to war with Britain and the Holy Alliance powers to defend the republics of the Americas, we should commit ourselves to willingness to do so as early as we acquired the means to defend the hemisphere in that way.

The wisdom of Adams's view was demonstrated in the instance of the invasion of Mexico by the combined forces of Spain, Britain, and France. The first major application of the 1823 Monroe Doctrine came after Appomattox, at a time when the military power of the United States was the greatest of any nation on Earth. Earlier, we had induced Britain and Spain to detach themselves from the cause of the brutish reign of the Hapsburg Emperor Maximilian. Then, we ordered France to withdraw its support. With that, the forces of our ally, the rightful President of Mexico, Benito Juárez, disposed of the "Quisling" Hapsburg oppressor.

So, during the 1820s and later, U.S. intelligence services worked to assist those forces associated with Mexico's Benito Juárez, whom we rightly recognized as our natural ally. Then and later, U.S. spies worked with the Marquis de Lafayette in Europe, uncovering European plottings against the United States and other states of the Americas. The U.S. foreign-intelligence organization associated with Lafayette during the 1820s, probably contributed a decisive margin to saving our nation from dismemberment and conquest during the middle decades of the 19th century.

Our purpose, then, was to build up and defend a growing community of principle, an alliance of sovereign nation-state republics sharing principles essentially those of our Declaration of Independence and Preamble to our Constitution, a community to become ultimately the unchallengeably dominant force in the world. The adversary was every force which sought to subvert, destroy or conquer any member of this community of principle. We resisted the adversary more or less successfully, and accomplished that result usually by means consistent with spreading the influence of that principle we were defending.

That, applied to modern circumstances, should be the general mission of our intelligence community today.

We must establish a truly professional national intelligence service. We must not tolerate officials in that service who think of their craft as "doing an assigned job" against an arbitrarily designated "target." Officials of the intelligence service must be constitutional officers, the most vigilant guardians of a Federal Constitution they are sworn to uphold.

They must define that vigilant devotion as a mission, in the sense that Secretary Adams's definition of "community of principle" defines true service to our Constitution and republic. Within that broad assignment, they must be afforded a cohering, special sense of "mission" in the sector for which they are assigned responsibility, as a regimental, division, or corps commander practices "mission tactics" in the sector of his assigned responsibility.

The efficient implementation of the locally assigned mission in a manner coherent with the general mission of the intelligence community as a whole, is the premise on which the architecture of appropriate Executive Orders must be constructed. Let Germans describe this, not as "mission tactics," but a term more suited to intelligence work, "mission policy."

The corrupting impact of 'pluralism'

The great difficulty which confronted the late Director of Central Intelligence, William Casey, and others, in attempting to rebuild the intelligence services so badly mauled over the 1967-1980 interval, is that the widespread admiration of the dogma of "pluralism," tends to prevent assigning any specific choice of guidance by principles to agencies of government.

It is impossible to set rules which prevent an intelligence community from degenerating into a "Frankenstein's monster" of one sort or another, unless the functioning of the services is based on very strict principles.

Given the sometimes unsavory realities which go with intelligence work, we must deal often with persons of contrary principles, or even almost no principles at all. Nonetheless, we must draw a line between professional officials of the intelligence services, who must be self-governed by strict, mission-defined principles, and those merely useful persons who base their association with our services' functions on a mercenary or kindred sort of motivation. It is the duty of those professional officials to control the sector they are assigned to coordinate, to ensure that a mission policy consistent with the principles of the American War of Independence is efficiently enforced.

For lack of sufficiently efficient recognition of this imperative, the 1981-1986 efforts to rebuild the intelligence community, failed to build significant amounts of viable tissue, and built up the cancer of "secret government" instead. We have not attempted to assess Mr. Casey's part, except to emphasize that the loss of his services temporarily deprived our government of a functioning Director with the knowledge and experience needed to keep the "secret government" monster under some degree of control. What is clear, is that the President not only failed to supply the kind of mission policy indispensable to a healthily functioning intelligence service, but that the President's signature on EO 12333 and EO 12334 set the cancer of "secret government" into motion.

The President of the United States must never act in any manner which avoids his full accountability for the conduct of our intelligence establishment.

The doctrine of "policy, methods, and procedures," does not enable accountability, but actually avoids it. "Policy, methods, and procedures," is a synonym for a bureaucratized process of unprincipled expediency. The intelligence officer of each unit is no longer accountable to serve principle, and does not hold the unit under his direction to such accountability in its performance.

The President must assume the same quality of accountability for the intelligence establishment as a wartime commander of armies. He must cause the units under his command to understand and accept a principled definition of mission, and must enforce a principled notion of rules of engagement governing the responsibilities for effective forms of innovative leadership of leaders of component units in the field. He must hold his subordinates to those principled definitions of mission and rules of engagement. It is only in this way that the President can exert efficient command over, and efficient accountability for, the functioning of the intelligence services.

This is the only way in which the President can ensure that degree of accountability which the Reagan administration has professed itself to lack, and from which it has sought to distance itself respecting all unpleasantness flowing from operations, such as the scandalous connection to the drug-running "Contras," conducted under the architecture of 12333 and 12334.

The subject Executive Order's literary style, in and of itself, tends toward the kinds of obnoxious aberrations expressed in the extreme by operations under 12333 and 12334. The style is standard bureaucratic "boilerplate," which says almost anything one chooses to read into it, thus saying almost nothing; each has the character of a self-exculpatory document written by a bureaucrat for no essential purpose but to cause the insertion of this document in various files. The essence of the language used is a de facto intent by the President to evade accountability for intelligence functions. Underneath the mere smokescreen of flowery bureaucratic boilerplate, no strict principle is stipulated.

This very "boilerplate" style, used as a way of causing the President to enjoy "plausible denial," ensures, that by evading accountability, he abandons effective control. By disowning parental responsibility for the existence and development of the infant, he unleashes a nasty, uncontrolled bastard, who may destroy him.

Executive orders bearing upon the composition of the intelligence community must be of an altogether different literary style than those which have surfaced to public notice during the postwar period to date. The style must be one which stresses an efficient service of strict principle, and does this by elaborating those conceptions which embody such reflection of strict principle. This is the radical change which must be made.