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No. 121

Senate

(Legislative day of Tuesday, June 23, 1987)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. SANFORD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

• • • for the Lord seeth not as man seeth, for man looketh on the outward appearance but the Lord looketh on the heart.—I Samuel 16: 7.

God of Abraham, Isaac and Israel, this morning the life and memory of a great American, Arthur Burns, will be celebrated at a memorial service. With boundless praise to You, we express our gratitude for the life and service of this uncommon man: scholar, teacher, economist, servant of Presidents, ambassador, citizen of the world, statesman, friend. We thank You for his incalculable service to our Nation—his integrity, his courage, his fierce honesty, his profound understanding of human nature and its foibles, his humility, his deep love for God, the Bible, and people. May Your gracious blessing and peace attend his lovely lady, his partner for more than half a century, his family, and his multitude of friends. For this "man after God's own heart" we praise You, Lord, to Whom belongs the kingdom and the glory and the honor forever. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE RULE OF LAW

Mr. BYRD. Mr. President, the Iran-Contra joint investigating committee is working very hard to unravel the full truth about the secret provision of lethal weapons to Iran in an attempt

to win the release of American hostages, and the provision of proceeds from that enterprise to fund military assistance to the Contras at a time when such assistance was prohibited by the Congress. It is a difficult task to sort out the real truth when there has apparently been an epidemic of amnesia in the executive branch over crucial events, when testimony is contradictory on many of these events, and when the witnesses seem intent on attacking the committee for pursuing what they did and why they did it. Nevertheless, the continuous stream of revelations about these questionable, and ill-considered activities, shrouded in secrecy so as to keep Congress in the dark, is focusing more and more on the central question—the rule of law as the critical principle governing the day-to-day operation of the American form of government.

Indeed, the statements of the esteemed cochairmen of the investigating committee, Mr. INOYE and Mr. HAMILTON, as well as the statement by Mr. MITCHELL, who was the assigned questioner of Lieutenant Colonel North, are eloquent reassertions of this fundamental, cardinal tenet which distinguishes our system from those of totalitarian adversaries and from sheer chaos. Those statements are a rich primer on the absolutely essential nature of the operation of the rule of law and its corollaries—the need for openness, for informed debate, for the development of consensus, and for a dynamic partner with the oversight committees of the Congress. I emphasize that, even in those exceptional circumstances where the national interest requires a restricted debate, and restrictions on openness, there is all the more reason to conform closely to the legal requirements governing covert actions. Those are precisely the circumstances in which the checks and balances of the American system are most vulnerable and in need of the most protection, the

system that we only last week met in Philadelphia to commemorate, the system in which we all rejoice.

I recommend a close reading of those statements, as well as others made by both Republican and Democratic Members of the panel, since we must constantly refresh our understanding of the tenets of our system, principles which can only be made to live by the concerted attention and actions of the elected officials of this Government, and those subordinates over whom those elected officials have responsibility, and the American people at large. Lipservice to those principles will not suffice. Good intentions in fighting communism, in seeking democracy in Nicaragua, goals which are shared by all of us, will not excuse circumvention of the law, will not explain the subversion of the methods by which our democracy arrives at decisions and by which it implements decisions.

I congratulate the chairmen and members of the committee for their tremendous efforts in this investigation. It is clear the American people are watching, that they are intensely interested, and that the proceedings are addressing the issues in a workmanlike, and comprehensive, thorough fashion. It has been and is an arduous, grueling task. The Senate and the Nation are indebted to members and staff of the committee for their efforts. The committee has bent over backward to be fair, realizing that it could be charged with unfairness all too easily.

I believe it has been fair. It has been sober and mature and deliberate, and has resisted the pressures for cutting corners. Doing the right thing is not the same thing as exhibiting for a beauty contest. Doing the right thing is not the same thing as acting with the applause meter in mind.

The statements by the members of the panel reaffirm the basic need for

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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these open hearings, for the full airing of the facts, for a sober cleansing. The Senate's investigating body is mandated by Senate Resolution 23, to make recommendations for new legislation and amendments to existing laws, as well as other things, to help correct the abuses that are already apparent. Clearly, the ultimate bulwark of our democracy is men of good faith and high character who play by the rules of our game, and who win the approval of their policy recommendations the hard way, by winning the approval of a majority of our colleagues, representing a consensus to move in one direction or another by the American people. No one can write laws which create a completely adequate substitute for integrity and good character.

Nevertheless, a clear need for improvements in the laws which govern these covert operations has already been demonstrated by the hearings to date. They include the requirement for clearing up any loopholes regarding the requirement for written findings by the President as a condition for the conduct of covert operations. The whole idea of "oral findings" should be debunked. Second, they include more precise notification requirements by the executive branch of those covert actions which must be undertaken in emergency situations when prior notice for good reason cannot be given to the oversight committees—such notification should be given within 2 or 3 days after the President approves, in any case. In those very unusual cases, notification should be given to a small consultative group consisting of the leadership of both Houses and the leadership of the oversight committees. Third, no agency of the Government should be exempt from the rules governing covert actions, including, of course, the National Security Council. Mr. North and others have argued that the National Security Council has been so exempt, and exempt from the restrictions of the Boland amendment which prohibited direct or indirect military aid to the Contras. He is disputed in this assertion by other formal officials, such as Mr. McFarlane. That loophole, arguable as it might be, should be slammed shut for good. Fourth, the law needs to be precise in its definition of what constitutes a covert action, since it is nowhere defined today except in an Executive Order. Informal or gentlemanly arrangements between the two branches on these matters have proven completely insufficient, and where flexibility is granted to the executive it seems to have simply been taken advantage of, a mechanism for the executive, or others acting in his behalf, purportedly, believing that he would give approval, if asked, to evade the spirit of the law, and avoid the need to build a consensus with the Congress. Fifth, the privatization of these policy actions cannot be used again so as to cir-

cumvent the laws passed by the United States Congress.

Mr. President, the Iran-Contra investigation final report is now due at the end of October, but in those areas in which legislative action could be taken by the Intelligence Committee, at the recommendation of the investigating committee, an interim package of legislative proposals might be considered. Indeed, Senate Resolution 23, which created the Iran-Contra Investigating Committee this past January, does provide for such interim reports to the Senate as are considered appropriate. The working relationship between the Intelligence Committee and the Iran-Contra Investigating Committee has been excellent, and is assisted by considerable overlap in the Membership of those two bodies. I look forward to the remainder of the investigation and to the recommendations and report of the committee. I applaud the Members of both Houses who sit on the investigating body. I believe the serious and careful approach they have taken to this difficult task will, in years to come, serve as a model and a reminder to future administrations of the unnecessary and corrosive damage that an over-reliance on secrecy and deception and lying brings to our great system of government.

Mr. President, I ask unanimous consent that statements by Chairman INOUE, dated July 15, 1987; Chairman HAMILTON, dated July 15, 1987; and Senator MITCHELL, dated July 14, 1987 be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY CHAIRMAN DANIEL INOUE
JULY 15, 1987

Chairman INOUE. Thank you very much, Colonel North, Mr. Sullivan. I think we are now at the end of a long six days. The questions I had cannot be answered because some of those who could have answered these questions are not here with us and, furthermore, I am certain you will agree with me, that we have had enough questions here.

I'd like to first, before proceeding with my statement, because of the call of fairness, clarify the record. Much has been said about fairness to witness, fairness to the President, fairness to the Government.

In response to a question of two of my fellow panel members relating to the bombing of Libya, you said, for example, today, "When the briefing conducted by the President concluded at about 5:00 or 5:30, two Members of Congress"—and you meant two Members of the Senate—"proceeded immediately to waiting microphones" and noted that the President was going to make a heretofore unannounced address to the Nation on Libya.

"I would tell you that the volume of fire over the Libyan capital was immense that evening. Two American airmen died as a consequence of that antiaircraft fire, as best we can determine. They alerted our adversaries."

When the response was first made a few days ago, I checked with senior officials of the Senate and looked into the record.

First, these two Members did not stop at the bank of microphones near the White House. They immediately left and returned

to the Senate. There they were confronted by members of the press. One Member responded, "No comment." Another said, "You should ask the President." He might have something to say at 9:00."

The 18 U.S.F-111s left Britain on Monday, April 14 at 12:13 p.m. The briefing began at 4:00 and the bombs fell at 7:00. However, a week before the bombing, CBS Evening News had this to say: "Top U.S. officials acknowledge that detailed military contingency plans for retaliation already exist. Said one source, 'They involve five targets in Libya.'"

On the same day, the Wall Street Journal had this to say: "U.S. officials are putting out the word that they are laying the groundwork for possible retaliatory actions against Libya for a suspected involvement in the bombing of a West Berlin discotheque." Then the next day, Tuesday, April 8, the Wall Street Journal, again: "Reagan and his advisers are united in wanting to respond militarily against Qadhafi but haven't agreed on a time or place to strike back," a senior administration official said.

On the same day, CBS Evening News, "Forty-eight hours after the bombing in West Berlin, the Reagan Administration has reached a consensus for military retaliation against Libya."

On Wednesday, April 9, CBS Evening News: "According to a highly-placed source, President Reagan has approved another possible military strike against Libya. The White House denied rumors today that a military response was already underway, but a well-placed intelligence source said that a military response has been approved."

That same evening, ABC World News Tonight: "The understanding now is that a strike against Libya is in the works. If it comes to that, seldom will U.S. military action have been so widely and publicly advertised in advance."

Thursday, April 10th, we are getting closer to the day, NBC Today Show: "Administration officials say that intense planning is underway for retaliation against Libya."

On the same day, the New York Times: "Administration officials said that Libyan military sites were the prime options under consideration for retaliation and that among the key possibilities are Libyan air bases near the coast, the official said that coastal electronic listening posts, including early warning radar sites, as well as units that pick up airplane and ship traffic, are also key targets." And as we know, they were the targets.

On Friday, April 11, NBC Today Show: "The goal is to strike as many targets as possible, as close to the coast to reduce the danger to American aircraft."

Saturday, April 12, New York Times: "Administration officials speculated that the water strip placed in abeyance, at least for the moment, a retaliatory strike against Libya, but officials declined to rule out a raid, even in the next 48 hours."

Associated Press: "The British Mail on Sunday said Mrs. Thatcher had 'cleared the way for President Reagan to use British bases to launch a massive new air attack on Libya.'"

Another AP: "Italian Premier Bettino Craxi told reporters Saturday, April 12 in Milan, 'I don't believe there will be a military intervention there before Monday.'"

The same evening, NBC Nightly News: "By Monday, the diplomatic lobbying will be completed, and Administration sources indicate that means a strike could come as early as Tuesday."

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Washington Post "After consulting congressional Prime Minister Jacques Chirac by letter. The President decided to reject the proposal for the right to life, and the President's decision was communicated to Washington the following morning, Saturday, April 11.

And the day before the bombing, NBC Nightly News Administration officials say the President moving towards a decision about whether to make a retaliatory strike against Libya, and White House officials confirm the President will have a special national security meeting tomorrow to evaluate the situation. Today, the President conferred with Vice President Bush and Secretary of State Shultz, both of whom are believed to favor a military strike. Notably absent from the Camp David meeting was Defense Secretary Weinberger, who is believed to oppose such action."

I think it is grossly unfair to suggest that two American lives were lost because one leader said, "No comment," and the other said, "I believe you should ask the President. He may have something to say tonight at 9."

From the beginning of the history of mankind, organized societies, whether they be tribes or clans or nations, have nurtured and created heroes, because heroes are necessary to serve as a cement to unite people, to bring unity in that nation.

It provides glory to their history. It provides legends. We have many heroes. This hearing is being held in Washington, the city of heroes, the city of monuments. We have hundreds of monuments in this city.

In the Capitol, in Statuary Hall, each State has honored two of their heroes or heroines. The State of Hawaii honors King Kamehameha, the Warrior King, and Father Damien, who is soon to become a saint.

And if you step on the west steps of the Mall and look down the majestic Mall, you will see the Monument of George Washington, very majestic. I remember as a child, long before I heard of the Revolutionary War, that one day George Washington was confronted by his father, who asked, "Who cut the cherry tree?" And little George answered, "Father, I cannot lie. I cut the cherry tree." It was an important lesson to all little children, and I believe it still is a very important lesson.

Then, if you go further down, you will see the Lincoln Memorial, where we honor a great President for the courage he demonstrated in upholding the brotherhood of man. It wasn't easy during those days.

Then you have Arlington, a sacred place. Men you served with and men I served with, that as their final resting place, all heroes.

Then you have Lee's Mansion. This was the home of the great gentleman from Virginia. We honor him today for his great demonstration of loyalty and patriotism.

And as we get back to the Lincoln Memorial and nearby, we see this new and exciting monument, one to your fellow combat men, the Vietnam Memorial.

I believe during the past week, we have participated in creating and developing very liked a new American hero.

Like you, who has felt the burning sting of bullet and shrapnel and heard the unforgettable and frightening sounds of incoming shells. I salute you, sir, as a fellow combat man, and the rows of ribbons that you have on your chest forever remind us of the courageous service and your willingness, your patriotic willingness to risk your life and your limb.

I am certain, the life and burdens of a hero will be difficult and heavy, and so, with all

sincerity, I wish you well as you begin your journey into a new life.

However, as an interested observer, and as one who has participated in the making of this new American hero, I found certain aspects of your testimony to be most troubling. Chairman Hamilton has eloquently discussed them.

Because, as a result of your very gallant presence, and your articulate statements, your life, I am certain, will be emulated by many, many young Americans. I am certain we will, all of us, receive an abundance of requests from young citizens throughout the land for entrance into the privileged ranks of cadets of the Military Services.

These young citizens, having been imbued with the passion of patriotism, will do so; and to these young men and women, I wish to address a few words:

In 1964, when Colonel North was a cadet, he took an oath of office like all hundreds throughout the service academies. And he also said that he will abide with the regulations which set forth the cadet honor concept.

The first honor concept, first because it is so important, over and above all others, is a very simple one: A member of the brigade does not lie, cheat, or steal. And in this regulation of 1964, the word "lie" was defined as follows:

"A deliberate oral or written untruth; it may be an oral or written statement which is known to be false or simple response to a question in which the answer is known to be false."

The words "mislead" or "deceive" were defined as follows: "A deliberate misrepresentation of a true situation by being untruthful or withholding or subtly wording information in such a way as to leave an erroneous or false impression of a known true situation."

And when the colonel put on his uniform and the bars of a second lieutenant, he was well aware that he was subject to the Uniform Code of Military Justice. It is a special code of laws that apply to our men and women in uniform.

It is a code that has been applicable to the conduct and activities of Colonel North throughout his military career, and even at this moment. And that code makes it abundantly clear that orders of a superior officer must be obeyed by subordinate members. But it is lawful orders.

The uniform code makes it abundantly clear that it must be the lawful orders of a superior officer.

In fact, it says, "Members of the military have an obligation to disobey unlawful orders."

This principle was considered so important that we, the Government of the United States, proposed that it be internationally applied in the Nuremberg trials and so in the Nuremberg trials we said that the fact that the defendant—

Chairman INOUE, Colonel North, I am certain it must have been painful for you as you stated to testify that you lied to senior officials of our Government, that you lied and misled our Congress and believe me it was painful for all of us to sit here and listen to that testimony. It was painful.

It was equally painful to learn from your testimony that you lied and misled because of what you believed to be a just cause, supporters of Nicaraguan freedom fighters, the contras.

You have eloquently articulated your opposition to Marxism and communism, and I believe that all of us, I am certain all of us on this panel, are equally opposed to Marxism and communism.

But should we in the defense of democracy adopt and embrace one of the most im-

portant tenets of communism and Marxism, the ends justify the means?

This is not a question of democracy or democracy. Our Government is the Government of laws.

And finally, to those thousands upon thousands of citizens who have called, sent telegrams, and written letters, I wish to thank all of you most sincerely and commend you for your demonstrated interest in the well being of our Government, of our freedoms and our democracy.

Your support or opposition of what is happening in this room is important, important because it dramatically demonstrates the strength of this democracy. We Americans are confident in our strength to openly and without fear put into action one of the important teachings of our greatest Founding Father, Thomas Jefferson, who spoke of the right to dissent, the right to criticize the leaders of this Government and he said, "The spirit of resistance to Government is so valuable on certain occasions that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all."

Unlike communism, in a democracy such as ours we are not afraid to wash our dirty linen in public. We are not afraid to let the world know that we do have failure and we do have shortcomings.

I think all of us will recall the open invitation that we sent to the press of the world to view the space flights, to record our successes and record our failures.

We permit all to film and record our space flights. We don't after the fact let the world know only of our successes. And I think we should recall that we did not prohibit any member of the world press to film and record one of the bloodiest chapters of our domestic history, the demonstration and riots in the civil rights period.

This was not easy, to let the world know that we had police dogs and police officers with whips and clubs denying fellow citizens their rights, but I have always felt that as long as we daily reaffirm our belief in and support of our Constitution and the great principles of freedom, that was long ago enunciated by our Founding Fathers, we will continue to prevail and flourish.

I would like to make one more closing remark. Throughout the past ten days, many of my colleagues on this panel in opening their questions to the Colonel, prefaced their remarks by saying, "Colonel, I am certain you know that I voted for aid to the contras."

Ladies and gentlemen and Colonel North, I voted against aid to the contras. I did so not as a communist, I did so not as an agent of the KGB. I did so upon information that I gathered as a member of the bipartisan Commission on Central America based upon information that I gathered as Chairman of the Foreign Operations Committee, based upon information that I gathered as a senior member of the Defense Subcommittee, and based upon information that I gathered as Chairman and a Member of the Senate Intelligence Committee.

I voted against aid to the contras. It wasn't easy to vote against your Commanding Chief. It is not easy to stand before my colleagues and find yourself in disagreement, but that is the nature of democracy.

I did so because I was firmly convinced that to follow the path or the course that was laid down by the Reagan proposal would certainly and inevitably lead to a point where young men and women of the United States would have to be sent into the conflict, and Colonel, I am certain, having

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ment of missiles to Iran. You have testified that it has never been U.S. policy not to negotiate with terrorists yet the President has said the opposite, that we will never negotiate with terrorists. You have testified that a lot of people were willing to go along with what we were doing, hoping against hope that it would succeed, and willing to walk away when it failed.

My guess is that is a pretty accurate description of what happened, but it is not the way to run a government. Secret operations should pass a sufficient test of accountability, and these secret operations did not pass that test. There was a lack of accountability for funds and for policy, and responsibility rests with the President. If he did not know of your highly significant activities done in his name, then he should have, and we will obviously have to ask Admiral Poindexter some questions.

The next point, with regard to process, relates to your attitude toward the Congress. As you would expect, I am bothered by your comments about the Congress. You show very little appreciation for its role in the foreign policy process. You acknowledge that you were "erroneous, misleading, evasive, and wrong" in your testimony to the Congress. I appreciate, sir, that honesty can be hard in the conduct of government, but I am impressed that policy was driven by a series of lies: lies to the Iranians, lies to the Central Intelligence Agency, lies to the Attorney General, lies to our friends and allies, lies to the Congress, and lies to the American people.

So often during these hearings, not just during your testimony, but others as well, I have been reminded of President Thomas Jefferson's statement: "The whole art of government consists in the art of being honest."

Your experience has been in the Executive Branch, and mine has been in the Congress. Inevitably our perspectives will differ. Nonetheless, if I may say so, you have an extraordinarily expansive view of Presidential power. You would give the President free rein in foreign affairs. You said on the first day of your testimony, and I quote, "I didn't want to show Congress a single word on this whole thing."

I do not see how your attitude can be reconciled with the Constitution of the United States. I often find in the Executive Branch, in this administration, as well as others, a view that the Congress is not a partner but an adversary. The Constitution grants foreign policy making powers to both the President and the Congress and our foreign policy cannot succeed unless they work together. You blame the Congress as if the restrictions it approved were the cause of mistakes by the administration; yet Congressional resolutions in the case of Nicaragua—if the polls are accurate—reflected the majority view of the American people.

In any case, I think you and I would agree that there is insufficient consensus on policy in Nicaragua. Public opinion is deeply divided, and the task of leadership, it seems to me, is to build public support for policy. If that burden of leadership is not met, secret policies cannot succeed over the long term.

The fourth point with regard to process relates to means and ends. As I understand your testimony, you did what you did because those were your orders and because you believed it was for a good cause. I cannot agree that the ends justified these means, that the threat in Central America was so great that we had to do something, even if it meant disregarding constitutional processes, deceiving the Congress and the American people. The means employed were

a profound threat to the democratic process.

A democratic government, as I understand it, is not a solution, but it is a way of seeking solutions. It is not a government devoted to a particular objective, but a form of government which specifies means and methods of achieving objectives. Methods and means are what this country is all about. If we subvert our democratic process to bring about a desired end, no matter how strongly we may believe in that end, we have weakened our country, and we have not strengthened it.

The few do not know what is better for Americans than Americans know themselves. If I understand our government correctly, no small group of people, no matter how important, no matter how well intentioned they may be, should be trusted to determine policy. As President Madison said, "Trust should be placed not in a few but in a number of hands."

Let me conclude. Your opening statement made the analogy to a baseball game. You said the playing field here was uneven and the Congress would declare itself the winner. I understand your sentiments, but may I suggest that we are not engaged in a game with winners and losers. That approach, if I may say so, is self-serving and ultimately self-defeating. We all lost.

The interests of the United States have been damaged by what happened. This country cannot be run effectively when major foreign policies are formulated by only a few, and are made and carried out in secret, and when public officials lie to other nations and to each other.

One purpose of these hearings is to change that. The self-cleansing process, the Tower Commission, and these joint hearings, and the report which will follow, are all part, we hope, of a process to reinvigorate and restore our system of government.

I don't have any doubt at all, Colonel North, that you are a patriot. There are many patriots in this country, fortunately, and many forms of patriotism. For you, perhaps patriotism rested in the conduct of deeds, some requiring great personal courage, to free hostages and fight communism. And those of us who pursue public service with less risk to our physical well-being admire such courage.

But there's another form of patriotism which is unique to democracy. It resides in those who have a deep respect for the rule of law and faith in America's democratic traditions. To uphold our Constitution requires not the exceptional efforts of the few but the confidence and the trust and the work of the many.

Democracy has its frustrations. You've experienced some of them, but we—you and I—know of no better system of government and when that democratic process is subverted, we risk all that we cherish.

I thank you, sir, for your testimony, and I wish you and I wish your family well.

STATEMENT BY SENATOR MITCHELL.
JULY 14, 1987

You have talked here often eloquently about the need for a democratic outcome in Nicaragua. There's no disagreement on that. There's disagreement as how best to achieve that objective. Many Americans agree with the President's policy, many do not. Many patriotic Americans, strongly anti-communist, believe there's a better way to contain the Sandinistas, to bring about a democratic outcome in Nicaragua and to bring peace to Central America.

Many patriotic Americans are concerned in the pursuit of democracy abroad we cannot compromise it in any way here at home. You and others have urged consistency in our policies, you have said repeatedly that if we are not consistent our allies and other nations will question our reliability.

That is a real concern. But if it's bad to change policies, it's worse to have two different policies at the same time, one public and one secret. It's bad to have a public policy and a secret policy in private. It's bad to conduct a greater inconsistency than that. It's hard to imagine anything that would give our allies more cause to consider us unreliable than that we say one thing in public and secretly do the opposite. And that's exactly what was done when arms were sold to Iran and arms were swapped for hostages.

Now, you have talked a lot about patriotism and the love of our country. Most nations derive from a single tribe, a single race; they practice a single religion. Common racial; ethnic religious heritages are the glue of nationhood for many. The United States is different; we have all races, all religions, we have a limited common heritage. The glue of nationhood for us is the American ideal of individual liberty and equal justice. The rule of law is critical in our society. It's the great equalizer, because in America everybody is equal before the law. We must never allow the end to justify the means where the law is concerned. However important and noble an objective, and surely democracy abroad is important and is noble. It cannot be achieved at the expense of the rule of law in our country. And your diversity is very broad.

You talked about your background and it was really very compelling, and is obviously one of the reasons why the American people are attracted to you.

Let me tell you a story from my background. Before I entered the Senate I had the great honor of serving as a federal judge. In that position I had great power. The one I most enjoyed exercising was the power to make people American citizens. From time to time I presided at what we call naturalization ceremonies; they're citizenship ceremonies. These are people who came from all over the world, risked their lives, sometimes left their families and their fortunes behind to come here. They had gone through the required procedures, and I in the final act administered to them the oath of allegiance to the United States, and I made them American citizens. To this moment, to this moment it was the most exciting thing I have ever done in my life.

Ceremonies were always moving for me because my mother was an immigrant, my father the orphan son of immigrants. Neither of them had any education and they worked at very menial tasks in our society. But because of the openness of America, because of equal justice under law in America, I sit here today a United States Senator. And after every one of these ceremonies I made it a point to speak to these new Americans. I asked them: why they came, how they came, and the stories, each of them, was inspiring. I think you would be interested and moved by them; given the views that you have expressed on this country.

And when I asked them why they came they said several things, mostly two. The first is they said we came because here in America everybody has a chance, opportunity. And they also said over and over again, particularly people from totalitarian societies, we came here because here in America you can criticize the government without looking over your shoulder. Freedom to disagree with the government.

Now, you have addressed several pleas to this committee very eloquently. None more eloquent than last Friday when in response to a question by Representative Cheney you asked that Congress not cut off aid to the contras for the love of God and for the love of country. I now address a plea to you. Of all the qualities which the American people

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and compelling about you none is more impressive than your obvious deep devotion to this country. I am sure that all other stars that are in the sky are dimmer than yours. It is possible for an American to disagree with you or with the Government and still love God and still love the country just as much as you do.

Although he's regularly asked to do so, God does not take sides in American politics. And in America, disagreement with the policies of the Government is not evidence of lack of patriotism.

I want to repeat that in America, disagreement with the policies of the Government is not evidence of lack of patriotism.

Indeed, it is the very fact that Americans can criticize their Government openly and without fear of reprisal that is the essence of our freedom, and that will keep us free.

I have one final plea. Debate this issue forcefully and vigorously as you have and as you surely will, but, please, do it in a way that respects the patriotism and the motives of those who disagree with you, as you would have them respect yours.

Thank you very much, Colonel.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from Wisconsin.

LET'S STOP SHREDDING OF VITAL NATIONAL SECURITY DOCUMENTATION

Mr. PROXMIRE. Mr. President, in listening to the testimony of Colonel North, Admiral Poindexter, and others at the Iran Contra hearings, I am reminded of a song written a few years ago by Lerner and Lane. The song title was: "How Can You Believe Me When I Say I Love You When You Know I've Been a Liar All My Life?" Now, in testimony before the Congress and the country, these witnesses admit they lied again and again and again. And why did they lie? To protect the President. So doesn't it seem logical to assume that when they are asked whether they had ever told the President about the diversion of profits from the Iran arms sale, and when they know that if they answered "yes," I have told the President, it would put their Commander in Chief in jeopardy, that once again they would not hesitate to lie, if necessary, to protect their Commander in Chief? And doesn't it seem overwhelmingly likely that some time in the long months of

this transaction so dear to the President's heart that North or Poindexter or both would have reported the truth about this crucial transfer to the Contras to their chief? Polls indicate that the American people believe that the President is lying when he says he did not know about this diversion of Iran money to the Contras. The evidence proving or disproving this has been shredded.

Would North, Poindexter, and the others fear that the written, documented evidence would be likely to expose any lie they told under oath before the Joint Committee as criminal perjury and result in a jail sentence? Maybe. But they had shredded the evidence meticulously. So, they're taking a gamble. But isn't that the name of the game they are playing?

Mr. President, it is time the Congress stopped this practice of shredding or destroying critical documented national security information to protect the President. I have tried to do this before. But I failed. On November 21, 1986, I suggested to the office of the Senate Democratic Leader, ROBERT BYRD that he call on William Webster then FBI Director to move at once to locate, collect, secure, catalog, and safeguard all files, documents, and other materials related to the Iran arms sale, the diversion of these funds to assist the Contra forces in Central America and the use of Swiss bank accounts for this purpose. Senator BYRD agreed. He wrote the FBI Director Webster making the request that the FBI assure the safeguarding of the documents. So what happened? The shredding went ahead anyway. The documents were destroyed. The Congress and the country will never know the truth.

Now Mr. President, this is not the first time this destruction of crucial documentation of illegal activity by a President or subordinate acting for him has taken place. The same thing happened in the Watergate case. There too I tried to persuade our law enforcement authorities to safeguard critical material. But what happened? In Watergate too the shredding went merrily on, destroying critical documents, essential to determine the truth.

Mr. President, it is time we put an end to this easy way for Presidents to avoid accountability for their unlawful acts. We can and should stop the shredding of all relevant documents. Why not? Well there are two objections we will certainly encounter to legislation that would automatically and surely preserve such crucial documentation. First we will be told that shredding must occur. Why? Because if the Government did not destroy the colossal amount of paper generated in this city we would shortly be buried under a mountain of paper 10 miles high, covering not only the District of Columbia but much of the country. The answer to that, Mr. President, is available in our new technology. We

can transfer millions of pieces of information to a single computer chip. A small chip can hold a literally infinite amount of detailed documentation. So we can forget the alibi that we will run out of space if we safeguard critical material.

The second objection to a law safeguarding the material is that the information is too dangerous to preserve at all, too sensitive, too threatening to our national security and to the lives of brave and patriotic Americans who are engaged in intelligence activities. Of course this objection has merit. But is it beyond the capacity of this country to provide a system of truly safeguarding such information? It is one thing for a briefing officer to walk into a room and discuss classified information with a hundred or more persons present, including elected officials and Presidentially appointed officials. If that briefing officer discusses information that—if publicly released—could endanger the life of Americans or the national security, he is taking a risk. Under such circumstances no system to safeguard the national security or the lives of Americans can be perfectly effective. But it is far safer to place the information in a secure place under lock and key and guard, so the information can only be released under carefully monitored circumstances. Again, there is a risk. But the risk can be much more limited. And we can preserve the vital capacity of the nation to prevent unlawful conduct by our President or his agents.

For these reasons I urge the Inouye-Hamilton committee to consider as one of their recommendations a procedure which, henceforth, will fully protect the documentation affecting the foreign policy and national security activities of our Presidents. We have been burned twice now. Thirteen years ago it was the Watergate shredding. This time it is the Iran-Contra shredding. If we fail to act after these two tragic experiences in which evidence was deliberately destroyed, we can count on a future President in 5 or 10 or 15 years from now to once again give in to the temptation to use his great power to violate a law he doesn't like.

JULY GOLDEN FLEECE GOES TO DEPARTMENT OF COMMERCE

Mr. PROXMIRE. Mr. President, my Golden Fleece Award for the month for July goes to the Department of Commerce for a see no evil policy permitting local authorities to so mismanage a federally funded, revolving loan program that the local economy was hurt rather than helped and \$1.3 million—over 90 percent—of the money was lost. In one case, \$95,000 was used to hijack 45 jobs from another part of the country. In another, EDA stood by while a \$700,000 loan was frittered away over 7 years, leaving the taxpayers with zilch.