

M.Radford
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A.Papmore
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What are the Constitutional Implications of the Iran-Contra scandal?

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For many Americans the most prominent memory of the Iran-contra affair is "Olliemania", the media spectacle that turned Lt.-Colonel Oliver North's testimony before the Congressional Select Committees into a show more popular than regular soap operas, and North into a national figure. He was often portrayed as a patriot, ready to bend the rules in order to fight the good fight. But North, for all his hero status among many, was somewhat of a scapegoat, and a pawn in a greater game; at the heart of Iran-contra lies the clash between Congress and the executive over the right to define the foreign policy of the United States, a struggle that has been fought since the adoption of the Constitution. General power in this area is given to the president, but with specific (albeit limited) congressional checks. In bypassing appropriations and arms export control legislation, those responsible for the Iran-contra operation violated the Reagan administration's public policy (thereby undermining it) and the Boland amendments passed by Congress, as well as other statutes. Not only law, however, but the intent of Congress was disregarded using the cloak of national security. This brings into question the constitutional status of covert operations, including their funding (as Congress officially controls the purse-strings), and their apparent incongruity in a democracy. The Constitution was designed to maintain executive accountability by allowing Congress control of the budget, but approved appropriations were easily circumvented by transferring money from the arms sales to Iran over to the Nicaraguan anti-government rebels. If such operations can be hidden from senior elected representatives, then how is the executive to remain accountable? Also concurrent with the resupply of the Nicaraguan *contras* was the use of the FBI, the army and the CIA in a domestic capacity to suppress those campaigning against support for the *contras*, as well as media manipulation and publicity, illegally orchestrated from the White House, in defence of the administration's policies. Thus was there a "national security state" in existence alongside the democratic one? The problems of an "imperial presidency", that were supposedly cleared up in the wake of Nixon's impeachment, were still evident in the 1980s.

As Ann Wroe points out, however, Iran-contra was not one scandal, but two. The first scandal involved the sale of weapons to Iran, in an attempt to convince Ayatollah Khomeini to force the Islamic terrorist group *Hizbollah* into releasing the American (and other Western) hostages they were holding in Lebanon. The plan originated in Israel, but came to America's attention in the summer of 1985, at which point the US began to replenish the arms Israel was supplying Iran (the first US shipment, of 96 TOW missiles, was sent on August 20th). This take-over was suggested in June¹ by Robert McFarlane, the National Security Adviser, against the objections of the Secretaries of State and Defence (George Shultz and Caspar Weinberger, respectively). Weinberger thought that discourse with Iran was useless, stating that, "their virulent anti-Americanism made agreements impossible²". This policy involved the Reagan administration secretly subverting "Operation Staunch", a policy agreed with the US's allies that no arms should be supplied to regimes supporting terror, and also not informing

congressional Intelligence Committees in a "timely manner" (as they were required to do) of the transfer. The operation was run by the National Security Council, specifically by Oliver North under the command of Robert McFarlane (until his resignation on November 30th 1985, but he continued serving in a civilian capacity) and his successor, Admiral John Poindexter. They reported directly to the President, thereby operating a cutout of the normal intelligence-operation channels. But however this arms transfer was described, it was basically a ransom, but one paid with only the possibility that the hostages would be released. By November 1986, McFarlane and North had covertly visited Tehran, and several thousand missiles had been despatched to Iran using NSC and CIA resources, yet only three hostages had been released. Another three had been captured, making the net gain zero, except for the money accumulated from the arms sales. On November 3rd, the affair went public when an account of the trip to Tehran was published in *Al-Shiraa*, a Lebanese magazine, describing the support the US had been giving Iran.

The second scandal was the supply of the *contras*, the rebels fighting the Sandinista government in Nicaragua, which, having overthrown the US-supported Somoza dictatorship, took some aid from the Soviet Union (and was consequently labelled "communist"). Support for these rebels became administration policy when Reagan was inaugurated in 1981, a policy which some in Congress opposed, and which was officially prohibited from 1982 by the Boland amendments to the budget. These amendments, however, were changed several times, oscillating from a complete prohibition on spending appropriated funds on the *contras* (October 1984), to allowing humanitarian aid flights (August 1985), permitting exchanges of intelligence between the CIA and the *contras* (December 1985) and finally to a resumption of \$100 million of military and humanitarian aid (October 1986). This created something of a legal quagmire. However, in the 3rd or "full" version of Boland in October 1984, a condition was implemented (and remained until October 1986) that no appropriated money could be spent on the *contras* by "all agencies of the government involved in intelligence activities", specifically the CIA and the Defense Department³. Yet there were loopholes. Primarily, as Wroe asserts, the "very fact that the law changed so often...suggested how loath Congress was to abandon the *contras* entirely⁴". The NSC, not being an intelligence-gathering body (rather it reports and advises on intelligence gathered by other bodies), was not specifically mentioned and was considered by a few in the administration to be excluded from Boland; because covert operations are not part of their statutory duties, they were not covered by the statutory limits. Thus the McFarlane-Poindexter-North trio ran the *contra* operation as well. Reagan later said that he did not believe that Boland applied to his staff⁵; he was thereby describing the NSC as a body of aides, not an agency. Another loophole was that although appropriated funds were prohibited, nothing was mentioned of unappropriated money. It was not thought that the US government would take the begging-bowl around to other countries, asking for help to save the free world from communism. But it did. King Fahd of Saudi Arabia was persuaded to donate \$2 million a month, and the Sultan of Brunei donated \$10 million, though his donation never made it to the *contras* (having been deposited in the wrong

account). Private individuals were also solicited by North, such as Joseph Coors, the head of the beer corporation, who volunteered \$65,000 for the cause in August 1985⁶. So much for the operation being covert. This operation became public knowledge in October 1986 when the Sandinistas shot down a US plane carrying supplies for the *contras*.

The link between these two operations was found on November 22nd 1986, during an inquiry into the arms sales to Iran, when a memorandum was discovered in North's office mentioning the use of profits from the arms sales to buy materiel for the *contras*⁷. Many of the incriminating documents had already been shredded, or were held back from the inquiry for "national security" reasons, but this memo was enough. In an attempt to whitewash the whole affair, Reagan authorised a presidential review, the "Tower Commission", which had little legal authority (for example, it could not subpoena documents or call witnesses for testimony). Its report of February 26th, 1987, concluded that Reagan had been "duped" and criticised his management style, but did not question the necessity of the covert operations. A separate congressional investigation was launched, which resulted in North, McFarlane and Poindexter, among others, being called to give testimony from early 1987, and demonstrating a confusion over the legality of their actions. North maintained that everything he did in relation to the *contras* was in order to comply with the legal constraints of Boland, but that it did not apply to the NSC anyway. McFarlane stated that he believed Boland covered the NSC, but whether he applied this in practice is doubtful as he had vigorously opposed the amendments. In testimony, he said that the president and his advisers "...turned to covert action [in Nicaragua] because they thought they could not get Congressional support for their actions⁸". In fact the president and his advisers knew they would not get Congressional support because it had already been prohibited by Boland. In his testimony, Poindexter admitted the illegality of the operations, stating,

The buck stops here with me. I made the decision [to divert profits from the arms sales to aid the *contras*]. I felt that I had the authority to do it...I was convinced that the president would in the end think it was a good idea. But I did not want him associated with that decision⁹.

Poindexter declared that he had taken the decision to divert aid which, without explicit presidential approval, is illegal. The Admiral may have been covering for his President, however. He sent a revealing PROF¹⁰ note (of May 2nd, 1986) to his deputy, Dan Fortier, describing a conversation that had taken place with Reagan, in which they had discussed an aid bill for the *contras* that was being stalled in Congress. The note describes Reagan as saying that if the bill failed (as it did), "...I want to figure out a way to take action unilaterally to provide assistance¹¹". The question of whether the President directly authorised the diversion of profits from the arms sales to the *contras* is crucial. If he did not approve the diversion, then the Iran-*contra* scandal is limited to a usurpation of power by subordinates. If Reagan knew of the diversion, however, then the President of the US deliberately subverted the American democratic system by illegally using national security assets, in contravention of Congress's explicit

wishes. But whether the President directly authorised the diversion may never be known. His memory of his authorisations were characteristically hazy (to be fair, both the Iran and *contra* operations would have occupied a small amount of his time), and no allegations of misconduct were convincingly substantiated. No chance of impeachment this time. But the question of authorisation of the diversion is, perhaps, in itself a diversion. The fact is that within the Reagan administration, two private covert operations were being run, far removed from accountability. A national security state was in existence, overlooking the rule of law and democratic control.

Yet the national security state was not a recent creation. Since the Second World War, presidents have asserted the right to commit US military forces without Congressional assent; for example, either overtly (as in Korea, Vietnam or Grenada) or covertly (as in Iran, Guatemala, Laos or Nicaragua). Morton Halperin contends that presidents now assert an inherent constitutional right through their executive power as Commander-in-Chief to act as they see fit¹². For example, President Franklin Roosevelt illegally ordered US destroyers to seek-and-destroy German U-boats before the two countries were at war. A more fitting example of the trend towards presidential autonomy in foreign policy is that of President Truman. In 1947 he sought and received Congressional approval before sending military aid to anti-communist forces in Greece and Turkey. But in 1950, he bypassed Congress in committing aid to south Korea, preferring instead to seek approval for the "police action" from the United Nations Security Council, which the US dominated. Just three years later, President Eisenhower authorised a covert action by the CIA in Iran against the nationalist leader Mossadeq. These examples demonstrate what Halperin notes as a "...progressive decline in congressional participation in the decision to make a military commitment, from specific approval to unauthorised war, and finally to secret war¹³". This unilateral presidential action has usually been described in terms of a constitutional prerogative or a national security imperative, which, when set against the perceived threat of communist expansion, was difficult to resist without being portrayed as a "commie" or a traitor, or both. As Arthur J. Schlesinger has observed, the "...belief in permanent and universal crisis, fear of communism, faith in the duty and the right of the US to intervene swiftly in every part of the world, had brought about the unprecedented centralizations of decisions over war and peace in the Presidency¹⁴". This centralization was achieved through a compliant Congress, which obligingly approved the National Security Act in 1947, a piece of legislation that has subsequently enabled significant anti-democratic practices.

America, at least according to the Constitution, is ruled on the premise of shared powers. No-one branch of the government is supposed to be able to act independently of the others without accountability, but this is what recent presidents have strived for, at least in terms of foreign policy; the introduction of the National Security Act facilitated the executive's increasing independence. The act created the NSC to "advise the President with respect with respect to the integration of domestic, foreign, and military policies relating to the national security¹⁵". Statutory members of the council include the president, the vice-

president, the secretaries of state and defence, the director of the CIA and the chairman of the Joint Chiefs of Staff; others have been members at the president's discretion. The NSC is as an inter-agency body, whose primary role is to aid the President in formulating and co-ordinating a single, coherent foreign policy, and he is free to use it as little or as much as he wants. Although it was originally envisaged as an advisory body, the NSC has accrued significant power to itself, especially since the creation of the post of National Security Adviser under Kennedy, whose first appointee was McGeorge Bundy. This office in effect created a rival for the Secretary of State in foreign policy decision-making, most evident when Henry Kissinger was in residence. Nixon placed the NSC at the centre of his policy-making structure, suiting his preference for taking unilateral decisions and enabling him to maintain a flexible response without necessarily needing recourse to the individual government departments. As Kegley and Wittkopf note, "The president's efforts to expand Kissinger's authority...culminated in Kissinger's appointment as secretary of state, an assignment he held concurrently with his White House role and which placed him unambiguously at the pinnacle of the foreign affairs establishment¹⁶". The rise in Kissinger's influence allowed him to use the NSC system and dominate even more of the president's time. But it was no such much the time Kissinger commanded, as what he and the President did with it. The national security system enabled them to conduct the secret bombings of Cambodia, and to justify the machinations that were revealed as the Watergate scandal.

The illegal acts involved in both the secret bombings and the conduct of the "plumbers" in Watergate served as preludes to the Iran-contra scandal. Although the consequences for the participants of the former were harsher than in Iran-contra (especially considering Nixon's resignation) the illegalities involved in the latter were just as serious. President Nixon did not announce the invasion of Cambodia (to attack North Vietnamese Army bases) by US forces until April 30th, 1970, and said that no such move had been made before then. In fact, the US had been bombing Cambodia, a neutral nation, since March 1969, with the operation directed from the basement of the White House by Kissinger, using NSC staff. In order to protect the secrecy of this operation, Nixon authorised illegal wiretaps on high government officials suspected of leaking information, and on the journalists suspected of receiving such information. There were also attempts to intimidate the "liberal" press by using anti-trust legislation, subpoenaing files and threatening withdrawal of broadcast licences. Legal investigations and grand juries were used to harass radical groups, and the CIA, the NSC and the army began a domestic spying operation collecting political information on, as a Senate Select Committee put it, "virtually every group seeking peaceful change in the US¹⁷". The "plumbers" stepped up their work (to prevent "leaks") after the release of the so-called "Pentagon Papers" in June 1971, which described violations of international and domestic law by successive administrations. Their actions were revealed when the raid on the Democratic Party's campaign headquarters at the Watergate Hotel was discovered. In formulating articles of impeachment in 1974, the House Judiciary Committee debated (but then decided against) a draft article that Nixon's "false and misleading statements" were in "derogation of the power of the Congress to declare war, to make appropriations, and to raise and support armies¹⁸". One of

the three articles that was approved was that Nixon had, "repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposes of these agencies¹⁹". All of these allegations could have been made against Reagan and/or McFarlane, North and Poindexter in relation to Iran-contra.

In a television speech of November 13th, 1986, President Reagan dismissed the charges that US had ransomed hostages for arms as "utterly false" ²⁰; this was only one prominent example of his administration's attempts to subvert the media and disinform the American public. In January 1983, Reagan had authorised a "public diplomacy" apparatus, designed to disseminate information that amounted to propaganda²¹. Officially this was the State Department's "Office of Public Diplomacy for Latin America and the Caribbean" (S/LPD), but it reported directly to the President, via the national security adviser. The Constitution prohibits any administration from, as Parry and Kornbluth put it, "...grassroots campaigns to pressure Congress, from covertly funding domestic propaganda efforts, and - in the case of the CIA - from playing any role in influencing US public policies²²". But, journalists and news executives were pressured into promoting the administration's view, and North sought to subvert the criminal justice system by manipulating investigations that would have exposed the NSC's operations, and the FBI probed groups opposed to the administration's Nicaragua policies. In an effort to make the *contras* look more like a viable fighting force, the CIA even conducted covert operations on behalf of the rebels against the Sandinista government, in early 1983 and 1984. The *contra* leaders were then instructed to claim the credit, enabling the NSC to inform reporters that these attacks proved the *contras* capable of mounting sophisticated operations, thereby justifying continuing CIA support²³. In 1983 alone, the S/LPD booked 1500 speaking engagements, and distributed written material to over 1600 colleges and political science faculties. They also boasted of having "killed" supposedly "erroneous" news stories concerning Nicaragua and El Salvador²⁴. But, it was outside groups that carried out the S/LPD's work, such as the *Gulf and Caribbean Foundation* and the *National Endowment for the Preservation of Liberty* (NEPL), thereby circumventing legislation against executive branch lobbying. But most ominously, the S/LPD worked to subvert the 1986 congressional elections, attempting to ensure candidates opposed to the administration's Nicaragua policy were not elected or re-elected. For example, Michael Barnes (D - Maryland), was depicted as a Sandinista supporter on television adverts placed by Carl Channel, head of the NEPL²⁵. Barnes, the chair of the House Foreign Affairs Sub-committee on Western Hemisphere Affairs, had initiated investigations into North's secret *contra* network. He was not re-elected. All these actions were illegal under the Constitution.

The President also discreetly subverted laws that he did not agree with (this can be seen, for example, in his appointment of staunch anti-feminists to the Women's Educational Equity Act programme²⁶), thereby allowing the to NSC operate outside the law to implement a policy that Congress had explicitly rejected. The arms were actually transferred to Iran under the National Security

Act, rather than the Arms Export Control Act, allowing the delay in informing Congress to be as long as necessary (in effect, an indefinite delay). According to Halperin, "...Reagan fostered a policy and an environment where he was not accountable to Congress or the American people, and where his advisers on the NSC and in the CIA were not even accountable to him²⁷". Or, as Senator George Mitchell stated,

...it was Reagan who set the climate in which illegal acts flourished, Reagan who made it clear to subordinates that he didn't care how they accomplished his objectives so long as they were successful. Reagan consistently refused to condemn those who had been involved in lawbreaking [in the Iran-contra scandal]; in fact he consistently defended those who were. Lack of respect for the law suffused his administration²⁸.

But was this law-breaking perceived as such by the perpetrators? There seems to have been the idea that the President's word was law, or would carry the weight of law. Former President Nixon "explained" in a 1977 tv interview that illegal acts are not illegal if the president orders them. He stated that, "If the President...approves something, approves an action because of a threat to national security, or...because of a threat to internal peace, then the President's decision in that instance is one that enables those who carry it out without violating a law²⁹". This places the president and his staff above the law, which is not the case. The analogy has been made to Henry II and Thomas á Beckett; because the King apparently ordered the Archbishop's murder did not make it legal. However, it is doubtful whether Reagan's NSC staff too account of this analogy.

In testimony, Poindexter stated that, "...I don't think that my expression of loyalty to the NSC staff and to the President in any way abrogates the responsibilities that I took...to support and defend the Constitution of the United States³⁰". North thought the same: "I deeply believe that the President of the United States is also an elected official of this land, and by the Constitution, as I understand it, he is the person charged with *making* and carrying out the foreign policy of this country³¹" (my italics). The assumption of a "president almighty" underlay this belief that anything was permissible in the Iran-contra affair, as long as the President had given his implicit approval³¹, backed up by a faith that the operations were in the national interest. After all, unconstitutional acts had been legalised *ex post facto* before, such as the Louisiana purchase by Jefferson in 1803, the Constitution having no provision for territorial acquisition. But Poindexter and North were wrong, as the President does not make foreign policy. The creation of foreign policy is, according to the Constitution, supposed to be formulated in conjunction with Congress, with the president being a conduit for their joint decisions (although the document is somewhat hazy about the particularities). Congress controls appropriations, regulates commerce with foreign nations, has the sole ability to declare war, to provide for the common defense, and determines the organisation of the armed forces. But the Constitution was designed, as rules for domestic government and foreign

relations, for a political situation two centuries ago. Declarations of war are now uncommon, and often to the disadvantage of the attacking nation; consequently they are usually made in retrospect. The President can make treaties (with the advice and consent of the Senate), appoint ambassadors, and is the Commander-in Chief of the armed forces; nowadays he directs the military with regard to a rapid response and covert operations, and the legalities of congressional wrangling seem only to serve to delay action. But that does not negate the need for accountability, as the Reagan administration seemed to believe; they were servants of the Constitution, not the President whose authority derives from it.

The Constitution makes no mention of covert operations, so are they legal? Supporters of impeachment stated in an opinion in the House Judiciary Committee's August 1974 report, "The Constitution does not permit the President to nullify the war-making powers given to the Congress. Secrecy and deception which deny to the Congress its lawful role are destructive of the basic right of the American People to participate in their government's life-and-death decisions³²". Reagan's Director of the CIA, William Casey, made covert operations routine, with missions in Afghanistan, Cambodia and Angola, not to mention Nicaragua. Such operations (requiring secret budgets) would appear to undermine accountability, but are they a necessity if the US is to pursue its self-assigned role of caretaker of global order? Would covert operations be jeopardised if Congress was aware of them? Halperin asserts that Congress does have a "need to know", but that does not mean that it needs to know of the specific operational details, only the aims and objectives and the means (including the funding) required³³. Not even the whole Congress need be told, perhaps only the relevant committee(s). Also, and very applicable to Iran-contra, is that, "...given the legal and political fallout that ensues when a secret war is exposed, agents in the field will want an absolute assurance that an operation is fully authorised³³". This would balance the public's right to know with the government's need for secrecy. However, this was not possible in the case of Iran-contra as the administration's policy was contrary to what Congress had legally permitted. This also does not solve the incongruity of covert operations within an open, democratic framework. The answer may be that no society is truly democratic, for the government can use its power to rule as it sees fit (to a certain extent), and also, when all other countries use covert operations, is it not only sensible to also use these methods?

The constitutional implications of the Iran-contra scandal are those that were not learned barely a decade earlier, during the impeachment and resignation of Richard Nixon. For all the democratic failsafes, America's position in the world order places upon a modern president an enormous need to push through his preferred foreign policies. The national security system that has been in place since the Second World War allows a president to do so by employing legalised means of accessing covert methods. In the Iran-contra affair, laws that were intended to prevent the resupply of the Nicaraguan rebels were easily circumvented. Although the Boland amendments may not have technically been broken, the use of unappropriated funds (and the means by which they were secured) were contrary to the explicit wishes of Congress. Perhaps more

importantly, safeguards in place to prevent the abuse of citizen's rights by the intelligence agencies were also broken, and in the same manner as during the Watergate era. It would seem that covert operations, outside of the US, are a useful, maybe indispensable tool at a president's disposal. But constitutionally, they are of dubious legality, and in need of proper overseeing by Congress. Covert operations inside the US are illegal, if carried out by the CIA, but this should not mean that unlawful operations should merely be transferred to the FBI or another domestic agency. Certainly, the Reagan administration acted with blatant disregard to the Constitution in employing outside groups to promote its own views within the US. In 1989, Senator Daniel Moynihan attempted to introduce a bill that sought to prohibit "...soliciting or diverting funds to carry out activities for which the US' assistance is prohibited³⁴". But this attempt to prevent abuses of executive power was vetoed by President Bush. It seems that, despite the significant constitutional issues raised by the Iran-contra scandal, the exigencies of the modern world will ensure that the presidential prerogative in foreign policy, in conflict with the Constitution, will continue.

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1. C.Weinberger, Fighting for Peace (Warner Books, New York NY, 1990), p.363

This was proposed in a draft NSC Decision Directive of June 17th, 1985, the key policy option of which read,

Encourage Western allies and friends to help Iran meet its import requirements so as to reduce the attractiveness of Soviet assistance and trade offers, while demonstrating the value of correct relations with the West. This includes provision of selected military equipment as determined on a case-by-case basis.

2. C.Weinberger, Fighting for Peace, p.356
3. A.Wroe, Lives, Lies and the Iran-Contra Affair (I.B.Tauris & Co. Ltd., London, 1991), p.174
4. A.Wroe, Lives, Lies and the Iran-Contra Affair, p.184
5. A.Wroe, Lives, Lies and the Iran-Contra Affair, p.185
6. A.Wroe, Lives, Lies and the Iran-Contra Affair, p.210
7. A.Wroe, Lives, Lies and the Iran-Contra Affair, p.38

The relevant passage from the memo, entitled "Release of American Hostages held in Beirut", reads:

The residual funds from this transaction [a proposed April 1986 shipment of 3000 TOWs and Hawk missile parts to Iran] are allocated as follows...\$12m will be used to purchase critically needed supplies for the Nicaraguan Democratic Resistance forces.

8. M.Halperin, "Lawful Wars", Foreign Policy 72 (Fall 1988), p.175
9. C.Weinberger, Fighting for Peace, p.380
10. The PROF system, as I understand it, was an early form of email using an IBM mainframe as the server, which was accessed through dedicated terminals.
11. T.Draper, "The Constitution in Danger", NYRB March 1, 1990, p.41
12. M.Halperin, "Lawful Wars", p.174
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16. C.Kegley, Jr., & E.Wittkopf, American Foreign Policy, p.342
17. K.Sharpe, "The Real Cause of Irangate", pp.27-8
18. K.Sharpe, "The Real Cause of Irangate", p.19
19. K.Sharpe, "The Real Cause of Irangate", p.20
20. A.Wroe, Lives, Lies and the Iran-Contra Affair, p.269
21. R.Parry & P.Kornbluth, "Iran-Contra's Untold Story", Foreign Policy 72 (Fall 1988), p.9

Reagan authorised this propaganda apparatus by signing National Security Decision Directive 77, entitled "Management of Public Diplomacy Relative to National Security". This directive deemed it "...necessary to strengthen the organisation, planning and co-ordination of the various aspects of the public diplomacy of the United States Government". In my opinion this amounted to an Orwellian Ministry of Truth.

22. R.Parry & P.Kornbluth, "Iran-Contra's Untold Story", p.15
23. R.Parry & P.Kornbluth, "Iran-Contra's Untold Story", p.7
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28. H.Johnson, Sleepwalking Through History (W.W.Norton & Co., London, 1991), p.369
29. K.Sharpe, "The Real Cause of Irangate", p.35
30. A.Wroe, Lives, Lies and the Iran-Contra Affair, p.132

31. T.Draper, "The Constitution in Danger", p.41
32. K.Sharpe, "The Real Cause of Irangate", p.24
33. M.Halperin, "Lawful Wars", p.184
34. T.Draper, "The Constitution in Danger", p.45