

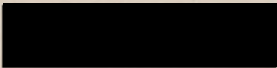
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This "reform" bill could have been
written by the defendants in the
Iran-Contra scandal -

When people like ^{Sen} Clayton and Tom
Cohen want to hand their rights
and responsibilities to any President,
I give up -



A move to give the presidency more say-so over covert actions

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By Lanny Sinkin

WASHINGTON — At 3:30 a.m. on Saturday, Aug. 4, a small group of U.S. senators — perhaps 10, according to one news service reporter — passed a bill that fundamentally alters our constitutional system and threatens the continued viability of our democratic experiment. With attention riveted on the Persian Gulf, the public and most members of Congress know nothing about this bill.

It was portrayed as a reform bill to address abuses revealed in the Iran-Contra scandal, but this "reform" essentially would authorize virtually every abuse.

The bill, Senate Intelligence Authorization Act for Fiscal Year 1991 (SB2834) — brought to a dead-of-night vote by Sen. Sam Nunn, D-Ga. — would transfer significant authority over the U.S. government to former CIA director, now president, George Bush and to what Bill Moyers has called the "secret government," endangering our Constitution. Among the powers that would become the sole discretion of the president are those to initiate war, appropriate public funds, define foreign policy goals and determine what is important to our national security.

In Title VII (Oversight of Intelligence Activities) SB2834 includes the following provisions:

- Empowers the president to initiate covert actions, an authority never before specifically given to the president;
- Denies Congress power to prevent the president from initiating covert actions;
- Permits the president to use any federal "departments, agencies or entities" to conduct or finance a covert operation;
- Allows the president to use any third country or private contractor to fund or conduct a covert action, so actions such as

using funds from the sultan of Brunei or hiring Richard Secord's Enterprise, as occurred in Iran-Contra, would now be perfectly legal;

- Defines covert actions as operations "necessary to support foreign policy objectives of the United States," purposes so broad as to be essentially unlimited;

- Explicitly claims the right of our country to secretly interfere in the internal "political, economic or military affairs" of other countries in violation of international law;

- Requires the president to prepare a written finding and deliver that finding to the intelligence committees of Congress, but also authorizes the president to omit from the finding "extremely sensitive matters" and to claim executive privilege if Congress asks too many questions.

Given that the "oversight" section as a whole demonstrates a transparent congressional desire not to know about or take responsibility for covert actions, the president undoubtedly would interpret every phase as broadly as possible and avoid burdening Congress with any relevant information.

Because the bill would provide no penalties for violating any of its provisions, including the provision requiring a finding, such behavior by the president would be even more likely.

THESE PROVISIONS would amend the National Security Act of 1947, which was established by the National Security Council and the CIA to centralize the gathering of intelligence. Clark Clifford, author of the act, stated that it was never intended to provide authority for covert actions.

Nevertheless, the CIA engaged in such operations without congressional authorization. Over the years, we have seen the overthrow of democratically elected governments; the blossoming of assassination programs and paramilitary wars; and the cooperation of the United States with drug smuggling and other illegal activity.

The phrase national security now is so routinely used that allowing the president

to initiate covert actions "important to the national security" simply is a blank check to continue such operations.

We are witnessing the complete renunciation of any congressional attempt to control the parallel secret government that has grown inside our democratic system since World War II.

The joint congressional committee investigating the Iran-Contra scandal reached the remarkable conclusion that covert operations are "compatible with democratic government" if conducted under certain conditions. The Senate bill adopts this conclusion without question.

But Thomas Jefferson and the other Founding Fathers envisioned a democratic society fundamentally different from the European orders they were rejecting. In this vision, government operates in the open. Citizens participate actively. Legislators are elected by and responsive to the people, who have the education and access to information they need to reach informed decisions and provide guidance to their elected representatives. There are checks and balances to avoid excessive concentration of power in one branch of government.

Given the Senate bill's definition of covert actions and the provisions governing their initiation and conduct, it presents the absolute antithesis of the democratic ideal.

The people of this country would be completely unaware of the contemplated actions, let alone allowed to participate in evaluating their wisdom. Under SB2834, a presidential finding would usurp the legislative process.

Power of the purse would be handed to the president by Congress. Any appropriated funds could be used for covert action, even if never appropriated for that purpose.

While the covert action was being carried out by the U.S. government or at its behest by other parties, the people of the United States would never know what was being done in their name.

CLEARLY, COVERT action is not compatible with democratic government. To the contrary, the Senate bill would formalize a monarchical system, leaving President Bush free to be King George IV in foreign policy, with the always implicit threat that the techniques used abroad could be used at home to prevent or eliminate opposition.

The House version of the Intelligence Authorization Act, which is due for a vote this week or next, does not contain any of the "oversight" provisions in the Senate bill. The plan is to pass the bill through the House and then have a closed-door conference committee reconcile the two by adding the oversight provisions to the House bill. The bill would then be returned to both houses for a final vote, with little chance for debate or amendment.

Unless the public immediately barrages its representatives and senators with objections to the oversight section of the Senate bill — demanding this section be removed — we may well be witnessing the twilight of our constitutional democracy.

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