

sions of moral indignation and outrage, and even been treated to talk about 'a coup in the White House,' a junta run by a lieutenant colonel and an admiral," he said. "My own personal view is that there has been far too much apocalyptic rhetoric about these events, most of it unjustified. If there ever was a crisis—which I doubt—it ended before these committees were ever established. And to the extent that corrective action was required, the President took it *unilaterally* before these committees had taken a

single word of public testimony."

The inescapable impression that Tribble left was of a man bent on wallowing in the picayune, the irrelevant, and the peripheral, probably out of fear that toying with bigger things might bring political harm. At the start of his questioning of North, Tribble noted, "President Kennedy used to tell a story that I believe captures the spirit of these hearings. In June of 1780, there was a total eclipse of the sun . . ."

Tom Shales, the acerbic TV critic of the *Washington Post*, called this "a nadir of sorts" in the hearings. Tribble specialized in asking about the profits—the "residuals"—made by Secord and his associates. He denounced the "privatization" of foreign policy. Tribble was undeterred when witnesses such as North couldn't answer his questions about details of Secord's finances. In fact, he was so consumed about the trivialities of the money issue that he pursued a line of questioning that even Secord couldn't follow. It went like this:

*Tribble:* Turn, if you will, to the back where you see handwritten several pages that project operations and sales for American arms.

*Secord:* This is not my handwriting, so I am not familiar with it right now.

*Tribble:* Let's you and I review it together. This is part of a document you are familiar with. It talks about two phases of this project, 4,000 arms before the government deadline, phase two relocation of plant. Then it sets forth in the first phase the pricing of guns, selling price per unit, comes out to 7,200,000 cost per unit, 1 million, projected—

*Secord:* What is the up of all this, senator? I don't follow you at all.

*Tribble:* Just listen, general.

*Secord:* I'm trying to listen.

*Tribble:* We will get to that. The bottom line is \$6.2 million. Again, substantial sums of dollars projected from these activities, is that correct?

*Secord:* That is what the notes say. They are not my notes.

And so it went with Tribble. Contrast this with Cheney's questioning of—you could pick almost any witness—North. "A key point for me," Cheney told North, "is to try to place the events of the Iran arms transaction and the support network for the contras within a broader context so that we understand the way that some of these decisions were made and why the President and his key advisers made the decisions they made." He asked about North's and the President's meetings with hostage families, about the fate of CIA agent William Buckley and the efforts to free him, about why the National Security Council had taken on added duties, about North's ties to Israeli officials, about whether North might have kept the contras alive only to have them abandoned in Washington once his efforts on their behalf were revealed. And so it went with Cheney.

Now, the sad footnote to all this. A month into the hearings, the "CBS Evening News" did a puff piece on Tribble. He was treated as "a sort of Clark Kent without the horn rims," a guy unlikely to emerge as an Administration critic because that might jeopardize his re-election, but who emerged nonetheless. CBS didn't get the political equation quite right, but never mind. The piece included kind words about Tribble from Charles McDowell, the witty and respected columnist for the *Richmond Times-Dispatch*. Tribble came off as "cool, calm, aggressive, informed" in the hearings, McDowell said. But there's worse. WJLA News 7 in Washington and the Journal Newspapers did a poll on Tribble at the end of the hearings. A whopping 59 percent gave him a favorable rating, 10 percent said he was fair, and only 5 percent rated him poor (26 percent were undecided). Politics, like life, isn't fair. □

## ARTHUR LIMAN'S PAST

by Dennis Teti

As a senior at Harvard, Arthur Liman wrote a thesis supervised by Samuel P. Huntington (currently President of the American Political Science Association) on the threat to limited government from what he termed the "New Investigation." His careful study of the behavior of the Nye, Kefauver, McCarthy, and other investigative committees shows that the Iran-contra hearings, conducted under Liman's direction, were not the first to utilize certain forensic techniques. A few samples:

- Because of Independent Counsel Walsh's investigation, two target figures, Lt. Col. North and Admiral Poindexter, refused to testify to the select committees on self-incrimination grounds. The committees first delayed action in order to give the Independent Counsel maximum time to gather evidence, then forced North and Poindexter to testify by giving them limited "use immunity." In 1954 Liman understood perfectly well how such public testimony might undermine the right to a fair trial:

[T]he Kefauver Committee exposed individuals while they were undergoing investigation by a grand jury. How individuals who have been pilloried by congressional investigating committees can be guaranteed a fair trial before an unprejudiced jury is hard to see, unless the jury be illiterate.

- The Iran committees' method of choice was to interrogate witnesses for long hours behind closed doors, dismiss those who did not help their case against Ronald Reagan, and use their own testimony in public against those who spoke for the Administration. Brendan Sullivan's refusal to have his client Oliver North undergo the private ordeal showed that he understood what Liman had learned from the anti-subversive hearings of the 1950s:

In putting the spotlight on subversives in these areas, the New Investigation has

made great use of the preliminary closed session. Witnesses are weeded out so that only those considered subservice [sic, i.e. subversive] by the committee will have to undergo public testimony. . . . The preliminary closed hearing was used in order to separate the good from the bad for public display.

- Were these committees created to find facts or attack Republicans? As Liman explained decades ago:

[Congressional] investigation has always been a tool of partisan politics, and has been used with equal avidity by all factions when the opportunity presented itself. . . . Investigations have always been utilized to defame or to defend some person or some cause.

- An essential part of Liman's plan for the hearings was to parade the witnesses before the television screens in very specific order. He believed that by presenting their testimony in cumulative fashion, he could build a case against the Administration's faulty foreign policy "process" which would demonstrate that there was a conspiratorial "government within Reagan's government," ending in the exposure of Oliver North, the undermining of the Reagan foreign agenda, and perhaps the destruction of Reagan's presidency. Over thirty years ago Liman recognized the value of television as an ally of Congress in the struggle against the executive branch:

Television has become a great asset of the congressional committee. It is difficult to see how this new media [sic] can be utilized as effectively by the Presidency as it has been by the Congress. Even Cabinet meetings do not have the dramatic qualities of a well-planned congressional hearing [my emphasis].

- North justified his actions, par-taking of executive authority, on a broad reading of the President's constitutional power over foreign policy and the privilege of withholding information from Congress. North referred to a 1936 Supreme Court

case, *United States v. Curtiss-Wright Corp.*, in which the Court favorably cited George Washington's withholding of certain documents from Congress. Senate Counsel Liman argued the same precedent for executive privilege in 1954:

The other important way of checking aggrandizing congressional committees is for the President to refuse them access to information on the grounds that disclosure would be detrimental to public interest. President Washington set the precedent for such a refusal in 1796 by declining to lay before the House of Representatives papers relating to the negotiations for a treaty with England. Such refusals are in the shadowland of constitutional law because of the lack of delineation between the powers of Congress and the Presidency.

- Liman saw clearly, in 1954, that the President is duty-bound to fight against investigations designed to destroy the executive:

If the investigative power of Congress is unlimited, the separation of powers, and system of checks and balances must break down. . . . The Founding Fathers were much too fearful of legislative tyranny not to anticipate situations like this. . . . It will be the ambition of the Presidency alone that will protect the independence of his branch from unwarranted interference by the New Investigation. . . . Whether the New Investigation will jeopardize the independence of the executive, and destroy the separation of powers thus seems to depend on whether the Presidency will mobilize all the forces at its disposal to resist it.

Liman's interest in congressional investigations from the time of his college thesis suggests that he was long preparing to lead a "new investigation" of his own.

*Dennis Teti was a staff member of the select committees investigating the Iran-contra events. The opinions expressed in this article are his own.*

Elie Kedourie

## CRUISING FOR A BRUISING: THE U.S. IN THE GULF

The ayatollahs know what they want—but what do we want?

The downfall of the Shah at the beginning of 1979, the seizure of power by divines, and the establishment of an Islamic Republic under the control of the Ayatollah Khomeini have had sequels and reverberations which are far from being exhausted. The invasion of the U.S. Embassy in Tehran and the seizure as hostages of its occupants had a direct and powerful effect on the internal politics of the U.S. and greatly influenced the outcome of the 1980 presidential elections. The attempt, undertaken in 1985-86 by officials of the National Security Council, to re-establish relations with the Islamic regime by supplying Iran with small quantities of arms, has also had consequences which may prove as deleterious to the Republicans in the 1988 elections as the hostage crisis had for the Democrats eight years before.

Khomeini's triumph in February 1979 directly led to the Iran-Iraq war in September 1980. For if the Shah's regime had still been in existence we can safely assume that it would not have occurred to Saddam Husayn to attack his neighbor. He thought, or was persuaded to believe, that Iran under Khomeini was in dissolution, and a military expedition a simple walkover. Some seven years and hundreds of thousands of casualties later, there is no end to the war in sight.

The Islamic Republic sent a powerful wave of ideological fervor over the Middle East. Tehran became the center whence a vast propaganda for the purification of Islam, and for the assertion of its rightful superiority over Christians and Jews, began zealously and systematically to be spread. This was possible because the ecclesiastics now in power had at their disposal all the resources and facilities of the state, including control of the newspapers, radio, and television. And the money

from oil, in prodigious amounts, was theirs to spend as they liked.

Iran also became the center and active patron of terrorism, designed to destabilize neighbors and increase the reach of the ayatollahs. These terrorists were meant to operate chiefly where they could find help and refuge among sympathetic Shi'ite populations whose disaffection from their Sunni regimes could be exacerbated and exploited: Bahrain where the majority is Shi'ite, Kuwait where Shi'ites are a sizable minority, Saudi Arabia where Shi'ites predominate in Hasa, the oil bearing province, and Iraq where, again, the majority is Shi'ite. This threat of destabilization may indeed have been one of the reasons which led the Iraqis to attack Iran. But in these countries the Iranian terrorist threat has been contained (the harsh Saudi response this August to the Iranian-directed riots in Mecca being a case in point), and their regimes have so far survived.

It is in another country with a very large Shi'ite population, Lebanon, that

Iranian-inspired activism and terrorism have had most success. This is because Lebanon has been, since 1975, in the throes of civil disorder and its government in dissolution. The Lebanese Shi'ites had earlier been radicalized by a religious leader, Imam Musa al-Sadr, who proved to have some of Khomeini's power to rouse the masses. Sadr was murdered by Qaddafi in Libya in 1978, but he had prepared the ground which, unexpectedly, Khomeini's emissaries began shortly afterwards to till. In this they were very successful because the Syrians had occupied the Bekaa in Eastern Lebanon, with its large Shi'ite populations.

Out of enmity towards Baathist Iraq, Baathist Syria became the ally of the Islamic Republic and allowed the establishment of terrorist bases there. From the Bekaa the terrorists have been able to organize an activist and aggressive following both in southern Lebanon, which is the main Shi'ite area, and in West Beirut, which had become full of Shi'ite refugees, driven from the south

by the insecurity resulting from continuous warfare between Israel and the PLO. It is in Lebanon that the Islamic Republic hopes to establish a solid following and create a duplicate of itself to combat the Jewish usurpers of Palestine, and spread Khomeini's ideals through the whole region.

The consequences of the Islamic revolution have been, of course, most marked in Iran itself. A new constitution has made Khomeini the unchallenged ruler on whose directives everything depends. The Westernized legal system has been dismantled and Islamic norms and methods reinstated. In schools and universities, likewise, Islamic teaching is supreme. Given that Shi'ism has the allegiance of the great majority, in city or countryside, the abjuration of the West and all its works has elicited little if any opposition. Seldom in Iranian history has a government been able to depend, as the present one does, on both the administrative and the religious network in controlling the country. When Robert McFarlane visited Tehran in May 1986, he sent to Washington his impressions of the manner in which Iran is governed:

It may be best for us [he wrote in a cable quoted by the Tower Commission] to try to picture what it would be like if after nuclear attack, a surviving Tatar became Vice President; a recent graduate student became Secretary of State; and a bookie became the interlocutor for all discourse with foreign countries.

His conclusion was that the officials he was dealing with "really are rug merchants." There is little doubt that McFarlane's judgment is correct, but it does not follow that this threatens the regime or will even diminish its stability, since what he describes has traditionally been the standard of government in Iran, and the population expects nothing different. The regime



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