



Brit Hume

OLLIE NORTH AND THE FOOLS ON THE HILL

How Senators Inouye, Rudman, Mitchell, Cohen, Tribble et al.
wound up with Mom's apple pie on their faces.

Before the end of the Iran-contra hearings, Republican Senator Warren Rudman of New Hampshire, the Sam Spade of Capitol Hill, had discerned two new constitutional rights: that of the American people to be wrong, and that of the President to create his own political disasters. He might have added a third: the right of congressional investigating committees to make fools of themselves.

This certainly seems to be what the public thought the Iran-contra committees had done after it had seen them and Lt. Col. Oliver North go at it for a week. A *Newsweek* poll found that a 48 percent plurality thought the committees were harassing the colonel. A larger *Los Angeles Times* poll found that only six percent thought the committees were being fair, and, perhaps most startling, that same survey showed people thought Congress more to blame than the President for the Iran-contra debacle. And all polls showed that majorities believed the colonel was telling the truth and that support for the contra cause was surging. Time may soften some of these judgments, even reverse them. But this is clearly not the outcome the committees had in mind, which is especially ironic considering that North gave the committees an extraordinarily revealing and unflattering portrait of goings on in the Reagan White House.

Some members, including Republican Dick Cheney of Wyoming and Democrat Thomas Foley of Washington, thought it was television that made the committees look so bad. Certainly television had a role in magnifying and dramatizing the spectacle and in providing North the vast audience to which he successfully played. But more careful analysis suggests the committees left themselves wide open for the black eye that Col. North and his as-

tonishingly aggressive lawyer gave them. This, you will recall, was an investigation its leaders said was not about crimes, but about policy and accountability. It would, of course, answer the principal accountability question—what did the President know and when—as soon as possible. Senate Committee Vice Chairman Rudman said last winter it should only take a few months. Senate Committee Chairman Daniel Inouye said it would take longer; he had been through this before (in the Watergate case) and knew better. Republican Rudman also insisted Democrat Inouye was acting without partisanship. Some Republican senators thought they knew better; unlike Rudman, they had seen this sort of thing before, too.

Both Houses appointed investigating committees, but the Senate committee ended up leading the way and setting the tone for the hearings, largely because it got started earlier and was, supposedly, a non-partisan panel with Republican and Democratic staffers

working together. With Rudman's enthusiastic support, the Senate committee chose Arthur Liman, a New York criminal lawyer with an enormous reputation and extensive background in analyzing complex financial schemes, to head its investigation. He was a perfect choice for the backstage work but a disastrous one for the public phase of the inquiry. With a caustic, sarcastic style of cross-examination and a heavy New York accent, he would prove to be the Howard Cosell of this case—the man the TV audience would love to hate.

Rudman and Liman emerged as the driving forces in the investigation. Rudman is a sharp former prosecutor who loved his previous job as New Hampshire's attorney general, not least because it allowed him to ride around with state troopers on border drug busts. Whatever political qualms Rudman might have had about his role were overcome by his fierce sense of probity and his police-detective instincts. Inouye seemed content to let

him lead things, since Inouye is not known as a hard worker and Rudman's lead role gave the investigation a further imprint of non-partisanship.

And Rudman gave Inouye much more than that. Along the way, the chairman repeatedly made accusations about the President without evidence to back them up. For example, Inouye claimed in April that the President's diary would "cause embarrassment," because of unspecified remarks the President had made in it. But that "embarrassment" has yet to come to light. Then, on May 3, the eve of the hearings, Inouye said on "Meet the Press" that the President knew the White House staff was raising money to provide arms for the contras. Outside, he acknowledged there was no evidence of that. The next day, however, he said it again. The weekend after Oliver North's testimony began, he charged on "Face the Nation" that a North-to-Poindexter memo indicated the President had approved the use of Iran arms funds for covert projects other than supplying the contras. In fact, the memo outlined some proposed covert actions, but said nothing at all about how they were to be financed. Moreover, there was no indication on the face of the document that the President had approved anything, only the word "Done" next to North's recommendation that the President be briefed. In each case, Inouye and Rudman were appearing together and Rudman tried to soften Inouye's accusations. But he didn't contradict them, and he didn't keep them off the evening news, either.

The committees could have stopped all of Inouye's, and everybody else's, speculations by summoning North and former national security adviser John Poindexter right away, granting them limited immunity from prosecution, and demanding to know what they had told the President about the contra



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fund diversion. This would not have precluded their being recalled later, but it would also have taken most of the suspense out of the case by answering the question that had driven the congressional investigation from the start. Some Republicans urged this course, but there was little enthusiasm for it on the committees themselves. Some members didn't want either man, especially North, given immunity of any kind, ever. What's more, doing it early might have meant no television hearings, no opportunity for Democrats to embarrass the Administration so publicly, no chance for Republicans like Senator Paul Trible, worried about re-election, to gain the spotlight and display independence and distaste for seamy doings at the White House. And no opportunity for Republican Senator William Cohen of Maine to exhibit his intellect, rectitude, and extraordinary squeamishness about breaches of White House-congressional etiquette.

Fortunately, or so it seemed at the time, the committees had a better reason for refusing to call the key witnesses immediately: independent counsel Lawrence Walsh pleaded with them not to. It would, he said in hat-in-hand visits to the Hill, make his job nearly impossible by requiring him to prove that he had gotten none of his knowledge of possibly illegal activities from North's and Poindexter's congressional testimony. Some on the committees grumbled, but both times Walsh came to the Hill he came away with an agreement that Poindexter's and North's public testimony would be delayed.

Yet members who were keeping close track of the evidence the staff was gathering were increasingly convinced that this was not, at bottom, a criminal case. Rudman said publicly the best Walsh could hope for was an indictment based on a creative use of the conspiracy statutes, since most of the laws that seemed to have been broken were civil, not criminal. That belief, however, did not stop the committees from pursuing eagerly, and displaying conspicuously, whatever evidence of criminality they found. This was especially true in the case of two men: North and his principal collaborator, retired Air Force General Richard Secord, who was the committees' first public witness on May 5.

Secord proved to be a strong witness: confident, articulate, unashamed. But he described in detail a White House-run operation, funded from private and foreign monies and illicit arms sales proceeds, all of it done without notification, not to mention approval, of Congress. His testimony was just what you might think the committees wanted. But instead of thanking him for revealing so much, they

went all out to discredit him for his insistence that he had done it all for patriotism, not profit. Now, Secord was testifying without immunity for what he might say, and as he noted more than once, there was "an independent counsel down the street trying to throw us in jail." You might think the committees would recognize that much of

what Secord said about his motives was necessary to protect a possible criminal defense, and would treat it accordingly. But Arthur Liman gave perhaps his most scathing performance in attacking Secord's credibility. And one committee member said privately he had tried, in his own questioning of Secord, to help prosecutor Walsh by establish-

ing that Secord was, in a legal sense, an agent of the U.S. government. This would make the Iran arms sales proceeds U.S. money and use of it for the contras, potentially, an illegal transfer of funds. The effort to discredit Secord continued long after he had gone. All evidence that he had, indeed, profited from the so-called "enterprise" was

Needed: A national energy debate

(The following is excerpted from a talk delivered by Allen E. Murray, chairman and chief executive officer, at Mobil's annual meeting in Seattle May 7.)

There have been many warnings of a U.S. oil crisis to come, including three recent reports by the Department of Energy, the National Petroleum Council, and the American Petroleum Institute. All three included a laundry list of steps the U.S. government could take to avert future shortages and gasoline lines. Some seem reasonable and necessary. Others, like an oil import fee, I consider counterproductive. But I'm not going to debate these possible solutions today.

Instead, I'd simply like to point out some aspects of the topic that are often overlooked. For one thing, the issue is worldwide, and not just a U.S. problem to be solved by U.S. measures. OPEC produces 40% of the Free World's oil every day and the facts of life are such that this nation will never again be able to do without imported oil, some of it from OPEC. The U.S. is not alone in this. Almost every Free World industrialized nation is in the same situation.

Second, I'd like to point out that what's really under discussion is worldwide availability of energy—not just oil. Any energy source will help us. For instance, natural gas can substitute for home heating oil. Nuclear can replace heavy industrial oil for generating electricity. The technology exists to convert coal to gasoline. Canadian gas, French nuclear plants and Wyoming coal can all make our oil outlook more secure.

Third, any rational discussion of our energy future requires a long range commitment. Energy is an enormous business, and it will take years to affect the direction in which we are going. Current proposals, such as the decontrol of natural gas, removal

of the windfall profits tax and opening up more areas for exploration have merit—but they are only stopgap measures. While they should be done, they aren't long range solutions. Finally, solving any issue of this magnitude requires trade-offs and a clear agreement on national goals. When we object to the level of oil imports, have we thought through the alternatives? Are we willing to burn more coal? Should we have more nuclear plants? Should we use higher prices to force energy savings? What is it we really want?

These issues are going to affect our entire lives. They will affect our environment, our national security, our federal and local budgets, our trade balance and the quality of our lives for generations to come.

We need a national debate. A debate where all the alternatives are discussed. A debate where we must eventually agree—although it won't be easy—on where we want the United States to be twenty or fifty years from now. A debate that sets a framework for action.

Our government owes this to us. Stopgap—often politicized—measures are not enough.

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trumpeted. The tone of the hearings was established.

The obsession with disproving Secord's claims about his motives may have caused the committees to miss completely the importance of part of his testimony. He kept saying he needed to keep the \$8 million that was found under his control in Swiss banks

to pay debts, and because he never knew what he and his "enterprise" would be asked to do for the U.S. government next. He also explained that he hoped to return to government as chief of clandestine services for the CIA. The committees didn't believe what he said about the money and never heard what he said about his CIA ambitions because he was never asked about them; those came out in a

"Nightline" interview with Ted Koppel. In fact, it seems highly likely Secord was trying to serve both Oliver North and CIA chief William Casey, who, it later developed, had recommended him to North in the first place. And North would later tell the committees that Casey envisioned Secord & Co. as a secret "off-the-shelf, stand-alone, self-sustaining, foreign entity" available to the Administration on a moment's notice to perform covert actions around the world. This caused a huge sensation on the committees (and in the media) when it came out in North's testimony. But it seems to have been nothing more than the "enterprise" that Secord had talked about, although the committees had thought it was simply a euphemism for Secord's pockets and those of his associates.

The obsession with profits affected, indeed infected, the committees' approach to North. Secord's partner, Albert Hakim, was questioned exhaustively about a \$200,000 death benefit fund he planned to set aside for North's family, and which resulted in an aborted approach to North's wife. The committees spent hours with an ex-CIA man who installed a gate and security system at North's house at Secord's expense. The committees turned up phony bills and correspondence showing that North later tried to cover the whole thing up. And then there were the traveler's checks, just over \$2,000 worth, cashed by North at various establishments in the Washington area. The money belonged to the contras, and it looked as if North had been ripping them off. In case anyone might miss the point, the committees had a blown-up table of the expenditures mounted on a huge slab of cardboard and placed on an easel in the Senate hearing room. North's purchase of snow tires brought this question from Rudman to contra leader Adolfo Calero: "When was the last time it snowed in Nicaragua?" It was a cheap shot, and Rudman would later say he "probably" wouldn't take it if he had it to do over. But everybody covering the hearing—myself included—used it. The committees, it seemed, were establishing that Oliver North, besides being a zealot, liar, and secret warrior, was also a petty crook.

When the committees finally got around to seeking North's testimony, armed with a subpoena and a grant of limited immunity, his lawyer, Brendan Sullivan, said no. Some committee members were outraged. But it quickly dawned on Inouye and Rudman that compelling North's testimony by contempt proceedings would take months, by which time he might be indicted; after that he might still refuse. This predicament was the price of the committees' solicitude for the independent

counsel. So the committees had to deal, and over the loud protests of House Democrats led by the ornery Jack Brooks of Texas, North was allowed to appear without having gone through an exhaustive sworn deposition beforehand. (Committee leaders, by the way, would later claim that the issue of what the President knew about the diversion of Iran arms money to the contras was really not the only big issue, that the media and the White House had made it so. But they did insist on a chance to depose North privately in advance about one issue: what the President knew about the diversion of Iran arms money to the contras.)

It is hardly surprising that North's July 6 appearance in the fabled Senate Caucus room had the confrontational aura of a high-noon gunfight. But not exactly an even one. Here were twenty-six members of Congress, attended by countless staff, seated on a two-tier, red-draped dais to watch their hired inquisitors take on a youthful Marine Lieutenant Colonel seated below, with only his bespectacled lawyer at his side. North wanted to make an opening statement. Inouye, his deep, stern voice resounding, invoked an obscure Senate rule, honored almost exclusively in the breach, that committee witnesses must submit opening statements forty-eight hours in advance. North, he said, was again trying to place himself "above the law" by seeking a waiver of the rule. Request denied. North could make his statement two days—forty-eight hours—later.

The rest, of course, is history. The bespectacled lawyer turned out to be a tiger unleashed who soon intimidated the committee and its lawyers to the point where they dared not interrupt his client's answers, no matter how far he strayed from the point. North proved an overpowering witness who admitted doing only one thing wrong: a "colossal" error in judgment in trying to cover up accepting the gate and security system. He denied all other allegations of personal chiseling with a force and conviction so strong that he got virtually no questions from the members about them. He defended even his most brazen lies as a necessary choice between "lies and lives." He never needed the opening statement he would read two days later. It compared the proceedings to a baseball game in which one team made all the rules and umpired all disputes. It was intended, of course, to convince the public that the committees had been unfair to him. As the polls, the stacks of telegrams, the bouquets of flowers, the outpouring of mail to Congress all showed, the public already thought so. □

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R. Emmett Tyrrell, Jr., with comments by Tom Bethell, Richard Brookhiser, Victor Gold,
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THE COMING CONSERVATIVE CRACK-UP

As the Administration loses steam, we ask: Was it foreordained?
Will life sour still more for conservatives?

In a hair-raising essay on Ronald Reagan, Professor Garry Wills heaved off what was the Liberals' stock perception of the Reagan Administration four months into its present trials. That the perception was widely accepted cannot be doubted: *Time* magazine had commissioned Dr. Wills. According to him, "Ronald Reagan did not build a structure; he cast a spell. There was no Reagan revolution, just a Reagan bedazzlement. The magic is going off almost as mysteriously as the spell was woven in the first place." After this infantile prelude, Dr. Wills discoursed on the political phenomenon of Ronald Reagan for two full pages, mentioning the Nuremberg rallies three times! Always, however, he returns to his belief that the Fortieth President beguiled us with magic. Yes, it has come to this: the Liberals attribute their arch enemy's political triumph to savorings of the marvelous. Well, I do not want to incur Dr. Wills's displeasure, but there is no such thing as magic.

Nonetheless, I am not surprised by his resort to superstition. Throughout Reagan's Administration its opponents have steadfastly refused to acknowledge the forces that thrust them out into the cold. In ignoring the reality of a conservative political ascendancy they have also left the conservatives unexamined, their weaknesses unreported. For all the years of the Reagan presidency, the Liberals and those who repair to them for wisdom have been giving false testimony as to the failings of the left and the right. Consequently the political future, which will be decided on election day 1988, is murkier than need be. For a hint into

that future we must understand the recent past.

The real explanation for the political reign that began to falter so badly last November reposes in the fact that by 1980 the Liberals had played out their hand. They had no plausible policies left to perpetrate on the American people. Anon, they radicalized themselves beyond the wildest dreams of Franklin Roosevelt or John F. Kennedy. The Liberal coalition in the late 1970s had cracked up into a riot of enthusiasts thumping for feminism, income redistribution, neo-isolationism, small-is-beautiful economics, minority preoccupations and other manias, all existing in very uneasy alliance. Historian Kenneth Lynn has pointed out that the Liberal political model that in the early 1960s was expected to bring peace abroad, tranquillity and justice at home, and pandemic compliments to its progressive statesmen came to ruin in an endless Southeast Asian war, proliferating grievances from students and minorities at home, and a sick economy. The Liberal model had taken America as far as it could. Many Liberals, unappeased by this progress, took up radical causes and dreamed of a New Age.

Jimmy Carter's presidency revealed the futility of New Age Liberalism. He adopted its foreign policy and many of its domestic bugaboos. The foreign policy of George McGovern and the domestic aspirations of Ralph Nader and *Ms.* magazine set his agenda. Consequently, Jimmy Carter, who is admittedly a very bright fellow, will probably go down as the worst President of this century.

Thrust Dr. Wills from your mind and recall the Carter revels. Jimmy Carter presided over a foreign policy that, notwithstanding all the poetry about superior American values, was actually returning America to isola-

tionism. By 1980 inflation had raced to 12.4 percent, the prime rate was at 15.2 percent, productivity was rising not at all and in some instances falling. Unemployment was at 7.1 percent. The average American had been appreciably impoverished by rising taxes and eroding purchasing power. Nicaragua and Iran had fallen to anti-American regimes. The Soviets were taking SALT I *cum grano salis* and sending forth a vast array of missiles to unbalance the nuclear equation, particularly in Europe. Finally, the Soviets, loyally assisted by Fidel Castro, were rapidly endangering American security interests in the Third World and even along our coast.

Those who speak of the Reagan magic ignore all this. They ignore that in 1980 Americans rejected New Age Liberalism. A standard rule of American politics is that elections are for the incumbent to lose, not for the challenger to win. The electorate rejected a Liberal Administration in 1980, accepting Ronald Reagan's conservatives warily. Nonetheless, now the conservatives' hour was at hand. Had they arrived in the White House any earlier, bellicose minorities still holding to Liberalism's old beliefs and bugaboos would have mired them in controversy, but by the late 1970s New Age Liberals were in disarray. Some, like Arthur Schlesinger, Jr., were fleeing from Jimmy. Others were dreaming up still wilder pipe dreams. The American voters washed their hands of all of them. Magic was not needed.

In came the conservatives with an agile political leader and a handful of timely ideas. America was ready for military rebuilding, tax cuts, deregulation, a slow-down in the government's growth-rate, and the projection beyond our borders of power rather than mere pious bulls. Contrary to Dr. Wills, the Reagan Administration did build a structure. With adequate staff work, a keen sense of timing, artful compromises, and an ability to focus on

most of the urgent problems of the hour, President Reagan implemented most of his prized policies by 1986.

Then came failure, not the failure of his magic but the failure of Ronald Reagan's conservatives. The Liberals' failure was in their weakness for the wild thrills of radicalism. The conservatives, too, had a weakness that they did not overcome.

Ronald Reagan's rise is explained by Liberalism's crack-up. His present problems are explained by conservatism's subtle weakness. The weaknesses of both New Age Liberals and conservatives are notable, for both groups have enormous influence on presidential politics. The Democrats may lose the 1988 election if their New Age Liberals force the Democratic candidate to carry all the weird ideological baggage that they have acquired in recent years. The Republicans may lose if their candidate is devoid of conservative ideas. Yet within the Republican party the conservatives have become so impotent that it is likely the Republican candidate will get through his convention uncontaminated by their good ideas.

The conservatives' weakness is not radicalism or extremism but parochialism. The ordinary conservative looks within himself and purrs. The ordinary New Age Liberal lets out a roar, organizes ad hoc committees, fires off letters to the editor. He is political, outgoing, and, by my lights, a public nuisance. The conservative rarely reaches out. He is only sporadically political. Often he is hardly social. Conservatives, alas, are narrow.

I have been among them for years. Each has one or two solutions to the Republic's problems: Supply-side Economics! Traditional Family Values! The Eternal Verities! Economic Education! Beyond their one or two wonder cures they lose interest. Moreover, they can see only one or two ways to get

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