

Secrecy v. Freedom of Information

Just before he laid his head on the executioner's block on a cold January morning in London in 1649, an unrepentant King Charles I was allowed to make a short statement. In it he set out the opinion that had got him in his precarious position: "A Subject and a Sovereign," he said, "are clean different things..."

Charles was by no means the last ruler to hold that opinion. Even elected leaders often attempt to keep their subjects or citizens from sharing in making decisions, knowing what they are doing or even learning what is in their minds. *Le Secret* was the name attached to the inner office of French kings. Through this office, they played a double game not only against foreign powers and the French people but also against their own officials. Often even the most senior officers of state were not told the king's "real" policy and had their efforts shaped or negated by forces of which they were, at least officially, unaware. Bizarre though it was in this extreme, this form of secrecy has not been unusual. Engaging in policies undisclosed and keeping their own presumably trusted officials in the dark are common government procedures. As I will illustrate, the American government also has often engaged in similar practices.¹

With governments so obsessed with secrecy, we must ask what it really is.

In a general way, of course, we all know: secrecy is simply a way to keep something from the knowledge of others. We keep quiet when we have done something of which we are ashamed, intend to do something we know to be wrong or are planning something that will be more exciting or profitable if it comes as a surprise. But, at best, secrecy is merely a delaying tactic since sooner or later everyone shares his knowledge

with others. As our wise old philosopher, Benjamin Franklin, wryly observed, “Three may keep a secret, if two of them are dead.”

Keeping secrets in a government is, of course, much more complex than Franklin suggested: paradoxically, secrets become important only when shared so how much is revealed, with whom is it shared, when and to what purpose are others made privy become as arcane a subject as an Oriental mystery religion. In fact, our practices are closer to an Oriental mystery religion than we may think. Whole bureaucracies, virtual priesthoods of secrecy, are devoted to maintaining the established ritual and rigid protocol. Those who violate the rules are treated almost as the Inquisition treated religious heretics. We don’t burn people at the stake any more, but violators today are often imprisoned and sometimes executed.

What makes secrecy attractive, at what price are secrets kept and from whom are they kept? These are the three questions I ask of our recent experience.

In military affairs, the reason for secrecy is usually fairly straightforward. To know when a ship will sail could enable an enemy to sink it; to know that the codes in which an enemy sends information have been broken would warn him to change them; to get information on a battle plan might afford time to plan an ambush. It follows that the secrets are to be kept from “the enemy” and, since he is trying hard to find them out, doing so often becomes a very expensive procedure.

In political affairs, the reasons for secrecy are much less apparent and fall into several categories.

Take first the question of pride. Sometimes secrecy is employed to hide mistakes which, if admitted, would reflect badly on the responsible official. As a Washington wit

put it, "success has a thousand fathers, but failure is a bastard." Avoiding getting tarnished by failure is a strong motivation to keep tight-lipped. Examples of this form of secrecy are legion. Usually, since officials are often envious or disagree with one another, this kind of secrecy is short-lived; someone leaks a story to the press. Then everyone laughs or sighs, and, having been chewed over in public, the matter is eventually forgotten. As our "cowboy philosopher," Will Rogers, quipped, "The short memories of American voters is what keeps our politicians in office."

Like individuals, governments may cloak activities of which they are ashamed or which are immoral or illegal. This is a second form of secrecy. During the Reagan and the first Bush administrations, several activities fell in these categories.

One example of current importance relates to America's support for Saddam Husain of Iraq. Having engineered the 1963 *coup d'état* that overthrew the regime of Saddam Husain's predecessor, General Abdul Karim Qasim,² America began to support the Baathists who as anti-Communist, anti-Iranian, anti-Nasser, secular nationalists then appeared attractive. The Reagan administration went far further. Under National Security Decision Directive 114 of November 26, 1983 – the text of which is still secret after twenty years – it began to supply Saddam Husain's government not only with satellite battlefield intelligence images (which enabled the Iraqis to defeat the numerically stronger Persians) and (through a Chilean front company) with cluster bombs³ but also with such deadly materials as anthrax and bubonic plague viruses and allowed the Iraqis to buy equipment to fashion these horrifying materials and various chemicals into weapons. Such donations and sales were illegal under existing American laws. Not surprisingly, they were treated as highly secret.⁴

But secret from whom? Obviously not from the Iraqi government which received and used the information and turned the chemicals into poison gas. They enabled Saddam Husain to defeat Iran and, later, to invade Kuwait. Neither were they secret from those against whom the poison gas was used, the Persians and the Kurds. We could be sure the Russians, British, French and Israeli intelligence services would find out. The only group not to know was the American public. In effect, it was the American public that was treated as “the enemy.”⁵

The withholding of this information is germane because the American government has consistently said that it was Iraq’s possession of such materials and nuclear weapons that justified the attack of 2003. Having weapons of mass destruction was the crime Saddam Husain committed and for which he had to be overthrown. So the American government role – and specifically that of Donald Rumsfeld, who “as a special presidential envoy paved the way for normalization of US-Iraqi relations”⁶ in December 1983 -- in creating “the problem” was withheld from the American public. They might not have been so eager to go to war against Saddam Husain if they had known where he got his weapons.

At the same time that the Reagan administration was supplying these things plus food and money to Saddam Husain, it began covertly to offer similar aid to Iran. It wanted both to “balance” Iran against Iraq on the battlefield and also to get Iranian help in securing the release of hostages then being held in Lebanon.

While highly secret, information on this balancing act had to be shared if the purpose was to be effected. As might have been expected, some of those who had to be told were not happy with the program. Secretary of Defense Caspar Weinberger objected

on the grounds that supplying arms to Iran violated the Arms Export Control Act. He did not try to stop the illegal action but sought to distance himself from the transaction by insisting that the arms be funneled through the CIA rather than through the Defense Department. He feared, however, that the policy “could only bring great harm and damage to the President and America.” At the same time, Secretary of State George Shultz pointed out that the duplicity of our action would be immediately known to our “preached to and pressured” allies and would have a “crushing impact” on our foreign relations.⁷

Senior officials of the CIA were also troubled. If they were to be involved, they insisted that President Reagan issue a “Finding” that the arms sale to Iran was in the national interest and should go ahead. That is, in President Truman’s phrase, they insisted that “the buck” land squarely on the President’s desk. But, even the fact that such a “Finding” had been solicited and issued was kept secret from both the Secretary of Defense and the Secretary of State. As his diary indicated, then Vice President George Bush knew of the Finding, but maintained that he was “out of the loop.” As he wrote in November, “I remember Watergate. I remember the way things oozed out. It is important to be level, to be honest, to be direct. We are not to say anything. The damn gates are open.” In short, Reagan, without knowing the historical precedent, had created in the Twentieth century the bizarre government practice I have mentioned, “*le secret*” of the Eighteenth century French king, Louis XIV. Even the closest advisers of the ruler were kept in the dark as to what was really happening.

Soon the transaction became even more complex: not only was the American government supplying arms to Iraq and negotiating to provide them also to Iran, while

preaching to our allies and rivals on the evils of doing such things, but it decided to introduce yet another actor into the plot, Israel. Through a somewhat shady go-between by the name of Amiran Nir with whom George Bush met in Jerusalem in July 1986, Israel was to supply American-paid-for Hawk anti-aircraft missiles to Iran on a CIA aircraft. National Security Council Director Robert McFarland was sent to Tehran in May 1986 in a top-secret mission to negotiate this Byzantine scenario with the Iranian government.

As more and more people got into “the loop,” it was inevitable that the story would leak. It finally did and was published, to explosive comment, in a Lebanese magazine on November 4, 1986. So troubled was Secretary of State Shultz that finally on November 10, 1986, he told President Reagan, “I can’t exist as Secretary of State in this environment.” But, when his threat to resign was leaked to the press, Shultz like Weinberger, decided to stay in office and to keep as much out of the loop as he could.

In retrospect, we can see what then should have been evident: the President, Vice President and top officials of the government engaged in activities they knew to be illegal and which they tried to shroud in secrecy; secrecy restricted the number of officials “in the know” and prevented even those “in the loop” from carrying out their appointed tasks; it also deprived them of the counsel of officials whose responsibility it was to evaluate the costs, dangers and possible gains of potential actions. Yet, accomplishing his objectives forced the President and his immediate staff to share their secrets with so many people including foreign private citizens and even those they regarded as enemies, the Iranians, that, inevitably, they became public knowledge. The resulting scandal was nearly disastrous for the American government and crippled the careers of various

officials. The only group against which the secrecy was maintained, right up to the end, was the American electorate.

Indeed, the end has not yet come: On March 23, 2001, White House Counsel Alberto Gonzales ordered the National Archives not to release to the public some 68,000 pages of materials on the Reagan administration that had already been determined to pose no threat to national security and which, under the 1978 Presidential Records Act, being more than twelve years old, should have been automatically made public. We still do not know the whole story although knowing it could not possibly adversely affect national security and might help America to avoid such costly and embarrassing missteps in the future.

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Iran/Contra was not unique. Of the many examples I could cite, allow me two others:

First, in Egypt. Years ago, when, as a Member of the Policy Planning Council, I got to know Egyptian President Gamal Abdul Nasser, I found him bemused by the hectoring of American ambassadors. Repeatedly they lectured him on proper behavior in international relations: he should cut out the “dirty tricks” in which his espionage agents were engaged in other countries. Of course he should have. The ambassadors were right. Nasser’s covert actions, even when bungled, were not only morally and legally wrong, but, to use the then current expression, were also “counterproductive.” So why was Nasser perplexed? I think the answer is inescapable. He knew that Americans were engaged in precisely the same sort of actions. He knew that we tried to have him (and at

least two other heads of state) assassinated and had recently acted in concert with the British to overthrow a democratically elected government in Iran.

Again the question: who was the information about American activities secret from? Nasser knew all about them. He had thwarted the plot and was, after all, still alive. Those in his government who needed to know, knew. Other heads of state, diplomats, intelligence and security people certainly knew. The Russians and Israelis knew. So who was “the enemy,” the person or group from whom the information was being withheld? Again, it was the American public that was not to know that its elected officials were engaged in precisely those “dirty tricks” it proclaimed to be evil when done by others.

Second, consider Pakistan. At the end of the Eisenhower administration and during the Kennedy administration, the American government was engaged in a large-scale program of developmental aid. Most of this program was handled by the Department of Defense because each administration found that it was easier to get Congress to allocate money for “defense” than for “development.” But a substantial amount was overseen by the Agency for International Development (AID).

AID had then about 18,000 employees who included a number with substantial experience in analyzing national economies and planning development projects. Those working on Pakistan came up with a detailed plan that called for a certain allocation of our aid. When this plan was presented for approval “at the highest levels,” the AID Administrator, the noted New York attorney, Fowler Hamilton, was told that the plan itself was acceptable but that the amount of money allocated to achieve it was wrong: the amount to be allocated should be more than double the figure the AID experts thought

Pakistan could “absorb.” The AID officials were not told why their figure was unacceptable; only that it was. The reason had nothing to do with development. The US government was paying the Pakistanis for letting the CIA fly U-2 aircraft from Peshawar and maintaining there and elsewhere listening stations to eavesdrop on Soviet Central Asia.

Again, from whom was this secret? Pakistan of course knew that Americans were flying U-2s from Peshawar. So did the Soviet Union. But, astonishingly, not a single officer in the entire AID organization, including Hamilton (who ranked as an under secretary of state) was “cleared” for this information. The impact on the morale of the AID agency and on its ability to influence Pakistanis more efficiently to use development money can be imagined. The cost of secrecy was high and the gain from employing it was minimal if that.

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I believe that these two examples, and many more I could cite, show that secrecy promotes inefficiency, bad morale, distrust and, on occasion, can jeopardize the very operation it was designed to protect. So, what is its purpose or justification?

In the short term, particularly while a policy is being deliberated, there is reason to withhold some information. Even Woodrow Wilson, while advocating open diplomacy, agreed. In my own experience, during the Cuba Missile Crisis, discussions about what America’s response should be to the placement of Soviet battle units in Cuba, were “tightly held.” Keeping the cards face-down until the government had decided what to do was justified. The only way to guarantee confidentiality was drastically to limit the number of people “in the know.”

But, secrecy spreads in government like an oil slick on water. With little justification, officials extend what is often a reasonable and short-term approach to a wide area and for as long as possible.

For example, during the Missile Crisis, the American government treated its overflights as secret, although anyone in Cuba looking up could hardly fail to notice an F-101 or F-106 streaking past so low the pilot could almost be recognized. The same thing was true in Vietnam where I saw daily photographs of the Ho Chi Minh trail. Did American officials think that the Vietnamese never looked up? Did they not know how to run their radar? Did they not know what was going on there just above their heads? Hardly likely. From whom was the government keeping the flights secret?

On the Soviet Crimea, the US government and the British sent daily flights to probe radar defenses. I watched one RAF mission on radar from an American base in Turkey. By the time I saw it, probes like that one were so common that tacit “rules of the game” had evolved: as long as our aircraft kept out in the Black Sea beyond a mutually understood distance, the Russians did not scramble their fighters; if the intruders came closer, they did. Obviously, what I could see on our radar, the Russians could see on theirs. Yet, the fact that we were doing this was treated as a “code word” (beyond-top-secret) operation. From whom was it secret? Only the American public was not informed.

Why the secrecy from the American public? The answer, I think, had to be that the government feared that if the public knew that we were endangering the already tense peace by violating Russian airspace, it might have forced our government to stop. So, we

denied not the Russians, who of course knew, but our citizens this information. And this had been going on for years.

Over mainland Russia, as we now know, we had for years intruded with modified bombers (often B-47s). We even built a special aircraft (the B-58) that could fly higher than Soviet defenses, but the Russians soon countered, building a special missile (the SA-2) that could reach it. We were cautious with the new B-58, but not with the old, slow B-47s. The Russians shot down a number of them and presumably captured some of the crews. But we treated those events as among the most closely guarded secrets we had. Within the senior ranks of the American government, the very few officials who had a “need to know” were given special clearances – they allowed these Americans to learn what every senior Russian official had known for years.

We then upped the ante with the U-2. Super-secret it was. But from whom? Russian radar, of course, monitored it. Presumably, Russian agents or sympathizers informed the Russians where it came from. Then, ultimately, the Russians shot one down. For their own reasons, they decided to publicize the event. The American public was shocked because it, and it alone, had been kept in the dark. I doubt that many people even today know that the stricken U-2 was one of a long sequence of lost aircraft and crews.

This leads me to the third category of justification for secrecy: to give governments latitude to act as they will.

To put this into perspective, consider our intrusion into Soviet territory. We kept secret our activities from the public, Congress and most of our officials. Secrecy gave our government a license, in effect, to act as we did. We did what we wanted because we

could and because the Russians were, for a time, unable to stop us. Few Americans knew enough even to ask questions about the operations. But, as the downing of a number of our aircraft, and ultimately of a U-2, showed, Russians capabilities were improving. They were already flying long-range “Bear” aircraft along the Atlantic coast. Later in Moscow, I talked with one retired Russian airman who casually commented that he had “visited” New York a dozen times. At some point, we had to presume, the Russians would be able to do what we were doing. Then, we had to contemplate a reverse of our experience with the B-47 and the U-2: what would have been our response to a Soviet aircraft overflying the White Sands Proving Grounds or Los Alamos? We had set the rules and embarked upon a game which two could play. The game was surely shooting craps with destiny.

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The fourth reason I find for secrecy is far less commendable even if, usually, less dangerous than the others: it is the desire of people in government to promote their own interests, to be reelected, to prevent scandal or even to avoid indictment for high crimes and misdemeanors.

As American political leaders have always known, individual officials and the Executive Branch of government as a whole have separate interests that may be opposed to national interest. American statesmen since the time of the Founding Fathers have sought protection for the public by the separation of powers in the three branches of our government. But government organization was insufficient; greedy men could be expected to flout rules. So, the Founding Fathers inserted into the Constitution means to recall or prosecute offenders from the president down.

Curiously, they did not foresee what has come to be one of the two main defenses against the use of government for private gain, political parties. For almost a century after the establishment of the United States, political leaders regarded “faction” as reprehensible. True, almost immediately, the Federalists and the Republicans differed over policy, but neither really constituted a “party” in the modern sense. That concept grew gradually as politicians found it to their interest to join together to seek office. The effect on government honesty, however, was an almost accidental by-product. It proved a valuable adjunct to electoral success. Exposing the wrong-doing of the opponent was an obvious path to electoral victory. Adversarial juxtaposition makes secrecy difficult, and knowing that one is likely to be exposed and thus probably defeated helped to keep government at least partially honest. But, vying for power alone proved insufficient. It was too easy for private accommodations to override party interest. Much, too much, was still done in secret, “under the table” or in the “cloak rooms” of power. Recognition of this weakness in our system was what, in part, finally motivated Congress to pass the Freedom of Information Act.

The 1966 Freedom of Information Act sought to force the Executive Branch of the US Government to establish special offices and mechanisms to vet and release in an orderly and timely fashion documents that would reveal precisely what it had been doing but which did not jeopardize national security upon request by a citizen. That is, it promoted government “transparency.”

Much of the material generated by, and kept secret by, government has little or nothing to do with national security. Some, however, is potentially damaging to the reputations of officials or to the political interests and electoral fortunes of an

administration. A recent case in the new Bush administration illustrates this. The administration sought to keep secret the names of individuals, groups and corporations that were receiving billions of dollars of tax payers' money as farm subsidies.⁸

Why? It turned out that most recipients were not "farmers" but large corporations. Some were major contributors to the administration's electoral campaign. No possible connection to "national security" could be made, but full disclosure might have shown that "sweetheart" deals were the order of the day. None of those involved wanted that.

Even more bizarre, a Drug Enforcement Agency analyst was sentenced on January 16, 2003 to a year in prison for giving *unclassified* information to a reporter.⁹ The information was on collusion between government officials and the drug companies they were supposed to be monitoring in the public interest. As the executive director of the Reporters Committee for Freedom of the Press commented, "This is the kind of thing that journalists ask for every day." For the sake of the public, they must do so. Otherwise, how could we be informed about what the government is doing on our behalf and with our money? But as Gail Russell Chaddock commented in the *Christian Science Monitor*,¹⁰ "From perennial budget battles to fights over the environment official Washington is reframing some of its biggest policy disputes around the buzzword of 'national security.'"

It is not only against the general public but against our elected Congressional representatives that this secrecy has been enforced. Vice President Dick Cheney, who is still receiving payments in excess of \$100,000 per annum from the oil-related company (Halliburton) he headed before becoming Vice President, has thwarted a demand by

Congress for access to records of the energy task force he headed where a conflict of interest with his oil business and contacts with Enron were suspected.¹¹

As Graydon Carter pointed out in *Vanity Fair*, “the administration wants it both ways: lots of secrecy for them and little for us.”¹²

A recent example of the value and weakness of the Freedom of Information Act came to light in December 2002. During their visit to Indonesia on December 6, 1975, Indonesian President Suharto informed President Gerald Ford and Secretary of State Henry Kissinger that Indonesia was contemplating invading neighboring East Timor. “We understand and will not press you on the issue,” President Ford said. Kissinger added, “It is important that whatever you do succeeds quickly. We would be able to influence the reaction in America if whatever happens happens after we return.”

The Indonesians took this, logically, as a green light and drove rapidly ahead. Then, as the horror of the invasion became known -- half the population of East Timor was uprooted and moved to detention camps and by 1980 100,000-230,000 Timorese had died¹³ -- Kissinger repeatedly denied that the conversation had ever taken place. He said, “Timor was never discussed with us when we were in Indonesia.” It was not until 25 years later that the hitherto secret documents were released; they show that he had lied, that the American government was itself complicit in the massacre.

The documents also revealed that the US government supplied Indonesia with the arms, including specialized “counter-insurgency” weapons like the Rockwell “Bronco” aircraft, used to kill the Timorese. Such supply was in violation of American law. Obviously Indonesia’s government and the East Timorese knew where the weapons came

from. But, without the Freedom of Information act, we American citizens would never have known that we were being lied to or what was being done in our name.¹⁴

Only if our officials know that what they do will become known will they be constrained by laws and only if the voting public know what their paid public servants were doing in their name and with their tax dollars can they exercise their civic responsibilities. To accomplish these two objectives was the purpose of the Freedom of Information Act.

Yet, the key current and former officials of the offices set up under the Act admit that obtaining documents is virtually impossible without a direct presidential order. Otherwise requests for information often take years or are simply “stone-walled.” If the petitioner goes to court, which he has the right to do, he must figure on spending hundreds of thousands of dollars in legal fees. So, while the Act was a step toward transparency, it certainly was a small step.

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So in which direction – toward openness or toward secrecy – is the current administration moving?

The direction may have been marked out before the administration came into being. On leaving the office of governor of Texas, Mr. Bush attempted to keep even state documents having nothing to do with national security locked away.¹⁵ Then, upon taking office as president, as Adam Clymer wrote in *The New York Times*¹⁶, he “has put a much tighter lid than recent presidents on government proceedings and the public release of information, exhibiting a penchant for secrecy that has been striking to historians, legal experts and lawmakers of both parties.”

As of September 11, 2001 three new agencies – the Department of Agriculture, the Department of Health and Human Services and the Environmental Protection Agency – were given the authority to stamp their documents secret. As Adam Clymer said, this administration’s “instinct is to release nothing.”

Attorney General John Ashcroft has been quoted¹⁷ as having decided not to abide by the Freedom of Information Act at all. In a memorandum dated October 12, 2001, but planned months before, he announced that the Justice Department would defend any federal official who refused to disclose materials as required by the Act. In the same spirit, President Bush on November 1, 2001, issued an executive order sealing all presidential records since 1980.

That was not the last or the most comprehensive such move. A year later, in Executive Order 13,233 of November 2002 President Bush granted himself the power to keep the papers of previous presidents under wraps even if the man who wrote them does not want to withhold them.¹⁸ Then in the last week of March 2003, the President signed another executive order that widens the scope of secrecy and makes disclosure even more restrictive. Now even materials sent by foreign governments are subject to classification and so withheld from American citizens, and U. S. government documents, even those more than half a century old, can be more or less permanently withheld. Astonishingly, even papers that have already been made public can be reclassified as secret.¹⁹ As *The New York Times* commented editorially, “Taken individually, each of these actions might raise eyebrows for anyone who values open government. Taken together, they are reminders that this White House is obsessed with secrecy...[It] can only

hurt...Americans to arrive at informed judgments about the actions of the presidents and their administrations.”

Such moves are, I believe it is clear, not “conservative” of the American tradition, but radical departures from it. They are certainly also moves against “transparency” in government and as we have seen in the scandals in business, which also relied upon secrecy, are likely to contribute to the malaise that now appears to be a serious threat to our national health and prosperity. We cannot defend our heritage of freedom if we cannot learn what is happening. Knowledge is the bedrock on which democracy must stand or it will surely fall.

What King Charles said on that memorable day in London has been brought up to date by President Bush in reply to a reporter about his intent to go to war with Iraq: “You said we’re headed to war in Iraq. I don’t know why you say that. I’m the person who gets to decide, not you.”²⁰

American citizens cannot afford to be “out of the loop.”

© William R. Polk, June 10, 2003.

¹ William Pfaff, “Too much secrecy,” *Los Angeles Times Syndicate International/International Herald Tribune*, September 2, 2002. A federal appeals court panel in Cincinnati ruled that the First Amendment ‘protects the people’s right to know that their government acts fairly, lawfully and accurately.’ But, “The US executive branch, like that of most governments, suffers an institutional bias toward secrecy. The less public and legislative scrutiny there is, the happier life can be for elected officials and for bureaucrats.”

² Although still not widely known, these events were described on March 14, 2003 by Roger Morris, a former member of the National Security Council staff and author of *Richard Millhouse Nixon: The Rise of an American Politician*. Email of March 20, 2003.

³ Michael Dobbs, “US had Key Role in Iraq Buildup”, *The Washington Post*, December 30, 2002.

⁴ The Berlin newspaper *Die Tageszeitung* of December 19, 2002 published a partial list of the secret suppliers. For the German text see <http://www.taz.de/pt/2002/12/19/a0012.nf/text> Also see *The Washington Post* of December 30, 2002. Three quarters of the 12,000 pages released by the Iraqi government, particularly those dealing with procurement from Western countries, were excised from the report given to the UN.

⁵ An account of the press handling of this story is Russ W. Baker’s article, “Iraqgate” in the *Columbia Journalism Review* of March/April 1993. Ted Koppel of *ABC News Nightline* began the story which, eventually, was picked up by most of the major newspapers.

⁶ Michael Dobbs, “US had Key Role in Iraq Buildup”, *The Washington Post*, December 30, 2002.

⁷ The most authoritative account is *Iran-Contra: The Final Report to Congress* by Lawrence E. Walsh, Independent Counsel for Iran/Contra matters, released January 18, 1994. Interim versions of this report and other accounts are summarized and commented upon by Theodore Draper in “Iran-Contra: The Mystery Solved” *The New York Review of Books*, June 10, 1993. Fourteen persons were charged with criminal violations. Except for one CIA official (the

charges against whom were dismissed on national security grounds) and “two officials who received unprecedented pre-trial pardons by President Bush following his electoral defeat in 1992,” all were convicted. The charges ranged from withholding information from Congress, destruction of government documents, defrauding the US government and perjury to obstruction of Congress. The convicted men included the Secretary of Defense, two directors of the National Security Council and other senior officials of the Reagan and Bush administrations. I have not dealt in the text with the Nicaraguan “contra” rebel aspects of the case. They came to public attention when the Nicaraguan government shot down a cargo aircraft under CIA control which was taking illegal military supplies and one survivor identified himself as a CIA operative.

⁸ The Bush administration plans to pay out at least \$180 billion in “farm subsidies” over the coming decade; subsidies now supply as much as of the income of many cotton farmers. Payments for corn and wheat are to be increased and soybeans are to be added to those subsidized. This policy not only wastes tax payers’ dollars but undercuts American programs abroad, making it more difficult for poor countries, which depend on sales of primary products, to succeed in their development programs and thus promoting instability, increasing the likelihood of spread of disease and diminishing the market for American exports.

⁹ Felicity Barringer, “Federal Worker Sentenced for Passing on Information,” *New York Times*, January 16, 2003.

¹⁰ January 16, 2003

¹¹ Brian Knowlton, “Cheney Bars Giving Congress Data That May Cite Enron,” *The International Herald Tribune*, January 28, 2002.

¹² May 2003.

¹³ When criticized by world opinion, the Indonesian government began to operate through army-sponsored militias. *The Washington Post* editorial April 28, 2002.

¹⁴ Michael Richardson, “How US averted gaze when Indonesia took East Timor,” *International Herald Tribune*, Monday, May 20, 2002.

¹⁵ The papers, which were put in his father’s presidential library where they are embargoed, may contain records of his contacts with Enron, the diversion of funds from the endowment of the University of Texas, the “gift” to him of roughly \$12 million while he was governor of Texas, insider trading for which he was cited by the SEC, failure to report insider trades and other matters. See Maureen Dowd, “Cheney and privacy,” *The International Herald Tribune*, February 14, 2002 and Mike Allen, “Bush filed reports to SEC late: 1991 agency memo queried acts at 4 firms” *The Washington Post*, July 4, 2002.

¹⁶ January 2, 2003.

¹⁷ *San Francisco Chronicle*, January 2, 2002.

¹⁸ Emily Eakin, “Presidential Papers as Smoking Guns,” *The New York Times*, January 3, 2003.

¹⁹ Adam Clymer, “Bush plans to keep more government documents secret.” *The New York Times*, March 22-23, 2003.

²⁰ Quoted by Paul Krugman, “Games Nations Play,” *The New York Times*, January 3, 2003.