

# How executive orders set up the secret government

by Robert Greenberg

When, on Dec. 4, 1981, in the first year of his administration, President Reagan signed Executive Orders 12333 and 12334, he inadvertently sowed the seeds for the destruction of his own administration, and possibly the constitutional form of government that has been governing the United States for 200 years. By signing these orders, President Reagan created the framework for a "secret government," operating both inside and outside the administration, to eventually seize all policy control.

To understand how this could occur, one must highlight an obvious, but important point concerning the role of intelligence in the formulation and conduct of strategic, foreign, and domestic policy. Simply put, one can control the formulation and timely implementation of policy, and therefore the operations of government, by controlling the content and flow of intelligence and the conduct of intelligence operations. In this way, a secret intelligence apparatus can effectively seize control over the conduct of the government.

While the press has recently picked up on the notion of a "secret government," this has mostly been misdirection, portraying it as instituted and directed by the President, with the aid of Reagan loyalists such as former National Security Adviser William Clark and current Attorney General Ed Meese. Nothing could be further from the truth. Clark, who, for reasons never fully explained, left the NSC in October 1983, was considered an obstacle by the actual players in the "secret government." In fact, it was not until Clark left the NSC and was replaced by a more naive and malleable Robert "Bud" McFarlane as National Security Adviser, that this apparatus could fully exert control over the administration.

As we shall begin to document, the real "secret government" is dominated by a coherent network of the "right-wing social democracy," whose leadership is comprised of former Comintern associates of Bolshevik leaders Nikolai Bukharin and Leon Trotsky, such as ex-Comintern operative Jay Lovestone, and his close associate Irving Brown. Included in the present-day leadership of this apparatus are protégés of Lovestone and Brown such as Leo Cherne and Roy Godson.

It is this apparatus that has been at the center of a 20-year

effort to overturn the Constitution and impose a "National Bolshevik" corporatist (fascist) government in the United States, as *EIR* has exhaustively documented in a 341-page April 1987 report on Project Democracy. Along with Trust agent Armand Hammer, and Israeli agent Michael Ledeen, they have also been at the center of the "New Yalta" negotiations with the Soviets, which includes abandoning Western Europe, Asia, and the Middle East to Soviet domination.

What then constitutes the real "secret government," and what enabled them to gain control? The answer to that question lies in examining the content and history of the writing and implementation of Executive Orders 12333 and 12334.

## Government in the shadows

When President Reagan signed Executive Orders 12333 and 12334, he laid the basis for the privatization of U.S. intelligence, while simultaneously granting certain networks the power to destroy anyone who got in their way through the reinstatement of Cointelpro-style operations in a form that made the illegalities of the 1960s look constitutional by comparison.

EO 12333 provides the guidelines for two essential elements of the intelligence effort—the conduct of intelligence activities and a definition of what constitutes the intelligence community. It is not necessary to go through the entire 14-page order line by line; it is necessary to highlight key features of the order.

The statement of purpose of the order directs the intelligence community to engage in "the collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotic activities, and other hostile activities directed against the United States by foreign powers, organizations, persons and their agents."

This is to be conducted under the direction of the National Security Council which is designated to act "as the highest executive branch that provides review of and guidance for and direction to the conduct of all national foreign intelligence, counterintelligence, and special activities and attend-

ant policies and programs.” Since it is obvious that control of the NSC is crucial to the control of the government, it is not hard to understand why Judge Clark, a factional opponent of the social democracy, had to go, before it could succeed in its plans.

Aside from the use of the intelligence capabilities within government institutions, the order allows for:

“[A]ll agencies within the intelligence community . . . to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts for authorized intelligence purposes.”

### **Cointelpro revisited**

Within this framework, the Department of Justice and the FBI, under the direction of the NSC, are given the extraordinary powers necessary to conduct operations against anyone deemed to be a threat by those in control of the intelligence and policy apparatus.

“The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power.”

Critically, while paying lip service to the need to establish probable cause, the usual strict criterion for probable cause is eliminated, and the determination instead is left to the whim of those persons implementing the policy. Thus, if information accusing an individual or organization of being linked to “international terrorist” activity, “international narcotic” activity, or an “agent of a foreign power,” can be put into the system, and the persons in charge deem it reliable, this would be enough to establish that person or group as a “national security threat” and thus fall within the guidelines.

The order gives the FBI the power to run counterintelligence operations even if it rips up the Constitution in the process. For example, in describing prohibitions of warrantless searches, the order prohibits “unconsented physical searches in the United States by agencies *other than the FBI*.”

The order also allows the FBI to resume the practice of penetrating and influencing the activity of targeted organizations under conditions where

- a) “the participation is undertaken on behalf of the FBI in the course of a lawful investigation,” or
- b) “the organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.”

The order therefore allows the FBI to penetrate an organization and conduct illegal activities in its name, thereby establishing the basis for prosecution of the organization and persons within it. By engaging in “black-bag jobs” euphe-

mistically called “unconsented physical searches,” the FBI can also plant evidence to further this process.

It should also be noted that if the FBI wants to avoid direct participation, the order allows it to hire a private organization to do its dirty work. The order also allows it to supplement its own operations by providing information and direction to a state, county, or local law enforcement agency.

An expert on the domestic uses of 12333, clearly stated the real purpose of this aspect of the order in a colloquium on the subject:

“Thus the word *neutralization* describes intelligence work more accurately than does the law enforcement word *interdiction*. The purpose of neutralization is to make something harmless. . . . The approach is different in intent and operations method from that of law enforcement. If judicial punishment is not necessarily the goal, *then rules of evidence and action can be more flexible.*”

### **The footprints of the secret government**

To begin to identify the persons who comprise the “secret government,” it is simply necessary to identify the process that went into the drafting of EO 12333.

That process is best established by examining a series of conferences hosted separately by the American Bar Association’s Committee on Law and National Security, and Roy Godson’s National Strategy Information Centers’ Consortium for the Study of Intelligence (CSI), which conferences were responsible for guiding the creation of 12333. A cross-gridding of the participants in these conferences, with Reagan’s intelligence transition team, and those responsible for implementing the order from within the institutions of government, begins to name the names of the real secret government.

In December 1979, with Ronald Reagan already a shoo-in for the presidency, the ABA’s committee under the direction of Chicago lawyer Morris Leibman, hosted a conference on the topic of the changes needed in law to revitalize U.S. intelligence, which was badly hurt under the Carter administration. One of the purposes of holding such a conference so early, was for a specific grouping of people to establish itself at the center of the new intelligence policy that was certain to come about under a Reagan administration.

Among the players in attendance were:

**William Casey.** Then Reagan’s campaign manager, he was to be appointed Director of Central Intelligence. As Oliver North testified, Casey set up a private CIA while serving as DCI. He was a primary author of the orders.

**Kenneth De Graffenreid.** A staff member of the Senate Select Committee on Intelligence, he was a member of the transition team, and went on to become the director of intelligence programs at NSC. He, along with Casey, was the primary author of 12333.

**Herb Romerstein.** Then a staff member of the House Permanent Select Committee on Intelligence, he went on to head up the Disinformation Desk at the United States Infor-

mation Agency.

**Angelo Codevilla.** A staff member on the Senate Select Committee on Intelligence, and a close associate of Romerstein. Codevilla was a member of Reagan's intelligence transition team, and helped draft 12333.

**John Norton Moore.** A professor at the University of Virginia, he became the legal spokesman for the anti-constitutional approach to intelligence operations as a consultant to the Intelligence Oversight Board.

**Roy Godson.** Director of CSI, he sponsored six conferences on the subject of revitalizing U.S. intelligence. The participants at those conferences not only were responsible

---

---

*Within this framework, the Department of Justice and the FBI, under the direction of the NSC, are given the extraordinary powers necessary to conduct operations against anyone deemed to be a threat by those in control of the intelligence and policy apparatus.*

---

---

for the drafting of the orders, but for their implementation as well. Godson went on to become a consultant to the NSC and the President's Foreign Intelligence Advisory Board (PFIAB).

The participants at Godson's colloquia were largely responsible for the implementation phase of the orders. Aside from De Graffenreid, Codevilla, Romerstein, and Moore, who attended all six Godson seminars, other key participants included:

**Ted Shackley.** Former CIA director for operations, who spoke on the subject of "Paramilitary Covert Action in the 1980s," the program adopted by the Reagan administration in Central America. Shackley has been at the center of an intelligence network for over 20 years, which included Gen. Richard Secord and many of the Cubans utilized in the Contra operation. Shackley, who currently runs a private intelligence organization in Rosslyn, Virginia, was deeply involved in the Iran initiative.

**Alan Weinstein.** A professor of history, he went on to become a key player in Project Democracy. He was one of the operations officers in charge of the overthrow of Philippines President Ferdinand Marcos.

**Leo Cherne.** Executive director of the Research Institute of America, and longtime associate of William Casey, he went on to become the vice-chairman of PFIAB.

These are only a sprinkling of participants in these symposia who went on to play a key role in Project Democracy. A close look at the members of the NSC, PFIAB and IOB,

particularly after 1983, show them to be dominated by persons associated with this network.

Another key development occurred in 1979 with the establishment of the Office of Special Investigations of the U.S. Justice Department. Established as a so-called Nazi-hunting unit, OSI has become the key channel for Soviet intelligence penetration of the Department of Justice. OSI is the only organization in the U.S. government which is authorized to have contact and collaborate with the Soviet KGB and other Warsaw Pact intelligence services. "Intelligence" from these services has been responsible for most of the OSI's key cases.

Not surprisingly, the idea for the creation of OSI came from the chairman of the ABA's Committee on Law and National Security, Morris Leibman. It is also not surprising, that key members of the DoJ's Criminal Division, such as John Martin, and the FBI's Intelligence Division, such as John Nolan, were active participants in Godson's seminars.

### **Oversight and direction**

While EO 12333 established the basis for operations of the secret government, its companion orders 12331 and 12334 provided for oversight and direction of that body through the reestablishment of the President's Foreign Intelligence Advisory Board and the Intelligence Oversight Board (IOB), respectively (both were inactive under Carter). Both of these bodies were under the control of the same Project Democracy crowd that ran the operations allowed for under 12333.

PFIAB, in the Reagan administration, did not function simply as an advisory body, but was an active agency that suggested specific foreign and domestic intelligence operations to the NSC. Among the heads of PFIAB under Reagan were such Project Democracy enthusiasts as David Abshire, from Georgetown's Center for Strategic and International Studies, and Leo Cherne.

The IOB's function was to investigate and report to the President any activities conducted by the intelligence community that might be in violation of the Constitution, federal laws, executive orders, and presidential directives. But, as already documented in an *EIR* article by Jeffrey Steinberg (July 19, 1987), it was IOB's personnel, such as the University of Virginia's John Norton Moore, who were crucial in not only interpreting the law to suit their needs, but who actually helped draft the gameplan for the effective privatization of policy.

At a March 4-5, 1983 conference on "Special Operations in U.S. Strategy," sponsored by the National Strategy Information Center and National Defense University, Moore, along with former CIA official Douglas Blaufarb, urged that a new "bureaucratic nerve center," housed at the NSC, be set up to enable the effective implementation of the Central American mission, particularly the Contra policy.

One attendee at that conference stated that the objective of that policy was "privatizing the Reagan Doctrine." Another attendee at that session was a young major from the NSC staff, Oliver North.