

Irangate's legal brain: fish that got away

by Herbert Quinde

The simple fact that the overwhelming majority of Americans still think of Ollie North and Fawn Hall instead of Prof. John Norton Moore when they hear the term "Irangate," is singular proof that the congressional probe of the scandal was a blatant cover-up of Project Democracy, the codename for what has been called the "secret government."

Buried in the appendices of the 690-page congressional report is a letter to the joint committee by Professor Moore, the chief legal brain behind Project Democracy's "methods and procedures." The letter states in part, "During the course of the Iran-Contra hearings Lieutenant Colonel Oliver North apparently inadvertently created the impression that I provided him with legal advice concerning the constitutionality and scope of the so-called 'Boland Amendment' that has been at the center of the hearings. . . . Since I had not provided any such legal advice, I immediately called his counsel and sent a letter to correct this apparent misinterpretation."

Colonel North may not be the brightest man in the world, allowing himself to be scapegoated. But when he testified that Professor Moore advised him that he was not breaking the law in arming the Contras with weapons bought in East Germany, he was telling the truth.

If Congress had wanted to get to the heart of what Sen. David Boren (D-Okla.)

ment," Moore would have been put on the hot seat. Moore was the single most important figure in articulating the juridical rationale behind the crimes of the Iran-Contra fiasco.

Although Congress let this "big fish" get away, it is not certain that Moore will be as fortunate with the criminal investigation of Independent Counsel Lawrence Walsh. The independent counsel's prosecutorial strategy is to treat the affair, correctly, as a broad conspiracy.

Was Professor Moore, as chief national security law consultant to the President's Intelligence Oversight Board (IOB), perhaps the author of the "legal findings" that justified Project Democracy's private covert war? After Colonel North fingered him, Professor Moore wrote to North's attorney, admitting that, "It would not be inaccurate for Colonel North, or any other individual, to note that on numerous occasions, including in my recent book, *The Secret War in Central America*, I have publicly expressed my conviction that United

States assistance to the Contras is consistent with the norms of international law as reflected in the United Nations and Organization of American States charters."

Following the KGB's logic

The tenor of Professor Moore's insight into national security law, widely published in newspaper commentaries and law journals, is permeated by the jesuitical logic that justified selling arms to the terrorist regime of Ayatollah Khomeini and using the profits to buy weapons from East bloc countries. Project Democracy operatives argued that, since the Russians don't believe in the republican principles embedded in our Constitution, our foreign policy must be informed by KGB tactics. They play dirty, so must we, was the logic.

Yet, according to Congress, the debacle was not attributable to flaws in the policy and in the laws, as exhibited by Executive Order 12333. Instead, Congress reached the conclusion that it was the transgressions or errors of individual men that led to the Iran-Contra fiasco. But the one person who was the most outspoken advocate of Project Democracy's operations under EO 12333, John Norton Moore (reputedly its author, but certainly the man who certified its legality) was never asked to testify by the congressional committee. EO 12333 cleared the way for the network of private intelligence profiteers associated with former deputy director of CIA Theodore Shackley to create Project Democracy.

Professor Moore has long been an insider in the planning sessions marking every phase of the Reagan administration's plunge into the Iran-Contra debacle:

- On March 4-5, 1983, Moore attended the "Special Operations in U.S. Strategy" conference sponsored by the National Strategy Information Center and Georgetown University. Among the participants were Shackley and Colonel North. The conference prepared the blueprint for "privatizing the Reagan Doctrine." Professor Moore and Douglas Blaufarb, a former CIA official, apparently urged that a "new bureaucratic nerve center," housed at the NSC, be constituted to overcome the infighting that had up until that point stalled an effective counterinsurgency mission in Central America.

- In December 1980, he attended a planning session of the Consortium for the Study of Intelligence (CSI), directed by NSC consultant Roy Godson, where Shackley presented his formula for U.S. covert involvement in Central America. CSI was the informal gathering point for the "neo-conservative" and social democratic cabal, associated with the intelligence community, that took over the Reagan administration.

- Besides his responsibilities as a professor of law at the University of Virginia, Professor Moore is chairman of the U.S. Institute for Peace and a member of the New York Council on Foreign Relations. He has served in a number of State Department and NSC posts dating back to 1972, when he served Secretary of State Henry Kissinger as State Department counselor on international law.