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McLaughlin One-on-One

November 30, 1986 Noon

WRC - TV

ILLEGIB

Senator Durenberger

JOHN McLAUGHLIN: Why didn't Ronald Reagan tell Congress about the Iran/Contra/US connections?

(Senator Durenberger's personal background.)

Senator Durenberger, you're Chairman of the Select Committee on Intelligence. And am I correct in saying that on Monday you're going to open hearings on the Iranian affair?

SENATOR DURENBERGER: Well, the committee began an informal investigation about the eighth or tenth of November. And starting Monday, we're going to start calling witnesses under oath. And practically all of the people who have already been named as being

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involved in this case will be part of that investigation.

MR. McLAUGHLIN: What do you hope to discover?

SENATOR DURENBERGER: Our principal concern is the oversight function. Our concern is the fact that for a period of about a year and a half, part of our government in this country was out of control of the people of this country. And the process by which that happened, who was responsible, what laws may have been violated in one way or another, that's what we're looking for.

MR. McLAUGHLIN: Do you think that the White House tried to elude or circumvent the oversight function of the Congress?

SENATOR DURENBERGER: Well, there's no question about that.

I mean, they made the deliberate decision at some point in time, probably in December of last year, that this particular operation as they have designed it was, in their words, either so secret or so sensitive that they couldn't comply with at least the presumption in the law that they informed neither the intelligence committees or the top eight leadership.

MR. McLAUGHLIN: Do you find that unpersuasive and incredible?

SENATOR DUREMBERGER: I find it -- I don't find it incredible because I have been working for a couple of years to try to avoid that sort of thing. I made a speech, for example, at Johns Hopkins a year ago in which I tried to encourage the Administration to use the oversight process to their benefit. So I don't find it incredible at all.

MR. McLAUGHLIN: This past week Attorney General Meese appeared before the press and the American people, describing what he knew had happened through his investigation. The President also made a statement.

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Do you feel that this effort on the part of the White House and the Justice Department is to come clean with the American people? Or does it look to you at this point as though they're trying to shield the President?

SENATOR DURENBERGER: The former.

I think everybody in this country has recognized for a long time the special value of Ronald Reagan. And that is -- for some of us it's a personal value; for most of us it is the unique value to this government, to this people and to the world.

My impression, certainly from the meeting that preceded the President and Ed Meese going to that conference with the leadership, is that this President does not like to be deceived. This President does not like to be kept in the dark.

MR. McLAUGHLIN: Do you think he was kept in the dark?

SENATOR DURENBERGER: I think he was kept in the dark on the details.

MR. McLAUGHLIN: Do you think that Donald Regan knew-- his chief of staff?

SENATOR DURENBERGER: I suppose there are a lot of people who knew more than we know they knew at this point. That's one of the reasons we're all doing investigations.

MR. McLAUGHLIN: You know that Brent Scowcroft, who held the position of National Security Adviser and who is regarded by many as a model servant in that office; Henry Kissinger, Mr. Colby, the former head of the CIA, and Stansfield Turner, the former head of the CIA, all concur that it is practically incredible to believe that Oliver North, the lieutenent colonel working on the NSC staff, was the formulator of Iran and Nicaraguan policy, as it has been described in these past several weeks. And therefore there must have been

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authorization and charter above him. Therefore, where do you go?

SENATOR DURENBERGER: Expertise.

MR. McLAUGHLIN; You go to Poindexter. And every one of those believes it goes above Poindexter. So you go to Regan.

Where do you come in on that? Don't you agree that Regan must have signed off on it? And would Regan sign off on something on that without President Reagan knowing about it?

SENATOR DURENBERGERR: To give you my present opinion-- and I don't have all the facts -- my present opinion is that the design was Ollie North.

I suspect he had help freom a couple of other people at about his level. I think I know who some of them are, but we'll find out for sure.

But the framework for that design was built around the President. It's been built for several years around the President.

This President is in maybe -- I hate to use the word a frenzy, but something approaching a frenzy with regard to our inability as a country to come to grips with what's going on in Nicaragua.

The failure of the Congress to appreciate as the President believes he appreciates, that we have to do something in Nicaragua, that we have to do something in Iran.

And I think Ollie just built ths scheme within a framework that the President, his Chief of Staff and a lot of his advisers felt was appropriate.

McLAUGHLIN: You mean the President gave the marching orders, I want help for the Contras. I don't want you to break the law, and I don't want to know all about it, but I want deniability?

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SENATOR DURENBERGER: Yes.

MR. McLAUGHLIN: Do you think those were the marching orders?

SENATOR DURENBERGER; I'm sure the marching orders--well, the marching orders all over the place for the last five years have been to do something about Nicaragua, and for the last two years to do something about the need that the Contras have for support for their lethal operation.

MR. McLAUGHLIN: How were you impressed with the Israeli involvement, particularly Shimon Peres, the present Foreign Minister, the former Prime Minister, saying that this is a mild act and it was executed in cooperation with and at the request of the United States? Talking about the Israeli transfer of funds to brokers representing Iran, from which there emerged a brokerage fee, if it can be called that. And that brokerage fee being in large part conveyed through a Swiss bank account to the Contras, probably in the form of military aid purchased on the gray markets of Europe by General -- one of the former generals, Secord?

SENATOR DURENBERGER: I was told to keep my answer short, so I will say I'm unimpressed with the argument.

Mr. McLAUGHLIN: You are?

SENATOR DURENBERGER: I'm unimpressed with it. But I understand that that's the position he has to take.

MR. McLAUGHLIN: Do you know anything about the Israeli involvement beyond its present description? Can you speak to that?

SENATOR DURENBERGER: No, not at this stage.

MR. McLAUGHLIN: Do you know that there's a report in Friday's New York Times that said that this is not the first time Israel has been involved in the sale, and that it's not the first time that the proceeds from the

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sale in the form of -- I guess it's brokerage fee-- has been funneled back to the Contras?

SENATOR DURENBERGER: I'm not aware of the New York Times report, but I'm sure that the facts will bear out a wider Israeli involvement on the Iran side. I cannot at this point confirm anything to do with their involvement with the Contras.

MR. McLAUGHLIN: We'll be right back.

(Commercial announcements)

Mr. McLAUGHLIN: Senator Durenberger, Chairman of the Select Committee on Intelligence, are the hearings going to be open or closed that will start on Monday?

SENATOR DURENBERGER: The hearings are all closed.

The Committee will get together probably mid-December according to our present time, to talk about whether or not there should be any open hearings, but at the present time we don't contemplate that.

MR. McLAUGHLIN: With your knowledge of the various laws involved here, and there is a true network of laws, as you know better than anyone -- do you think it's possible that Oliver North could get out of this without being found to be in direct violation of any laws?

SENATOR DURENBERGER: I suppose it's possible, although it's somewhat unrealistic give -- you're right about the network -- it strikes me that the last list I saw was seven or eight US laws at least that were involved.

MR. McLAUGHLIN: Well, if you take, say the Bolan Amendment which is a major one -- no intelligence funds to overthrow the Sandinistas, government funds -- but, you know the --

SENATOR DURENBERGER: -- Ayatollah's money.

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MR. McLAUGHLIN: --the brokerage fees was what went to the -- can he claim that?

SENATOR DURENBERGER: I think that there are probably ways to get around -- this is actually Bolan we're talking about -- the success of the Bolan Amendment which prohibited the use of our -- or taxpayers' funds. But, I think he's going to be hard pressed to impress anybody in the Congress that he didn't violate the law whether he technically did or not.

MR. McLAUGHLIN: The law or the spirit?

SENATOR DURENBERGER: The law itself. Because the law is pretty explicit about the expenditure of funds, and I think that includes people on the payroll who are engaged in acts that are in contravention to --

MR. McLAUGHLIN: Do you think he's being scapegoated?

SENATOR DURENBERGER: No, I don't.

I understand you've just taken a sort of informal poll and found to the contrary.

But, no, I don't think he's scapegoated. That doesn't mean that there isn't a wider circle here, but nobody is putting Ollie up to dry on behalf of a bunch of other folks.

MR. McLAUGHLIN: Can you explain how the weapons were transferred from the Department of Defense, the DOD, to the CIA, and how come the Joint Chiefs of Staff were unaware of that transfer?

SENATOR DURENBERGER: No, I can't. I would if I could but I can't.

MR. McLAUGHLIN: Do you have any way of understanding--

SENATOR DURENBERGER: Yes, it's just that that happens to be at present a gap in my knowledge. We do have a record, I think, of it at the present time.

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MR. McLAUGHLIN: Do you have any knowledge at present of any other covert action taken by the National Security Council through Oliver North since he's been there, since '83, unrelated to Iran, unrelated to Nicaragua, that would be prima facie violation of law?

SENATOR DURENBERGER: I don't have any present knowledge.

I think Ollie's activities, both with regard to Iran and now and in the past, more precisely with regard to Nicaragua may answer that question. I don't, as we sit here, have information that would lead me to believe that he's involved in other --

MR. McLAUGHLIN: Do you have any knowledge that George Bush, through his contacts with Max Gomez who is connected with the Contra operation, was aware in any way, shape or form of this Iranian matter?

SENATOR DURENBERGER: No.

MR. McLAUGHLIN: You have no knowledge to that effect. And no suspicions to that effect?

SENATOR DURENBERGER: No. None whatsoever.

MR. McLAUGHLIN: General Meese, at his presentation this past week, spoke about intercepts. Were there any intercepts from them, made by the National Security Agency, or is it possible they were made by the IRS trying to determine whether there was drug money coming out of those accounts for the Contras?

SENATOR DURENBERGER: I think the ones that Ed was talking about in the press conference were NSA or NSA related. I'm not aware of the latter as a means of information collecting.

MR. McLAUGHLIN; Do you know why the White House opened up? Did Bill Casey, the Director of the Central Intelligence Agency, give testimony before your committee this week?

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SENATOR DURENBERGER: Yes.

MR.McLAUGHLIN: What did he say?

SENATOR DURENBERGER: Can't tell you what he said. I can tell you he was forthcoming in his testimony.

He did not give us everything we know that he probably has in his possession, but that wasn't because he withheld anbything, because he had to leave and to go to testify to the House. But in effect, he came up what he said he believes to be his present knowledge of CIA involvement in this operation.

MR. McLAUGHLIN: Does that include the opening of a Swiss bank account?

SENATOR DURENBERGER: That did not include the opening.

MR. McLAUGHLIN: It did not?

SENATOR DURENBERGER: Did not include the opening.

MR. McLAUGHLIN: In a published report, again in the New York Times, it said that President Reagan himself called the CIA into the act in January in order to clean up the mystery as to what was happening to those funds which would have been part of the brokerage fee that ought to have gone to the Contras, which is saying flat out in so many words that Reagan knew about the whole effort, certainly in January. Do you know anything about that?

SENATOR DURENberg: Nope, I don't.

McLAUGHLIN: That's all news to you, too?

SENATOR DURENBERGER: That's news to me, too.

MR. McLAUGHLIN: And that may develop next week in your closed testimony?

SENATOR DURENBERGER: That will develop.

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I mean, the precise involvement of the CIA may not be totallly known to Bill Casey, although I suspect that with a few reminders it will.

But we're probably going to call six or eight or more current or past members of the Central Intelligencce Agency because there's no one person who knows all the facts of their involvement.

MR. McLAUGHLIN: We'll be right back.

(Commercial announcements)

MR. McLUAGHLIN: Supppose Oliver North, before your committee, the Senate Select Intelligence Committee Chairman, David Durenberger -- says that he briefed-- Oliver North briefed Donald Regan, Donald Regan himself briefed President Reagan, and he himself -- Oliver North himself briefed Ronald Reagan. What do you think the President should then do in light of that testimony?

SENATOR DURENBERGER: Well, I think that's a premise I find hard to believe.

And even if you were right, then obviously what the President does is put it in perspective.

I don't know that at that point anybody is more likely to believe Colonel North than they are to believe Ronald Reagan if Ronald Reagan announces specifics.

MR. McLAUGHLIN: Well, suppose when Donald Regan -- is he going to appear before you next week?

SENATOR DURENBERGER: Donald Regan is not, no.

MR. McLAUGHLIN: Well, eventually Donald Regan will give testimony under oath. If Donald Regan says "Yes, I knew that President Reagan knew," what should President Reagan do then?

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SENATOR DURENBERGER: I think the President, whether that happens or not -- this President needs to make clear to the American public that while the two years that he has left in office -- he's not going to leave anymore gaps in their control of their government, which, in effect has happened in this particular case.

The President isn't anymore entitled than you or I to go beyond the law or to contravene the laws of this country even for some presumably more noble objective.

MR. McLAUGHLIN: Well, that's true. But he also has powers deriving from his status and responsibility -- a solitary one, of being commander-in-chief. Could he not then say, "I sent the money to the Contras pursuant to my powers as commander-in-chief?"

SENATOR DURENBERGER: No. No, I think that the business about being commander-in-chief has a lot to do with waging war or eliminating the possibility of a terrorist strike or something like that. For example, what he did in Libya may fall in that regard. But when he deliberately contravenes the law, that isn't anywhere in his power as commander-ion-chief.

MR. McLAUGHLIN: Well, I mean here you get into a very gray area.

We don't know whether any law has been technically violated. Your assumption is that it has. But you get into areas of obscurity here where he could build a very strong case that he's not in violation of the law.

SENATOR DURENBERGER: If he says he collected money from the Ayatollah and paid it to the Contras, it's not in violation of the law --

MR. McLAUGHLIN: I'm putting it loosely.

What he can say is that he knew about it, he authorized the involvement of the United States to the extent that it occurred, and that he believes in it, he continues to believe in it and he did so by reason of his powers

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and his responsibility as commander-in-chief. What's wrong with his saying that? Would he get away with it?

SENATOR DURENBERGER: No, he wouldn't get away with it. Because in this particular case he's already -- I mean his credibility is already on edge, and there's a whole lot of people trying to pull it back --

MR. McLAUGHLIN: Well, if that is what happened, and if he's truly going to 'fess up, should he not say it?

SENATOR DURENBERGER: If this whole line of questioning has any basis in fact, which I doubt that it has, yes, he ought to 'fess up. He ought to explain to us the lesson he's learned from the whole process. And he ought to indicate to us why he believes this sort of thing will never happen again.

MR. McLAUGHLIN: What do you think your successor, who is David Boren, as Chairman of the Senate Select Committee on Intelligence -- what do you think he's going to recommend by way of the function, the operation of the National Security Council? What advice are you going to give him?°

SENATOR DURENBERGER: Well, the advice that I'm going to give him is the same advice I was given by my mentors, if you will -- Barry Goldwater in particular-- and that is that we have only one President at a time in this country, and that the job of those who advise the Pesident is to make sure that his credibility, his honesty are preserved.

MR. McLAUGHLIN: Are you going to advise Senator Boren that part of the charter of the National Security Council ought to be to handle counter-terrorist covert operations?

SENATOR DURENBERGER: No. I think Dave already knows from the experience we've had that when you pull a national security advice together with intelligence, together with operations, you dilute all three.

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MR. McLAUGHLIN: Do you want to give that to the CIA? Do you want to give it to DOD?

SENATOR DURENBERGER: You want to keep NSC giving advice; you want the CIA and other agencies doing operations; you want to keep the intelligence function separate from the other two.

MR. McLAUGHLIN: Who would you like to see replace Admiral Poindexter as head of the NSC?

SENATOR DURENBERGER: I don't have a recommendation.

What I want to see is number one, that Ronald Reagan focuses his attention on a couple of do-able foreign policy objectives and not try to get into everything. And that he make a decision about who his Secretary of State's going to be and give that person responsibility for all the rest of this patter that has accumulated in front of him.

MR. McLAUGLIN: You're assuming the Secretary of State is going to be relieved of command?

SENATOR DURENBERGER: No. I'm assuming that the Secretary of State is going to stay there, but he's going to stay there with a mandate that says Ronald Reagan isn't going to try to be everything in foreign policy -- that the Secretary of State, now that he is relieved of having Jesse Helms on his back all he time is going to take more responsibility for foreign policy.

MR. McLAUGHLIN: We'll be right back.

(Commercial announcements)

MR. McLAUGHLIN: Members of Congress have been jailed; they've been convicted of moral lapses, for violating confidence. And if they were in the CIA they wouldn't be allowed to participate.

Do you think that Congress -- Members of Congress ought

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to take a polygraph test in order to improve the confidentiality , the secrecy of oversight?

SENATOR DURENBERGER: No. But I think some of the people who are alleging that the Congress leaks like a sieve all ought to take polygraph tests on that statement.

In the eight years that I've been on the Senate Intelligence Committee I know two cases -- one on the House side and one on the Senate side, in which there's a demonstrable leak of classified information. I mean where somebody got hurt because of it.

MR. McLAUGHLIN: So it's a non-problem?

SENATOR DURENBERGER: I think it's a non-problem other than finding out why a lot of congressmen and senators are being maligned.

MR. McLAUGHLIN: Thanks for being my guest on One-on-One.

SENATOR DURENBERGER: My pleasure.

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