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**From Editor Robert Parry:** If our 18-year-old experiment in independent journalism is to continue, we need the generous support of our readers now. We are running very short of funds. So, please contribute what you can.

When I founded this Web site in 1995, the goal was to create a home for serious investigative reporting, the kind of well-documented work that was getting orphaned in the new age of celebrity media. The mid-1990s also saw the rise of a powerful right-wing media machine, which had little regard for facts.

Our goal was to counter those trends of triviality and ideology with old-fashioned reporting and to publish through the new technology of the Internet.

Looking back at those 18 years, I believe we have been remarkably successful in creating that home for serious journalism. As an unexpected bonus, we also have attracted the work of honest U.S. intelligence analysts who encountered a parallel hostility toward their commitment to objective truth-telling inside the government.

So, today, you see at Consortiumnews a mix of in-depth investigative reporting on important topics and thoughtful analyses from some of the intelligence community's best thinkers, the likes of Melvin A. Goodman, Elizabeth Murray, Paul R. Pillar and Ray McGovern. This combination makes this Web site unique and irreplaceable.

We also do something that few other news outlets do: we supply vital historical context, so what's happening today doesn't just blip onto the news radar screen as some curious anomaly and then disappear into a black hole. Instead, the news is placed within an enduring political or geopolitical narrative.

Yet, while I'm proud of what we have accomplished, my biggest regret has been my failure to convince foundations and wealthy individuals that they should support this kind of endeavor with serious money. Thus, over the years, we have relied mostly on the generosity of small donors and some small foundations chipping in what they can.

And, our worst financial crises often come during and after U.S. presidential elections because contributors shift their available money into political campaigns. That's what happened last year, leaving our coffers nearly bare today.

So, please donate what you can – or if you know someone of financial means who might have an interest in backing what we do, recommend us for a grant. Since we

are a 501-c-3 tax-exempt organization, your contribution may be tax-deductible, and foundations can make grants to us. Also, if you would like a signed gift copy of my new book, *America's Stolen Narrative*, as a token of our appreciation, just ask.

Donations can be made by credit card at the Consortiumnews.com Web site or by check to: Consortium for Independent Journalism (CIJ); 2200 Wilson Blvd., Suite 102-231; Arlington VA 22201. To use PayPal, our account is named after our e-mail address: "consortnew @ aol.com"

As always, thanks for your support.

Robert Parry

**Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. He founded Consortiumnews.com in 1995 as the Internet's first investigative magazine. He saw it as a way to combine modern technology and old-fashioned journalism to counter the increasing triviality and timidity of the mainstream U.S. news media.**

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## The Almost Vanunu

**From the Archive:** The strange saga of how Israel "disappeared" Australian-born Ben Zygier into a high-security jail as "Prisoner X" and how he died under suspicious circumstances sheds new light on Israel's efforts to silence ex-intelligence officer Ari Ben-Menashe in the 1990s, as Marshall Wilson reported in 2012.

By Marshall Wilson (Originally published Feb. 1, 2012)

On an overcast morning on April 18, 1991, a man carrying an Israeli passport but fearful of return to his homeland stepped tentatively from Qantas Flight 12 into the international arrival hall of Kingsford-Smith airport in Sydney, Australia.

Even to a frequent flyer like Ari Ben-Menashe, holder of Israeli passport number 4426553 issued in Jerusalem in September 1989, the journey from Los Angeles had been long and stressful. A Jew born in Iran, he had emigrated to Israel as a teenager and become a citizen of the Hebrew state before serving in Israeli military and intelligence units.

But he had spent much of the last year in U.S. detention and, to his dismay, found himself stranded as a man without a country. He hoped that the flight to

Australia would be one of final refuge.

A few months earlier Ben-Menashe had been acquitted in the U.S. District Court in Lower Manhattan after defending himself against charges involving the illegal sale of military aircraft to Iran. Even he was amazed at the outcome, since he had never disputed the facts made by the prosecution. Instead, he had argued that he had been working for Israeli authorities and that the sale was part of a secret Israeli government initiative.

Because of his public statements made in court and to the media, he was fearful of returning to Israel where he believed he would be charged under the Official Secrets Act. To address this problem, Ben-Menashe applied for a visa to visit Australia. His written application stated that he intended to write a book.

Four weeks after his arrival, hoping for a more permanent solution to his predicament, Ben-Menashe applied to the Department of Immigration asking Australia to recognize him as a refugee under a little-used 1951 United Nations convention. To all intents and purposes it amounted to a plea for political asylum. Dated May 15, 1991, the 25-page declaration stated:

“My case is an unprecedented case of political persecution by two governments. It was an attempt by Israel and the United States to cover up their relations with Iran since 1979.”

Ben-Menashe detailed the curious circumstances of his arrest while on a private visit to the U.S. and added: “I was not willing to keep quiet and be discredited by pleading guilty to the bogus charges. I did not accept my government’s proposal to do so. Any arms sales to Iran that I was involved in was solely in the capacity of being an employee of the Israeli government. Everything I did was authorised by the appropriate authorities in the Israeli and United States governments.

“Since I did not go along with the program and decided I would truthfully defend myself in court, I was disowned by the Israeli Government and will be prosecuted for breaking the Official Secrets Act if I return. I will be prosecuted behind closed doors, ‘for national security reasons,’ and I will never again see the light of day.”

But Ben-Menashe said his case had other implications. “As an aftermath of my [1990] trial a new scandal has broken directly involving the President of the United States [George H.W. Bush],” Ben-Menashe wrote, “about the President being involved in an arms-for-hostage release delay deal [with Iran] in 1980. I am a central witness on that issue.

“Democratic members of the US Congress are going to speak to me about that and

other issues involving US sales of unconventional weapon systems to Iraq, all connected to the present [George H.W. Bush] administration of the US," Ben-Menashe told Australian immigration. "Paradoxically speaking I am now being punished for being acquitted."

(Ben-Menashe later told Australian authorities that his mother in Tel Aviv had been approached by officers of Shin Bet, Israel's secret police, who "tried to convince [her] that it would be in my best interests to plead guilty to all charges before the Federal Superior Court [in New York] if I wished to avoid prosecution in Israel.")

### **Secret Dealings**

Ben-Menashe's unusual plea for asylum arose as an offshoot of events that first surfaced in November 1986, when the administration of President Ronald Reagan was accused of arranging clandestine weapons sales to Iran, which was then ruled by Ayatollah Khomeini, the radical cleric who had inspired a revolution that ousted the Shah of Iran in early 1979. Khomeini then returned from exile to become Iran's Supreme Leader.

After consolidating power, Khomeini steered Iran towards becoming an Islamic republic, and Iran's support for Islamic extremists led the U.S. government to declare the country a terrorist state. As a result under American law all U.S. arms sales to Iran were prohibited. So Reagan's approval of secret weapons shipments to Iran in 1985 and 1986 raised touchy legal questions about whether the President had committed a felony and an impeachable offense.

Reagan's defenders sought to justify his actions as necessary to get Iran's help with Lebanese radicals who were then holding several American hostages in Beirut. Still, the Reagan administration was badly damaged by the disclosure of the arms sales, which became known as Iran-gate.

The scandal soon morphed into the Iran-Contra Affair when it was discovered that some of the profits from the arms sales had been diverted to U.S.-backed Contra rebels, who were acting as American proxies to oust the leftist Sandinista government in Nicaragua.

Adding to Reagan's legal and political woes was the fact that he had authorized the clandestine weapons flow to Iran, and permitted secret White House support for the Contras, without notifying Congress as U.S. intelligence-oversight laws required. However, regarding the "diversion" of Iran arms profits to the Contras, both Reagan and his Vice President George H.W. Bush claimed to have been unaware.

As the scandal unfolded in late 1986, Reagan's White House scrambled to limit

the damage. Several administration officials were delivered up as scapegoats. National Security Adviser John Poindexter and one of his aides, Marine Lt. Col. Oliver North, were kicked out of government and later faced criminal charges. Suspicion fell, too, on CIA Director William J. Casey, but he collapsed with a brain tumor (and died on May 6, 1987). White House Chief of Staff Donald Regan also was forced to resign.

However, after high-profile congressional hearings in 1987, the scandal began to recede with both Democrats and Republicans trying to steer the crisis away from a possible impeachment of the well-liked Reagan. As for Vice President Bush's claim to be "not in the loop," there were lingering doubts about his veracity but the former CIA director (in 1976) still managed to mount a successful campaign for president in 1988.

### **The Ben-Menashe Surprise**

So, by 1990, President Bush and most of his former Reagan administration colleagues appeared to be pretty much in the clear. There was still a special prosecutor looking into possible criminal violations but that inquiry was moving slowly and was limited mostly to secondary allegations, like perjury and obstruction of justice.

That was when Ari Ben-Menashe, after being arrested in Los Angeles and jailed in New York City, began talking to American reporters from prison. His comments and his criminal case threatened to reignite the Iran-Contra controversy in ways that were dangerous to the then-sitting president and to America's close allies in Israel.

After his arrest on charges of an illegal aircraft sale to Iran, and his realization that the Israeli government was not rushing to his rescue, Ben-Menashe came to believe his only hope was to tell what he knew to journalists. Among these contacts was a prison interview with then-Newsweek correspondent Robert Parry, in which Ben-Menashe offered a strikingly different version of the Iran-Contra scandal than had been widely accepted in Official Washington.

Rather than a covert policy limited to 1985-1986 as the official narrative claimed, Ben-Menashe traced the scandal's origins to 1980 when he said Israel's Likud Prime Minister Menachem Begin furious with pressures he was getting from U.S. President Jimmy Carter over achieving peace with the Palestinians threw in his lot with Ronald Reagan's presidential campaign. At the time Carter's re-election hopes hinged on freeing 52 Americans then held hostage in Iran.

Ben-Menashe identified himself as an intelligence officer who was part of an Israeli-Republican operation that met with Iranian emissaries in Paris in

October 1980. A deal was struck behind Carter's back, Ben-Menashe said, to make sure the hostages were held until the incumbent president was defeated. Among the participants, Ben-Menashe said, was George H.W. Bush, the former CIA director and then Republican vice presidential nominee.

As it turned out, the hostages were not released until just after Reagan was sworn in as the new U.S. president on Jan. 20, 1981, and after Bush had taken the oath as vice president.

According to Ben-Menashe, the deal also opened a secret and lucrative arms pipeline from Israel to Iran, which was then at war with Iraq. Ben-Menashe said the arms shipments, which had the secret approval of the Reagan administration, eventually led to the arms sales revealed in the Iran-Contra scandal.

Combined with other new evidence that the Reagan administration indeed had quietly approved Israeli arms shipments to Iran as early as 1981, Ben-Menashe's account stirred interest in an alleged precursor to the Iran-Contra scandal, the so-called October Surprise case, whether the Reagan campaign had conspired with Iran to delay the release of the 52 U.S. hostages.

Ben-Menashe also asserted that the relations between his Likud superiors and the Reagan administration began to fray in the mid-1980s when Israel learned that Reagan had approved a separate channel of weapons to Iraq, a development that Israel felt jeopardized its own national security. Out of those U.S.-Israeli tensions and the internal Israeli rivalry between Likud and the Labor Party secrets of the Iran-Contra scandal began to spill into public view, he said.

Ben-Menashe's decision to talk with journalists from prison set off alarm bells in Tel Aviv. In the hope of defusing this potentially volatile situation, Israel first sought to distance itself from the now-rogue agent. When initially contacted by Newsweek in 1990, Israeli officials claimed that Ben-Menashe was "an impostor."

However, after correspondent Parry obtained official Israeli letters of reference describing Ben-Menashe's decade-long work within the External Relations Department of the Israel Defence Forces, Israeli officials changed their story. They now labeled him simply "a low-level translator." But the letters described Ben-Menashe's service in "key positions" and said he handled "complex and sensitive assignments," nothing about his work as a "translator."

Despite the evidence that Israeli officials had first lied and then retreated to a new cover story, the Bush administration and the Israeli government still managed to galvanize friendly journalists who went out of their way to discredit Ben-Menashe as a compulsive liar. [For details about one of the key denouncers

of Ben-Menashe, see Consortiumnews.com's "[Unmasking October Surprise 'Debunker'](#)".]

### **Winning the Case**

By late 1990, Ben-Menashe's top priority was to beat the federal indictment. As part of his legal defense, his lawyer put the Israeli letters of reference into evidence, and their description of him and his "complex and sensitive assignments" apparently impressed the jury.

The "not guilty" verdict alerted Washington and Tel Aviv to possible further dangers on what had been a quiet Iran-Contra front. Within a matter of weeks their worst fears were confirmed when, instead of returning to Israel, Ben-Menashe applied for a visa to visit Australia, with [written application](#) saying he intended to write a book.

Ben-Menashe also began [providing information](#) about Israel's nuclear weapons program to investigative journalist Seymour Hersh, who gave Ben-Menashe's credibility a boost in 1991 when Hersh published *The Samson Option*, citing Ben-Menashe and his information. Hersh said he had confirmed Ben-Menashe's claims about the Israeli nuclear program from other sources. But the attacks on Ben-Menashe's credibility only escalated.

Amid this intense campaign of vilification against Ben-Menashe, the press ignored an obvious precedent to his flight to Australia. Five years earlier, Israeli nuclear technician Mordechai Vanunu had arrived in Sydney, Australia, with photographs and a story about a secret Israeli nuclear reactor for producing atomic bombs at a desert site, Dimona.

Rather than investigate on its own, a Sydney newspaper encouraged Vanunu to head for London, where he was told that a sister journal would check out the facts before revealing his story to the world. For Vanunu, it proved to be a disastrous option.

After arriving in London and laying out his evidence of Israel's secret nuclear weapons program to the Rupert Murdoch-owned London *Sunday Times* Vanunu was enticed to Rome by an attractive woman only to find himself ensnared in a "honey trap." The woman turned out to be a Mossad agent. The would-be whistleblower was drugged, kidnapped and forcibly returned to Israel.

The London *Sunday Times* did make use of Vanunu's evidence in a major exposé on Israel's clandestine nuclear weapons program. However, Vanunu faced trial for leaking Israeli government secrets. He was found guilty and was sentenced to 18 years imprisonment. It was not until 2004 that Vanunu was released into house arrest although continuing to have his movements and communications restricted

and closely monitored.

Ben-Menashe's case had many parallels to Vanunu's experience, especially after he began talking to Hersh about Israel's nuclear arsenal. Ben-Menashe even confided that he feared he would be "Vanunued" that is, seized and returned to Israel to face a long prison term.

### **The Public Eye**

After his arrival in Australia, Ben-Menashe continued to understand that for him maintaining a public profile was crucial. However, his accounts of U.S.-Israeli espionage activities including some involving Australia, were met with disbelief by Australian journalists who were influenced by disparaging stories about his credibility from some parts of the U.S. media.

Ben-Menashe did manage to stay in the public eye, becoming something of a media celebrity in Australia. Despite doubts about his overall credibility, the record shows that Ben-Menashe certainly was telling the truth about requests for his testimony in the United States.

Congressional investigators looking into the origins of the Iran-Contra scandal sought him to testify about what else he might know. They were out to discover whether or not the alleged Republican-Iranian contacts in 1980 were the real starting point.

Parry, who left Newsweek in mid-1990, interviewed Ben-Menashe for a PBS Frontline documentary about the October Surprise mystery broadcast in April 1991. The two stayed in touch and Ben-Menashe agreed to be interviewed again on related topics during a return trip to the United States when Democratic congressional investigators also intended to speak with him in Washington.

However, before Ben-Menashe's scheduled flight from Australia to the United States, Parry said he received a tip from a long-time intelligence source who claimed a plan was afoot in which officials of the Bush administration would detain Ben-Menashe after his flight touched down in Los Angeles and then transfer him onto a flight bound for Israel. It sounded like the Vanunu precedent that Ben-Menashe had feared.

Reflecting on those events in a [2011 article](#) for the online publication [Consortiumnews.com](#), Parry wrote that he wasn't sure what to make of the tip and contacted congressional investigators who were planning to interview Ben-Menashe. He received a call back from House Foreign Affairs Committee chief counsel, R. Spencer Oliver, who said the response he got from the Bush administration made him believe there might be something to the warning.

"Oliver said he needed time to make it clear to the administration that interference with a congressional investigation would not be tolerated," Parry told me. Ben-Menashe was just about to leave for the Sydney airport when Parry called him to suggest that he not get on the plane.

"Ben-Menashe agreed to delay his departure," said Parry. "Subsequently, Oliver called back saying he had received assurances from the administration that Ben-Menashe would be allowed into the United States. I called Ben-Menashe with this information" and he rescheduled his flight. Thus, Ben-Menashe may have narrowly averted becoming a second Vanunu.

Ben-Menashe made reference to Oliver's arrangement with the Bush administration in one of his written appeals made to Australian authorities for asylum. On May 15, 1991, he explained to immigration officials that "all visits to the US are under congressional protection and that will run out."

### **Taken Aside**

Ben-Menashe's flight headed for the United States on the weekend of May 18-19, 1991. On arrival in Los Angeles he was pulled aside by U.S. immigration officers, but after being subjected to aggressive questioning was allowed to continue to Washington where Parry met him at Dulles Airport. Parry described the Israeli as "quite agitated and shaken. He felt he was under surveillance and that his life was in jeopardy."

Two decades later in preparing the article about this incident, Parry said Ben-Menashe had recently told him that an old friend in Israeli intelligence later confirmed there was a plan to deny him entry to the U.S. and ship him to Israel or find some other way to neutralize him.

"According to Ben-Menashe, the ex-Mossad official said Israeli intelligence, though frustrated in their attempt to get their man, had him under surveillance. He said the ex-official told him there was consideration about simply killing him if there could be sufficient deniability," Parry said.

Ben-Menashe was later debriefed by House committee counsel Oliver. In that interview Ben-Menashe recounted his story of the October Surprise meetings and other aspects of his intelligence work for Israel, before returning to Australia to continue work on his memoir.

According to Parry's account, Oliver said he was particularly struck by one of Ben-Menashe's seemingly implausible claims that he had spent time on assignment in Ayacucho, Peru. Oliver said he was amazed when he later located a witness who remembered dealing with the mysterious Israeli in that remote Peruvian city.

## Disinterest in Canberra

In such a politically charged atmosphere, one would expect Australian immigration officials to refer the Ben-Menashe matter directly to the Prime Minister, who would almost assuredly have alerted ASIO (the Australian Security Intelligence Organization) and ASIS (the Australian Secret Intelligence Service).

But in Australia's capital of Canberra, no one appeared eager to debrief the Israeli blow-in who professed inside knowledge of operational secrets of two of its closest allies, the U.S. and Israel as well as Australia's alleged role in the transfer of weapons and laundering of profits.

Instead the Labor MP Michael Danby, a former editor of the Australia/Israel Review who in 2011 was revealed by WikiLeaks as having been among a clutch of political informers to the U.S. Embassy in Canberra picked up the theme that Ben-Menashe was "a low-level translator" unworthy of serious consideration. But other political leaders sensed a more substantial scandal.

John Howard, at that time still an opposition Liberal Party backbencher, twice met privately with Ben-Menashe in Sydney. Later to become Australia's second-longest serving Prime Minister after Sir Robert Menzies, Howard was annoyed when word of his secretive meetings found its way into the media. He explained:

"I am interested as an Australian parliamentarian in what he has to say because they are, to say the least, interesting allegations. Obviously, if true, they would be very disturbing. The story seemed altogether too detailed to be totally implausible. Whenever you pressed for some detail he was able to provide it."

Among matters Howard discussed with Ben-Menashe was the movement of weapons through the port of Fremantle in Western Australia, as well as the laundering of funds in Australia from the illegal sale of arms to Iran. Yet, given the heightened state of allied anxiety over Ben-Menashe's disclosures, Australian Immigration appeared to focus more on finding reasons to deny him asylum.

When published in 1992, Ben-Menashe's own book, *Profits of War*, provided a remarkable account of the joint cloak-and-dagger operations conducted by U.S. and Israeli intelligence. It also provided a credible explanation as to why Australian authorities were so determined to deny Ben-Menashe asylum.

Apart from damning Reagan and Bush for their involvement in the October Surprise and Iran-Contra scandals, the book exposed Australia's role in shipping military equipment to the Middle East in support of the undercover initiative to arm Iran.

Ben-Menashe was also unequivocal about another matter, that the Western Australia branch of the Australian Labor Party (ALP) was handsomely compensated for Australia's complicity in the three-way intelligence operation. The political contribution to the ALP was allegedly made by way of a \$US6.5 million check passed through a CIA intermediary acting for the U.S. company Hadron, whose clients included high-profile defense contractors and the CIA.

The book named Perth businessman Yosse Goldberg as having received the check, which he allegedly forwarded to billionaire Alan Bond in his capacity as vice-president of the John Curtin Foundation, which was the ALP's fund-raising arm. (This remains another stunning but untested revelation.)

At the time, Bond was quite popular, having lifted the America's Cup yachting trophy from U.S. holders in 1983. As Wikipedia noted, "Australia went wild with patriotism and national fervor like never before. The Prime Minister, Bob Hawke, was in the midst of it all and captured the mood of the moment by stating that: 'Any employer who sacks a worker for not coming in today is a bum.'"

### **Political Money**

Around the same time that Ben-Menashe was awaiting a decision on his bid for permanent residency, a government inquiry by the Western Australia Inc Royal Commission had begun to cut a swathe of devastation through the state branch of the ALP. Of particular interest was the apparent ability of former Premier Brian Burke to raise large sums of money from private donors.

Within a month of Ben-Menashe's unexpected 1991 arrival in Australia, Prime Minister Hawke of the then-ruling Australian Labor Party recalled Burke from an overseas posting as Australian Ambassador to Ireland and the Holy See. In view of subsequent revelations, it became apparent that a central issue prompting Burke's recall was Ben-Menashe's arrival in Australia in particular his wish to provide testimony over specific money matters to the WA Inc inquiry.

Investigators have since confirmed they followed various lines of inquiry as a result of questioning Ben-Menashe, but said he was prevented from taking the stand due to the commission's tightly framed terms of reference. Those limits restricted them from investigating possible corruption or illegal conduct "by any person or corporation in the affairs, investment decisions and business dealings of the Government of Western Australia or its agencies, instrumentalities and corporations."

Meanwhile, in Canberra, Minister for Immigration Gerry Hand was kept fully informed about the progress of Ben-Menashe's refugee application. Documents recovered through a Freedom of Information request show that Hand, if not the

Prime Minister himself, was keen to discover the nature and extent of media coverage given to Ben-Menashe's allegations about corruption in high places. [See [here](#) and [here](#).]

On Oct. 23, 1991, Ben-Menashe was informed that his refugee application had failed. The letter he received cited a paragraph from an amended 1967 protocol relating to the 1951 UN Convention under which he had applied, which allowed the department to decide the initial application "did not meet the criteria." [See [here](#) and [here](#).]

A departmental officer declared that "there appears to have been ample opportunity for one government or another [the U.S. or Israel] to have taken action against Mr Ben-Menashe if his political importance made him of real interest to them. Consequently I do not accept that the applicant has been effectively rendered stateless or that he is in a life-threatening situation."

Ben-Menashe appealed the finding, but on Dec. 12, 1991, the Refugee Status Review Committee confirmed the adverse ruling. A letter signed by its Chairman said in part: "The applicant's fear of the consequences of breaking Israeli law does not warrant international protection under the Convention. The applicant has, therefore, not established a well-founded fear of persecution were he to return to Israel." [See [here](#), [here](#), [here](#) and [here](#).]

### **Some Doubts**

However, the decision was not unanimous. One member of the panel added, "I request a meeting to discuss aspects of this case, particularly the matters of what constitutes persecution given this extraordinary mix of international conspiracies and intrigue and the laws under which the applicant could be charged should he return to Israel.

"I believe the applicant has been an intelligence operative of the Israeli Government and has been involved in various arms deals. The American use of Israel to sell arms to Iran during the Iran-Iraq War is attested to by a number of sources. The delay in the release of the American hostages also is now widely accepted as true."

Indeed, if Ben-Menashe's claims could be verified then Australia stood to gain extraordinary intelligence about the undercover workings of key allies, unless, of course, Hawke and his Australian Labor Party already knew a great deal about those secrets because they were party to them and didn't want them publicly exposed. (Hawke himself hailed from Western Australia, the site of the alleged payments to the ALP.)

For whatever reason, official Canberra looked the other way, as did a joint

standing committee on electoral matters set up ostensibly to “inquire into disclosure of donations to political parties and candidates.” Parliament’s refusal to take the matter seriously was curious, if not damning, since Ben-Menashe had agreed to return to Canberra to provide testimony in person.

On Dec. 28, 1991, after Ben-Menashe had returned to Australia from the United States on a temporary entry visa, Australian officials took steps to revoke Ben-Menashe’s multiple-entry permit. With his temporary visa due to expire, Ben-Menashe was thus effectively prevented from returning to Australia should he leave to provide further testimony to the U.S. Congress.

This time, Ben-Menashe appealed not to the Immigration department but to the Federal Court in New South Wales on grounds that the revocation was a breach of natural justice. “When I arrived at Sydney airport I was taken by Immigration officials into a room. In my presence they stamped a ‘Cancelled’ stamp over my current visa,” Ben-Menashe told the judge.

The court agreed and ordered Immigration authorities to file an affidavit by Jan. 22, 1992, identifying the relevant decision-maker and the material on which the decision was based. The ruling had the effect of forcing the department to show cause why it was so keen to order Ben-Menashe out of the country.

Not willing to provide more details, Immigration authorities offered Ben-Menashe a deal. Provided he discontinued court action, he would be free to demonstrate entitlement to a six-month entry permit, with the possibility of reinstating his visa. The department also offered to pay his costs. The move spared the government the need to comply with the court disclosure order. It also persuaded Ben-Menashe to discontinue his legal battle.

On Jan. 20, 1992, the Immigration department agreed to extend Ben-Menashe’s visa allowing him to stay in Australia until April 18, 1992. However, Immigration authorities finally played their trump card by alerting Ben-Menashe that, since his application for refugee status had been denied and he was no longer a bona fide visitor, his tourist visa would expire April 18, 1992.

In the end Ben-Menashe left Australia of his own free will without further resort to the courts. He departed shortly after a state visit to Australia by the very man against whom he had provided testimony to congressional investigators U.S. President George H.W. Bush.

Bush gave a first-ever address to the Australian Parliament by a U.S. president. Before leaving Australia, Bush arranged a special meeting with someone he regarded as an “old friend.” It was no less than former Prime Minister Bob Hawke.

Ben-Menashe continued to claim that Hawke's Labor Party had benefitted directly from the secretive U.S. donation in 1987 money that had helped the popular leader to remain in office as prime minister for a third term.

### **Back in the USA**

In the United States, Ben-Menashe's credibility continued to come under withering attack, but he refused to budge from his sworn testimony about the October Surprise machinations, which he had given to a congressional task force assigned to look into the allegations.

The intense U.S. media attacks on the supposed "low-level translator" and the stern denials from the then-sitting president, George H.W. Bush, carried the day in Official Washington. It didn't seem to matter even when some Israeli officials confirmed that Ben-Menashe, indeed, had been involved in important clandestine operations for Israel.

For instance, American journalist Craig Unger was told by a senior intelligence official, Moshe Hebroni, that "Ben-Menashe served directly under me. He had access to very, very sensitive material." [*Village Voice*, July 7, 1992] In the Israeli daily, *Davar*, reporter Pazit Ravina wrote, "in talks with people who worked with Ben-Menashe, the claim that he had access to highly sensitive intelligence information was confirmed again and again."

Substantial corroborating evidence also emerged that Reagan operatives in 1980 had contacted Iranian leaders behind President Carter's back. But Republicans were determined to exclude from the investigation any investigator who thought Ben-Menashe might be telling the truth.

At the insistence of Bush's Republican allies on Capitol Hill, the House October Surprise task force blocked participation by House Foreign Affairs Committee chief counsel Spencer Oliver, although he may have been the most knowledgeable congressional investigator on this topic.

Then, after President Bush lost his own re-election fight in November 1992, there was a sense that pressing for the full truth about Bush's role in the October Surprise case or in the Iran-Contra scandal amounted to piling on. Some Democrats feared that further investigation would only fuel Republican anger that would be taken out on Democratic President Bill Clinton once he assumed office in January 1993.

So the October Surprise task force under the leadership of Rep. Lee Hamilton, a centrist Indiana Democrat known for his avoidance of confrontation with Republicans pushed aside late-arriving evidence that pointed increasingly to the guilt of Ronald Reagan and George H.W. Bush.

That evidence included sworn testimony that supported Ben-Menashe's claims of a secret meeting in Paris and a lengthy letter from former Iranian President Abolhassan Bani-Sadr who described the internal disagreements in Tehran about the Republican overtures. [For details, see Robert Parry's Secrecy & Privilege or his new book, America's Stolen Narrative.]

Indeed, so much incriminating evidence arrived in December 1992 that the task force's chief counsel, Lawrence Barcella, later said he urged Hamilton to extend the investigation three more months, but was told instead to wrap up the inquiry with a finding of Republican innocence.

With his hands tied, Barcella said he even set aside a secret report from the Russian Duma, which was delivered to U.S. officials on Jan. 11, 1993, just nine days before Bush left office. The Russian report indicated that Soviet-era intelligence files confirmed the alleged Paris meeting with Bush in attendance. [See Consortiumnews.com's "Key October Surprise Evidence Hidden."]

The Russian report, like much of the other evidence, was simply stuck into boxes that were then shipped out for storage. Parry later gained access to some of this material and published the contents at the Consortiumnews.com Web site. [For the most recent developments, see the "New 'October Surprise' Series."]

However, the dismissive report by the October Surprise task force, issued on Jan. 13, 1993, cemented Official Washington's opinion about Ben-Menashe, that he was just "a low-level translator" who had lied about his role in events that had never taken place.

New evidence that has surfaced in the nearly two decades since like the Russian report confirming the allegations of a Republican-Iranian deal in 1980 has failed to shake that conventional wisdom in Washington or Canberra.

Ben-Menashe, the "almost Vanunu," later settled in Montreal where he married a Canadian woman and was granted Canadian citizenship. To this day he insists that his accounts about covert U.S.-Israeli operations with Iran, and Australian involvement, are true.

[**Update:** On Dec. 2, 2012, Ben-Menashe narrowly escaped when his home in Montreal was firebombed, a case of arson that has not be solved.]

**Marshall Wilson is an Australian journalist who over the past 40 years has worked on mainstream newspapers in his native South Africa, the UK and Canada. In the 1960s, he covered Nelson Mandela's treason trial in Pretoria and witnessed the start of the terror war in Rhodesia, now Zimbabwe, as well as the outbreak of hostilities in Angola.**

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# Drone Danger: Making War Too Easy

The lethal-drone debate's focus on the legality of killing Americans in al-Qaeda obscures the larger problem of waging war indiscriminately and thus creating new enemies. In that view, President Obama has stretched his legal authority past the breaking point, says Independent Institute's Ivan Eland.

By Ivan Eland

Although so far, President Barack Obama seems to have less warlike inclinations than George W. Bush (perhaps damning by faint praise), getting out of Iraq, finally scheduling to mostly pull out of Afghanistan, and going against all national security advisers by refusing to lethally arm Syrian rebels, in one area he seems more bellicose. That area is war from the air.

Obama's Democratic predecessor, Bill Clinton, learned from his own fiasco in Somalia in 1993, when U.S. Rangers were killed, to avoid interventions on the ground by instead prosecuting air campaigns (against Bosnia, Kosovo, and Saddam's Iraq). Similarly, Obama has learned from George W. Bush's quagmire in Iraq and Bush's and his tar pit in Afghanistan to avoid ground pounding in favor of strikes from the air. And air campaigns are usually cheaper in blood and treasure than slogs on the ground.

However, just because air war is cheaper and no Americans are normally killed, it doesn't make such military intervention a good idea or constitutional. In Libya, the use of allied air power to overthrow Muammar Qaddafi has further destabilized the country, led to the deaths of the U.S. diplomatic personnel at the hands of Islamists empowered during the conflict, and distributed Qaddafi's huge weapons stockpiles to other unstable countries in Africa, including Islamists in Mali who took over half that country.

Similarly, Obama's expansion of George W. Bush's drone war (targeted assassinations really) against Islamist extremists has become counterproductive. Originally centered on killing high-level operatives of the main trunk of al-Qaeda in Pakistan who were trying to strike the United States, now American drone attacks are mainly striking mid-to low-level Islamist fighters in Pakistan and Yemen who focus their attacks on the Pakistani and Yemeni governments.

As the attempted Times Square and underwear bombings show, the U.S. now has new enemies in the Pakistani Taliban and al-Qaeda in the Arabian Peninsula, respectively. The same blowback may happen in Somalia and other countries where drones are being used to target would-be terrorists. These examples show what

mischievous presidential administrations and military bureaucracies can get into when they run out of top-tier targets.

Even more problematical than the blowback is the dubious constitutionality of the expanded drone campaign. Although even liberals have been screaming that Obama's killing of Americans with drones is a violation of civil liberties, that problem is not the most severe. The worst problem is Obama's killing of Americans anywhere anytime using secret criteria.

If a band of Americans decided to participate against the U.S. government in a conventional war that was properly declared or approved by Congress, the president could constitutionally kill his fellow citizens without trial, using drones or any other weapon system.

One could even make the case from the debates in the Constitutional Convention of 1787 that George W. Bush had the constitutional authority to take initial military action against the perpetrators of the 9/11 attacks (including any Americans) without congressional authorization, as long as he believed he was stymieing another imminent attack.

However, as the severity of the immediate threat waned, Bush then should have sought authorization from Congress for any continuing war. Bush actually exceeded this constitutional standard by getting Congress to pass an Authorization of the Use of Military Force (AUMF) against the perpetrators of 9/11 and any nation harboring them even before he took any military action in Afghanistan.

Obama's lawyers have argued that it would be lawful to kill a U.S. citizen if "an informed high-level official" of the government decided that the target was a ranking person in al Qaeda who was "an imminent threat of violent attack against the United States" and if his capture was not possible.

The major problems with Obama's expanded drone war are that he is stretching the terms "imminent threat" beyond recognition to justify dubious unilateral presidential action and that he is now targeting regional al-Qaeda affiliates in Pakistan, Yemen, and Somalia, all of which had no role in the 9/11 strikes and which focus their attacks mainly against local governments.

This expanded war is congressionally unauthorized, and so it is illegal and unconstitutional to kill anyone in these countries, Americans or foreign peoples.

There is now talk about setting up a secret court to approve adding Americans to the terrorist kill list, much like the Foreign Intelligence Surveillance Act (FISA) court does for spying on Americans. Although this is some check on the

Executive Branch (although the FISA court has let presidential administrations run wild by denying very few requests for surveillance), court approved killings will merely validate the president in conducting secret, undeclared, and therefore congressionally unapproved wars, thus, essentially being able to kill anyone anywhere he wants using secret criteria, Americans included.

These secret wars are a much bigger deal than just killing a few American would-be terrorists here and there and have no place in a republic. If a state of war for the United States doesn't exist in these far-flung places, the president shouldn't be killing anybody, and Americans accused of terrorism outside congressionally approved battlefields require due legal process in open court.

**Ivan Eland is Director of the Center on Peace & Liberty at The Independent Institute. Dr. Eland has spent 15 years working for Congress on national security issues, including stints as an investigator for the House Foreign Affairs Committee and Principal Defense Analyst at the Congressional Budget Office. His books include Partitioning for Peace: An Exit Strategy for Iraq The Empire Has No Clothes: U.S. Foreign Policy Exposed, and Putting "Defense" Back into U.S. Defense Policy.**

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