

Clandestine Agency With a Need to 'No' Shows Its Rules—Somewhere in Rosslyn

12/20/93

By George Lardner Jr.
Washington Post Staff Writer

Bill Dobrovir was miffed from the day he was ushered into a windowless room at CIA headquarters and required to sign a secrecy agreement before he could see a single piece of paper.

A Washington lawyer retained to represent a man whom the CIA wanted to fire, Dobrovir needed to familiarize himself with the agency's personnel regulations but was not allowed to make copies.

He was permitted to read the rules and take notes but said he had to leave the notes behind so CIA officials could determine whether he had jotted down anything that might compromise national security. The notes were duly sanitized and faxed to him.

Dobrovir said he used what he learned to appeal the dismissal notice and eventually struck a compromise whereby his client agreed to leave the CIA "under circumstances that were acceptable to him."

The secrecy still rankled. What Dobrovir learned from the regulations, he said, was indispensable to determining whether his client had been treated properly and "whether I could get him a better deal, which indeed I was able to do."

So Dobrovir filed a Freedom of Information Act request for the CIA's personnel regulations and procurement regulations and related material. "Normally, those [personnel] regulations are readily accessible in full text [from federal agencies], either by publication in the Code of Federal Regulations, or by direct, immediate transmission on request," he said in a subsequent affidavit. "The CIA's insistence on limited access and no copies is unique in my experience."

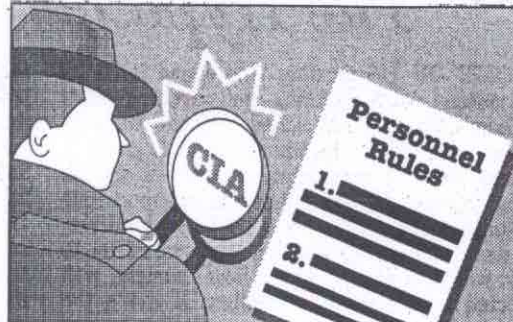
The request was submitted in April 1990. After two years of no progress, Dobrovir filed suit in U.S. District Court here. He won a small victory this fall with a settlement of the suit in which the CIA promised to make its personnel regulations, grievance procedures, acquisition handbook and two-volume contracting manual "available for public inspection and copying."

This month, the CIA published the "notice of availability" in the Federal Register, without saying where the inspection and copying can be done. Dobrovir said he was told to go to a CIA reading room, somewhere in Rosslyn, but the notice simply tells interested parties to call John H. Wright, the CIA's information and privacy coordinator whom Dobrovir said he never could reach.

"The reason I had to file suit," Dobrovir said in an interview, "was that I kept calling Mr. Wright and the people who answered the phone refused to put me through to him. I decided the only way to get their attention was to file a lawsuit."

The resulting disclosures, covering more than 1,000 pages, hardly make for X-rated reading although Dobrovir believes that they constitute a healthy advance for open government. The regulations generally are "perfectly standard government procurement and personnel regulations," he said.

They do have some interesting and unusual twists.



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Among the papers, for instance, one regulation covers "compensation of certain foreign national employees imprisoned by foreign governments because of their employment by the agency." Claims must be filed "within 3 years after termination of the period of imprisonment giving rise to the claim; or the date of the claimant's first opportunity to file such a claim . . . whichever is later."

Another regulation, not likely to be found at other agencies, deals with the kind of domestic duties that qualify an employee for the CIA's retirement and disability system.

These duties include "the continued practice of trade-craft in support of clandestine activity," such as skillful use of "agents, agent nets, briefing, caching, casing, codes, control, cover, cutouts, defection, interrogation, penetration, recruitment, safehouses, subversion, surveillance, and may include such other elements as air and sea drops, escape and evasion, guerrilla warfare, propaganda, provocation, radios, resistance, sabotage and staybehinds."

The records also include an "employee misconduct report for 1991," showing that 42 investigations completed that year "resulted in findings of serious misconduct" and 14 referrals to the Justice Department for possible criminal action.

"The most frequent misconduct involved improper handling of classified information [11 cases], fraud [10 cases] and theft [8 cases]," Frank J. Ruocco, acting CIA deputy director, said in a summary.

The records also are pockmarked with deletions. Blacked out, for example, are the CIA's current "affiliation code, which defines the nature of an individual's relationship to the agency"; a list of CIA "building abbreviations," and a rundown on "office telephone extensions" at the agency.

Dobrovir said access to the documents still will give CIA employees a good understanding of their rights, deletions notwithstanding.

The CIA said it does not want to say where the documents can be read.

"It's in Rosslyn," CIA spokesman David Christian confirmed, "but we don't hang out a shingle. . . . Jack Wright will disclose the location once an interested party contacts him."

Or he will send copies, at 10 cents a page.