

White House Revises Assassination Ban

CIA Director Reveals New Interpretation

11/4/89
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CIA Director William H. Webster said yesterday that the Bush administration has given Congress a new legal interpretation of the executive order banning covert U.S. involvement in assassinations that would allow the Central Intelligence Agency to help coup plotters in other countries as long as the death of a political leader is not their explicit goal.

Webster said the still-classified Justice Department opinion issued Oct. 27 recognizes that "you cannot equate violence with assassination." He indicated that the agency thus could assist an attempt to remove a foreign leader who was then killed accidentally.

"Our job is not to be part of a plan to cause the death of a political figure," he said, adding that also means "we shouldn't be part of a plan that we know someone else is going to seek to cause the death of a political figure."

Asked whether this means the ruling does not extend to the killing of a political figure accidentally, Webster replied, "That's the legal guidance."

In a wide-ranging interview with Washington Post editors and reporters, Webster provided an unusually candid account of his views on a wide variety of issues ranging from the current situation in the Soviet Union, East Germany, Afghanistan, China and Panama to the plight of the hostages held in Lebanon and the investigation into the bombing last December of Pan Am Flight 103.

Apparently seeking to demonstrate that he has gained a mastery of complex foreign policy issues, Webster spoke confidently and in detail on most of those subjects even while seeking to avoid any expression of his own opinions on con-



WILLIAM H. WEBSTER
... "intelligence shortfall" on hostages

troversial policy issues. Webster has been criticized by some senior Bush administration officials as failing to master his subject matter and for declining to offer policy advice to the president.

The CIA director made these other points during his 90-minute interview over lunuch at The Post: ■ The administration hopes to locate, seize and bring back to the United States for trial the terrorists responsible for the bombing of Pan Am Flight 103 on Dec. 21 that caused the deaths of all 259 people aboard and 11 others in Lockerbie, Scotland, where it crashed.

Anticipating the possibility of such action, the Justice Department, he said, has created a new term, "rendition," to describe the act of capturing and bringing back to the United States a criminal suspect. Webster confirmed that the

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United States believes it has the legal basis for kidnaping a terrorist in another country even without the knowledge and permission of its government.

The term was contained in a Justice Department legal opinion issued last June and is particularly aimed at allowing the CIA or Federal Bureau of Investigation to seize a terrorist in countries like Lebanon, where there is no longer any rule of law.

■ The United States faces "a very real possibility" of having to decide to try to save some, but not all, of the eight American hostages being held in Lebanon by Iranian-inspired terrorists. That choice would arise, Webster said, if the United States acquired firm intelligence on the whereabouts of only some of the hostages. He said the decision about what to do in that case would have to be made by higher-ranking officials.

Webster acknowledged that the CIA and other U.S. intelligence agencies suffer from a serious "intelligence shortfall" about where the hostages are at any given time, a problem complicated by the fact they are not kept all together.

■ The CIA thinks that Soviet leader Mikhail Gorbachev has consolidated his power and has "running room," but at the same time Gorbachev is under mounting pressure to make good on his promised reforms.

■ The political change underway in East Germany is "one of the phenomena that is going much faster than anybody could have anticipated" and that when this happens "you might have violence." He said he found during a recent European trip that West German leaders were "really worried" that the fast pace of change in East Germany would "backfire" on Gorbachev's reform efforts.

■ The agency thinks that probably "thousands" of people have been killed in China since the outbreak of the pro-democracy movement last spring and that a serious power struggle is underway in Beijing and is being conducted within the Communist Party's central military commission, of which Chinese leader Deng Xiaoping is chairman.

■ The CIA thinks that the U.S.-backed Afghan resistance is slowly winning the war against the Soviet-supported regime in Kabul and that the Soviet Union, now providing \$300 million a month in military aid, has taken on "a very expensive gamble" in Afghanistan.

■ The coup attempt in Panama early last month failed mainly because its leaders "planned to do it themselves" without any U.S. assistance and to carry out "an old-fashioned coup where people don't have to get hurt."

Speaking about the months-long debate between Congress and the CIA over the meaning of the 1976 executive ban on U.S. involvement in assassinations, Webster said he felt the outcome was that "we're back to a basic executive order that says you [the CIA] will not engage in assassination."

"We now have the extensive opinion from the Department of Justice that gives us an understanding of what the heck that [assassination order] means," he said.

He said the CIA, in seeking the new interpretation, was not seeking "an invitation for us to engage in more coup plotting . . . but simply, if we are asked to do it, that we be asked to do it under rules that comply with the Executive Order and are not so unrealistic that we will end up not succeeding."

Webster said the Justice Department had begun

drafting the new interpretation immediately after the failed Panama coup Oct. 3, though he said it would have made no difference to the situation in Panama if the new guidelines had already been in place. Webster said Justice's Office of Legal Counsel under Assistant Attorney General William P. Barr, had pored through "boxes of files" concerning its meaning that had accumulated since the original Executive Order was issued in 1976.

The Justice Department legal opinion, he said, is "not that complicated" but is "several pages" in length. Barr has already briefed him on the meaning of the interpretation, he added.

Another administration official familiar with the drafting of the new opinion said late yesterday that a team of six Justice Department lawyers and another four from the CIA had searched through 160 boxes of documents from the Ford, Carter and Reagan administrations to determine whether the executive order was meant to exclude U.S. involvement in coups where violence and accidental death were possible.

The official said the Justice Department opinion did not constitute a loosening of the rules but rather a clarification of the basic meaning of the 1976 Executive Order.

Asked whether he thought the Senate and House intelligence committees would accept the new interpretation, Webster said there were always "mixed views" among their members about whether the United States "should have anything at all to do with coups." But he said he felt "the air has been sort of cleared" now and that the various conflicting interpretations of the order that had accumulated since 1976 like "barnacles" removed.

Senate intelligence committee sources said that as of late yesterday afternoon, the committee had not received the Justice Department's new legal opinion, though it was expected imminently. Told Webster's description of it, one source said, "I don't think we're going to have a great deal of trouble with it."

Regarding the hostages in Lebanon, Webster was frank about what he called the agency's "intelligence shortfall" which he said stemmed partly from "the nature of terrorism" and partly from the chaotic conditions in Lebanon.

"Over there, you cross the street and people are wondering what you're doing on their side of the street. It's about the world's worst environment to conduct any kind of intelligence," he said, adding "It's hard for our assets, and we do have assets over there, to communicate with us."

The American hostages were being moved around "all the time" and "they're not all together."

Webster said the CIA was "pretty much" convinced Lt. Col. William R. Higgins had died long before Lebanese terrorists produced last July 31 a videotape of his body hanging from a rope and that there was some intelligence indicating he may have been killed in early July 1988 at the time the USS Vincennes shot down an Iranian jetliner over the Persian Gulf.

Soviet Union and East Europe

Gorbachev's in Control, But Time Is Shortening

Soviet President Mikhail Gorbachev has consolidated his political power, but is under growing pressure to show economic results from his *perestroika* reform program, Webster said.

The CIA director, who took pains to say he did wish to participate in the recent public debate within the administration about Gorbachev's prospects, said "there is a lot of pressure on Gorbachev to make the reforms visible" to the Soviet citizen and consumer.

"The time he has to make things happen is shortening," said Webster, not only because of the economy but also because of conflicts between nationalities in the Soviet Union and the implications of events in Eastern Europe.

Webster was asked about an intelligence estimate that reportedly said Gorbachev could be expected to stay in office for at least two more years. Webster said there were varying opinions about Gorbachev's staying power, but that the two-year minimum was "a kind of working number." He added, "I don't regard it as significant. . . . It doesn't say he will drop out in two years. It says he's got running room."

The degree of Soviet tolerance of independent actions in Eastern Europe, and especially East Germany, was another topic for the CIA director.

What impressed Webster about East Germany—and political leaders he saw during a recent trip to Western Europe—is "the pace of change [which] had reached the point that people were beginning to worry."

A key issue, said Webster, is what will the Soviet Union do about the situation in East Germany. "So far, it doesn't seem they are prepared to do very much."

Regarding the Soviet Union's own efforts at economic reform, Webster said the process of shifting the emphasis in the Soviet economy from military production to consumer goods is proving to be difficult and time-consuming. The CIA chief estimated it will take two years to make major shifts from military production, and another two years for consumers to begin to see results.

Gorbachev, who has shaken up the Communist Party Politburo and Central Committee and sponsored a process of contested elections and open parliamentary debate, is under "no imminent political pressure," in Webster's opinion.

Webster said, "It is a widely held view in the [Central Intelligence] Agency that every day [Gorbachev] remains in office and pushes his program, it reduces the likelihood that there will be significant changes in that

program if he should go out of office."

Many also think, he went on to say, that if Soviet conservatives should succeed in reversing Gorbachev's policies, "it would be nastier . . . it would require more violence and more repression than has been required" in the past several years.

"Nobody has written Gorbachev off by a long shot," said Webster, in a statement that appeared in contrast with some gloomy assessments heard from Soviet experts and some in the intelligence agencies. "His definable opposition is shrinking," Webster said.

Gorbachev's recent attempts to crack down on some elements of the Soviet press are controversial in Moscow and the United States. Webster mentioned them in passing from another angle, calling Gorbachev's recently revealed sensitivity to the Soviet press "the only indication we have that he is human."

On the political situation in East Germany, where some 5,000 were reported yesterday to have fled to the West German Embassy in Prague, Czechoslovakia, Webster said, "It is going much faster than anyone might have anticipated."

An apparent reason for the continuing flight of refugees, he said, is that the people of East Germany do not appear to be sure yet that the new communist leader, Egon Krenz, has seriously changed to a path of reform.

"Lurking here is a very important issue, reunification," observed Webster. "It has to be discussed. It's there," he said of the "German question which has suddenly returned to active debate after decades of being mostly dormant."

China's Future

Power Struggle Pits Revolutionary Comrades

A power struggle is underway for military control of China between senior leader Deng Xiaoping and another aged veteran of the 1949 revolution, Yang Shangkun, according to Webster.

The struggle is being fought out, Webster said, in the Communist Party's Central Military Commission, which makes policy for the armed forces and which is believed to have directed the military crackdown on dissenters

last June in Tiananmen Square in Beijing and elsewhere in China.

Deng, 85, is chairman of the military commission, his only remaining official post. Yang, 82, is vice chairman and secretary general of the military commission as well as president of China, a largely ceremonial post. Though they have been comrades for decades, Deng and Yang are reported to have very different ideas. Deng has been the leading advocate of reformist economic policies and, until recently, tolerated a substantial degree of independent political thinking. Yang is reputed to be more conservative in every way, though his precise views on most issues are unknown.

In the power struggle, Webster said, Deng is reported to be supporting the new Communist Party general secretary, Jiang Zemin, as chairman of the military commission. But Webster said the party chief, who was handpicked by Deng following the June crackdown, "has no constituency of his own" within the Chinese leadership.

Webster said it did not appear likely that there would be another violent eruption as in last summer's events, but that, "I think there is a lot of potential for change inside [the leadership] at this point."

Afghanistan's Civil War

Government Losing Despite Soviet Aid

The Soviet Union continues to provide massive military supplies to the beleaguered Afghan government army under President Najibullah but the *mujaheddin* rebels "are winning" the war, Webster said. He acknowledged that the pace of the rebels' advance is not rapid, however. "Maybe it seems glacial to some," Webster said.

The CIA director said the Soviet Union continues to provide supplies and equipment worth \$300 million monthly, at U.S. pricing in a "gamble [that] is very expensive." Over 1,000 surface-to-surface Scud missiles, which the U.S. says cost \$1 million each, have been fired since Soviet troops completed their withdrawal early this year, Webster said.

Webster said the Soviets were surprised that Najibullah was able to survive against the rebel assault after all Soviet troops had been withdrawn. So was the CIA—which, according to government sources, first had predicted that the Soviets would not withdraw from Afghanistan, and then predicted that the Soviet-backed regime would quickly fall.

The failure of the rebels to win any dramatic victories has led to descriptions of the Afghan war as a stalemate. But according to Webster, the rebels are "fighting actively and aggressively on a number of fronts," forcing the Soviet-backed forces to spread themselves

thin in self-defense. The Afghan government army, Webster said, has been reduced from 150,000 men to 120,000 men by deaths and desertion.

Though the Najibullah government remains in power in Kabul, said Webster, the rebels control about 85 percent of the territory, leaving the government effectively in charge of only a band of cities linked by a U-shaped road. He said the *mujaheddin* continue to besiege the garrison town of Khost near the Pakistani border, with the Afghan government parachuting men and supplies into combat with the rebels. Khost, he said, might be the first major government-held town to fall.

Pan American Flight 103

U.S. Seeks Procedure To Seize Suspects

Regarding the investigation into the mid-air bombing that killed all 259 people aboard Pan Am Flight 103 and 11 more on the ground in Scotland, Webster said the U.S. government is still not at the point where it could issue indictments and arrest warrants for anyone.

Webster praised the combined efforts of investigators from four nations to track down the terrorists responsible but said there had been "too much discussion" in the news media about their work.

"It makes it very difficult to lay traps and find new evidence when people start reading about themselves. And it makes countries and [security] services defensive. Right now the name of the game is for the bomb not to have been put on board in their country," he said. He added that by using the term "lay traps," he meant surveillance of suspects.

There have been a recent spate of reports that the bomb that destroyed the Boeing 747 was contained in a suitcase that was placed aboard the plane after it arrived in Frankfurt, West Germany, from Malta. Some sources believe the news leaks to have been the result of British intelligence officials angry at lack of cooperation from West German security officials.

"The assumption is: 'If it turns out to have been on board in my country, we will be accused of not having prevented it,' when the effort really ought to be how did it happen? Who did it? Where?" Webster added.

Asked whether the goal is to apprehend those responsible and bring them back to the United States for trial, the CIA director replied, "That's correct."

Webster said the Pan Am incident had helped the Justice Department to focus on the problem of establishing a legal basis for the capture and return of suspects in the bombing and that "they fashioned a new name, 'rendition.'"

Staff Writers Ruth Marcus and R. Jeffrey Smith contributed to this report.