

# CIA Given Free Hand In 1984-85

## Reagan Authorization To Counter Terrorists Called 'License to Kill'

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President Reagan signed intelligence authorizations in 1984 and 1985 for aggressive covert operations against terrorists that said any actions taken under the orders would be "deemed" lawful if conducted in "good faith," according to informed sources.

This language provoked disputes in the government because it was generally considered "a license to kill," sources said. An executive order then—and now—in effect also signed by Reagan specifically banned any direct or indirect involvement by U.S. intelligence agents in assassinations.

But key administration officials wanted to undertake preemptive operations that could result in killings—for example, blowing up a known terrorist hideout in Beirut—to combat increasing terrorist activity, the sources said. These officials also wanted legal protection from the existing executive order that prohibited any U.S. government participation in assassination, the sources said.

One source familiar with the details of the findings said the language was specifically designed to "circumvent the assassination ban," the latest version of which was signed Dec. 4, 1981, by Reagan.

Officials at the Central Intelligence Agency, including then-Director William J. Casey, wanted such language to protect U.S. field officers and the foreign strike teams contemplated by the intelligence findings, sources said.

A key source involved with the counterterrorist findings said they

were an "astounding blank check and truly a 'license to kill' provision." A former White House official called the orders the "go-anywhere, do-anything" authority.

As far as could be determined, no one was killed as a result of the intelligence findings Reagan signed.

Knowledge of this finding was tightly held, but it was known to key officials. White House officials

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have said that Vice President Bush would have been given a copy of or access to the finding.

A spokesman for Bush had no immediate comment last night. James A. Baker III, Bush's presidential campaign chairman, who was White House chief of staff when Reagan signed the 1984 finding, declined to comment.

The Reagan administration's decision to undertake potentially violent actions to counter terrorism grew out of intense frustration with continued car-bombings of U.S. facilities and the taking of hostages in Lebanon, sources said. Reagan signed the first finding with the so-called license-to-kill language on Nov. 13, 1984, just days after his landslide reelection victory. The House and Senate intelligence committees were not told of the critical language of the finding, the sources said.

That finding was rescinded on April 10, 1985, a month after a car bomb exploded in Beirut near the residence of Mohammed Hussein Fadlallah, leader of the Hezbollah faction of Iranian fundamentalists that the United States has tied to terrorist actions including the 1983 bombing of the U.S. Marine Corps compound in Lebanon.

The 1985 explosion killed more than 80 people, but not Fadlallah. The bombing was carried out by a group of Lebanese intelligence of-

ficers who U.S. officials originally considered potential assets for antiterrorist operations envisioned in the Nov. 13, 1984, intelligence finding.

However, sources have said that Casey—frustrated by his agency's failure to act rapidly—asked Saudi Arabia to fund and organize the Fadlallah bombing as an "off-the-books" operation outside official U.S. channels.

A month later, in May 1985, The Washington Post reported that Lebanese intelligence agents had been responsible for the Fadlallah bombing, and that Reagan's order authorizing preemptive antiterrorist activity had been rescinded.

This report provoked concern in the congressional committees charged with overseeing covert activities, which demanded an explanation from the administration. They were then given the language



**WILLIAM J. CASEY**  
... wanted to protect CIA officers

of the Nov. 13, 1984, finding. Committee members raised questions about its apparently broad authorization of actions that could evade the prohibition on any involvement in assassinations. The CIA assured the committees that the order had been rescinded and no longer applied, sources said.

However, after the hijacking of TWA Flight 847 in June 1985, Reagan signed a second finding on Aug. 11 with similar "good-faith" language.

This time the committees were briefed quite soon after the finding was signed, and they continued to raise questions about this provision of the order. Yet another intelligence finding on antiterrorist activity superseding the Aug. 11, 1985, finding was signed on May 12, 1986, without the disputed language. It remains in force.

Interviews here and abroad and a detailed review of records compiled during investigations into the Iran-contra affair show that the full extent and scope of the White House secret war against terrorists operated on many tracks, and some aspects of it are still secret.

The language in the 1984 and 1985 findings is somewhat ambiguous. The orders state that actions undertaken in good faith and as part of an approved operation "must be and are deemed" to be lawful. As one source said, the language is "inconsistent;" the drafters seemed to want to have it both ways, insisting that all actions "must be" lawful

but also stating that they "are deemed" lawful in advance.

"It's enough for any lawyer to drive a truck through," the source said, "but it makes it clear that [the administration] foresaw few limits" on the counterterrorist operations.

Officials involved at the time said there was an intense debate in the administration about the language in the findings. Participants in the debate knew that the language could be taken as a means of circumventing the ban on assassination, informed sources said.

But others said the "must-be" formulation was a deliberate effort to introduce ambiguity. Inclusion of those words satisfied lawyers and officials who feared the finding conflicted with the presidential ban on any involvement in assassination, according to several sources.

The language used in the Nov. 13, 1984, finding offered protection for U.S. officials and intelligence operatives similar to that contained in the first finding Reagan issued on the secret Iranian arms sales. In that Iran finding of Dec. 5, 1985, the president gave retroactive approval, stating that "All prior actions taken by U.S. Government officials in furtherance of this effort are hereby ratified."

The Iran arms sales were one manifestation of the frustrations that mounted in the top ranks of the administration in 1985. It was during that year that Casey went to the Saudis to get them first to try to assassinate and then to bribe Fadlallah.

Robert C. McFarlane, then Reagan's national security adviser, began the arms sales to Iran, and John M. Poindexter, then the national security deputy, concentrated on a secret attempt to get Egypt to attack Libya as part of a plan to oust Libyan leader Moammar Qadhafi.

During this period, June 1985, then-National Security Council staff aide Oliver L. North commenced an operation with McFarlane's approval to use two Drug Enforcement Administration agents to bribe others for the freedom of the American hostages at \$1 million apiece.

Counterterrorism had become a "cult" inside the White House and there was "a surge of let's go get the terrorists," according to a key U.S. official.

*Staff researcher William F. Powers Jr. contributed to this report.*