

'Loophole' Revealed in Prohibition on

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Waiving regulations that bar the practice, the CIA on "extraordinarily rare" occasions over the last 19 years has used American journalists or U.S. news organizations as cover in conducting clandestine operations, according to an intelligence official.

The official, who would not describe the instances, noted activities were undertaken under a waiver in CIA regulations formally adopted in 1977. Those rules ended the earlier agency practice of secretly employing American reporters and using the names of U.S. news organizations as cover for CIA clandestine officers.

The regulations were a response to public outcry after disclosures a year earlier by congressional committees that the CIA for decades had clandestine agents posing as journalists for American news organization.

Under the little publicized waiver, exceptions to the 1977 prohibitions could be made "with the specific approval" of the CIA director.

The intelligence official, who spoke on condition that he remain anonymous, cited that provision in saying, "Exceptions have been made in extraordinarily rare circumstances."

Asked about the official's comments, CIA spokesman Mark Mansfield said yesterday the 1977 regulation including the waiver "has been and continues to be the CIA's policy." He refused to discuss if any waivers had been granted.

Disclosure that existing CIA regulations continue to permit using American journalistic cover for intelligence operations came after an independent, blue-ribbon task force on intelligence sponsored by the Council on Foreign Relations recommended "a fresh look be taken at limits on the use of nonofficial covers" for clandestine operations overseas.

U.S. clergy and Peace Corps volunteers are, along with journalists, among categories the CIA is barred from recruiting. The prohibitions have never applied to foreign journalists, whom the CIA still looks to recruit, according to sources familiar with the matter.

The panel's recommendation, first reported

two weeks ago in The Washington Post, is part of a broader report on the future of U.S. intelligence. The recommendation regarding journalistic cover was controversial among the group's members and has since drawn sharp criticism from many editors and reporters.

Richard N. Haass, the council's project director and an official of the Bush administration's National Security Council, said yesterday he was unaware that current CIA regulations permitted use of journalistic cover in exceptional circumstances. "Our assumption was use was totally banned," he said.

Informed of the CIA director's right to waive the prohibitions, Haass said, "That is about right. The bias or norm ought to be against the use of journalists as spies . . . but one would not want to be in a situation of exceptional circumstances where the possibility . . . was automatically ruled out."

Richard Kerr, a former acting CIA director who was a member of the council panel, said yesterday he had initially raised the question of rethinking the ban. "I didn't think there was a

CIA Use of Journalistic Cover

loophole" in recruiting U.S. journalists, Kerr said yesterday.

Leonard Downie Jr., executive editor of The Washington Post, said yesterday, "It's disturbing to hear that the possibility exists that CIA has either used the cover of legitimate journalistic organizations without their knowledge, or somebody working for them has been recruited by the CIA."

He said the independence of news organizations from the government "is not only important for our credibility but is also important for the safety of our correspondents around the world."

Downie said The Post has "strictly adhered to a policy of protecting names and the safety of American intelligence officers when working under cover overseas." But, he added, "I would have to seriously consider making an exception to that policy if we ever were to discover the identity of an intelligence officer using journalistic cover and therefore endangering our correspondents."

Evan Thomas, author of a recent book on CIA clandestine operations and an assistant

managing editor of Newsweek magazine, said yesterday there are "inherent conflicts" in using journalistic cover, which can be "easily abused as it was in the past." But, Thomas added, "You would not want to rule out forever an opportunity in which a journalist might be the only one who could help in a desperate situation."

The panel's suggestion for a review of the limits on unofficial CIA cover overseas, according to Kerr and Haass, arose because human intelligence collection is becoming more important in the post-Cold War world.

Before 1977, CIA officers were able to recruit full-time and part-time reporters, accredited to U.S. organizations, for intelligence activities. They also were able to use U.S. news organizations as cover for agency officers.

When the CIA practices initially were exposed 20 years ago, congressional committees reported there recently had been 11 CIA officers posing as American journalists overseas and 15 U.S. organizations had cooperated over the years in providing cover. The names of those involved have never been made public.
