

THE FEDERAL PAGE

Relaxed CIA Covert Action Rules Urged

Blue-Ribbon Panel Wants More 'Risk-Taking' Within Limits of the Law

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A private, blue-ribbon task force is urging policymakers to consider allowing the CIA to resume sending out spies posing as American journalists or members of the clergy and lifting the ban on certain covert actions such as those designed to prevent terrorist attacks or support the overthrow of hostile regimes.

The Council on Foreign Relations panel also says the government should accept that CIA clandestine operations could require work with people with "unsavory reputations" who may have committed crimes, according to a draft of its report, which is to be released early next month.

The task force urged the agency's overseers in Congress and elsewhere to allow the CIA to engage in "risk-taking" in its covert activities, as long as its actions were legal under U.S. law.

The panel is suggesting that the embattled CIA should undertake more spying and covert activities abroad despite its "record of operating with questionable legality and judgment," the report says.

"No matter how controversial

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— Richard Kerr,
former CIA deputy director



this might seem," said Richard N. Haas, the council's project director and a former senior member of the Bush National Security Council staff, "it is worth taking a look at without prejudice."

The task force, which includes former top government officials, civilian leaders and retired military and intelligence officers, "hoped to stimulate a serious debate on these issues," Haas said.

Saying that certain potentially productive CIA clandestine activities are restricted by "legal and policy constraints," the panel said that "at a minimum . . . a fresh look be taken at limits on the use of nonofficial 'covers' for hiding and protecting those involved . . . and rules that can prohibit preemptive attacks on terrorists or support for individuals hoping to bring about a regime change in a hostile country."

Since the 1970s, the agency has been barred by executive order

from recruiting American journalists, members of the clergy and Peace Corps volunteers as agents or using such cover for case officers in the field. The CIA has also been prohibited from engaging in an operation that could result in the assassination of the leader or top officials of a foreign government.

The Bush administration, for example, was talked out of allowing the CIA to undertake a covert action to kidnap then-Panamanian President Manuel Antonio Noriega because agency officials could not assure congressional critics that no one would be killed in the operation, one former intelligence official said. "The end result," this former official said, "was that we invaded with American military forces and captured Noriega with more lives lost." Twenty-three Americans were killed and 322 were wounded in the operation.

The panel also recommended that "annual funding for the intelligence community should be declassified, as should information on basic elements of the intelligence program," a proposal that has been unsuccessfully pursued for the past several years in Congress.

The recommendations come as the CIA's Directorate of Opera-

tions, which handles clandestine activities, has drawn criticism and punishment for past failures, including the cases of confessed spy Aldrich H. Ames and embarrassing operations in Guatemala and France. These have led in recent years to a cutback in clandestine operations.

One result, according to the task force, is that the country's leaders do not receive important decision-making information or have the use of covert action as a national security tool to influence events overseas, the panel said.

"Contrary to widespread impressions, one problem with the clandestine services has been a lack of initiative brought about by a fear of retroactive discipline and a lack of high-level support," the draft said.

Richard Kerr, a former CIA deputy director and a member of the council panel, said that there was "some disagreement" among members of the panel about undertaking new covert action operations but that most of the proposals were generally accepted.

"There is a point where we have got to stop ripping the CIA apart," Kerr said.

A new push to station clandestine CIA case officers outside embassies, under "non-official cover," led the panel to call for reviewing a

20-year ban on use of American journalists and religious personnel.

"One's use of embassy cover is getting limited," Haas said yesterday, "and it's worth raising, does it still make sense to rule out altogether using journalists and the clergy? . . . It may, but the answer should not be automatic."

The council panel described covert action as "an important national security tool, one that can provide policymakers a valuable alternative or complement to their policies, including diplomacy, sanctions, and military intervention."

The panel said that personnel of the CIA's operations directorate need to be assured that if they keep superiors and Congress informed, "risk-taking will be supported" and they will be politically protected so long as what they do is authorized and legal under U.S. law at the time."

In another controversial area, the group said that undertaking clandestine operations "will often require associating with individuals of unsavory reputations who in some instance may have committed crimes."

A few CIA officials were recently reprimanded for not disclosing to Congress and the U.S. ambassador in Guatemala that a local military officer, who was working as a CIA informant, had allegedly had knowledge about an American who had been killed in that country as well as the husband of an American lawyer.

The panel said using such people as CIA agents "should be acceptable so long as the likely benefits outweigh the certain moral and potential political costs of the association."

The task force included former Ford and Bush national security adviser Brent Scowcroft; former Air Force chief of staff Gen. Merrill A. McPeak; Morton Abramowitz, former head of the State Department's Bureau of Intelligence and Research; former Army chief of staff Gen. Gordon Sullivan; and Paul E. Gray, former president of Massachusetts Institute of Technology.