

CIA Can Waive Prohibition Against Using U.S.

By Walter Pincus
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A controversial loophole permitting CIA officers in extraordinary circumstances to recruit American journalists as agents or use news-gathering organizations as cover also allows the agency to waive a similar 19-year-old ban on employing clerics or missionaries for clandestine work overseas, according to intelligence officials.

Yesterday, an agency official also disclosed that CIA regulations prohibit recruiting employees of members of Congress or congressional committees "without the approval of the member" for whom they work.

A senior staff member of the Senate Select Committee on Intelligence expressed surprise, saying he had

been unaware of such a regulation governing use of Capitol Hill employees.

Disclosure last week that the CIA has secretly waived the 1977 regulations in "extraordinarily rare" occasions, and used journalistic or media cover for intelligence activities overseas, has led to a call by some groups and individuals for a reassessment of the loophole.

Officials declined to say whether clerics, missionaries or congressional staff members had been used in clandestine operations abroad.

CIA Director John M. Deutch is likely to be questioned about the agency's policies on nonofficial cover for its secret operatives at a Senate intelligence committee hearing this morning, congressional staff members said.

One other bar on agency recruiting prohibits CIA use of Peace Corps volunteers. Unlike the internal CIA regulation that bars use of journalists and religious workers, one official said, this ban is based on a 1978 agreement between the CIA and the Peace Corps. "There is no intention of altering that agreement," he said.

The official said yesterday that he did not know whether the Peace Corps prohibition can be waived.

The issue of CIA use of various nondiplomatic covers abroad has attracted publicity as a result of a recommendation last week by a task force sponsored by the Council on Foreign Relations. The panel proposed a review of the "legal and policy restraints" that limited use of nondiplomatic covers.

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Clergy Abroad for Covert Work

Panel members who favored the review argued that new post-Cold War intelligence targets, such as terrorism and shipments of weapons of mass destruction, require CIA case officers to work outside U.S. embassies under "nonofficial" cover. However, the proposal reopened questions that some groups thought were settled 19 years ago regarding CIA use of journalists and religious workers.

CIA rules, approved in 1977, prohibit establishment of a covert intelligence relationship "with any U.S. clergy or missionary whether or not ordained, who is sent out by a mission or church organization to preach, teach, heal, or proselytize," an intelligence official said.

One exception, he added, permitted such individuals to carry out nonclan-

destine activities such as teaching or speaking with agency personnel "if their supervisors agree."

However, the official added, "as with any federal agency internal regulation, which is not required by law, the agency has the authority to waive an internal regulation" and use clergy or missionaries, apparently under the same extraordinary circumstances that apply to journalists.

The Rev. William L. Wipfler, who led lobbying by the National Council of Churches in 1977 to end the CIA's practice of using U.S. church personnel overseas as agents, said yesterday he was "never aware of the waiver 'loophole' granted to the director of CIA which has now come to light."

Although now retired, Wipfler said he had alerted the general secretary

of the National Council of Churches and the presiding bishop of the Episcopal Church.

The 1977 change in policy also ended the CIA practice of secretly funding religious organizations abroad. As journalists had argued, Wipfler said, when individuals and governments overseas learned that some missionaries worked for the CIA, "suspicion immediately fell on all missionaries."

Yesterday, the president of the Society of Professional Journalists, G. Kelly Hawes, sent Deutch a letter protesting the CIA "loophole" in the rules banning use of journalist cover.

The "possibility that intelligence officers may be operating under the cover of journalism places true journalists' lives and security in ... danger," he said.