

# CIA Accused Of Misleading Lawmakers

At Guatemala Hearing,  
Studeman Lists Errors

4/5/95  
By R. Jeffrey Smith  
Washington Post Staff Writer

Four senators who help oversee the CIA yesterday accused the spy agency of providing misleading information to Congress about the involvement of a paid CIA informant in the Guatemalan military in the 1990 murder of a U.S. innkeeper in Guatemala.

The lawmakers spoke shortly after acting CIA Director William O. Studeman acknowledged at a hearing that the agency had "made some management and procedural mistakes" in the matter. He said the errors occurred in handling information about the Guatemalan colonel and the murder of innkeeper Michael DeVine, and in handling evidence linking the same colonel to a second murder in the Central American country.

Regarding the latter killing, Studeman revealed that the CIA had obtained information as early as April 1994 linking the colonel to the 1992 interrogation and—by inference—the murder of Guatemalan guerrilla fighter Efraim Bamaca Velasquez.

That was eight months earlier than previously disclosed—and seven months before White House national security adviser Anthony Lake met with Jennifer Harbury, Bamaca's wife, in November to say that Washington still did not know the circumstances of her husband's death. The CIA first told the White House in January of the alleged role of Col. Julio Roberto Alpirez in Bamaca's death.

Studeman, offering the CIA's first detailed response to allegations of CIA wrongdoing that last week provoked the Clinton administration to order a broad probe of U.S. actions in Guatemala, denied that the CIA

See CIA, A10, Col. 1

■ U.S. Embassy seeks ways to monitor CIA activities. Page A10

## CIA, From A1

was "complicit" in either of the two murders or that it had "deliberately withheld information" about them.

Studeman's statement was not persuasive to Sen. William S. Cohen (R-Maine), who asserted at a hearing of the Senate Select Committee on Intelligence that the committee was deliberately misled and "may even have been lied to" by the CIA about the circumstances surrounding DeVine's death.

His complaint was subsequently endorsed by the committee vice chairman, Sen. Bob Kerrey (D-Neb.), and by Sens. John F. Kerry (D-Mass.) and John Glenn (D-Ohio). They spoke shortly before the widows of the two murder victims made impassioned pleas to the committee that Congress fully investigate the CIA's conduct and help the administration to obtain an accounting of the murders from the Guatemalan government.

The hearing was marked by much dissension among the lawmakers about the propriety of publicly airing details of the CIA's involvement in Guatemala, where the agency has said it spent as much as \$3.5 million annually in the late 1980s for lethal training and other aid to help the Guatemalan military battle a leftist peasant insurgency. Chairman Arlen Specter (Pa.), a Republican presidential candidate, sought at the outset to block any questioning of Studeman, a Navy admiral, in public session.

Republican and Democratic committee members rebelled, however, and the result was a lively exchange in which Studeman carefully skirted direct discussion of CIA payments to Alpirez, the officer linked to the two murders. But Studeman nonetheless said the agency reported Alpirez's alleged involvement to the Justice Department under a law that applies specifically to criminal activities by CIA sources or employees.

Studeman described the CIA's failure to report earlier the colonel's links to the Bamaca killing as one of three mistakes the agency had committed.

The two others were the CIA's failure to inform Congress about "important 1991 information" related to the slaying of DeVine, and a brief delay early this year in reporting significant new information on the Bamaca case by CIA officials "in the field," meaning the CIA station in Guatemala.

That lapse "contributed to our decision to recall our chief of station in Guatemala," Studeman said, adding that the CIA "is reviewing its procedures to implement corrective measures" for all three mistakes.

Studeman also said that the CIA's activities should be considered in the context of the "world that we came out of . . . in which there was an insurgency [with the CIA] fighting essentially Cuban-based, Marxist, or . . . indigenous guerrilla activities."

During the Cold War and post Cold War-eras, Studeman added, "it is a continuing dilemma that in collecting vital information on such topics, we do not necessarily find our sources among the pristine, the honorable, and the elegant." He called the CIA's failure to brief Congress on Alpirez in 1991 a matter that "slipped under the carpet, in all honesty," when CIA officers failed to follow through on a proposal inside the agency that they do so.

But by the end of the day, after Studeman had also testified about the CIA's activities in Guatemala in a closed hearing, Kerrey said he was angry at how little he had said and how difficult it was to obtain any meaningful answers.

Kerrey, in a telephone interview, said the CIA's "attitude is not as constructive as it should have been." He said the committee is "not getting full disclosure . . . [or even] a recognition that full disclosure is not occurring," perhaps because the agency's officials are not used to providing it.

Kerrey earlier referred to Guatemala as "a case study in the perils of secrecy."

Cohen and the other lawmakers who had complained about being misled declined to explain the basis for their accusation, saying that it involved classified documents. But sources familiar with the matter said later that the senators' remarks were provoked by a committee review of what the CIA had said in a classified report to Congress on human rights in Guatemala in April 1992.

In the report, CIA officials gave an account of the DeVine slaying that "was not the full and accurate story of what the CIA knew," according to a congressional source who spoke on condition he not be named. It did not, for example, indicate that the CIA had learned in October 1991 that Alpirez may have been present at DeVine's interrogation.

In addition, when committee staff aides asked follow-up questions about the case, CIA officials gave oral answers that Cohen and the other lawmakers now say were intended to mislead the committee and prevent it from uncovering the CIA's payments to Alpirez during the 1990-92 period in which the two murders occurred.

"I've been through this some years ago with the Iran-contra affair," Cohen said, referring to the CIA's failure in



BY RAY LUSTIG—THE WASHINGTON POST  
**Jennifer Harbury testified about her anger at U.S. Embassy in Guatemala.**

the late 1980s to keep Congress fully informed about its covert actions related to Nicaragua.

"Whether you call it misleading . . . deliberate deception, or inadvertent [deception], it nonetheless diverted this committee from pursuing its responsibilities," Cohen said.

Sen. Richard C. Shelby (R-Ala.) similarly told Studeman, "This is not the first time that this has happened—that you have come up and you say, 'Well . . . I regret this failure to keep the congressional oversight committees fully informed.'" Referring to Studeman's earlier remark, Shelby said, "That's a big carpet over there at Langley [CIA headquarters], isn't it? To hold all the things that have slipped under it, it'd have to be a large car-

pet."

In the afternoon, committee members sat in silence while Harbury and DeVine, the widows of the two murder victims, recounted the frustrations they experienced in trying to learn exactly what happened.

DeVine said she could not fully explain why the private investigator she hired was able to find out more than the U.S. Embassy about the Guatemalan officers who participated in her husband's slaying. But she praised the U.S. Embassy for providing considerable support to her efforts.

Harbury, speaking in a rising tone, expressed her anger about what she saw as the U.S. Embassy's largely passive interest in probing her husband's death before the first of two hunger strikes she conducted to call attention to the Guatemalan government's unresponsiveness to her appeals for information.

Harbury said that at one point, U.S. Ambassador Marilyn McAfee reminded her that her husband was a combatant in the Guatemalan civil war and could not be treated the same as other human rights cases. "I reminded her that the legal prohibitions against torture, clandestine prisons, and extrajudicial execution do not recognize any such distinctions," Harbury said. "She had no answer."