

Truth and Consequences

Rep. Bob Torricelli Leaked the Goods on the CIA. Was It Loyalty or Betrayal?

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By Kim Masters
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Rep. Bob Torricelli brought Jennifer Harbury into his office around lunchtime on a March afternoon. He was going to give her some grim news, but at least it might stop her from starving herself to death.

She was a wisp of a woman with short sandy hair and a face overwhelmed by huge, reproachful eyes. By now, she was nearly two weeks into a hunger strike intended to force someone in the government to tell her what had happened to her husband, Efraim Bamaca Velasquez, a guerrilla fighter who had been captured by the Guatemalan military in 1992.

Harbury is the sort of inconvenient zealot who makes people in official Washington uncomfortable. This was her second hunger strike—the first had been in Guatemala last October—and though some Clinton administration officials thought she might be crazy, as

she dropped 14 pounds in 12 days, her seriousness became apparent. The White House tried to get her to end her fast by offering an opinion that Bamaca was dead. But she knew someone who claimed to have seen him after he was supposed to have been killed—under torture but alive.

"What wife," she asked coolly, "is going to leave her husband strapped to a medical table, having his fingernails pulled out, because of an opinion?"

It's the kind of queasy question that Harbury fires in bursts at anyone who will listen. She speaks with fierceness and something like pride of the friends she has lost in the struggle, the visits to the morgue, the battered corpses.

Torricelli, too, makes people in Washington uneasy—though in his case it's ambition that causes the discomfort. A smooth-talking North Jersey Democrat with a glamorous girlfriend, he's taken maverick positions that alienated many of his colleagues but played well with the voters back home. In particular, Torricelli, 43, has often veered to the

right when it came to matters of foreign policy. He was an early and forceful advocate of the Persian Gulf War and has long antagonized the human-rights crowd—people like Jennifer Harbury—by providing succor to anti-Castro Cubans.

But now, Torricelli and Harbury had a common purpose. He had the information she sought. And so the relentless activist and the enterprising politician formed an unlikely alliance. For Harbury, it would end her hunger strike, if not her obsession. For Torricelli, it would bring a barrage of publicity. And it would make him the object of a Washington ritual that involves equal parts grudging admiration and outraged flaying.

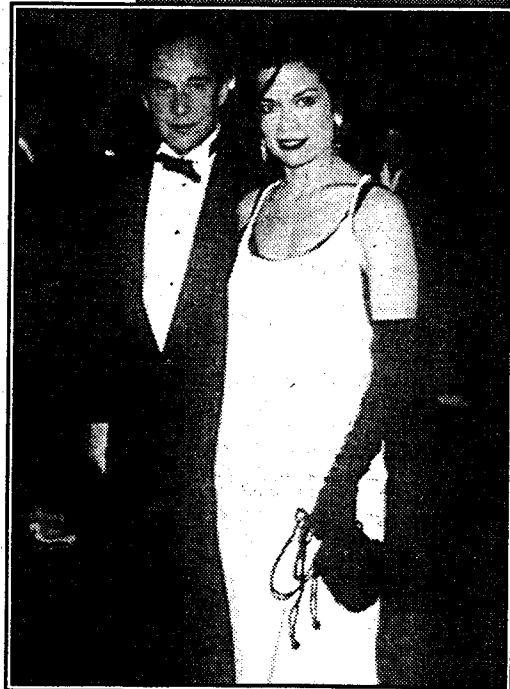
"I have to tell you some unfortunate information," Torricelli told Harbury on March 22. "Some very honorable people of good conscience in the administration will not idly watch you suffer any longer. They want you to know the truth."

Her husband was dead. A Guatemalan officer who

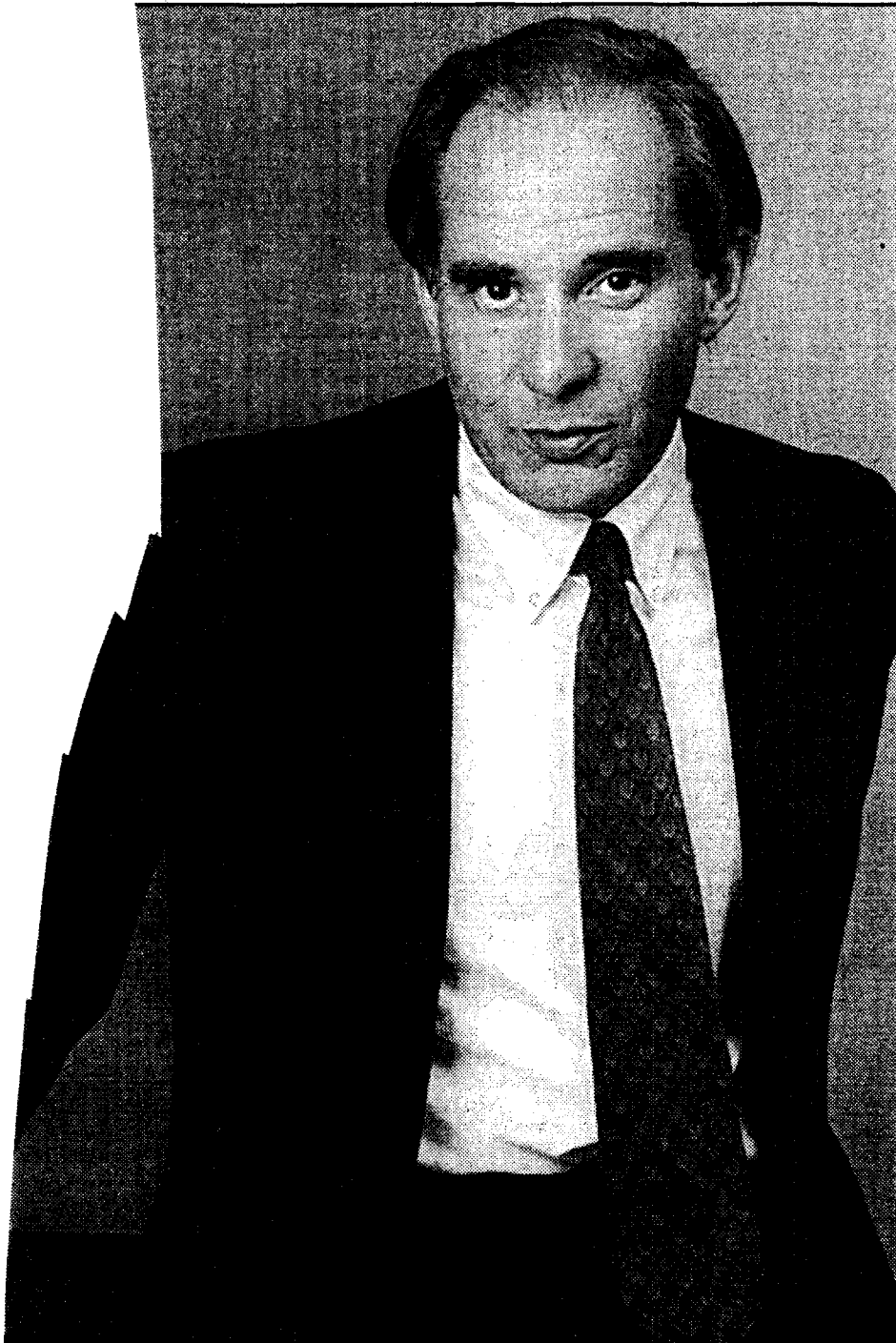
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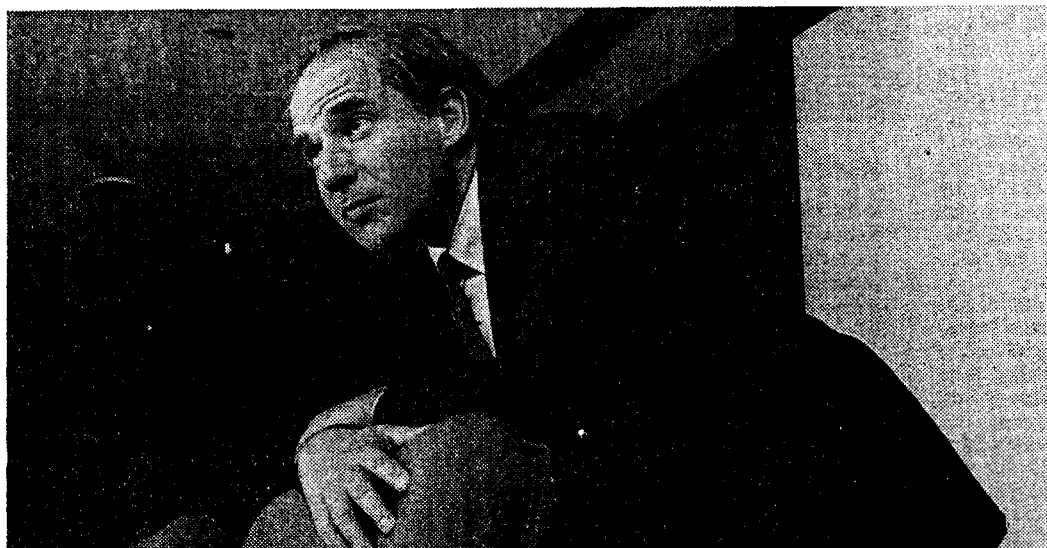


BY ANDREA RENAULT—GLOBE PHOTOS



BY CORI WELLS BRAUN FOR THE WASHINGTON POST

Rep. Bob Torricelli: "No oath imposed by the leadership can ask a member of Congress to conceal criminal activity." Top left, Torricelli with Jennifer Harbury, whose husband was slain in Guatemala; and at left, with lady friend and human rights activist Blanca Jagger, who urged him to tell what he knew.



BY CORI WELLS BRAUN FOR THE WASHINGTON POST

Rep. Bob Torricelli says he has received support from both sides of the aisle. But he also has enemies all around.

TORRICELLI, From C1

had been on the Central Intelligence Agency payroll was linked to his killing, as well as that of another American, Michael DeVine. The CIA had known this for HOW LONG? and apparently had concealed this information from those at the highest levels of the administration. And that more recently, a lot of people in government knew as well, but weren't saying anything.

Harbury began to sob. She had been so unflinching that Torricelli and his aides were taken aback. But it was a momentary lapse. "She went through a transformation from despair to fighting anger," Torricelli remembers. "She knew just what she was going to do, immediately. . . . She wanted to have a press conference."

Toricelli was ahead of her. He had already written a strongly worded letter to President Clinton about an "out of control" CIA. He faxed the letters to the White House and, before there was time for any response, he told the story to a newspaper read by many of his constituents: the New York Times.

He knew there would be an outcry—and there was. The first target was the CIA, but the messenger would not be spared. House Speaker Newt Gingrich (R-Ga.) called Torricelli's action "totally unacceptable" and threatened to throw him off the House intelligence committee for violating an oath to keep classified material confidential.

Toricelli told Democratic colleagues that he might respond by resigning from Congress and seeking a special election so the voters could decide whether he deserved to be punished.

"I was not going to be sanctioned for revealing criminal activity," he says.

A compromise was reached when everyone agreed to let the House ethics committee weigh Torricelli's conduct. He says he has received support from both sides of the aisle. But he also has enemies all around. While fellow Democrats stood behind Torricelli, some complain privately that he sandbagged his colleagues and blindsided his president by dashing to the press before the White House could act.

One prominent Democrat, for example, says he would have consulted with members of the House intelligence committee and contacted Clinton before taking further action.

"I wouldn't have popped to the press," he says contemptuously.

'Bianca Knows a Great Deal'

Guatemala had not been a major preoccupation for Torricelli over the past few years.

When he was chairman of the Western Hemisphere subcommittee from 1991 until the Democrats lost control of the House, Guatemala was a little-noticed but festering sore.

Toricelli had visited Guatemala once after the DeVine killing, and he

had heard about Harbury's search for Bamaca when "60 Minutes" ran a segment about her last November. In December, at the Summit of the Americas in Miami, he asked Guatemala's foreign minister about DeVine and Bamaca. He wouldn't have done even that, he acknowledges, if he had not been prompted by his lady friend—human rights activist Bianca Jagger.

Jagger, a Nicaraguan native, met Torricelli in 1993 and the two grew close during a difficult period a few months later, when he helped her get two critically ill children out of Bosnia. As they communicated by satellite hookup, romance began to bloom.

Since then, he says, she has occasionally given him a "nudge" on some issues.

"Bianca knows a great deal about Latin America, is intensely motivated by human rights issues, and is extremely bright and very dedicated on many of these issues," he says. "When I raised this at the Summit of the Americas, it was because Americas Watch and Amnesty International all went to Bianca. Frankly, she asked me to raise it."

Toricelli concedes that human rights groups haven't been fond of him since he devoted so much energy to backing the Persian Gulf War in 1991. At the time, even Jagger viewed him with an unfriendly eye. "She's told me we only could have known each other

after," he says. "Because if we had known each other during it, things would be—difficult."

Over lunch in the House members' dining room, Torricelli is a bit sheepish as he acknowledges Jagger's role. Asked how she feels about his decision to go public with the Guatemala story, Torricelli first ignores the question. Then, staring at his knife as he spins it in circles on the table, he simply says, "She's certainly pleased."

Reached by phone, Jagger also is reticent. "It is all his," she says. "The credit of having found out what the CIA had done and having the courage to make it public. It's really entirely Bob's decision. It was his conviction and his courage."

Secrets

Of all the Third World countries where the United States must try to conjure a national interest to excuse its support of a brutal regime, Guatemala is among the most awkward. In 1954, the CIA led a coup there largely in the interest of the United Fruit Co., which was worried that the government there might take away some of its land.

Over the years, fear of communism was cited as a major justification for continued U.S. aid to Guatemala's junta as tens of thousands of Guatemalans were murdered. But by the time DeVine was killed in 1990, the Berlin

Wall was rubble. The 49-year-old innkeeper had been interrogated and then nearly decapitated by Guatemalan soldiers for reasons that are still unknown. The United States protested the murder by cutting off military aid to the country.

Secretly, however, other funds were being channeled to the Guatemalan military. Only this month, when he learned the money was still flowing, did Clinton shut off the spigot.

None of this would be known to the public if Jennifer Harbury hadn't decided to starve herself.

She began last October, sleeping on wooden crates in Central Plaza outside the presidential palace in Guatemala City. She stopped 30 days into the strike, after Clinton administration officials agreed to meet with her. But in March, when she hadn't gotten any answers, she resumed her fast.

As Harbury's weight began to dwindle, Torricelli says he heard from "several" people in the administration who told him nearly identical stories about Guatemala and the CIA. He doesn't explain why they came to him—after all, despite Jagger's involvement, he had little profile on this issue. But he says

his sources had some concerns in common—including Harbury's well-being.

"They thought it was unconscionable that she would be allowed to damage her health," he says. "They were convinced that President Clinton did not know and they wanted to use me to make sure the president was informed that he wasn't being told the truth."

As a member of the intelligence committee, Torricelli was under oath to maintain the secrecy of material that he learned in secret briefings. But he says that the information came to him from outside sources.

Even so, he had taken another oath. All members of Congress must pledge not to disclose classified information. But he didn't feel bound by the latter promise.

"No oath imposed by the leadership can ask a member of Congress to conceal criminal activity," he says. "An American citizen was killed. There was only one ethical response. The president of the United States should be informed, and the people of the United States should know the truth."

In fact, Torricelli adds, he never hesitated. "I don't think it was a close call," he says. "This claim of confidentiality—it's what Nixon used for the crimes of Watergate. And Reagan attempted it with Iran-contra. There's no obligation to hide the crimes of the government against its own people."

Acting in Haste

Toricelli took very few steps before putting his story on the front page. He contacted House Minority Leader Richard Gephardt (D-Mo.) and Rep. Lee Hamilton (D-Ind.), ranking minority member on the International Relations Committee. What transpired in these conversations is a matter of some dispute.

Everyone agrees that Torricelli approached Gephardt on the House floor and told him what he planned to do. Gephardt cautioned Torricelli not to reveal information that he had learned as a member of the House intelligence committee.—

Toricelli maintains that he asked Gephardt and Hamilton for "advice." But Gephardt spokeswoman Laura Nichols disputes that point. "This was really being presented as 'I want you to know what I'm doing,'" she says. And a Hamilton spokesman says the congressman thought his discussion with Torricelli was "inconclusive" and expected to talk further with him before Torricelli acted.

Toricelli says he did only one thing more before disclosing what he knew. He summoned Michael Sheehy, the top Democratic intelligence committee staffer, to his office. "I said, 'I want you to verify that I have never been briefed

on Guatemala, have no classified information on Guatemala, and engaged in no committee activities on Guatemala.'" Torricelli says Sheehy confirmed that. Sheehy was traveling and could not be reached for comment.

It was just those committee obligations, Torricelli says, that forced him to go public with his story. He wanted further confirmation, he says, but felt that he could not approach anyone in the intelligence community without being forced to maintain the secrecy of what he had learned.

"I gave the story to the New York Times and said, 'See if you can verify it,'" he says. "They did." He also felt an urgent need to convey the news to Harbury. She, of course, would not keep it confidential.

The day after Torricelli met with Harbury, the story about the CIA link to the deaths of DeVine and Bamaca appeared. Torricelli went to the White House to meet with Chief of Staff Leon Panetta, adviser George Stephanopoulos and national security adviser Anthony Lake. He brought along something new: an anonymous fax from the Na-

tional Security Agency. It alleged that documents pertinent to the Bamaca and DeVine cases were being shredded.

The administration ordered a government-wide investigation that also will cover the 1989 abduction and torture of Sister Diana Ortiz, a U.S. social worker, and the deaths in 1985 of U.S. journalists Nicholas Blake and Griffith Davis. Torricelli says the meeting was straightforward and cordial, though an administration official concedes that the congressman caught the White House by surprise.

"A little heads-up would have been helpful," he says with clenched-jaw restraint.

A Showdown

The atmosphere was less pleasant when Torricelli was confronted by fellow Democrats in the House. The focus wasn't on the revelation but the punishment that should be administered.

"Toricelli has always been a maverick and has always done stuff that makes people mad," says a Democratic congressional staffer. "He brings baggage to every issue he deals with."

One example that may not have faded from Gephardt's mind was his breaking ranks to support the gulf war.

Toricelli—like a kid who doesn't get along with his classmates but still wants to run for student council president—has been passed over for Democratic Congressional Campaign Com-

mittee chairman and, more recently, for chairman of the Democratic National Committee. In the corridors of Congress, he's referred to as "the Torch."

So when Democrats met in Gephardt's office on April 4, some of them were annoyed at having to rally behind Torricelli. Some gave him credit for sincerity but still felt he had mishandled the situation. "He has these messianic complexes," one Democrat complains.

But if they disliked Torricelli, clearly Gingrich was their greater enemy. When Torricelli raised the idea that he would resign from Congress if sanctioned, his colleagues told him that wouldn't be necessary. The Democrats decided to stand by their man and fight Gingrich's threat to remove him from the intelligence committee.

Rep. Norm Dicks (Wash.)—the senior Democrat on the intelligence committee—was particularly irked that Torricelli had not come to him first. But after reproaching Torricelli, he suggested a way to avoid the pending confrontation with Gingrich: Let the ethics committee decide whether Torricelli's duty to uphold the Constitution superseded his oath of secrecy.

Toricelli initially bristled. He pointed out that Dicks had learned the truth in a February intelligence committee briefing—and had done nothing to reveal it. According to two members, Dicks said he had been working on a letter demanding further explanation of what had occurred.

"I'll go to the ethics committee," Torricelli said according to a member who was present. "I'm prepared to defend the truth if you can defend a lie. I'll defend exposing criminal activity if you can defend maintaining a conspiracy."

Toricelli then demanded to know if Dicks was a lawyer—he is—and whether he was aware of his obligation to disclose criminal activity.

But Torricelli agreed to Dicks's proposal. By now the Republicans were losing their appetite for quick retribution. "If they threw Torricelli off, they'd make him a martyr," says one Democratic member. "Everyone was looking for an out."

The Chairman's Reaction

Rep. Larry Combest (R-Tex.), the intelligence committee chairman, denies that the Republicans were running scared.

"It has nothing to do with making a martyr of Congressman Torricelli," he says. "It was an opportunity to work in a bipartisan manner."

While the two sides have agreed to let the ethics committee do its work,

they already seem to differ on the question under consideration. Torricelli thinks the committee will decide if he acted properly. But a Republican staffer says the committee will simply weigh whether he violated Congress's oath of secrecy—as he admits he did—and then mete out appropriate punishment. Combest acknowledges that he doesn't want Torricelli to remain on the intelligence committee.

Speaking more bluntly, a GOP staffer offers the view that the Democrats have been lax. "If it had been a Republican member," he declares, "the speaker would have bounced his ass so fast that it would have broken speed records."

Combest questions Torricelli's judgment. "A member of Congress cannot simply decide to make it public," he

says. "There are other avenues he could have taken . . . It was somewhat embarrassing to the administration. That was a member of their own party, so I won't claim any credit for it. It's a matter of common courtesy that you give the administration the opportunity to respond."

Combest discounts Torricelli's explanation that he went to the news media to get further confirmation of the story. "I would certainly hope the administration's sources would be better than the New York Times's," he says dismissively.

Keeping the matter under wraps wouldn't have served Torricelli's real purposes, Combest suggests. "It seems to me that the interest was to get it into the newspaper, because there's nothing that has happened that would not have happened anyway," he says.

Toricelli counters that nothing had happened since Combest and Dicks were briefed in February. Meanwhile, he points out, Harbury was wasting away.

Combest acknowledges that he was aware of Harbury's fast but says he was working to uncover the truth on a schedule that was "independent of that."

The Real Point

With Congress out of session, Torricelli, newly anointed human rights crusader, is enjoying unsolicited calls of support from strangers—like Daniel Ellsberg, leaker of the Pentagon Papers, and Sister Ortiz, victim of rape and torture at the hands of Guatemala's military. But in the flap surrounding his decision to speak, Torricelli fears that the point is getting lost.

"The central question hasn't been asked," he says. "What is the United States doing spending our national honor and millions of dollars in Guatemala?"

. . . The issue is that at least one American is dead, there was a conspiracy to hide the truth from the president of the United States and the citizens of the United States, and the CIA has been caught once again operating outside of the law."

Combest says he'll get to those questions, but answering them doesn't justify compromising secrecy. It's one of the oldest arguments in the intelligence business. Indeed, American interests already have been compromised because of Torricelli's indiscretions, Combest says. But the specifics, naturally, must remain secret.

"There is damage that has been done," Combest says. "Beyond that, I can't say anything."