

# Toricelli Admits Violating House Secrecy Oath

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Rep. Robert G. Toricelli (D-N.J.) admitted yesterday he violated a new House secrecy oath not to disclose classified information when he revealed a paid CIA informant's role in two murders in Guatemala, but said his duty under U.S. laws to report criminal activity was more important.

Toricelli, in an agreement worked out with House Republicans who want to throw him off the House Permanent Select Committee on Intelligence, has asked the ethics committee to resolve what he called "a clear conflict" between a House oath to protect classified data and his oath of office to uphold the Constitution. Secrecy oaths, he said, "are not designed to shield unlawful behavior.... There was simply no choice.... I will not be party to a lie."

If the Committee on Standards of Official Conduct rules against Toricelli, he could face a broad range of disciplinary actions including a letter of reprimand, removal from the intelligence panel, censure or worse.

On March 22 Toricelli wrote a letter to President Clinton, and gave a copy to the New York Times, alleging that a Guatemalan army colonel on the CIA's payroll had been involved in the murders of an American janitor and a Guatemalan guerrilla married to an American lawyer. He said CIA and other government officials had covered up the information.

Toricelli said that members of the CIA and National Security Coun-

cil went to his office on the evening of March 22 to try to talk him out of disclosing the inflammatory news, or of informing Clinton of all the information he had obtained.

A CIA spokesman said the agency went to Toricelli's office only "to apprise him of the facts and answer any questions" he had about the case. The National Security Council had no comment.

Toricelli has said from the beginning that he did not receive any of the information from intelligence panel briefings and, in fact, deliberately did not attend briefings on Guatemala to avoid a conflict. Yesterday he said his information came "from members of Clinton's own administration who wanted to communicate with [the president] as soon as they could, and as boldly as they could."

The president ordered a governmentwide investigation into the matter as a result of Toricelli's disclosure.

It was unclear yesterday what, if any, details about the case Clinton knew before he received the congressman's letter. In January, months after it had received the information itself, CIA headquarters informed the White House that Col. Julio Roberto Alpirez, the CIA informant, had been involved in the 1990 murder of janitor Michael Devine and the 1992 slaying of guerrilla Efraim Bamaca Velasquez. The CIA briefed congressional intelligence oversight committees on the matter in February.

Yesterday, House intelligence committee Chairman Larry Combest

(R-Tex.) said that since then the panel has not had a full meeting on the matter but that there have been "some telephone conversations" and "discussions" with staff about the case. "It takes some time to put this story together.... We're dealing with a situation that happened a number of years ago," Combest said.

Combest said he believes Toricelli violated the House secrecy oath and possibly the committee's oath, which prohibits lawmakers from divulging information obtained as members of the panel. He said disclosures such as Toricelli's hurt Congress's credibility with the intelligence community, on which Congress relies for information.

"It's very difficult for us to expect the agency to respect us, if we divulge information, regardless of where that information comes from," Combest said.

When Toricelli took the podium in the House Radio and Television Gallery moments later, he lambasted Combest's comments about the congressional-CIA relationship.

"I'm not going to earn their trust," he said of the CIA. Their testimony "is not a gift to the Congress.... What matters is not the bond we have with the boys in the CIA, it's the bond we have with the American people."

While Republicans appeared ready to toss Toricelli off the committee for his disclosures, some Democrats were asking for still more revelations. Twelve senators, including one Republican, James M. Jeffords (Vt.), sent a letter to Clinton asking him "to move immediately to se-

cure—and then review for declassification in an expedited manner—all U.S. government records pertaining to [two dozen] human rights cases in Guatemala."

The letter, sponsored by Sen. Christopher J. Dodd (Conn.), ranking Democrat on the Foreign Relations Committee, said, "U.S. citizens have a right to know what their own government knew about these crimes to determine if mistakes were made and, if so, to ensure that they are not repeated."

The oath that Toricelli admitted violating was a new one adopted by the 104th Congress as part of House members' Code of Official Conduct. It requires legislators to swear not to reveal classified information. Intelligence panel members take a second oath not to reveal information they learn from the committee.

In 1987 Sen. Patrick J. Leahy (D-Vt.), a former vice chairman of the Senate intelligence committee, resigned from the panel after acknowledging he had shown a television reporter a draft report on the Iran-contra investigation that the committee had voted not to release to the public.

In a related development, U.S. officials have offered to allow the FBI to assist with the Guatemalan investigation of Alpirez, and were awaiting a decision. The bureau would only be assisting in the case, and not preparing one for prosecution in the United States, department sources said yesterday.

Staff writer Pierre Thomas contributed to this report.