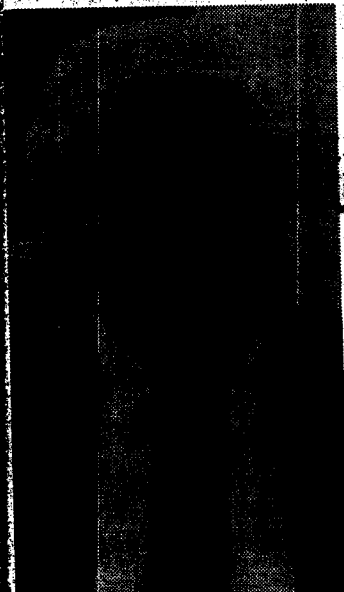


CIV

Assailing Delay, Judge Sees Effort

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CLAIR E. GEORGE

... faces trial

A federal judge angrily accused Bush administration officials yesterday of trying to "thwart" the prosecution of former CIA clandestine services chief Clair E. George by ignoring court deadlines for declassifying information needed for trial.

U.S. District Judge Royce C. Lamberth leveled the complaint at what was to have been the start of final pretrial hearings in the case. At one point, he warned that he might impose "sanctions" on those responsible for the delay.

The judge's ire was directed at members of the Interagency Review Group (IRG), a Bush administration panel of intelligence specialists whose job is to censor or clear documents that the government or the defense wants to use at trial.

The CIA's refusal three years ago,

backed up by the Justice Department, to permit declassification of certain materials forced the dismissal of criminal charges against the first CIA official indicted in the Iran-contra scandal, onetime Costa Rica station chief Joseph Fernandez.

George, formerly the CIA's deputy director for operations, faces trial on nine counts of perjury, false statements and obstruction of congressional and grand jury inquiries into the Iran-contra affair. The scandal involved the Reagan administration's covert resupply network for the contra rebels in Nicaragua, secret U.S. arms-for-hostages deals with Iran and the diversion of profits from those deals to the contra cause.

Lamberth, his face growing red at times, said the IRG was trying at the last minute to reclassify details that had already been cleared for use in the George trial.

"I want some public accountability for who's trying to thwart this trial from going forward," Lamberth said.

to 'Thwart' CIA Ex-Aide's Trial

"I want the name" of the responsible official.

To show prosecutors how strongly he felt, the judge, a Reagan administration appointee, suggested that he might dismiss the case if he did not get some quick answers.

"I can put the government out of its misery very easily, you know," Lamberth said, citing two court-ordered declassification deadlines that had not been met. He has been pressing to get the trial started by swearing in a jury this week and began the process yesterday morning by handing out a 36-page questionnaire to more than 100 prospective jurors.

After a hurried recess, chief prosecutor Craig A. Gillen said representatives of the supersecret National Security Agency were mainly responsible for the failure to conclude the IRG review last week as promised.

Gillen said the chief NSA reviewer, Peter Badger of the agency's of-

fice of general counsel, spent several two-to-four-hour days reviewing documents last week, but did not report or send a replacement last Wednesday. Then, on Friday while Badger attended a son's graduation ceremony, another NSA official finished the job, Gillen said.

Further complicating the process was a reclassification of material that had already been approved for disclosure, Gillen said, describing the problems as entirely "inadvertent."

"It was not anything that was done intentionally, in our opinion, to thwart . . . or in any way, slow or impede this litigation," he told Lamberth.

Only slightly mollified, the judge said Gillen's account was "a poor explanation at best . . . for the conduct of the NSA member" of the IRG and said he might impose "sanctions" if further problems arise.

The questionnaire that Lamberth distributed to prospective jurors is an attempt to avoid lengthy interro-

gations by having them disclose in advance any possible bias or preconceptions that could affect their judgment. It includes questions about what books they have read and movies they have seen involving the CIA and whether they think the agency was portrayed fairly or unfairly.

Both prosecuting and defense lawyers proposed a number of questions that were more specific than those the judge approved. For example, Gillen wanted to ask jurors whether they believed that protecting national security was more important than telling the truth. Chief defense lawyer Richard A. Hibey wanted to know if jurors felt persons in authority should know all the facts known to their subordinates.

Both sides wanted prospective jurors to list their political party affiliation. "Politics is going to be an issue in this case," Hibey argued. The judge ruled out the question.