

COVERT-AID RULING WORRIES U.S. AIDES

Court Orders C.I.A. to Produce Documents on Assistance to Nicaraguan Rebels

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Special to The New York Times

WASHINGTON, Dec. 27 — Senior Reagan Administration officials say they are concerned about a recent ruling by a Federal judge that could force the Central Intelligence Agency to release numerous classified documents describing the agency's involvement with Nicaraguan rebels.

The officials say that the ruling, if upheld on appeal, could jeopardize future covert operations. But others argue that the case means that the Administration cannot seek support for a "covert" operation by publicizing it, and then refuse to answer uncomfortable questions because it is secret.

"This is a very important case, and it would be a real problem for us if we lost," a senior Administration official said in an interview.

In October, a United States District Court Judge ordered the C.I.A. to turn over to the Center for National Security Studies 15 classified documents detailing the origins and planning of the agency's support of Nicaragua's anti-Sandinista rebels.

Discussion by Senior Officials

The Center, a Washington-based research group that has been critical of American involvement in Central America, based its case on the premise that the C.I.A. could no longer contend that the Nicaragua operation was secret because it had been widely and openly discussed by senior officials, including President Reagan.

Judge June L. Green of the United States District Court here ruled against the center last April. But in asking the judge to reconsider, the center's attorneys submitted document after document over the summer from the public record in which the President, the Secretary of State, the Director of Central Intelligence and numerous other senior officials openly discussed Washington's support of the rebels.

Finally, in October, the judge said in a ruling that she was convinced the operation could no longer be considered covert, and she ordered the C.I.A. to release the requested documents.

The order was stayed pending an appeal, to be filed next month. And now, one senior official said, the Administration is "very worried" because "of the precedent this sets."

Details of Covert Operations

He said senior officials are afraid that future covert operations may be thwarted because the C.I.A. will be

forced to publicly disclose numerous details about the operations the moment any word of them reaches the public.

"Where's the line?" he asked.

But Jay Peterzell, a research associate for the center and the plaintiff in the lawsuit, said: "All this does is say that once they start talking publicly about an operation to gain support, they can no longer hide behind the fiction that it's a secret when somebody asks a question they don't want to answer."

A senior official acknowledged that

the President and several others in the Administration undermined the Government's own case. But, the official added: "You can't be too irritated with Reagan. He was really in an impossible situation" because his Nicaragua policy had become a political issue.

The center filed its Freedom of Information Act request in 1982, asking, among other things, for all documents "describing or authorizing C.I.A. covert operations in Central America which were approved by President Reagan in the last year."

C.I.A. Refuses Request

The C.I.A. refused the request, and so the center filed suit. In its response to the suit, the agency said releasing the documents would reveal the C.I.A.'s intelligence sources and its methods or operation and would seriously impair the United States' ability to conduct foreign policy.

In court submissions, the center has agreed that information identifying specific agents or divulging specific operational details can be deleted before release.

In the court records, the C.I.A. described in general terms the documents identified as falling within the bounds of the center's request.

For one document, as an example, the court records says: "The second and third pages contain information which describes in great detail specific intelligence activities, including special activities, conducted within an identified country."

In describing another requested document, the C.I.A. wrote: "This document is a virtual road map con-

cerning the intelligence activities at issue. Release of this information would, without a doubt, destroy the effectiveness of the activities."

The center's court submissions included text from published interviews and press releases and news conferences.

In one, the center quoted President Reagan's remarks at a news conference last spring at which he said: "Our Congress faces some historic decisions this week" in deciding whether to renew aid to "the freedom fighters of Nicaragua."

Another cited a Defense Department news release quoting Fred C. Iklé, Under Secretary of Defense, who said: "The psychological impact from cutting off U.S. assistance to the Nicaraguan resistance forces would be severe."

The C.I.A. said those and other public statements "do not constitute official acknowledgement of any such covert action." The C.I.A.'s court document adds that "official acknowledgement of covert actions directed against a foreign nation" must be "a deliberate, conscious decision by an authorized executive branch official."

It added that the center could not establish that sort of acknowledgement "by piecing together various statements of members of Congress and a statement by the President taken out of context."

But in her final order, Judge Green wrote that "the additional sources cited by plaintiffs are sufficient evidence of official acknowledgement of covert action in Nicaragua to warrant" release of the documents.