

CIA's Past and Future May Collide at

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By Walter Pincus
and George Lardner Jr.
Washington Post Staff Writers

Two days after the first published report in early November 1986 that the United States had traded arms for hostages with Iran, the man who was at the heart of the transactions, then-White House aide Oliver L. North, wrote in his notebook:

"Script for [Robert M.] Gates to use w/ the chairmen and vice chairmen of the House and Senate intelligence committees.

Only North knows why he thought of Gates at that critical moment. Could it have been because Gates,

then deputy director of the CIA, knew nothing and would have been a convenient front man for whatever story North wanted to concoct? Or could it have been because he knew enough to be able to handle the matter deftly? Or was there some other explanation?

When the long-awaited confirmation hearings for Gates's nomination as CIA director begin Monday before television cameras in the Senate's largest hearing room, Gates will face what one member of the Senate intelligence committee calls "excruciatingly detailed questions," some based on snippets from North's 2,617 pages of notes.

Gates already has answered numerous questions from earlier government panels looking into the covert arms sales and diversion of profits to supply the contra rebels in Nicaragua. His prior testimony, some of which is due to be declassified Monday, itself will be a target of the confirmation hearings. He has maintained that he knew little about the illegal operations managed by North with the help of some agency officials, saying he like many others had been deceived.

In a reflective mood four years ago, Gates told Senate investigators about the lying that took place during the Iran-contra scandal. Lying,

Gates Hearings

he testified on July 31, 1987, "fractured the trust between the executive branch and the legislature"; it created tensions between the CIA and the State Department; and "it created tensions within CIA."

Noting he had been in government for 20 years and served under three presidents, Gates declared, "This is the first time that I've known of in my career that I've ever been lied to, just flat out." He was never asked who lied to him—or to Congress or the State Department—or about what.

The questioning that begins
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GATES, From A1

Monday will deal not only with the Iran-contra scandal, but also with other contentious issues that have come out of the CIA closet and, fairly or unfairly, been attached to Gates's name. He has been linked to unauthorized covert deals with Iraq, political tailoring of intelligence on the Soviet Union and Iran and a stifling bureaucratization of the CIA intelligence directorate he once ran. One day of hearings, now set for Friday, will be devoted to a closed-door discussion of disputed CIA analyses.

To his backers, one of Gates's strongest points is that at a time when Congress is pressing for a

leaner, more competent intelligence community, Gates is "the total insider," savvy enough to know how to meet the demands of a changing world. To his critics, he is a chameleon, adept at adjusting to the coloration of superiors, but dismissive of subordinates and more representative of the Cold War than the new world order.

In announcing Gates's nomination last May, President Bush apparently had hoped that three years of loyal service in the White House as deputy national security adviser would have scrubbed away the CIA barnacles stuck to Gates by the Iran-contra scandal. Bush has tried to focus on Gates's qualifications to lead the U.S. intelligence commu-

nity into a future of smaller budgets, redefined missions and less familiar targets.

But Gates will have to overcome the past before he can address the future. During his previous attempt to become CIA director as President Ronald Reagan's nominee in 1987, Gates sought in aborted confirmation hearings to defend the agency's Iran-contra actions as legal while claiming only the faintest knowledge of the details. That proved unacceptable to senators who worried about whether the then-expanding investigations into the Iran-contra scandal would incriminate Gates.

Those worries persist. Independent counsel Lawrence E. Walsh

still is pursuing the scandal and, in fact, is concentrating his investigation now on the roles played by the CIA and some of Gates's closest agency associates.

The Senate hearings, scheduled to run at least a week, will test not only Gates, but also several members of the committee, especially Chairman David L. Boren (D-Okla.).

Boren was Gates's leading supporter in 1987, and the two developed a close working relationship after Gates withdrew his name for director and stayed on as No. 2 at the CIA under William H. Webster, who retired this summer. Boren was influential in the decision by the Senate and House committees in-

vestigating Iran-contra not to call Gates as a public witness.

When Gates appeared for a closed-door deposition by Senate staff lawyers on July 31, 1987, Boren walked in and interrupted the questioning. According to the official transcript of the session, he described Gates "as one of the most candid people we have ever dealt with" and urged the session be limited to "new matters" and ended as quickly as possible.

"I don't think we should ask him over again what happened at this meeting and that meeting, because he's testified to all that," Boren told the staff counsel conducting the deposition. The lawyers shortened their questioning, and one staff mem-

ber later told associates of their outrage at the senator's intervention.

Boren, who is still sensitive about the episode, said in a recent interview that he had been angry at not having been informed earlier about the session with Gates. He said he learned about it "20 minutes beforehand" and, after having his say, departed without interfering further.

When the Iran-contra committees submitted their final report in November 1987, Boren and Sen. William S. Cohen (R-Maine), then vice chairman of the intelligence committee, filed additional views, saying that CIA personnel had aided the contras "in a manner contrary to agency policy and restrictions im-

See GATES, A25, Col. 1

ROBERT M. GATES

Title: Assistant to the president and deputy for national security affairs.

Born: Sept. 25, 1943, Wichita, Kan.

Education: BA, William and Mary, 1965; MA in history, Indiana University, 1966; Ph.D. in Russian and Soviet history, Georgetown University, 1974.



Professional: Joined the Central Intelligence Agency in 1966, serving as an intelligence analyst and one of two assistant national intelligence officers for strategic programs. Assigned to the staff of the National Security Council in 1974; served presidents Nixon, Ford and Carter. Returned to CIA in 1979. Subsequently appointed to series of administrative positions. Served as national intelligence officer for Soviet Union prior to appointment as deputy director for intelligence in 1982, where he directed the CIA staff responsible for production and analysis of finished intelligence. Also appointed chairman of the National Intelligence Council in 1983. Served as acting director of central intelligence from 1986 to 1987. Appointed to current position in 1989.

Awards: Distinguished Intelligence Medal; Intelligence Medal of Merit; Arthur S. Flemming Award, presented annually to the 10 most outstanding young men and women in the federal service.

Personal: Married. Two children.

posed by law." They said that in some cases, CIA officials failed to "make certain that these kind of activities would not take place." And they noted that "certain CIA officials withheld information from inquiries undertaken after the Iran-contra affair had become public."

But Boren's intelligence panel never pursued those issues, which have now come to the fore through Walsh's continuing probe of the extent of CIA complicity in covering up the scandal. Information filed in the case against the CIA's former Costa Rica station chief, Joseph Fernandez; the recent admissions of the CIA's former Central American task force chief, Alan D. Fiers; and the indictment of the CIA's former chief of covert operations, Clair E. George, all have put pressure on Boren to make certain now that he explores fully Gates's role in and knowledge of the scandal before putting the nomination to a committee vote.

"The last thing in the world I want to see is a confirmation process that is not thorough," Boren said in the interview. "If anything is ever going to be found that disqualifies this nominee, I want my committee to be the one that finds it."

Sen. Bill Bradley (D-N.J.) has said he will focus on Gates's intelligence assessments, particularly those made of Iran in the beginnings of the Iran-contra period when Gates was deputy CIA director for intelligence. Bradley said he wants to find out what the CIA knew about Israeli arms shipments to Iran during the 1980-88 Iran-Iraq War.

He also is concerned about Gates's analyses of the Soviet Union and, "in particular, his own tailoring of information to suit the objectives of administrations as opposed to calling it as he sees it." Bradley intends as well to ask about possible unauthorized covert activities involving Iraq.

Another intelligence committee member, Sen. Howard M. Metzenbaum (D-Ohio), has made plain his reservations about Gates and said Thursday that the hearings should be delayed as long as Gates remains a "subject" of Walsh's investigation. In Justice Department parlance, a "subject" of a criminal investigation is "a person whose conduct is within the scope of a grand jury investigation."

At the White House, the presi-

dent continues to press for Gates as the most qualified candidate to lead the CIA at this time, but some aides remain concerned that a final vote will be delayed by Senate Democrats.

The 15-member committee's seven Republicans are expected to provide the main support for Gates. But even Sen. Frank Murkowski (R-Alaska), the committee vice chairman, is cautious about predicting the outcome.

The Senate committee's leadership has limited advance analysis of Gates's positions on various controversial points by refusing to release until Monday transcripts of Gates's 1987 testimony before the Tower Review Board that investigated the Iran-contra scandal and his detailed answers to written questions posed to him last summer by the committee.

Committee members had hoped to complete the confirmation process during the summer, but a surprise guilty plea in July by Fiers in

which he admitted having withheld information from Congress and agreed to cooperate with Walsh's office prompted the committee to delay.

Fiers is scheduled to testify before the committee on Thursday under a grant of immunity from prosecution for what he says. He has said that he and other senior CIA officials were aware of the secret diversion of Iranian arms sales profits to the contra rebels months before the scandal broke in the fall of 1986.

Gates repeatedly has testified that he heard only rumors of a diversion before Attorney General Edwin Meese III disclosed it on Nov. 25, 1986. Gates is bound to be questioned closely about that assertion because several other CIA witnesses have told Congress that they discussed their concerns about a diversion with Gates at different times beginning in August 1986.

Charles Allen, a senior CIA officer who worked closely with North on the arms sales to Iran, has told Congress he went directly to Gates on Oct. 1, 1986, with his conclusion that a diversion had taken place. He also is scheduled to testify Thursday.

Two other high-ranking agency officials—acting CIA Director Richard J. Kerr, who was deputy direc-

tor for intelligence in the summer of 1986, and John N. McMahon, Gates's predecessor as deputy CIA director—also are on Thursday's witness list.

McMahon presided over a key Dec. 5, 1985, meeting with four top agency officials, including Gates, to discuss what to tell the White House about past and proposed arms shipments by Israel to Iran to gain release of American hostages. Gates has testified that he was not paying close attention when McMahon and others discussed a shipment 10 days earlier of Hawk anti-aircraft missiles to Iran that had taken place with CIA assistance. That shipment was the center of a coverup a year later after Justice Department officials warned that it may have violated federal laws.

Kerr was told by Allen in the late summer of 1986 that there may have been an illegal diversion of funds to the contras. Kerr, in turn, told Gates, but according to a CIA inspector general's report, Gates could not remember the conversation.

One of the most critical presentations of Gates's Iran-contra role is expected to come from Thomas Polgar, a former top CIA official who also served on the Senate committee staff that investigated Iran-contra. Polgar has charged that making Gates CIA director would send the wrong message to the working levels of the agency, saying that even if Gates did not know about the Iran-contra operations, he still is not qualified to be CIA director.

Among Gates's strongest supporters at the hearings will be retired Adm. Bobby Ray Inman, former CIA deputy director and the man who introduced Gates to CIA Director William J. Casey in 1981. Inman has maintained that Gates was "compartmented" out of the details of the Iran-contra affair by Casey, who died in May 1987. Inman also contends that Gates, because of his White House experience under presidents Ford, Carter, Reagan and Bush, is the best qualified man who can be found.