

Battle Over CIA Secrets Breaks Out

Lawyers for Indicted Ex-Official Demand 750,000 Pages

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The criminal case against retired CIA official Clair E. George turned yesterday into a battle over access to some of the most closely held secrets at the Central Intelligence Agency.

In a pretrial court session before U.S. District Judge Royce C. Lamberth, George's lawyers demanded more than 750,000 pages of classified documents from the Iran-contra prosecutions of former White House aide Oliver L. North and former CIA station chief Joseph Fernandez.

Government prosecutor Samuel Wilkins objected, saying the defense attorneys also are seeking highly classified documents from the agency that have never been revealed to defense attorneys in any of the other Iran-contra cases. Wilkins suggested that George is pressing for the material in a bid to torpedo the criminal case with a tactic known as graymail: Pressuring the government to back off the case rather than release confidential information.

The North case was scuttled because the Reagan administration refused to allow disclosure of certain classified information. The Fernandez case never went to trial, largely because the Bush administration barred disclosure of the fact that the CIA had facilities in El Salvador and Honduras.

Richard Hibey, one of George's lawyers, denied that he would engage in graymail tactics. Classified information from the North trial and the Fernandez prosecution "is entwined with this case," Hibey told the judge. Principles of "fundamental fairness and due process" require that he get to see the material, Hibey said.

George, who was the deputy director in charge of the CIA's clandestine operations from 1984 to 1987, was charged in September with obstruction and lying to Congress and a federal grand jury about the Iran-contra scandal. The 10-count felony indictment says that in October 1986, George covered up from Congress the role of North in running a secret network to keep the Nicaraguan contras supplied with guns. George is the highest-

ranking CIA official charged in the scandal involving the secret sale of U.S. arms to Iran and the diversion of profits to help the contras. He has pleaded not guilty.

Wilkins said the government has turned over to the defense 120,000 pages of classified information and "more is coming every day." Hibey said it was not nearly enough.

Lamberth seemed inclined to give George the 900,000 pages of classified material from the North and Fernandez cases. The judge pointed out that if George wants to disclose some of it at his trial, it will be the judge who has the final say on whether it is necessary to do so.

Lamberth asked each side to submit briefs presenting their arguments on the disputed issue. If Lamberth finds that classified information is necessary for George to get a fair trial, the Bush administration would have the power to step in and bar its disclosure on grounds of protecting national security. Such an act could result in a collapse of the criminal case against George.