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Boren Criticizes Plans for Justice-FBI

By R. Jeffrey Smith
Washington Post Staff Writer

Senate intelligence committee Chairman David L. Boren (D-Okla.) yesterday criticized plans by the Justice Department and the FBI to work together in probing potential misconduct by department officials in the Banca Nazionale del Lavoro (BNL) scandal.

Two other lawmakers, expressing similar concerns, called on Attorney General William P. Barr to appoint an independent counsel to take over the department's four-day-old probe.

At issue in the investigation is what role the Justice Department played in the release last month of a report by the CIA, which was later revealed to have been a misleading and incomplete account of what the administration knew about the BNL scandal.

Sen. Howard M. Metzenbaum (D-Ohio), a member of the intelli-

gence and judiciary committees, said yesterday that "only an independent investigation can assure . . . that the executive branch is not covering up major misconduct in its handling of the [BNL] affair."

Metzenbaum cited press reports yesterday that FBI Director William S. Sessions and his wife Alice came under investigation on Monday by the Justice Department for possible ethics violations, just as Sessions began his own inquiry into the role played by two senior Justice Department officials in the BNL case last month.

Justice Department officials said yesterday that the probe of Sessions is actually one month old. But Metzenbaum said in a letter to Barr that "neither of these agencies can conduct an impartial investigation" of the administration's handling of the BNL report.

House Banking Committee Chairman Henry B. Gonzalez (D-Tex.),



SEN. DAVID L. BOREN
... questions inquiry's independence

who, with aides has been investigating the administration's handling of the BNL scandal for several years, separately reiterated his call last

Probe of Alleged Misconduct in BNL Case

spring for Barr to appoint an independent counsel. In a letter to Barr provided to reporters, Gonzalez also said the attorney general should resign for what he claimed were "repeated, clear failures and obstruction" by the department in the BNL case.

The FBI-Justice Department probe was ordered at Boren's request, following the CIA's release last month of a two-page report signed by the CIA's acting general counsel. The report was sent on Sept. 17 to government prosecutors in Atlanta, who in turn gave it to a federal judge presiding over the principal criminal prosecution growing out of the BNL scandal.

The BNL scandal grew out of more than \$4 billion in illicit loans and loan guarantees to Iraq by BNL's branch in Atlanta. Baghdad used the funds to buy weapons and food before the Persian Gulf War.

Administration officials have told

Boren's committee that the CIA report was released to bolster the government's long-standing contention that the illicit loans were orchestrated by the director of BNL's Atlanta branch. It suggested that the intelligence agency had no classified documents indicating the loans were authorized by BNL bank officials in Rome.

CIA officials acknowledged after being prodded by Boren that the agency actually had several documents reporting evidence that officials in Rome were aware of the loans, and admitted the misleading report should not have been released.

In testimony last week before a closed intelligence committee hearing, the CIA officials alleged that Justice Department officials had twice discouraged the intelligence agency from issuing clarifying statements.

The FBI said in a statement yesterday that "it is working closely as

a team with the Department of Justice prosecutors" from the Office of Public Integrity in its probe of the allegations of official misconduct. "This is the normal course for FBI investigations and there is no reason for an exception in this instance," the statement added.

The Office of Public Integrity is a part of the department's Criminal Division. Some of the actions under scrutiny were taken by Assistant Attorney General Robert S. Mueller III, who runs the Criminal Division, and by one of Mueller's deputies, Laurence A. Urgenson. Mueller has recused himself from the probe.

"Before our committee starts sharing information with the Justice Department, we need a clear indication that their investigation will be conducted independently of those whose actions are being questioned," Boren said.