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STATE DEPT. AIDES SAID TO QUESTION ROLE IN NICARAGUA

LEGALITY CALLED IN DOUBT

Misgivings on Covert Actions Are Reportedly Expressed at White House Talks

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WASHINGTON, April 6—High-ranking State Department officials raised questions in White House meetings last week about the legality of United States involvement in covert military operations against Nicaragua, according to Reagan Administration officials.

By law, the Administration is barred from taking any actions "for the purpose of overthrowing the Government of Nicaragua."

The questions were raised by policy makers and legal experts high in the department hierarchy. Their point was said to be that, contrary to law and to agreed Administration policy, guerrilla actions in Nicaragua supported by the Central Intelligence Agency and the United States military had gone beyond efforts to block supplies from Nicaragua to Salvadoran insurgents and could be seen as intended to overthrow the Sandinist Government in Nicaragua.

U.S. Directly Involved

These concerns, along with more vigorous charges by a number of senators, were brought the attention of the White House in several meetings last week. But according to Administration officials, no decisions were made to curtail the operations.

The concern in the State Department seems to have been provoked by reports about covert operations in Nicaragua and warnings by several key senators over possible violations of the law.

One senior official said the danger that the operations might take on "larger proportions" should have been foreseen but was not. Another said that the spillover effect was understood at the outset, at least by some officials, and that they had suggested that the Administration oppose legislation that would bar efforts to overthrow the Sandinist Government. This suggestion was rejected because it would have been too controversial, the official said.

U.S. Involvement Confirmed

According to the official, this in effect put the United States in the position of protecting the Sandinist Government if operations were restrained, or possibly violating the law as operations inevitably expanded.

The officials confirmed a report last week that the Central Intelligence Agency and the American military were directly involved in planning, arming and advising paramilitary forces based in Honduras and were providing them with intelligence data.

They said that the State Department officials had not argued that the C.I.A. and the American military were deliberately acting contrary to policy. Rather, they suggested that in carrying out the policy at this stage, it was almost impossible not to cross the bounds of legality from the interdiction of arms supplies to the destabilization of the Nicaraguan Government.

The policy approved by the President, the officials said, was to block supplies from Nicaragua to the Salvadoran guerrillas, to attack Cubans and the Cuban "infrastructure" in Nicaragua and in general to increase the costs to Nicaragua of backing the insurgency in El Salvador. Earlier this year, the State Department endorsed a decision to step up the interdiction, the officials said.

Another complicating factor, according to the officials, is the attempt to control the operations of the contras, as the anti-Sandinist guerrillas call themselves. "The contras' aims and actions may not be the same as ours," one Rey Administration official said.

C.I.A. Officials Concerned

The prohibition against efforts to overthrow the Nicaraguan Government is laid out in an amendment to a catch-all appropriations bill approved by Congress last December. "None of the funds provided in this act" it says, "may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of the country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."

A number of C.I.A. officials are also said to have expressed concern that the covert operations might have gone beyond the limitations stated in Presidential documents and in intelligence briefings to Congressional committees. By law, the President is required to notify House and Senate Intelligence Committees of covert actions.