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Bob:

attached are examples
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Bill

ARTICLE APPEARED
ON PAGE 4 Part II LOS ANGELES TIMES
10 June 1987

Amateurism in the White House

The Iran-*contra* scandal has exposed the blunders and chicanery that flowed from the Reagan Administration's efforts to evade public scrutiny by conducting U.S. foreign policy through private parties. Now this week's testimony before congressional investigating committees by a young White House lawyer named Bretton G. Sciaroni offers further evidence of the slapdash and delusive way the Administration approached fundamental legal questions about what it was up to.

Sciaroni is counsel for the presidentially appointed Intelligence Oversight Board, which is supposed to review the legality of intelligence activities. It was he who wrote the 1985 legal opinion saying that the National Security Council staff was exempt from Congress' ban on giving U.S. military aid to the Nicaraguan *contras*. That finding has ever since been the basis for claims,

by President Reagan and others, that the NSC's activities did not violate the law.

It might be thought that an opinion of such basic importance would have been reached only after the most incisive and scrupulous study. It was not. Sciaroni says that he spent no more than five minutes questioning Lt. Col. Oliver L. North of the National Security Council staff about possible illicit behavior, and that North misled him. Further, Sciaroni was denied documents directly relevant to his study. Sciaroni had passed the Bar examination, after four earlier failures, little more than a year before he drafted his opinion. A more experienced lawyer would have asked tougher questions and demanded more thorough access. It seems a fair conclusion that this is precisely why Sciaroni was chosen to provide a legal justification to prop up the NSC's dubious activities.

ARTICLE APPEARED
ON PAGE 4 Part II LOS ANGELES TIMES
15 May 1987

An Unconvincing Gesture

Robert C. McFarlane, President Reagan's former national security adviser, has loyally tried to take upon himself all responsibility for the clandestine efforts by the White House to get around the ban once imposed by Congress on aid to the Nicaraguan rebels. Some may see this as a brave and selfless gesture, but it is also an unconvincing one. The policy McFarlane helped carry out, as his testimony before congressional investigating committees suggested, was not something whose means he always understood nor, at least in retrospect, that he always believed in. Certainly McFarlane can be faulted for failed judgments, and maybe worse. But he cannot by any means be held wholly accountable for the broader failure of executive responsibility.

McFarlane's testimony, the weight of which was to confirm information obtained earlier, further supported indications that William J. Casey, the late director of the Central Intelligence Agency, was a principal figure in the affair. But the secrets that Casey knew—along with the chance to defend himself against charges of possible wrongdoing—went with him to the grave. Evidence of Casey's involvement in efforts to circumvent and deceive Congress is strong, even compelling. But

so also now is the suspicion that others may be tempted to heap an excess of blame upon a man who can no longer answer his accusers.

The central figure in the affair, Lt. Col. Oliver L. North, is due to be heard from next month, provided investigators don't change their minds about granting him limited immunity. Rear Adm. John M. Poindexter, McFarlane's successor in the White House, is also scheduled to testify. Between them these two can probably provide the most definitive answers to the most crucial questions, high among them just what Reagan knew and approved of in the whole shady business of channeling aid to the Nicaraguan rebels.

Meanwhile it's hard, after observing his four days of testimony, not to feel some sympathy for McFarlane. The portrait that emerged is that of an essentially decent man who dedicated his life to public service, but who in the end let his commitment to honor be compromised by the far less noble cause of trying to protect his boss—and by his odd fear that if he spoke out against a bad policy he might be denounced as a "commie" by Administration hard liners. Robert McFarlane deserved a better end to his public career than the one he invited.

ARTICLE APPEARED
ON PAGE 4LOS ANGELES TIMES
30 March 1987

Far From Leakproof

The world's great and small powers spend billions of dollars annually on technological means for collecting intelligence. But high-tech spying still hasn't eliminated the most ancient tools of espionage. Sex, money and appeals to personal grievances remain potent lures in enlisting spies. The Soviet Union has lately been seen to have had a lot of success in using such means of recruitment. The costs to the United States, though still not fully known, are believed to be enormous.

The latest case involves allegations that Soviet intelligence was able to penetrate the most secretive inner sanctums of the U.S. Embassy in Moscow. One Marine guard at the embassy has been charged with abetting these intrusions in 1985 and 1986. Another is under suspicion. U.S. officials fear that Soviets were able to enter top-secret communications facilities and to identify CIA sources in the Soviet Union. One official describes the intelligence losses as "horrible."

Disclosure of the embassy penetration comes after a string of recent revelations about Soviet intelligence successes against the United States. The most damaging of those by far revolved around John Walker, who, first alone and then with confederates, sold the Soviets vital military information over a period of nearly 20 years. The eventual exposure and punishment of the Americans involved in no way mitigate the damage.

The American system rejects the notion that anyone with access to highly classified information must be kept under constant suspicion. But recent cases—involving the Walker spy ring, the defection to the Soviets of one-time CIA employee Edward Lee Howard, and now the embassy Marines—raise the most disturbing questions about laxity in protecting secrets. Counterintelligence can never be foolproof. But where U.S. efforts to counter Soviet recruitment of American agents are concerned, it can be a lot better than it has been.

II-4LOS ANGELES TIMES
27 March 1987

Too Many Clouds

President Reagan has enough top aides moving out of their jobs under a cloud. The last thing that he needs is one moving *into* a job under a cloud. He would be wise to withdraw the name of Robert M. Gates and find someone else to direct the Central Intelligence Agency.

The cloud over Gates, now deputy director of the CIA, has been gathering since confirmation hearings before the Senate Intelligence Committee began earlier this month. Chairman David Boren (D-Okla.) was supportive, largely on the ground that Gates seemed more willing to cooperate with Congress than did his cantankerous predecessor, William J. Casey. Other members were not so sure. ~~And Gates~~ In his appearance before the committee, seemed bright and pleasant enough, eager to please, but his manner did not suggest the presence of command that would equip him to ride the CIA tiger, let alone tame it.

The cloud began to rain on Gates' parade Thursday with the release of the Tower Commission's report on the Iran-*contra* scandal. One question during confirmation hearings was whether he would be his own man or whether he was so intent on the next rung of his career ladder that he would do anything that someone of higher rank might ask him to do.

The Tower Commission on Wednesday seemed to confirm earlier published reports that Gates circulated a memorandum about the potential for Soviet mischief in Iran that was at odds with the

consensus of others at the agency but was just what the National Security Council wanted to hear.

The memorandum, written in May, 1985, said that the Soviet Union was in a good position to take advantage of the chaos in Iran that the National Security Council feared would follow the death of the Ayatollah Ruhollah Khomeini, and that the United States was not. Using that assessment, two aides to Robert C. McFarlane, former national-security adviser, proposed that the United States "encourage Western allies and friends to help Iran meet its important requirements," including arms, as a means of establishing an American presence to match that of the Soviets.

The rest is history—including the resignation of the man whom Gates succeeded as deputy, John A. McMahon, who resigned when he lost a fight to have the CIA wash its hands of arms shipments to Iran.

The Senate committee, which plans to examine Gates' role in excruciating detail during closed hearings next week, is already divided over whether to vote now or wait for more evidence to accumulate. That could take months, and Chairman Boren would rather the committee decide soon whether to confirm or reject Gates or ask the President to withdraw the nomination.

The President should not wait. He should withdraw the nomination and find a nominee who walks around under clearer skies.

25 March 1987

Diplomatic Challenge

The United States cannot sit meekly by while a nuclear race develops on the Indian subcontinent. But finding the right combination of carrot and stick to head off such a race poses a formidable challenge to this country's diplomatic skills.

Sen. John Glenn (D-Ohio) wants to suspend all U.S. aid to Pakistan until that country halts its nuclear program. That is too much stick. Sen. Alan Cranston (D-Calif.) is closer to the right combination with a plan to cut military aid by half while diplomats try to reason with Pakistan.

What makes the task so formidable is that Pakistan is not the only country that must be persuaded to prevent nuclear-weapons production from jumping any more national fences. India and Israel are also part of the problem.

American experts have long suspected that Pakistan is trying to make nuclear weapons—a suspicion that recently hardened to a near-certainty. Pakistan is producing bomb-grade, highly enriched uranium at a plant in Kahuta, and is widely assumed to have all the necessary components for a bomb.

If Pakistan pushes forward, India, which exploded an atomic device in 1974, may well react by producing its own nuclear weapons. If India goes into the bomb business, that could set off alarm bells in Beijing. The political chain reaction could interfere with U.S.-Soviet efforts to scale back their own nuclear forces.

The worst-case scenario is that to break the chain India or the Soviet Union might bomb Pakistani nuclear facilities.

As part of an effort to discourage the spread of nuclear weapons, U.S. law bans military aid to any country deemed to be in the business of making or acquiring nuclear weapons. The American ambassador, Dean Hinton, warned recently that the Pakistani nuclear program will make it very difficult for President Reagan to certify to Congress that Pakistan does not have a "nuclear explosive device." Still Reagan is pressing for congressional approval of a six-year, \$4-billion package of economic and military aid for Pakistan.

Pakistan is of great strategic importance to the United States. It stands as a barrier to Soviet ambi-

tions in South Asia, and its cooperation is crucial to U.S. intelligence agencies and their installations in Pakistan from which they eavesdrop electronically on the Soviet Union. Pakistan also is an irreplaceable conduit for arms and other aid to guerrillas in Afghanistan who are fighting the Soviet invaders.

If the United States leans too hard on Pakistan, it could be charged with applying a double standard. Pakistan's nuclear-weapons program is presumably a response to that atomic test in India years ago. Pakistan also has offered, on one condition, to sign the nuclear non-proliferation treaty, which obliges signatory nations to accept international inspection of their nuclear facilities. The condition is that India also sign. So far India has not agreed.

Israel is an even pricklier diplomatic problem. Israel has never admitted that it has nuclear weapons, but the consensus among international nuclear specialists is that it has the components for at least 25 bombs ready for assembly, and one recent report claimed that the number was closer to 100 or 200. Yet there has never been a serious suggestion that the United States withhold military aid to Israel.

Faced with these realities, U.S. officials fear that too much American pressure on Pakistan would be counterproductive, that it might goad Pakistan into testing a nuclear device just to show its independence. That would almost certainly trigger renewed Indian testing, and a nuclear arms race would be under way.

The lesser evil is also unacceptable—that the Pakistanis might be tempted to listen harder to the Soviet Union's less-than-satisfactory proposals for peace in Afghanistan.

Clearly Cranston's combination of carrot and stick is the place to start. But if U.S. pressure on Pakistan is to enjoy even a shred of credibility, it must be accompanied by strong representations to India to accept proposals for mutual Pakistan-India inspection of nuclear facilities, and firmly expressed concerns that Israel, by building a large nuclear deterrent, is guaranteeing the ultimate development of nuclear capabilities by its Arab neighbors.

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LOS ANGELES TIMES
4 March 1987

Strong Choice

President Reagan's decision to name William H. Webster, director of the Federal Bureau of Investigation, to succeed William J. Casey as director of Central Intelligence is a wise move that should go far toward restoring the people's confidence in the integrity of the CIA. Webster's willingness to accept a messy and complicated challenge speaks of his honor and sense of duty as a public servant.

"Judge" Webster, as he is known from his previous service on the federal bench, is the kind of public official in whom the United States abounds but whose numbers have been conspicuously sparse recently at the top levels of the Reagan Administration. He is a straightforward man of integrity who, by all accounts, puts personal considerations aside in favor of his obligations to his public charge.

The CIA is in need of such a man. By its secretive nature naturally prey to the abuse of power, the

CIA in Casey has had for the last six years a director who was as indifferent to constitutional restraints as he was enthusiastic about the use of secret means and covert wars.

The agency must give honest reports and untainted assessments to its master, the government; when the CIA acts, it must act in strict conformity to the demands of the Constitution and the requirements of Congress. Judge Webster's record in restoring the integrity of the FBI is testimony to his fitness for doing the same for the CIA.

Well, sweet can be the uses of adversity. After humiliating himself and his office and his country with the help of some of his top assistants, the President has replaced his headstrong chief of staff, Donald T. Regan, with the eminently sensible Howard H. Baker Jr., and now he has given us Webster for Casey. There is much more to do. This is a beginning, but it is a good beginning.

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ON PAGE 4-II

Following the Contra Trail

The Tower Commission's report was clear, and distressing, on the Reagan Administration's arms shipments to Iran. It was less clear, but no less disturbing, about the other end of the arms deal—funneling arms profits to Nicaragua's *contra* rebels.

In reconstructing the National Security Council's Iranian misadventure, commission members came across a series of memorandums, computer messages and anecdotes indicating that NSC staff members, primarily Lt. Col. Oliver L. North, engaged in an extensive secret campaign to provide support for the contras during the two-year period when Congress barred U.S. government aid for the Nicaraguan rebels. "Indeed," the Tower report says, "the NSC staff's role in support for the contras set the stage for its subsequent role in the Iran initiative."

Thus the special committees of Congress investigating the scandal and Special Prosecutor Lawrence E. Walsh must answer questions like these:

—Precisely how much money was raised for the contras, and how was it spent? The commission estimated that at least \$23 million in arms profits was available, but it found no evidence that any money actually reached Nicaraguan rebel leaders. The commission did find evidence that the funds were put into an elaborate network of secret bank accounts and fake companies that North dubbed "Project Democracy." Among the "assets" of Project Democracy were vehicles, aircraft and ships, several warehouses and leased homes, large quantities of arms, ammunition and communications gear, and even a secret airfield in Costa Rica.

—When was this private contra-aid network set up? The commission found that North was seeking a donor who could buy a helicopter for the contras in September, 1984, not long after Congress ordered the Central Intelligence Agency to stop its covert war against Nicaragua and banned U.S. government efforts to overthrow that country's Sandinista government. The language of that law,

the Boland amendment, was vague, but its intent was clear—Congress did not want the Administration running amok in Nicaragua. Just as clearly, North and other White House officials were determined to ignore Congress.

—Whose idea was it to encourage private donors and even foreign governments (apparently including Israel, Taiwan, South Korea, Saudi Arabia, Brunei, Guatemala and Costa Rica) to give help to the contras? Was it North alone, or were former CIA Director William J. Casey and Assistant Secretary of State Elliott Abrams in on the planning? The commission even found notes written by North suggesting that President Reagan was aware of the private aid network and approved of its activities. But Reagan told commission members that he was unaware of it until last November, when U.S. Atty. Gen. Edwin Meese III made the matter public.

The questions demand answers because, in prolonging a covert war against Nicaragua after Congress called a halt, NSC staff members violated the spirit if not the letter of the Boland amendment. In encouraging private U.S. citizens to help overthrow a foreign government, they may have encouraged violations of the Neutrality Act. And there have been allegations elsewhere that some of the fringe characters whom North recruited to operate his contra-aid network—shadowy figures like retired Air Force Gen. Richard V. Secord and his business partner, Albert Hakkim, and arms dealers like Adnan M. Khashoggi and Manucher Ghorbanifar—may have skimmed off some of the Iranian arms profits for themselves.

Reagan's dealings with Iran can be criticized and faulted on many grounds, as the Tower Commission so eloquently did. But the glimpse that the report gives of Americans skulking around the world in the Iran affair may in the end seem positively innocent compared with what investigators will find as they follow the trail of money into the jungles of Central America.

The Deepening Morass

A recent series of articles by a team of Times correspondents about the rebels fighting Nicaragua's Sandinista government illustrates yet again what a serious mistake President Reagan made by building his Nicaragua policy around the *contras*.

The series made clear that there are many grievances in revolutionary Nicaragua, frustrations that have led many patriotic Nicaraguans to abandon the hope that they once had in the popular revolution that overthrew the hated Somoza dictatorship in 1979. Ever since then the increasingly authoritarian nature of the new Nicaraguan government, controlled by the Sandinista militants who were the principal fighters in the rebellion that overthrew Gen. Anastasio Somoza, has alienated many of its own citizens—Roman Catholics, business leaders, independent unionists and peasant farmers among them. Clearly there would be opposition to the Sandinistas even if the United States had not helped create the *contras*.

Unfortunately, the United States *did* help create the *contras*. Or, to be precise, operatives of the Central Intelligence Agency did so at the behest of Reagan Administration officials who saw tiny Nicaragua as a test case of U.S. resolve against the Eastern Bloc. Creating a Nicaraguan opposition was a profoundly ignorant mistake from the perspective of Nicaraguan history. The Somoza dynasty was created by past U.S. interference in Nicaragua, after all. And the CIA compounded this error by dealing with the most visible remaining symbols of the Somoza regime—the officers of Somoza's defeated National Guard. *Somocistas* remain in key positions of authority in the *contra* movement to this day, tainting other *contras* who are former Sandinista allies with democratic credentials.

Now, with the \$100 million in aid that Reagan wrested from a reluctant and craven Congress earlier this year, the Administration is trying to

turn the *contras* into an effective guerrilla army. But it is too late. Convinced that the United States wants to overthrow them at all costs, the Sandinistas have heavily armed themselves with the help of the Soviet Union, and have tightened their political grip on Nicaragua. Budging them even slightly will require more than firepower. It demands a basic ingredient of guerrilla warfare that the *contras* lack—widespread popular support among the people they claim to be fighting for.

Thus, as the *contras* infiltrate into Nicaragua to engage the Sandinistas early next year with their new weapons and supplies from the United States, the reality is that they have little chance of success. Reagan's *contra* war is shaping up as a disaster akin to the Bay of Pigs in slow motion. His surrogates can't win, and the longer that they flail about in futility the greater the chance that they will spark a regional war in Central America, which the United States could easily be drawn into with unpredictable consequences.

The tragedy of this deepening morass is that Reagan has an alternative for dealing with Nicaragua, even if he does not want to dirty his hands by negotiating directly with Managua. He has been advised many times by our Latin American allies, principally the Contadora Group (Mexico, Venezuela, Colombia and Panama), to step back and let them negotiate with Nicaragua. Latin American diplomats believe that if the Sandinistas let down their guard long enough to talk with their neighbors, they will realize that Nicaragua has more to gain from cooperation with the Western democracies than it has by becoming a Soviet client like Cuba.

Despite resistance and even outright hostility from Reagan, the Contadora Group quietly and patiently continues trying to negotiate peace in Central America. Contadora is a viable alternative to the *contras*. But the United States must give it a chance to work.

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LOS ANGELES TIMES
 17 December 1986

Clear and Confounding

Emerging from a closed session of the Senate Intelligence Committee the other day, panel member William S. Cohen (R-Me.) noted that with each new witness who is heard in the investigation of the arms-for-hostages deal with Iran "the picture becomes clearer, the story more confounding." Both knowledge of what the Reagan Administration was up to and bewilderment over its follies seem certain to grow in the weeks and months ahead. What began as a fairly simple effort to fix responsibility for a scandalous foreign-policy blunder is now leading to the exposure of many covert and dubious connections that high Reagan Administration officials thought they could keep hidden. Alice had no inkling of what adventures lay before her when she followed the White Rabbit into his hole. High officials little knew what would be revealed by their misbegotten efforts to deceive.

The limited dimensions of the enterprise that Atty. Gen. Edwin Meese III sought to depict a few weeks ago—that of a U.S.-Israel plan to court putative moderates in Iran's leadership, get back American hostages from Lebanon and throw some dough to the Nicaraguan *contras*—have considerably expanded. The cast of characters involved in the deal has grown and become more gamy. It now includes, among others, a Saudi Arabian billionaire with close ties to the royal family; an expatriate Iranian hustler who may double as the ayatollahs' chief intelligence agent in Europe, and some Canadian investors who are sore because they say they ended up shortchanged on the arms deal. This represents a new and bizarre twist in the story, a

kind of limited partnership to profit from ransom-paying. In Sen. Cohen's apt phrase, it signifies the privatization of American foreign policy.

William J. Casey, the director of Central Intelligence, confesses to only a vague and untimely awareness that Iranian arms money was earmarked for the contras. Casey is supposed to be the man who knows all the secrets. His problem is that he has a terrible time remembering them when he goes before a congressional committee. Secretary of State George P. Shultz, who is in charge of carrying out foreign policy, either by the design of others or by personal choice was largely cut out of the information loop on the Iran-contras connection. This put him in the odd and ultimately humiliating posture of vigorously propounding a policy of no deals with terrorists while behind his back the Administration he works for was dealing for all it was worth.

The revelations up to now seem not to have shaken President Reagan's conviction that if his means were flawed his aims were still noble. The self-evident fact that the aims themselves were both a betrayal of principles and just plain dumb remains unacknowledged. Nor has the President apparently weakened in his determination to keep around him advisers whose counsels have repeatedly proved to be monumentally inept. Reagan has 25 months remaining in his presidency. He faces a difficult time at best. He faces infinitely worse if he does not act quickly to rid his Administration of maladroit officials while putting the full weight of his authority behind the effort to have the full story of this mess disclosed.

1 ARTICLE APPEARED
ON PAGE 1 (Part IV).

LOS ANGELES TIMES
26 October 1986

Down and Dirty

In Nicaragua

By Charles William Maynes

WASHINGTON
Last week the Sandinista regime in Nicaragua put on trial Eugene Hasenfus, the American pilot shot down when delivering military supplies to the *contras*. Hasenfus' timing was terrible and his testimony was troubling, for together they raised the possibility that senior members of the Reagan White House have systematically been involved in illegal activities.

At the time of the crash, the President had still not signed legislation making it legal for the U.S. government to provide military assistance to the Nicaraguan rebels, yet Hasenfus contended he was a participant in an operation supported by the Central Intelligence Agency. Soon it surfaced that he reported to a Cuban-American, Max Gomez, who has met two or three times with Vice President George Bush and with his staff.

For those with a long memory, Hasenfus' plight recalls that of Francis Gary Powers in May, 1960, when the Soviets shot down Powers' U-2 reconnaissance plane. The Eisenhower Administration lied about Powers and Nikita S. Khrushchev broke up the Paris summit. Powers, like Hasenfus, was pawn in a larger geopolitical game.

It may be that, strictly speaking, the Administration has not violated the letter of the law—although only a congressional investigation can determine this—and Hasenfus was misled by officials who falsely said he was working for the CIA. But if the Administration is not in strict violation of the letter of the law, it is in gross violation of its spirit. Given the Administration's policy, it would be almost impossible for a low-level employee like Hasenfus not to believe that he was working for the CIA and enjoying the protection of the U.S. government.

For several years now the Administration has engaged in an extremely dangerous game in Nicaragua. Its goal has been to overthrow the Sandinista regime, yet it has told the American people otherwise. To carry out this policy, it has been involved in highly questionable activities—direct contacts with *contra* leaders,

arbitration of disputes among those leaders, encouragement of private gun-running and support for strategies of attacks on civilians within Nicaragua—that would evoke revulsion within the United States were they more widely known.

Most alarming, to protect the policy the Administration has revived some of the worst practices of the Nixon Administration. The Nixon Administration created the "plumbers unit" to bypass relevant agencies—the FBI, for example—and the Reagan Administration has used members of the National Security Council staff to continue U.S. funding of *contra* military activities, when Congress has explicitly banned such support. As a result some in Washington are now beginning to ask whether a new Watergate-type scandal may be brewing.

Administrations always get in trouble when they forget standards they promised to respect and end up doing something they shouldn't. The Reagan Administration's policy toward Nicaragua breaks a period of respect for the law and democratic standards that distinguished the Ford and Carter administrations. The new policy threatens to return the executive branch to an earlier darker period that lowered U.S. prestige worldwide.

Thus the Eisenhower Administration lied about the U-2 flights over the Soviet Union; the Kennedy Administration tried to assassinate Fidel Castro and in the process nearly destroyed the CIA as an effective agency; the Johnson Administration so repeatedly misled the country about U.S. policy in Vietnam that it ultimately lost the confidence of the people as well as America's first major war.

The Nixon Administration, through such actions as the illegal bombing of Cambodia, broke the law abroad and then broke it at home—authorizing illegal wiretaps, breaking and entering and the systematic obstruction of justice. Several high officials went to jail; and the nation lost its first President through resignation under threat of impeachment.

Because of its obsession with Nicaragua, the Reagan Administration may now be joining the list of Administrations that get in trouble by forgetting that the U.S. system rests on two foundation stones—legality and accountability.

In effect, the Reagan Administration has declared war against Nicaragua without informing the U.S. public or obtaining the necessary authorization from Congress. Its determination to wage that war explains such otherwise inexplicable actions as the illegal mining of Nicaragua's territorial waters, the brochures encour-

aging the assassination of Nicaraguan officials and now the possible violation of an explicit congressional prohibition against U.S. military aid to the *contras*.

Some cynics say any violation of previous laws regarding aid to the *contras* is irrelevant, because the President on Friday signed into law legislation that will make such aid legal. But this is a shortsighted approach to the problem of legality and accountability in a democratic society. The issue is not whether the law now permits what was previously illegal. It is whether the Reagan Administration will be allowed to put its private desire to overthrow the government of Nicaragua over public law. And if the answer is yes, then in what sense does the United States follow democratic practices in conducting its foreign policy?

It is critical that some key questions regarding this affair be answered. Who

paid the salary of Hasenfus? Where did the money come from? To whom does Gomez report? Did the aircraft flown by Hasenfus' company regularly use U.S. military air fields? Who authorized this?

George Washington once reminded his fellow citizens that the "nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and interest."

The Reagan Administration has become a slave to its hatred of Nicaragua. And just as Washington warned, the hatreds it has nourished have now led the nation astray from its duty and its interests. It is time for the Administration to recognize what is happening before it is too late and its lawless actions trigger a major political scandal. □

Charles William Maynes is the editor of Foreign Policy magazine

A Likely Story

It looks bad enough for the United States to have an airplane packed with arms for Nicaragua's rebels and flown by an American crew crash inside that country's borders. It makes it look unacceptably worse to have one of President Reagan's chief advisers on Latin America use the incident to encourage free-lance attacks a sovereign government with which we are officially at peace.

There will be more details in the days to come on the activities of Marine Corps veteran Eugene Hasenfus, the Wisconsin man who is the sole survivor of the four-man crew aboard the C-123 transport that Nicaraguan troops shot down Sunday near the Costa Rican border. Two other U.S. citizens, and a Nicaraguan, were killed when it crashed. Hasenfus has reportedly admitted his mission was to resupply anti-Sandinista *contra* rebels.

The U.S. government has disavowed any official connection with the airplane or its crew, but there can be little doubt the flight was part of a pattern of covert operations, either overseen directly or encouraged indirectly by the Central Intelligence Agency, in support of the *contras*, who Reagan considers freedom fighters. That an Administration irrationally obsessed with Nicaragua is linked to such activities is no surprise. What is amazing is how consistently U.S. officials, and their *contra* allies, botch up these operations and embarrass themselves before the world.

Take the way Assistant Secretary of State Elliot Abrams, the chief coordinator of Reagan Administration policy in Central America, praised the work of private U.S. groups that aid the *contras*, going so far as to call the downed plane's crew "heroes." They probably were brave men. But there are serious questions as to whether such activities are even legal under the Neutrality Act of 1972.

Quite apart from their legality, there are millions of Americans who consider such activities improper and unwise. Even the Republican chairman of the Senate Intelligence Committee, Minnesota's David Durenberger, is asking whether the CIA could bring free-lance *contra* aid operations under control if Congress were ever to allow it to go after Nicaragua unhindered. For Abrams to go out of his way to praise that kind of activity reflects profound arrogance.

But then, ignorance and a belief that we know better than the rest of the world what to do in Central America runs through all of the Administration's tactics and pronouncements with respect to Nicaragua. Reagan, Abrams and the rest are apparently determined to wage their war there regardless of what it costs in human lives or damaged U.S. prestige. The only way their campaign to overthrow the Sandinistas will be forced into a more constructive channel—like the Contadora negotiations suggested by our Latin American allies—will be if Congress flatly refuses to go along with it.

Congress should now delay final approval of the \$100 million in *contra* aid it voted recently, until the Administration answers the many questions raised by the aircraft's downing. Congress must find out if the Administration is already using the *contra* aid money despite the fact it has not been finally approved, or whether the CIA is using its operating funds against Nicaragua, a strategy Congress specifically banned two years ago when it was revealed that CIA operatives had mined Nicaragua's harbors.

Congress must have a clear answer to those questions before allowing Reagan and his fellow adventurers to plunge deeper into the jungles of Central America.

ARTICLE APPEARED

LOS ANGELES TIMES

ON PAGE 6 PART II

14 August 1986

Sloppy Silence

Measured by what its highest officials say or don't say, the Reagan Administration seems to have a curious sense of priorities when it comes to dealing with the loss of sensitive information. Let word of some politically embarrassing blunder or dubious covert enterprise leak to Congress or the press, and the highest officials rush to warn that the very foundations of the Republic may have been imperiled, while threatening lie-detector tests for everyone in sight. But let an administrative fiasco occur that could genuinely jeopardize national security, and top people keep silent while lesser functionaries are sent to mumble uninformative explanations. Two recent cases illustrate the point.

Last month, to take the more current example first, a House subcommittee revealed—no doubt on the basis of a leak—that Lockheed Corp. had managed to lose an incredible 1,400 documents dealing with a project so secret that the Defense Department refuses even to acknowledge its existence. Some of the documents have been missing since 1983. An official of the Pentagon, which sets security standards for contractors working on classified projects, described the loss of the documents as a "near-disaster," but now says that his department has either located or knows what happened to them. The ambiguity of the second part of

that statement is somewhat less than reassuring.

Losing documents is bad enough. Losing people is worse. A few years ago the CIA hired Edward Lee Howard and trained him to become an espionage agent in Moscow, telling him a lot of secrets in the process. Then the CIA found out that Howard had certain disqualifying character defects, and fired him. It let a year go by, though, before it told the FBI that Howard might be someone to keep an eye on. Meanwhile, the unhappy Howard had established contact with Soviet intelligence. The FBI got on to him, but one night Howard evaded surveillance and disappeared. Now, the Russians say, he is in Moscow, telling all. At least one Russian working for the CIA is believed to have been killed as a result.

It is impossible to say how much harm may have been done by the Howard defection, or what if any damage was done in the Lockheed case. What is clear is that here are two recent examples—there have been others in the near past, including that of KGB defector/redefector Vitaly Yurchenko—in which inexplicable sloppiness has occurred in the security area. The Administration has had little to say about these serious matters, and what explanations it did offer came only under congressional pressure. Left to its own, the Administration probably would have had nothing to say at all.

4 Part II

LOS ANGELES TIMES

22 July 1986

Chilling Effect

In the last year the Reagan Administration has broadened the use of the espionage laws to prosecute people who are not spies. It successfully prosecuted Samuel L. Morison, a civilian intelligence analyst for the Navy, for giving classified photographs to the press, and it warned NBC and the Washington Post that they could be prosecuted for divulging intelligence information. To the government, these activities constitute spying no less than what the Walker family did.

At the same time, Congress has sought to do something about the epidemic of real spying cases that erupted in 1985. Late last month the Senate passed a bill intended to prevent spies from profiting by selling their stories. The bill would require that "any person convicted" under the espionage act "shall forfeit to the United States . . . any of the person's property used . . . in any manner or part . . . to commit or to facilitate the commission of such violation."

If this bill becomes law, a newspaper that is convicted of espionage for publishing information could have its assets seized—including its presses. Nothing like that has ever happened in the history of this country. It would be anathema to the First Amendment and to the goal of an informed public.

The term *chilling effect* is overused, but in this

case it accurately describes what will happen if Congress adopts the Senate measure. The cost of being convicted of espionage would be to put the newspaper or television network out of business. So the press is likely to be overly cautious about what it prints, and news about intelligence activities is likely to disappear. The ability of the people to monitor what the government is doing will disappear with it.

Sen. Ted Stevens (R-Alaska) probably didn't realize the sweeping consequences of his measure, which has been called the "You Spy, You Die" bill. The Senate didn't realize it, either. They were thinking about spies, not about leakers who give information to the press or leakees who publish it.

But that is what the law would require. Notice that the applicable verb in the statute is *shall forfeit*. A judge would have no discretion.

The perniciousness of the Administration's approach to this subject becomes clearer all the time. The espionage laws should be restricted to spies and spying, which is what Congress intended. And the House-Senate conference committee that is to take up the Diplomatic Security and Anti-Terrorism Act should either drop the Senate's forfeiture provision or make clear that it applies to spies and not to the press.

ARTICLE APPEARED
ON PAGE 4 (Part I).LOS ANGELES TIMES
27 June 1986

Scandal Worsens in Israel

The scandal involving Israel's domestic intelligence service has only deepened as a result of the deal giving the head of that agency immunity from criminal prosecution. The deal aims at quashing any further investigation into the behavior of Avraham Shalom, chief of the Shin Bet, who has been accused of covering up the killing of two captured Palestinian terrorists. Shalom was given immunity, in exchange for his resignation, ostensibly to prevent further disclosures that could harm state security. The widespread and not implausible suspicion in Israel is that the deal in fact was made largely to protect some of the country's political leaders from embarrassing revelations about their own involvement in the cover-up.

The case began on April 12, 1984, when four young Palestinians hijacked an Israeli bus. Hours later, security agents stormed the bus. An official statement claimed that all four hijackers, along with one passenger, died in the attack. But Israeli newspapers had pictures of two of the terrorists being taken from the bus alive. Publication of the pictures, in defiance of military censorship, forced an official inquiry. In time it came out that the two Palestinians had been beaten to death, in clear violation of Israeli law that forbids killing unarmed prisoners. Who ordered the killings and

who carried them out remains unknown. But Shalom, the head of Shin Bet, was on the scene at the time. He is also believed to have been in close touch throughout the incident with then-Prime Minister Yitzhak Shamir, who is scheduled to reclaim that office in October.

Three senior Shin Bet officials resigned last December to protest Shalom's alleged attempts to hide the truth about the affair. Earlier this month Israel's attorney general also quit after he was prevented from further investigating the case. Now Shalom, though he has been convicted of nothing, has been granted executive immunity in a move that prominent Israeli judicial authorities denounce as illegal and a whitewash.

Shamir, who currently serves as foreign minister, has never denied that he knew of the cover-up. It also seems likely that Shimon Peres, who succeeded Shamir as prime minister, at some point found out about what was going on within the intelligence agency. It is these things that give the Shalom immunity deal the aroma of political self-protectiveness, and that have prompted an outcry among many Israelis. Terrorism has no constituency in Israel. The rule of law does, and the signs most unmistakably are that the rule of law is being shamefully compromised.

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ON PAGE 14

LOS ANGELES TIMES

13 June 1986

Let the Chips Fall

As part of a plea-bargain agreement Jonathan Jay Pollard, who has confessed to spying for Israel while working as a civilian analyst for the U.S. Navy, is talking to the Justice Department about what he did and what he knows. On the basis of this, some people at the department are saying that there may be more to Israeli espionage activities in the United States than has so far come to light.

William H. Webster, the director of the FBI, has added to these suspicions by suggesting that the Israeli government has been only selectively cooperative in providing information about the Pollard case. Last week the State Department seemed implicitly to agree when it once again called on Israel for full cooperation in illuminating the affair. That drew a sharp complaint from Prime Minister Shimon Peres, who professed to see a deliberate attempt by some to foul the atmosphere between the two countries. Now the State Department, in a carefully worded statement, says that it knows of "no evidence of any espionage ring involving Israeli officials." The statement had White House approval, but rumblings of discontent from the Justice Department are still being heard.

The State Department's interest right now is directed at trying to contain the political damage produced by the Pollard case. One highly publicized incident involving American secrets bought and paid for by Israel has been bad enough for the course of bilateral relations. Revelations of other Israeli spying, separate from or linked to the Pollard case, could do far more to erode political bonds between the two countries and weaken an already shaky Israeli government. That's what the State Department hopes to avoid.

The interest of the Justice Department is in finding out who besides Pollard and four unindicted Israeli co-conspirators may have broken U.S. laws. Some in the department are upset by what they see as pressures, presumably inspired by reasons of state, to limit the investigation and potential prosecutions. The main reason is that law-enforcement officials plainly are not satisfied that the Israel government has told all that it

knows and done all that it can to aid the espionage investigation. There is a lot of circumstantial evidence to support that view.

Israel's contention from the beginning has been that the Pollard case was an unauthorized departure from policy, conducted by a "rogue" intelligence unit without the knowledge or approval of higher political authorities. Legal filings by the Justice Department as well as events in Israel cast strong doubt on that contention.

One of Pollard's Israeli co-conspirators is a veteran intelligence official. In the wake of the Pollard case, which is said to have embarrassed and distressed his government, he was transferred from his intelligence post to a comfortable civilian job. Another unindicted co-conspirator is an Israeli air force officer who, after the Pollard case broke, was promoted from colonel to general and put in charge of an air base. If these are the punishments for rogues, the rewards must be enticing indeed.

If Pollard's spying was unsanctioned and unknown to higher authorities, what became of the secret U.S. information—literally suitcases full of it—that he passed on to his Israeli handlers? At some point some of this material must surely have entered the intelligence stream reaching such officials as the prime minister, the defense minister, the foreign minister, the chief of staff. Did no one ever ask where this information came from and, having been told, order an immediate stop to an activity that supposedly was in defiance of a policy not to spy against the United States?

Israel's actions in the Pollard case have done more to promote suspicions than to allay them. All this supports the Justice Department's view that there is much more to be learned. Now, apparently with Pollard's cooperation, the department is pursuing leads. The deal struck long ago between Israel and the United States was that the two countries would not spy on each other. That agreement, and the trust underlying it, has been breached. An American citizen was paid to spy for Israel. Perhaps others were involved. The effort to find out should be allowed to run unimpeded.