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NOMINEE FOR CIA JOB DEFENDS GROWING USE OF COVERT ACTIVITY
 BY TIM AHERN
 WASHINGTON

The nominee to be the new deputy director of the CIA has defended the increasing use of covert action by the Reagan administration, promised to try to cut down on leaks to the press, and admitted the agency mishandled a Soviet defector last year.

The statements by Robert M. Gates came Thursday as he appeared before the Senate Select Committee on Intelligence, which later voted 10-0 to recommend that the full Senate confirm him to the No. 2 post at the Central Intelligence Agency.

It was the first public hearing in three years by the Senate panel, which has feuded with the Reagan administration over the disclosure of sensitive information and over U.S. covert programs.

Gates, 42, is a career intelligence officer whose most recent post was deputy director for intelligence. He was named by CIA Director William Casey to the No. 2 slot after John N. McMahon quit in February.

Gates said he believes covert action is "an appropriate instrument of foreign policy, as long as it is taken within a broader context."

But he cautioned that decisions on covert programs are made by the National Security Council, with the CIA only implementing the decision.

Gates did not discuss specific cases, such as the CIA-backed rebels trying to overthrow Nicaragua's leftist government, or guerrillas who are battling the Soviet-supported government in Afghanistan and the Marxist government of Angola.

The latter two groups have been supported by the administration, which has reportedly decided in recent weeks to supply the guerrillas with sophisticated Stinger anti-aircraft weapons.

"It has always been difficult to keep American involvement in a large-scale, paramilitary action secret," he told the panel.

Even when a U.S. covert program becomes known, the administration can still deny backing it, providing a "fig leaf" that can be useful for diplomatic reasons in international circles, he said.

During the hearing, several senators criticized leaks they said have come from the executive branch, particularly about the possibility of U.S. military actions against either terrorists or Libya, which the administration says is a major sponsor of international terrorism.

Sen. Sam Nunn, D-Ga., said, "The way it's coming out is devastating to our national security."

Some leaks, according to Sen. William Cohen, R-Maine, appear to be politically motivated. He disputed Gates' contention that the information is being leaked by low-level staffers. Cohen said the information is coming "from the highest officials in the executive branch."

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Sen. Patrick Leahy, D-Vt., vice chairman of the panel, told Gates, "Many times, the information that has appeared in the press about intelligence has not only been earlier, but more complete, than official notice to the committee."

"It is clear that all or nearly all such leaks of sensitive information have originated at various levels in the executive branch," Leahy said.

Gates said he thought most leaks were due to a "lack of discipline" by people with access to sensitive information. He promised to try to reduce the number of leaks.

"I'm pretty certain that some of the more significant leaks of the last few days have been reported to the FBI" for investigation, he said. "If they haven't, they will."

But he did not say which cases he had in mind.

Gates agreed with Cohen and Sen. Frank Murkowski, R-Alaska, that the CIA had mishandled the case of Vitaly Yurchenko, a former high-ranking KGB agent who defected to the United States last year.

Yurchenko walked out of a District of Columbia restaurant last Nov. 2 and showed up two days later at the Soviet embassy here, claiming he had been drugged by the United States. He returned to the Soviet Union.

The CIA has changed its method of handling defectors so that a single case officer now will deal with a defector from the start to build rapport with the defector and try to sense trouble before it develops, Gates said.

He said that defectors have not been restrained in the past and they should not be restrained in the future, but he added that "we ought to step back a bit" from that policy and change it enough so "they can't just walk out the door and into the Soviet embassy."