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WASHINGTON
COURT AGREES TO DECIDE WHETHER CIA CAN BE FORCED TO REVEAL
BY JAMES H. RUBIN

The Supreme Court today agreed to decide whether the Central Intelligence Agency may be forced in some cases to reveal its intelligence sources.

The justices will hear the government's appeal from a ruling that could force the CIA to disclose the names of researchers who took part in a program involving brainwashing and experimental drugs.

The U.S. Circuit Court of Appeals here ruled last June 10 that the CIA may not refuse automatically to disclose the names of researchers involved in MKULTRA _ the code name for the program.

Some individuals were unwittingly administered LSD and other drugs in the research program during the 1950s and 1960s, and at least two people died because of the experiments.

A congressional committee and a presidential commission investigated MKULTRA in the mid-1970s, shedding light on numerous alleged abuses.

In the case acted on today, the Ralph Nader group Public Citizen sought under the Freedom of Information Act the names of individual researchers and institutions used by the CIA to conduct the experiments.

The CIA contends that it promised confidentiality to the researchers, and that forcing the agency to reveal their names may threaten other intelligence sources.

"The possibiity of such a disclosure alone can have extremely damaging effects, because it gives rise to the perception that the CIA cannot be trusted to keep a source's identity secret," Justice Department lawyers said.

They added: "A foreign government that learned the sources that the agency was consulting would have been able to infer both the general nature of the CIA's project and the directions that its research was taking."

The appeals court here ruled that in most operations the CIA will not be forced to reveal the names of intelligence sources.

But, the appeals court said, the CIA may not withhold the names automatically "in cases like (MKULTRA) where a great deal of the information is not self-evidently sensitive, where the reasons why its sources would desire confidentiality are not obvious, and where the agency's desire for secrecy seems to derive principally from fear of a public outcry resulting from revelation of the details of its past conduct."

A great deal of the CIA's records of MKULTRA were destroyed in 1973 on orders from then- CIA Director Richard Helms.

But in 1977 the agency located about 8,000 pages of previously undisclosed material. At the direction of Stansfield Turner, then CIA director, the documents were turned over to a Senate subcommittee but the names of participating researchers and institutions were not made public.

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U.S. Assesses Iran's Threat to Oil-Supply Route

Military Factors Weigh Against Tehran, but Its Irrationality Is Feared

By Gerald F. Seib
Staff Reporter of The Wall Street Journal

WASHINGTON — The long-feared oil crisis might unfold like this:

Iraq strikes at Iran's oil jugular vein in their 3½-year-old war. It uses its French-made Super Etendard warplanes to sink oil tankers at Iran's Kharg Island oil terminal in the Persian Gulf.

Iran retaliates by dispatching helicopters and ships to mine the Strait of Hormuz, the Gulf's narrow mouth. Frightened shipping companies and insurance firms that underwrite tankers call a halt to oil shipments from the Gulf, through which passes 20% of the noncommunist world's oil.

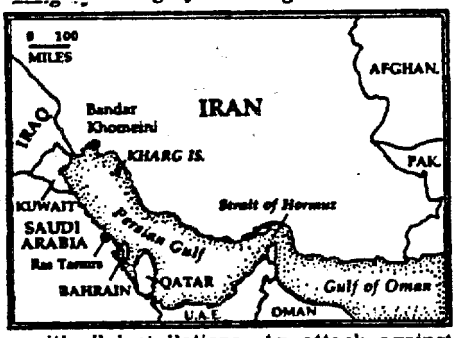
To protect the oil supplies, the U.S. and its allies spring into action. Saudi Arabia sends its four mine-sweeping ships into the strait to start clearing it out. The U.S. airlifts mine-sweeping helicopters half way around the world to begin sweeping operations of its own. Planes from the aircraft carrier Midway protect the mine-sweepers from attack by Iranian planes, while U.S. warships escort tankers through the Gulf.

Such a scenario is purely hypothetical. But with Iraq claiming this week that its warplanes attacked tankers near Kharg Island and warning ships to stay away, it doesn't seem so far-fetched. Iraq's claim hasn't been confirmed, but the mere reports of it sent oil prices shooting up. And U.S. officials again are worried Iran could be provoked into carrying out its long-standing threat to close the Strait of Hormuz to punish Iraq and its supporters.

The task of closing the strait would be formidable militarily, the risk of massive retaliation high and the cost to Iran's own economy steep. "In the short range they could do it," says Richard Helms, former director of the Central Intelligence Agency and a former ambassador to Iran. "But it isn't in their interest in the long run, if you look at it coldly and cynically." An American defense official is more direct: Iran would find that it "can't sustain a blockade over time," he says.

But even an Iranian attempt to close the strait, or threats from Tehran to mine it or attack tankers, could create havoc. "One of the better ways to close the strait is to just threaten to bomb a tanker and let insurance rates go up," says Christine Helms (no relation to Richard Helms), a Brookings Institution analyst. If insurance rates go too high, the tankers would be forced to stay out of the Gulf.

A shutdown of the Straits of Hormuz would be designed to punish countries like Saudi Arabia and Kuwait, which support Iraq economically, by cutting off their ability to export oil. But Iran could accomplish the same thing by bombing Saudi and Kuwaiti oil installations. An attack against the huge Saudi oil-loading facility at Ras Tanura would be particularly crippling and could spark war all around the Gulf.



Mining the strait or attacking moderate Arab states like Saudi Arabia would force Iran to divert military resources from its war with Iraq. Blocking the strait also would cut off its own ability to ship oil. And the massive Western military response that might follow could overwhelm Iran's own deteriorating military machine.

But Iran has defied logic before, and the U.S. is prepared for it to do so again.

Mining the strait would be difficult. Its deep water (the depth averages about 150 feet) would make it a problem to plant mines, particularly ones that must be moored to the sea floor. "The problem with mining the strait is that it isn't permanent," says one Pentagon analyst. "The water is swift," he adds. Mines could wash away. Iran wouldn't be sure of their location, meaning it couldn't send its own oil tankers through the area any more safely than could other countries.

U.S. officials aren't sure, but they assume Iran could at least scatter some mines using ships and helicopters or, perhaps, P-3 patrol planes Iran acquired from the U.S. before Ayatollah Ruhollah Khomeini took power.

But some analysts say American mine-sweeping capabilities have proved to be deficient in the past, and that even scattered Iranian mines could interfere with oil shipments for weeks.

Iran also would face difficulties trying to sink ships in an effort to close the strait. Iran's navy and air force are believed to have deteriorated so much in recent years that experts aren't sure they are capable of carrying out effective attacks.

Generally, Mr. Helms says, the Iranian navy doesn't "amount to a damn any more. They never were very good." Iran's navy had 135 ships before the shah's fall, including many light coastal patrol craft. Western experts don't know how many of them are still working, but most assume that losses and a shortage of spare parts have substantially reduced the number of operational ships.

Similarly, Iran's air fleet has dwindled because of a lack of spare parts and losses in the war with Iraq. For instance, Anthony Cordesman, a former Pentagon official who is now an editor of the Armed Forces Journal, estimates that Iran has only 25 usable F-4 fighter-bombers out of a pre-war total of 90, 30 usable F-5 fighters out of 166 previously, and five to 10 F-14 fighter-bombers out of 77 before the war. Those types were bought from the U.S. during the shah's reign.

And even if Iran did sink a tanker in the Strait of Hormuz, the strait is deep and wide enough so that other ships still could pass. At its narrowest point, the strait is 25 miles wide.

As a result, some U.S. officials think Iran might simply try to use its warships to intercept and turn back ships, rather than actually sink them.

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