



TRACKING THE 'ROGUE ELEPHANT'  
BY TIM AHERN  
WASHINGTON

When CIA officials met at their secret training base near Williamsburg, Va., to prepare their budget last year, there was a new participant who had never before attended such a meeting — Sen. David Durenberger.

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"We sat down and we could sort of have it out," recalls Durenberger, R-Minn., who at the time was chairman of the Senate Intelligence Committee. "I talked about what I liked and what I didn't like and they talked to me and we just sort of worked it out so we understood each other." But while Durenberger learned much about the agency's budget, he was told nothing about the secret U.S. arms sale to Iran, an event kept from his committee by written order of President Reagan.

Durenberger's trip was a step in a process that began in 1976, after the House and Senate created committees to keep an eye on the nation's intelligence agencies.

Scandal gave impetus to congressional oversight of the CIA — the disclosures that the CIA had plotted the assassinations of foreign leaders, spied on Americans, conducted experiments with mind-altering drugs and organized coups.

The late Sen. Frank Church, D-Idaho, who chaired an investigation of the CIA, declared the agency had become a "rogue elephant." The committees are supposed to tame the elephant — or at least know what it is up to.

But the Iran-Contra affair revealed that the CIA is still capable of acting without Congress' knowledge. Only after the scandal broke did Congress find out how the CIA helped the National Security Council facilitate the arms sales.

Although neither panel has the legal authority to halt such actions, complaints from the committees would have been effective in stopping them.

One of the recommendations of the Tower commission, which investigated the affair, calls for merging the Senate and House committees into a single joint committee. The idea hasn't gotten much of a welcome in Congress.

Despite the Iran aberration, the oversight process is generally praised by lawmakers.

"I think that overall, it's pretty good," says Durenberger, who left the committee last December when his eight-year limit ran out. (In creating the panel, the Senate said no senators could serve more than eight years; the limit for House members is six years.)

Sen. William Cohen, R-Maine, the current co-chairman, agrees, but says, "At times it has broken down, like three years ago when they didn't tell us about the mining of the Nicaraguan harbors or last year when they kept the Iran arms deals from us." The 15-member Senate panel and the 17-member House committee spend much time reviewing the ledgers of the spy agencies: know how an agency spends money and you'll know what it does.

The Senate panel has 40 staffers, half of them professional investigators. The Senate committee's budget of \$1.9 million compares to \$2.4 million for the Senate Foreign Relations Committee and \$2.1 million for the Armed Services panel. About a third of the staff members of the two committees worked in intelligence before joining the committees.

The chief of staff during Durenberger's two-year chairmanship was Bernard McMahon, who worked as a special assistant to CIA director Stansfield Turner in Jimmy Carter's presidency. The current staff director appointed by Sen. David Boren, D-Okla., the new chairman, is Sven Holmes, a Washington lawyer. Holmes is a long-time political associate of the senator.

Committee members and the staffs get to see classified documents and assessments prepared by the intelligence agencies for the executive branch. The daily intelligence digest is routinely sent to the committees as it is to the White House. The panels also see National Intelligence Estimates, documents that are a chief product of CIA's analysts.

The committees expect to be told of covert actions.

"They come to us and tell us something and we have a chance to have our input," says Cohen. "That's what the oversight process is all about." Adds Durenberger: "That's the value of the oversight process, in having someone from the so-called outside looking at something." All the legislators and their staff members are cleared to see secret material, but there are differing levels of access.

"There are things that I see now as vice-chairman that I didn't when I was just a member of the committee," says Cohen.

"And not all of that is shared. For example, recently there was a case where I was told about something but I couldn't share it with my staffer," Cohen says. "And then he found out about it a couple of weeks later and when he came to me to tell me about it, I had to say that I already knew." As on any committee, different members have differing interests. "What the staffer looks at is partly a function of the interest of his boss," says a staff member, speaking on condition he not be identified. "If a senator is interested if covert aid to guerrillas fighting Marxist regimes or if he's interested in satellite coverage, that's what he details his staffer to check." The intelligence committees have the authority to delve into whatever they wish, including personnel. They are routinely informed about upper-level job transfers, and they can also look at personnel moves in the lower ranks if a complaint comes their way.

Access to information is good, according to the staff member.

But "When you're talking with them, you need to ask just the right question, but there's also an understanding that there will be a high degree of forthcomingness," he says.

Sen. Patrick Leahy, D-Vt., who was vice-chairman the two years Durenberger led the panel, found his questions weren't always answered in the way he wanted.

"Some things the CIA would come and tell us," Leahy recalls, "but I found more and more that we had to go to them and ask them exactly the right question. For example, if you asked them did they try to overthrow this country's leadership last October, they'd say no. But then you'd find out that they had tried in September and you'd ask and they'd say that we hadn't asked them about September." Has oversight improved the CIA?

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"Absolutely," says former CIA Director Stansfield Turner. "No organization can really survive well in our government if it doesn't have a sponsor on Capitol Hill. And in the 30 years before the committees were created, there was no accountability by the CIA and with that came no judiciousness, so problems occurred." Deputy CIA director Robert Gates, at his confirmation hearings for the CIA director's job before he withdrew as a candidate, told the Senate Intelligence Committee that the relationship needed to be improved.

"We must find a way to avoid valleys of mistrust," he testified. "The key, in my view, is better communication on both sides. Close and continuing contact between us. Confidence on your part that we will be forthcoming \_ that you don't have to ask exactly the right question to get the answer or learn what we are doing, and confidence on our part that the nation's secrets will be protected ..."