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Gates tells panel of doubts on Iran sales

✓ By Adam Pertman
Globe Staff

WASHINGTON - President Reagan's nominee to head the CIA, Robert M. Gates, said yesterday that he probably would have recommended against initiating the Iran arms program and would consider resigning if ordered not to inform Congress for more than a few days that such a covert operation was taking place.

Gates, now the agency's acting director, also said during the first of two days of confirmation hearings that he thought it was a bad idea for the administration to have sold weapons to Iran, whether the purpose was to make contact with moderates or to obtain the release of American hostages.

Gates was named to succeed William Casey, who resigned last month after undergoing surgery to remove a brain tumor. Gates is a career agency employee who, at 43, would be the youngest man ever to run the Central Intelligence Agency.

During more than six hours of testimony before the Senate Intelligence Committee - often in response to tough questioning - Gates portrayed the overall Iran-contra affair as badly managed and ill-conceived and said that the mistakes should not be repeated.

After listing the extensive procedures that are normally used in planning and conducting secret actions, he added: "Almost every single one of these safeguards was essentially ignored."

He stressed that the agency was only a peripheral player in the enterprise, which was formulated and managed out of the White House by officials of the National Security Council.

The new head of the NSC, Frank Carlucci, has said the council will perform only advisory functions in the future.

Throughout his appearance, Gates attempted to address congressional concerns about how the administration carried out its Iran program, and particularly about Reagan's decision not to inform key legislators until after the sales were disclosed by a Lebanese newspaper last November.

He said the major lesson that he and the CIA had learned from the controversy was "in not pressing . . . and not notifying the Congress.

Under the law, the heads of the House and Senate Intelligence Committees must be told of upcoming secret actions; in particularly sensitive cases, they can be told "in a timely fashion" after the operations have begun.

Gates said that except in "extreme" cases, no more than "several days" should pass before congressional leaders are informed of a covert enterprise.

Under persistent questioning by the senior Republican on the committee, Sen. William Cohen of Maine, Gates said, "I would strongly contemplate resignation" if the president ordered him to keep Congress in the dark.

Later in the day, however, he added that his choice of words had been deliberate so as to leave an opening in case he thought it was vital to withhold notification in a given case.

When Cohen asked Gates whether, given the agency's doubts about the handling of the enterprise, he would have told the president to go ahead with it, Gates replied: "I probably would have recommended against it."

Gates consistently suggested that his actions as director would sharply differ from those of Casey, and at several junctures tried to distance himself from his former boss.

Nevertheless, members of the committee pressed Gates, who was the No. 2 official in the agency at the time, about his own role in the operation and persistently asked why he had not informed Casey more quickly when faced with evidence that improprieties or irregularities may have been taking place.

Of particular concern to several senators was Gates' decision to wait almost a week before going to Casey last October, after he got initial indications that money from the Iran arms sales may have been diverted to the Nicaraguan rebels.

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In testimony before the committee last December, Gates said a CIA analyst had given him the information, which Gates said shocked him.

Yesterday, however, he said he saw no urgency because the information involved was "extraordinarily flimsy." He added, "When you're running a worldwide intelligence service, the amount of speculation, gossip and rumor that involve people that comes across your desk on a regular basis is tremendous."

That explanation apparently was not sufficient for some lawmakers, who long have argued that CIA officials, especially Casey, should have been more forthcoming about their knowledge of the contra connection to the Iran arms sales. In particular, they criticized Gates yesterday for not having inserted some information about the topic into Casey's testimony before the committee last Nov. 21.

According to committee members, Casey deliberately avoided the topic of the funds diversion to the contras, which was made public four days later by Attorney General Edwin Meese 3d.

Gates said Lt. Col. Oliver L. North, who was fired from his post at the National Security Council, had assured him in October that the CIA had no role in the contra operation. Gates said that during a luncheon with North and Casey, North had made a "cryptic remark" about Swiss bank accounts and the contras, but that Casey was unconcerned when asked about it several days later.

As a result, Gates said, he put the matter aside because he did not understand it. In general, he added, the CIA tried to know as little as possible about contra funding activities because the US government at the time was prohibited by law from providing military assistance to the rebels.

Though the senators were often skeptical, Gates insisted that he was responsive to all the information he received. "At each stage," he said, "it seems to me that my instinct was not to sit on it, not to try and make it go away, but rather to move it to the next level of responsibility . . . to get it to people who had some idea on which to evaluate the situation."

At several points, it appeared that Gates was trying to distance himself from the enterprise that the committee chairman, Sen. David Boren (D-Okla.), called a "debacle."

In addition to several references to how he had passed on his concerns to Casey, Gates also said that he and the CIA chief had informally divided responsibilities in the agency. Casey, he added, had taken on the Iran issue.

Although the questioning was often intense, both Democratic and Republican senators indicated that barring some damaging revelation, Gates has little to worry about in being confirmed. The committee, whose open session yesterday was a rarity, is expected to vote on the nomination within a couple of weeks.

The most heated exchange yesterday came when Sen. Sam Nunn (D-Ga.) asked Gates whether he thought he should have notified either the congressional intelligence committees or a presidential oversight panel after he suspected that the NSC's operation had gone awry.

Gates responded that he should not, because the NSC was not an intelligence agency but a diplomatic one.

"Sending guns to Iran and ammunition and TOW missiles is diplomatic activity?" Nunn asked, his voice rising in anger. "The State Department is going to have to get a different kind of uniform that's the case. . . . That's the biggest loophole in the law that I've ever seen."

Nunn asked that Gates reconsider his answer, which he did.

Asked by another senator later in the day what he would do in such a case in the future, Gates said: "I can assure this committee that if I became aware of an agency carrying out an illegal or improper activity, I would inform this committee."

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Photographers surround Robert Gates (right), President Reagan's nominee as director of the CIA, and Sen. John Warner (R-Va.) before yesterday's Senate

Intelligence Committee hearing on Gates' nomination. Warner introduced Gates to the committee. Gates would replace William Casey.

AP photo