

TIGHTER CONTROLS ONE LIKELY BYPRODUCT OF SCANDAL
BY JUDI HASSON
WASHINGTON

Out of the Iran arms-Contra aid scandal, Congress is likely to draft new procedures requiring the White House to keep lawmakers informed about covert operations before they happen.

Lawmakers say it is too soon to predict what legislation they would like to pass to keep Congress informed about secret executive branch actions, but there clearly will be changes in the intelligence oversight laws before long.

In 1980, Congress approved legislation requiring the White House to notify Congress before a covert operation began or in a "timely fashion" afterward. The law was passed in the wake of a series of revelations about domestic and foreign intelligence operations that went haywire.

A Discussing the proposed legislation at the time, CIA Director Stansfield Turner said, "The law requires I inform you of covert actions in a timely manner. I think you can take me to jail if I waited a month or two to tell you something."

P But the word "timely" was never defined, according to Sen. David Boren, D-Okla., and other lawmakers, and they believe that vagueness has allowed abuses.

A Jan. 29 Senate Intelligence Committee report disclosed details of the secret sale of arms to Iran that administration officials maintain was suggested by Israel as a way of opening channels to moderates in Tehran.

The report, however, said the initiative quickly turned into an arms-for-hostages deal to purchase freedom for six Americans held in Lebanon. Congress was not formally informed of the action until nearly 11 months after it formally started and only after a Lebanese newspaper reported a secret mission by former National Security adviser Robert McFarlane to Tehran.

The Senate Intelligence Committee report also dealt with disclosures that profits from the arms sales may have been funneled to the Nicaraguan Contra rebels, a CIA-formed force fighting to overthrow Managua's leftist Sandinista government.

A Stanley Sporkin, former CIA general counsel, told the panel in a secret session that administration officials decided not to tell Congress about the initiative until the hostages were released "even though they understood this might mean a lengthy delay."

"Never again must we hear that an activity of the U.S. government is so sensitive that knowledge of it must be withheld from the U.S. Congress," said Rep. Louis Stokes, D-Ohio.

Last week, Stokes introduced legislation requiring the president to notify Congress in writing before undertaking a covert action and giving him only a 48-hour delay in the case of an emergency.

In the Senate, members of the Intelligence Committee intend to take a close look at how to toughen reporting requirements and also create a better relationship between the branches of government.

"The executive branch puts its policy in jeopardy when it doesn't seek to make Congress a partner in the making of the policy," said Boren, chairman of the Senate Intelligence Committee.

"I'm not opposed to some clarifications," he said. "But I think it would be naive of us to think that by just putting some more rules in the book that we're going to solve the problem."

"I think it is obvious that at least the spirit, if not the letter of the law was not complied with," said Sen. George Mitchell, D-Maine, a member of the select committee probing the scandal.

"We certainly should review that law to prevent it from happening again," he said. "At the same time, we must permit some latitude for a genuine national emergency. This clearly was not the type of emergency that was contemplated at the time the law was written."

Mitchell said the argument not to tell Congress to protect the hostages was a "superficial" reason "buttressed by members of Congress who have rushed to disclose otherwise confidential information" in the past.

"We, the members of Congress, have contributed to a decline in our own standing," he said. "But that's not a justification for violating the law."

APPEARED
ON PAGE 22

Let's Think Before We Go to War With Iran

By Stansfield Turner

PRESIDENT REAGAN'S remarks about the Persian Gulf situation last Friday were almost bellicose towards Iran. This must reflect the depth of his wounds over the arms-for-hostages fiasco. But his personal pique should not determine how we go about fulfilling our commitment to keeping the Gulf open.

When we think about American naval involvement in the Persian Gulf, we need to take into account three facts:

- There is no way to predict whether the Iranians will challenge our protection of shipping.
- If the Iranians do attack, there is some chance they will succeed, because in war, there are no 100 percent defenses.
- In response to a successful Iranian attack, the United States would be forced to escalate the hostilities considerably.

Unfortunately, we have been reacting to events in the Gulf without defining where we may be heading. Adm. William J. Crowe Jr., the chairman of the Joint Chiefs of Staff, was right to warn Friday that we shouldn't become more deeply involved in the Gulf unless we're ready to stay the course.

I'm not suggesting that we should not shoulder responsibility for protecting shipping in the Gulf. What little credibility we have in the Middle East would be shattered if we walked away from what we have repeatedly declared to be a "vital national interest." What I do suggest is that we need to think through how we will react if we are attacked, and what the consequences will be.

We aren't committing American power simply to defend 11 Kuwaiti ships flying American flags. If Iranian attacks begin to take a substantially higher toll on general shipping than they have in the past, we will be seen to have failed. Our task will be nothing short of ensuring a reasonably normal flow of non-Iranian shipping in and out of the Gulf.

We have two ways of defending shipping in the Gulf: riding shotgun for individual ships or convoys (which I will call "point defense") and attacking the source of the threat, the Iranian air force and navy, in their bases. Until the Iranians strike a first blow, we are, for all intents and purposes, limited to the point-defense option. We do not want to initiate a war with Iran.

The damage done to the USS Stark raises questions about the benefits of point defenses. The problems that the Stark's sister ships will face are clear. On one extreme, any ship is vulnerable if the attacker gets the first three shots. Modern missiles are lethal. Modern ships are not ringed with armor and must depend on their self-defense systems, and those may have only a few seconds in which to react. On the other extreme, any ship's self-defense system can be overwhelmed by a mass attack, perhaps 10 simultaneous missiles.

The Stark was close to the first extreme. Whether

her captain and crew did the most they could to protect the ship will be determined by the naval investigation now taking place. Surely, though, the captain was at the disadvantage of being in that twilight zone between peace and war. A good bit of the Stark's handicap has been eliminated as we have moved closer to a war footing.

The risk at the other extreme—of mass attacks—is not high, primarily because we do not credit the Iranian air force and navy with the capability for large, coordinated attacks.

We are in between. The issue is whether the Navy can improve the chances that our point defenses will be successful. Under the plan announced Friday, the United States will increase its Persian Gulf task force by three destroyer-type ships, including a more sophisticated missile cruiser. Whether that will be sufficient remains to be seen. But clearly, the new deployment will improve the prospects for point defense.

We could also attempt to provide air cover during daylight hours, on the assumption that the Iranian capabilities for night attack are low. The president's plan includes a provision for at least partial air cover. But unless the Navy is willing to bring its aircraft carriers right into the Gulf or the Air Force is able to obtain the use of air bases on land, it would take a prodigious and very expensive effort for carriers outside the Gulf to maintain air cover over shipping inside the Gulf.

The geography is forbidding. The carrier would probably be 150-200 miles outside the Gulf, which is itself some 500 miles long. That is a lot of territory to cover.

There is also a problem of geometry. Protected aircraft cannot just be anywhere over the Gulf. They must be able to race to a ship under threat faster than an Iranian aircraft can get from its base to a point 30-40 miles from the ship and launch a missile. From one Iranian air base it is only 120 miles across the Gulf and, so, our aircraft would have to be almost on top of the ships they were protecting. Land bases are preferable, but they may be ruled out by the local politics. Even from land bases it would be an expensive operation.

Iranian air attacks are not the only threat. The Iranians have missile boats that could dash out into the Gulf; they have Chinese "Silkworm" missiles, which could be mounted on land near the Straits of Hormuz to fire at passing ships; and they have mines that could be placed in the Straits.

These threats are probably manageable. Mining a strait that is 30 miles wide is a large undertaking, which we should be able to detect and stop; the Silkworm is a rela-

tively large missile that our Air Force AWACS surveillance aircraft and our ships should find easier to detect than air-launched missiles; and the missile boats take a lot longer than aircraft to get near their targets and should be detected.

It will cost something to defend against each of these added threats, though. To minimize the costs of point defense, the president's plan is to aggregate tankers in small convoys. That, though, has drawbacks. When a convoy arrives at the oil terminal, there will likely be too many ships to load all at once. The resulting delay will mean that the tankers will remain vulnerable inside the Gulf for longer periods than if they proceed individually.

The bottom line is that the U.S. Navy, at a cost, can increase the probability of successful defense. But the probability will never be 100 percent. There is just too much room for innovative tactics by the enemy to surprise us, poor reflexes on our part or just plain luck. If the Iranians opt to run against high odds, they may just damage or sink another U.S. warship.

What options would the president have if the Iranians did take us on and do serious damage? The prospects of a third warship damaged or sunk would loom as a political disaster at home. It would also seriously undermine confidence in whether the United States can protect its vital interests in the Gulf. At that point, I believe the president could no longer rely on point defenses.

He would have to shift to the tactic of attacking the threat before it was launched.

That would mean using our aircraft from several carriers to attack Iranian air and naval bases. By eliminating as many of the Iranian aircraft, ships and missile installations as possible, we could reduce the threat appreciably. Such attacks, of course, would be a major escalation, but they may be necessary. The long-term political consequences for our relationship with Iran could be significant.

Whether Iran will force us down this track by challenging us to combat, I would not want to predict. We Americans have been abysmally poor at reading the Iranian mentality over the last 10 years or so. There is, though, one action the Iranians could take at small expense that would be very tempting. They could force us to stay on this costly alert by making threatening feints. Even if they went no further, that would keep tensions high and run the risk of inadvertent hostilities.

In short, we may be compelled to initiate broad hostilities against Iran, or we may simply be drawn into such a conflict. We ought to understand this danger as we begin our new role in the Gulf. All too often, presidents and their advisers embark on military actions in the hope that the first step they take will solve the problem. Often, it does not. In this instance, the first step of providing defense for shipping may do the job, but we would be foolish to count on it.

The Iranians must also understand that we will be as aggressive as necessary to fulfill our role. Undoubtedly, the president's strong remarks Friday were intended for this purpose. We need, though, to be sure

we do not let ourselves be driven by anger or political pressures. We shouldn't be eager for hostilities with Iran. We have a strategic interest in reestablishing ties to Iran one day, and we do not want to leave the field to the Soviets. Initiating large-scale hostilities with Iran would push the day of reconciliation further and further off.

Another reason to avoid hostilities is the anomalous position of the Soviet Union in the Persian Gulf today. Like us, the Soviets are committed to the defense of some of the tankers in the Gulf. They face some of the same dilemmas about what to do if their forces are attacked. Thus, we and the Soviets have a coincidence of interests in bringing the Iran-Iraq war to a halt as soon as possible.

That will mean, though, that the Soviets are going to claim a place at the conference table, something we have attempted to avoid for years. We have backed ourselves into this corner with the mishandling of our dealings with Iran over the past several years. Now, the more deeply we become involved in hostilities with Iran, the greater the Soviet voice in the eventual Persian Gulf settlement will become.

This, then, is no time to let the residual resentment we have for Iran—stemming from the 444-day hostage crisis and the recent embarrassment of the arms-for-hostages dealings—dominate our responses. We must be willing to escalate hostilities with Iran if necessary to fulfill our mission, but we should do so only as a result of cool judgments and with a recognition that there will be serious consequences.

Stansfield Turner, a retired Navy admiral and former director of Central Intelligence, is working on a new book, "Terrorism and Democracy."

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29 April 1987P Nathaniel Davis

Missing Evidence

A four-year libel suit over the book and film "Missing" seems to be coming to an end in the federal court of first instance in the Southern District of New York. It is a controversial case, even now.

P The background is that a young American, Charles Horman, disappeared and was tragically killed in Chile a few days after the military coup in that country in 1973. The young man's family brought suit in federal court in Washington, suspecting complicity

"The message to public servants appears evident: don't sue, even if you believe you have been accused of murder."

on my part—I was U.S. ambassador to Chile at the time—and on the part of several American officers in Santiago and Henry Kissinger and other Washington luminaries.

A In due course the plaintiffs withdrew their suit. The explanation they gave was that the U.S. government was hiding the evidence. On the other side, then-Secretary of State Edmund Muskie, CIA Director Stansfield Turner, Secretary of Defense Harold Brown and others made depositions to the court testifying that all government documents and materials bearing on Charles Horman had been given to the court. No evidence was presented from any source to support the Horman family's suspicions.

In the meantime, a lawyer-investigator named Thomas Hauser wrote a book, published in 1978, which revived the case and the suspicions. In 1982, the famous Greek-French filmmaker, Constantine Costa-Gavras, turned the book into a movie, titled "Missing." At its beginning the film stated that the depiction of events was based on a true story and that the incidents and facts were documented. I and two other long-suffering, or criminally evil, U.S. officers—which we were depends on the credence one gives the film—brought suit for libel.

We tried to be scrupulous in not assaulting the First Amendment's guarantee of free criticism of public officials for their acts or policies in office. Our complaint was based on our belief that the film showed us in conspiracy to murder an innocent young citizen of our own country.

The reasons suggested in the film for our crime were to defend U.S. business interests in Chile or to cover up U.S. complicity in the 1973 military coup. We did not challenge the film's portrayal of these alleged policies and motivations. As prosecutors, as we recognized that

it falls under the constitutional protection of free debate and controversy. But we do believe that a person, even a public figure or official, should not be publicly portrayed as a murderer without evidence or support for the charge. If American officials go around fingering innocent U.S. citizens and ordering

foreign generals to execute them, our judicial system should push to the bottom of the matter, not brush it away. Killing Americans in order to further improper policy interests strikes so directly at the integrity of public service, including the career U.S. Foreign Service and the professional U.S. military services, that it should cry out for an adjudication of the facts.

Even Gen. William Westmoreland and a foreign cabinet minister, Ariel Sharon, got their day in court and the opportunity to explain themselves to a jury. In the four years of the "Missing" libel suit, we have never gotten to a trial; we have never even gotten to the question whether we were complicit in the execution of Charles Horman.

The most recent summary judgment in the case appeared to rest on two propositions. First, we could not prove actual malice in Costa-Gavras' heart or malice in the corporate heart of MCA, Inc., and Universal City Studios. The second proposition was that "Missing" was a docudrama, and a docudrama does not need to be true in its specifics—even if the film says at the beginning that the story is true and the incidents and facts are documented.

When the film came out, Flora Lewis of The New York Times interviewed Costa-Gavras. She reported: "He brushes aside the distinction between fact and verisimilitude, proof and suspicion. 'A film is not a court,' Mr. Costa-Gavras said. 'I can't go into secondary details.'"

So Costa-Gavras showed no "reckless disregard of the truth" under the law. The barricades defending free public debate and criticism are built high. The message to public servants appears evident: don't sue, even if you believe you have been accused of murder, accused without supporting evidence of any kind.

The writer, who is retired from the Foreign Service, is a professor of humanities at Harvey Mudd College in California.

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13 April 1987

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Personalities

By Chuck Conconi
Washington Post Staff Writer

Out and About

A conversation that would have been worth eavesdropping on: Former CIA director **Stansfield Turner** having a private talk with CIA director-designate **William Webster** at last week's Radio and Television Correspondents Association dinner at the Washington Hilton . . .

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WASHINGTON POST

29 May 1987

U.S. Escorts Likely to Trigger Iranian Response, Experts Say

Military Leaders Warn Sizable Gulf Force May Be Required

By George C. Wilson
Washington Post Staff Writer

A U.S. commitment to protect Kuwaiti ships in the Persian Gulf is likely to lead to Iranian military and terrorist responses that could require a massive deployment of U.S. military power to the region, current and former military leaders warned yesterday.

Although the Joint Chiefs of Staff, according to administration officials, will present a paper to President Reagan today saying only a few extra warships are needed in the gulf to broaden protection to Kuwaiti vessels flying the American flag, military officers with extensive experience in the region predicted this will turn out to be only the thin edge of the wedge.

They said several squadrons of Air Force F15 fighters based in the Persian Gulf area, together with more AWACS (airborne warning and control system) planes, will be needed to cover shipping if the tanker war escalates. If land bases cannot be found, they added, at least two aircraft carriers will be needed at the southern end of the gulf to provide protection and retaliatory power.

A few extra ships to protect Kuwaiti tankers "is plenty to put up a bluff," said Stansfield Turner, former Navy commander of Mediterranean

forces and CIA director, "but what happens if they call it? We have to have thought through what we'll do."

Turner said Iran is likely to view U.S. protection for ships of Kuwait, which supports Iraq in its war against Iran, "as a chip on our shoulder and proceed to knock it off" by attacking a Kuwaiti tanker or its American escorts. The United States, to maintain its credibility in the region, Turner argued, would have to retaliate by attacking Iranian airfields and ports, "and then you're getting into a sizable war."

Elmo R. Zumwalt, a former chief of naval operations, said the United States would not only need "at least two carriers" in the region if land bases cannot be used but also would require submarines to guard against Soviet or other hostile submarines.

He said broadening the U.S. escort role "serves notice that we're going to protect our jugular."

Zumwalt joined Turner and others in arguing that strong retaliatory action must be agreed upon in advance to avoid another Lebanon misadventure, where U.S. forces were committed and then withdrawn.

These concerns came against the backdrop of Defense Secretary Caspar W. Weinberger's statement Wednesday that the United States intends to protect the ships of "all"

friendly nations on their way in and out of the gulf. Pentagon spokesman Robert B. Sims said yesterday that Weinberger was trying to make the point that it was vital to keep the gulf open to international shipping, not that the United States intends to protect the ships of every nonbelligerent nation regardless of whether protection is requested.

Defense Department officials said the regular Navy escort of the 11 Kuwaiti tankers slated to fly the U.S. flag will not begin until late June or early July. In the meantime, the officials said, Weinberger and other officials will discuss how much military force should be committed to the gulf.

"Weinberger is not going to go in there naked," said a deputy in observing that the defense secretary in the past has sent more force to troubled regions than the Joint Chiefs of Staff had recommended.

Retired vice admiral M. Staser Holcomb, Weinberger's former military assistant and deputy commander of U.S. naval forces in Europe during the commitment of Marines to Lebanon in 1983, said that broadening U.S. protection significantly in the gulf would be "extremely difficult, costly, dangerous."

It would be "imprudent" to undertake the job, he added, unless the administration had made "a clear

determination that this is vital to the national interest."

Holcomb said that if the administration intends to protect ships against aircraft attack, even in port, "you'd have to have air cover 24 hours a day." He said it would have to consist of a combination of surveillance planes and fighters that could intercept and shoot down aircraft that came within missile range of ships under U.S. protection.

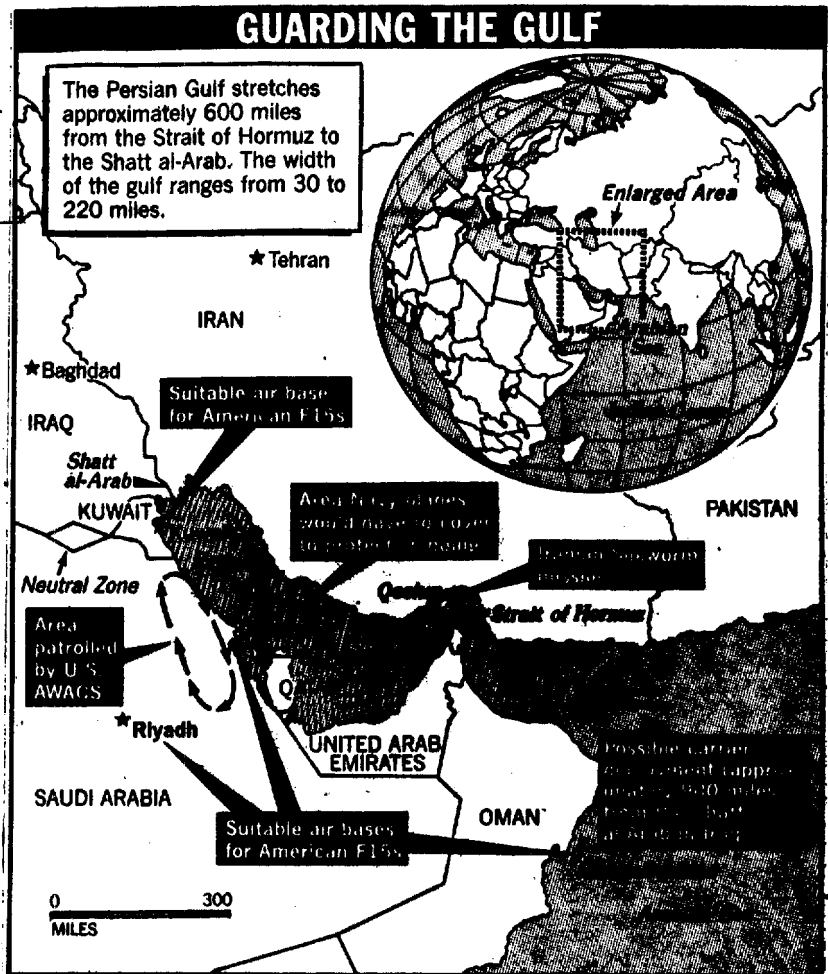
Holcomb, in a view shared by other military leaders interviewed, said the best way to provide air cover would be with Air Force F15 fighters based in Kuwait, Oman or Saudi Arabia—not aircraft carriers at the foot of the gulf.

These military officers said it would be enormously difficult, expensive and exhausting to rely on planes flying off carriers to provide round-the-clock air cover because of the long distances involved. Navy F14 and F18 fighters flying off carriers south of the gulf would need to refuel in flight several times.

"It's not a job for carriers," said one recently retired Pentagon executive in agreeing with the admirals and generals interviewed. "If Kuwait, Oman or Saudi Arabia won't let in the F15s, then . . . don't do the escort job at all."

An Air Force general with extensive command experience in the gulf region said the U.S. AWACS planes flying out of Saudi Arabia cannot count on protection from Saudi F15 fighters unless they are over Saudi territory. When an AWACS is threatened, he said, the plane's commander is supposed to "recede" from his orbital track at the edge of the gulf and move inland to get within range of Saudi Hawk anti-aircraft missiles and fighters.

A field-grade officer, who de-



clined to be quoted by name, said, "It's not rational not to expect [Iranian leader Ayatollah Ruhollah] Khomeini to respond to U.S. ships escorting Kuwaiti tankers . . . The gulf is a small place, full of vulnerabilities. The Iranians can do all kinds of things, like attacking us at night with a suicide force. It's like being up against a bunch of fleas who can come from anywhere."

An active-duty admiral with experience in the gulf struck a more optimistic note, saying the only recent increase in the Iranian threat has been in the Chinese-supplied Silk-worm antiship missiles covering the Strait of Hormuz. "The weapons on our ships can handle them," he said. "We don't need continuous air cover. The Iranians don't fly at night."

Webster expected to take CIA reins with quiet efficiency

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By Bill Gertz
THE WASHINGTON TIMES

The CIA, subject to unusual public scrutiny and with a new leader, is not expected to undergo radical changes under William H. Webster, according to present and former intelligence officials.

Several intelligence officials, speaking on condition of anonymity, said Mr. Webster, a former federal judge who ran the FBI for the past nine years, plans to approach his new job with an impartial "judicial" perspective that they welcome.

Mr. Webster was confirmed as CIA director by the Senate Tuesday, by a 94-1 vote.

One senior FBI official said Mr. Webster will be "coming over light" to the agency's headquarters in Langley, Va. The new director is expected to bring a small staff that includes FBI Special Assistant John B. Hotis, FBI Assistant Director for Public Affairs William Baker, two law clerks and his longtime FBI secretary, the official said.

"He will be depending a lot on the people already over there, especially [CIA deputy director] Bob Gates," the official said. "He doesn't have any strong feelings on the way the agency should be run."

The official said Mr. Webster plans to operate at the CIA in much the same way he approached the FBI in 1978, when the bureau was faced with public and congressional pressure over alleged improper domestic intelligence activities.

"He plans to take a studied look, to be briefed and briefed and briefed again," said the official. "And then he'll make some deliberate moves. But he's not going in with any fixed agenda."

The official said Mr. Webster, who is referred to at the FBI as "the Judge," does not plan to restrict CIA activities, but expects to "keep people accountable" to the often complex executive guidelines and congressional regulations imposed on the agency.

As FBI director, Mr. Webster has been praised by most intelligence officials for his role in building up the FBI's counterespionage cap-

abilities.

Sen. Chic Hecht, Nevada Republican and member of the Intelligence Committee, said in an interview that Mr. Webster's record as FBI chief and his good relations with congressional oversight panels are his best asset and will serve him well as CIA director.

"He has in place a tremendous operations staff over there," Mr. Hecht said. "That will be his true test: if he allows the staff in place to continue carrying on what [former CIA director] Bill Casey built up."

Mr. Casey, who died of cancer this month after resigning May 6, directed a major buildup of the agency's operations capabilities involving "a top group of dedicated and professional young people" posted at CIA stations around the world, Mr. Hecht said.

Witnesses in the Iran-Contra investigation in Congress have closely linked Mr. Casey and a Central American CIA operative to the case, but so far broad agency involvement in the operation has not been uncovered.

One administration official, speaking on condition he not be identified, said morale in most parts of the agency remains high despite the continuing investigations.

The official said Mr. Webster is expected to learn his new job quickly since he has more experience in intelligence than past directors brought in from outside the agency.

However, the Iran-Contra inquiry has affected the morale of some field agents in Central America who feel that "there are more investigators than case officers," he said.

Officials said Mr. Webster's presence at CIA will help to ensure that legal restrictions on agency operations will be strictly enforced.

The Senate Intelligence Committee recently informed the CIA and the National Security Council that the committee plans to conduct spot checks of financial records to ensure that operations conformed to legal guidelines.

Another reform recently put in place by National Security Adviser Frank Carlucci, according to offi-

cial, was to set up a covert action review board, similar to a CIA review board, that will periodically review all such programs.

However, one official said that contrary to some reports describing a one-third cutback in covert action programs, there has been no reduction as a result of the Iran-Contra affair.

Some reports have suggested that Mr. Webster's friendship with former CIA Director Stansfield Turner may signal major policy changes at the agency.

Adm. Turner, CIA director during the Carter administration, brought in a large number of Navy officials to assist him and he dismissed or transferred many of the agency's most experienced operatives.

The official pointed out that while Mr. Webster knows Adm. Turner from their days at Amherst College, Mr. Webster also is close to former CIA Director Richard Helms, an agency stalwart well respected by hard-liners.

One senior CIA operations official, who retired in the late 1970s, described Mr. Webster as independent-minded official who "goes by the book" and thus may have a "tempering affect" on agency covert operations.

"I don't think he'll abandon it as a tool, but he may just wait until he's more comfortable with it," the official said.

He said Mr. Webster could have the greatest impact on developing CIA counterintelligence, which has rebounded in recent years from a decline that began in the late 1970s.

David Atlee Phillips, former CIA Latin America operations chief, said some agency operatives have taken a "wait and see" approach to Mr. Webster because of his lack of experience.

"There's a big difference between handling a really clandestine type of operation as opposed to a partially clandestine type of operation that the FBI is used to running," he said. "People in the operations directorate are wondering if he'll be able to do that."

House Democrats seeking more say on covert actions

By Charles Green
Inquirer Washington Bureau

WASHINGTON — House Democrats are moving to impose tighter controls over covert intelligence activities, despite warnings from two former CIA directors that the rules would handcuff and possibly endanger secret operations.

The effort — inspired by the Iran-contra affair — is expected to spark a confrontation between the House and the Reagan administration over the role of Congress in sensitive foreign policy decisions.

House Speaker Jim Wright (D., Texas) yesterday set the stage for a showdown, endorsing legislation that would require the administration to notify congressional leaders within 48 hours of undertaking covert actions.

The bill is a direct response to the shipment of U.S. arms to Iran, which were kept secret from Congress for more than nine months despite a requirement in current law that top lawmakers be notified of such activities in a "timely fashion."

Wright said the new notification requirement would guard against "executive arrogance — the idea that certain things are too risky, too important ... to be shared with Congress."

Two former CIA directors, appearing at a hearing before the House Intelligence subcommittee on legislation, said the proposed law was an overreaction to the Iran affair and urged Congress to leave the law as it is.

"Every time we have a murder, we don't necessarily try to change the laws against murder," said William

E. Colby, who headed the CIA during the Nixon and Ford administrations.

Adm. Stansfield Turner, the CIA director during the Carter administration, said the notification requirement would make it difficult for the CIA to send agents on dangerous missions. He expressed fears that disclosure of such missions could endanger lives.

Turner cited three instances during his tenure when he asked agents to undertake life-threatening operations. He said all three, which were not disclosed to Congress at the time, involved efforts to free American hostages at the U.S. Embassy in Iran in 1979 and 1980.

One occurred when the CIA sent an agent to Tehran to engineer the departure of six Americans who were hiding in the Canadian Embassy. The second episode was when CIA personnel flew a light aircraft into the Iranian desert to determine whether the site could be used as a refueling stop in an attempted military rescue of the hostages — a mission that later failed. The third occurrence was when CIA personnel went to Tehran to purchase trucks to transport the rescuers from their helicopters to the U.S. Embassy.

"I would have found it very difficult to look such an individual in the eye and tell him or her that I was going to discuss this life-threatening mission with ... people who were not necessarily involved in supporting the activity," Turner said.

Under the law, the administration is expected to keep the House and Senate Intelligence Committees informed of covert actions. In special circumstances, notification can be

limited to eight top lawmakers, including the House speaker and Senate majority leader. The notification is supposed to occur in a "timely fashion," but there is no definition of *timely* in the law. The proposed bill, sponsored by Louis Stokes (D., Ohio), would, in effect, define *timely* as within 48 hours.

Prospects for the bill appear less promising in the Senate, where top members of the Intelligence Committee have expressed reservations about writing new restrictions on covert activities. Committee Chairman David L. Boren (D., Okla.) has said it is more important to rebuild a relationship of trust between the administration and Congress.

Rep. Matthew F. McHugh (D., N.Y.), chairman of the subcommittee that held the hearing yesterday, said the main purpose of the bill was to make sure that Congress is kept informed whenever an administration makes a significant shift in policy. Such consultation might have persuaded Reagan to abandon the idea of sending arms to Iran, he said.

McHugh said the legislation might be revised to reflect Turner's concerns. But he said it would be difficult to stipulate in advance what kinds of operations would not have to be disclosed to Congress within 48 hours.

Administration officials are scheduled to present their position on the legislation next week. Congressional Republicans have indicated that the administration would object to the measure. House Minority Leader Robert H. Michel (R., Ill.) termed the legislation the "functional equivalent of a foreign policy straitjacket" on the president.



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Webster-Turner friendship worries hard-liners at CIA

THE WASHINGTON TIMES

Present and former CIA officials expressed concern yesterday that ties between CIA Director-designate William Webster and former CIA chief Stansfield Turner may signal the beginning of another convulsive era at the agency.

Adm. Turner, as CIA chief from 1977 to 1980, created widespread controversy by firing hundreds of the agency's most experienced clandestine operators.

Later in his memoirs he said the agents were fired to remove a network of entrenched "old boy" CIA operatives. Intelligence sources said the agency lost "thousands of man-years" of experience.

Mr. Webster, a former federal judge, has been consulting Adm. Turner for advice about the CIA and possible personnel changes among senior officials, according to the sources.

At confirmation hearings before the Senate Intelligence Committee yesterday, Mr. Webster, now FBI director, referred to his longstanding friendship with Adm. Turner, the Carter administration's CIA chief, as one reason for the improved relations between the FBI and CIA dur-

ing the late 1970s.

The two agencies once clashed over their respective roles in the spy game. The FBI, as a law enforcement agency, is charged with arresting foreign spies; the CIA has a different approach since it functions as the U.S. espionage agency abroad.

Sources said Mr. Webster befriended Adm. Turner at Amherst College in Massachusetts, where the two were students during the late 1940s.

"Webster and Turner both took over their respective agencies about the same time," one source said.

"They're both forged out of the 1970s' environment of intelligence."

U.S. intelligence agencies suffered major setbacks in support and morale during the 1970s as a result of congressional probes.

The anti-intelligence era waned after the CIA's station chief in Athens was murdered by terrorists after he was named in one of the anti-CIA publications flourishing at the time.

The Carter administration recognized the need for better intelligence when the CIA was caught off guard by the 1979 revolution in Iran.

— Bill Gertz J

Wright Urges Requiring Disclosure of Covert Acts

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J By FOX BUTTERFIELD

Special to The New York Times

WASHINGTON, April 1 — In an unusual move, House Speaker Jim Wright testified before a subcommittee of the House Intelligence Committee today to endorse a bill that would require President Reagan to notify Congress in writing within 48 hours of starting a covert operation.

The measure is the first Congressional bill in response to the Iran-contra affair. It is designed to tighten a legal provision that permitted President Reagan to keep the House and Senate Intelligence Committees uninformed about his secret arms sales to

A Iran for 10 months after he signed a "finding" authorizing the deals.

In other testimony today before the Subcommittee on Legislation, the bill was firmly opposed by Robert H. Michel, the House Republican leader, and three former top-ranking intelligence officials. They were Adm. Stansfield Turner and William E. Colby, both former Directors of Central Intelligence, and Ray Cline, a former deputy director of the C.I.A. for intelligence. Reflecting concern in the Administration, Mr. Michel said it would "put a strait-jacket on a future President."

But Mr. Wright said that the bill was only an attempt to clarify existing legislation, first enacted in 1974, which requires the President to notify the House and Senate Intelligence Committees of a covert operation, generally defined as a secret foreign military or intelligence operation, in a "timely fashion." The new bill would make two changes, Mr. Wright said. It would require that the notice by the President be in writing and that, in "extraordinary circumstances affecting the vital interests of the United States," the notification come not more than 48 hours after the President has approved the operation.

If the new measure had been in effect, Mr. Wright asserted, "it is quite

probable that the national embarrassment of the entire Irangate episode would have been avoided."

Mr. Wright's appearance at the outset of hearings was an indication that he was prepared to put the weight of the Speaker's office behind the bill, several Congressmen said, and reflected the concern and anger in Congress over the sale of arms to Iran and the reported diversion of profits to the Nicaraguan rebels. It is rare for hearings on a bill to begin with testimony by the Speaker and the House minority leader.

The bill was introduced by Representative Louis Stokes, an Ohio Democrat who is chairman of the House Intelligence Committee, and Representative Edward P. Boland, a Massachusetts Democrat and a former chairman of the committee.

Representative Robert W. Kastenmeier, Democrat of Wisconsin, described the proposed measure as "indeed modest" and a simple "tightening up of the statute in order to carry out its original intent."

But Admiral Turner said that the bill could endanger the lives of American intelligence agents and that, if it had been in effect while he was head of the C.I.A. under President Carter, it would have prevented several critical covert operations. One of these, he said, was the secret mission to help the six members of the American embassy in Teheran who had hidden in the Canadian embassy after their compound was seized. The operation to arrange their escape took three months to plan and involved sending a C.I.A. agent into Teheran at risk to his life, Admiral Turner related. Congress was not noti-

fied of the operation until it was completed, he said.

Referring to the proposal that the President notify the intelligence committees within 48 hours of a covert action, Admiral Turner said: "Timely is not measured by the clock. Timely is measured by risk." There should be no time limit on notification, he suggested, and instead Congress should rely on building a better relationship with the executive branch and the C.I.A. to insure better oversight.

Mr. Colby contended that "there are things the Congress doesn't need to know" and that, once a secret operation was disclosed to even one other person, it was no longer a secret. "I think we should look to proper execution of the law rather than to changing it," said Mr. Colby.