

SQUEEZING THEM, LEAVING THEM

SOME DEFECTORS SAY WASHINGTON ISN'T ALWAYS GOOD ABOUT KEEPING ITS WORD

By Douglas Pasternak.

In a rare public address last April, the head of the CIA's clandestine service told security experts gathered at Duke University Law School that there was virtually nothing the U.S. intelligence community could have done to prevent the September 11 terrorist attacks. Only one thing, said Jim Pavitt, head of the CIA's Directorate of Operations, "would have given us sufficient foreknowledge to have prevented the horrendous slaughter that took place." That one thing, he said, was a terrorist defector—a well-placed insider providing critical intelligence on specific targets and times of attack.

Over the years, defectors have given Washington the kind of vital information no billion-dollar satellite or supercomputer ever could. Three al-Qaida defectors, for instance, provided crucial testimony against four associates of Osama bin-Laden involved in the 1998 embassy bombings in East Africa. A Russian defector led the government to FBI spy Robert Hanssen. And in 1987 a Taiwanese defector spilled secrets about Taiwan's nuclear weapons program that helped avoid a conflict with China. "Some of the information they provide," says one senior CIA official, "is pure gold."

But if the past really is prologue, U.S. intelligence agencies will have a hard time winning the trust of new defectors—from terrorist groups such as al-Qaida, Hamas, and Hezbollah—whose help they desperately need in the war against terrorism. In interviews with U.S. News and in numerous court pleadings, defectors maintain that the U.S. government has repeatedly breached promises of financial security, healthcare, and U.S. citizenship. And when defectors and government witnesses have sued to hold the government to its word, they have consistently run up against a wall of legal secrecy. "Even in very high-profile cases," says Reuel Marc Gerecht, a former CIA case officer, "the handling of these individuals has been downright atrocious."

Some examples:

Omer al-Ghadi, a crew member on a Royal Jordanian flight hijacked in 1985 by the Lebanese Amal Militia, was allegedly promised a new identity, a good job, and \$1 million if he testified against one of the hijackers, Fawaz Younis. In 1989, Ghadi became the star witness at Younis's trial and entered the U.S. Witness Protection Program, but he says most of the government's promises went unfulfilled. "I kept my word to testify," Ghadi said in a statement released by his lawyer, Mark Zaid, "but the American government did not keep their word to me." A State Department official said misunderstandings sometimes arise because rewards for information are "up to" a certain amount.

Adnan Awad, the key witness against a Palestinian terrorist awaiting trial for the 1982 bombing of a Pan Am flight from Tokyo to Honolulu, says he is so disgusted with his treatment that he has seriously considered not testifying against the

suspect, Mohammed Rashid. Awad, a Palestinian, entered the witness protection program in 1984, two years after traveling to Geneva for the May 15 Organization, carrying a bomb and orders to blow up a Jewish-owned hotel. Instead, Awad walked into the U.S. Embassy and provided intelligence that helped foil several airplane bombings.

Boris Korczak of Poland has been trying for nearly three decades to hold the CIA to what he says was an agreement that promised him and his family U.S. citizenship, a \$25,000 annual stipend, medical benefits, and money for his son's education. Korczak was a double agent for the CIA while running a KGB front company in Copenhagen. But his spy career ended abruptly in 1979, he says, when his drunk CIA case officer blew his cover at a Soviet Embassy reception. Korczak later survived two KGB assassination attempts, including being shot with a poison pellet while grocery shopping in a suburb of Washington. Korczak says he finally became a U.S. citizen in 1998—without the help of the CIA.

Problematic handling of potentially valuable defectors is nothing new for Washington. The classic case dates to the mid-1960s, when Yuri Ivanovich Nosenko, a senior KGB officer who defected to the United States, was held in virtual solitary confinement at the CIA's training facility in Camp Peary, Va. Legendary CIA counterintelligence director James Jesus Angleton believed Nosenko was a double agent because he told his debriefers that Lee Harvey Oswald had not been working for the KGB. The CIA ultimately determined that Nosenko was the real thing, but by then Angleton's mole hunt for double agents had ripped the agency apart, ruined careers, and led to the 1974 ouster of Angleton himself. Later, in 1985, Vitaly Yurchenko, a senior KGB officer who had directed spy operations in the United States, defected to Washington but slipped away from his FBI handlers after just three months and returned to Moscow. The incident prompted numerous investigations and calls for reform. But as late as the mid-1990s, U.S. News has learned, so many defectors were still complaining about mistreatment that the CIA's Office of the Inspector General launched a still-classified investigation that found that promises had been broken, largely because of severe budget cuts.

Bogus claims. The government can be cheated, too. The business of spying is by its nature deceitful, and defectors are treated warily for good reason. Despite Angleton's famous paranoia, the Soviet Union and other hostile nations regularly played defectors against the United States as double agents. In other cases, intelligence offered is simply not as valuable as defectors suggest. "We get walk-ins every day," says one senior CIA official, "and everyone is selling a pig in a poke." Likewise, the claims defectors make against the United States may be entirely bogus. In several cases defectors have falsely claimed that their case officers promised to get their children into Ivy League colleges. And officials say defectors have lost tens of thousands of dollars in the stock market only to go back to the CIA demanding more money.

Yet this distrust of some defectors has led the CIA to discount virtually all defectors' claims, says one former CIA official familiar with the issue. Critics also fault the agency for failing to sort the wheat from the chaff. For instance, the CIA at first refused to deal with Khidhir Hamza, the former chief of Iraq's nuclear weapons program, when he contacted the agency in 1992. That same year, the agency turned away a defector named Vasili Mitrokhin, a senior KGB archivist who fled to Great Britain with six suitcases of notes he had cribbed while working for more than a

decade at KGB headquarters. Some Iraqi defectors have gone to Britain, Denmark, or Lebanon after being turned down by the CIA. "The CIA treats them like they have the plague," says Richard Shultz of the Fletcher School of Law and Diplomacy at Tufts University.

The CIA's defector program is run out of the National Resettlement Operations Center, or NROC, long considered a baby-sitting assignment and a backwater for troubled agents. According to former officials, many NROC officials have limited experience overseas and no knowledge of the culture or language of the defectors they are supposed to be helping.

Senior CIA officials told U.S. News they have recognized the shortcomings in the defector program and have made changes. The agency has fired some NROC personnel, hired teachers of English, and contracted with a headhunter. All CIA station chiefs must now be thoroughly briefed on what they can and cannot promise defectors. And defectors themselves will see a boost in their compensation.

Insult. Yet defector problems go well beyond the CIA. The case of Awad, among others, illustrates the flaws in defector programs throughout the government. Awad, a Palestinian, spoke only limited English when he first arrived in New York, yet the U.S. Marshals Service took weeks to provide him with an interpreter and enrolled him only briefly in a Berlitz course. Although Awad was a skilled construction worker, officials placed him in a school for mechanics. Worse, he says, they assigned him a female marshal. "That is very insulting to Arabic people," says Awad, "having a girl protect me."

Awad says he was promised U.S. citizenship in 1984. Yet he didn't get it for more than 15 years. He also says he was promised, but never received, \$2 million in return for intelligence and testimony against Rashid. In 1994, Awad was finally paid \$750,000. Howard Safir, the former chief of the witness protection program, said Awad had problems partly because the program was established to take care of criminal witnesses. Awad's attorney, William Beasley, goes further. "The problem with Awad was the whole process," he says. "There was no one person trying to jerk him around. There was just a complete bureaucratic breakdown."

Awad is still hoping to collect what he believes is his due. But defectors who try to recover damages from the United States are routinely rebuffed by an 1875 Supreme Court decision. In that case, *Totten v. United States*, a Confederate spy claimed that President Lincoln had broken a secret promise to pay him \$200 a month. But the court ruled that it had no jurisdiction over secret contracts. Publicizing such agreements might compromise national security, the court said, and would constitute a breach of contract. Further, they would encourage defectors to sue the government whenever they felt they got less than they deserved.

The so-called Totten doctrine has prevented scores of disgruntled defectors from even getting in the courtroom door. But now, for the first time, the precedent has a chance of being overturned. Earlier this year, the Ninth Circuit Court of Appeals heard the case of Soviet bloc defectors known only as John and Jane Doe, a diplomat and his wife who spied for Washington during the Cold War in exchange, they say, for the CIA's promises of lifetime financial security. But when John Doe lost his job in Seattle in 1997, the agency reneged on his \$27,000-per-year stipend. "We sympathize . . ." the CIA wrote the couple, "but regret that due to our budget

constraints, we are unable to provide you with additional assistance." The panel is expected to decide soon whether the case can go to trial.

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