

CIA officials have publicly boasted that they had operatives in Afghanistan before September 11,¹⁵⁹ but careful observers should not confuse the periodic infiltration of operatives for brief *liaison* meetings with friendly warlords for a real HUMINT or paramilitary *presence*. Such unfounded braggadocio aside, the distinguishing feature of anti-terrorist HUMINT three years after the embassy bombings and the DCI's "declaration of war" against Al-Qa'ida was our *lack* of HUMINT penetration of the organization, especially of its central operations.

It is well known in the intelligence world that "[c]landestine handling of agents or other covert activity is usually assigned to intelligence officers under diplomatic cover"¹⁶⁰ – that is, to officials operating out of embassies who, while they face greater risks than the average diplomat, are in the final analysis protected from arrest by diplomatic immunity. The CIA's HUMINT collection service, the Directorate of Operations (DO), admits to occasionally using non-official cover (NOC) officers,¹⁶¹ but such assignments are the rare exception rather than the rule, and

¹⁵⁹ See, e.g., Drogin, *supra* (quoting CIA Deputy Director for Operations Jim Pavitt that "we were there before the 11th of September").

¹⁶⁰ FBI Section Chief Timothy D. Berezney, statement for the record submitted to the House International Relations Committee (May 11, 2000), at 2.

¹⁶¹ Both DCI Tenet, during his confirmation hearing, and his predecessor John Deutch have discussed CIA policy with respect to the employment of NOCs posing as members of certain professions. As Deutch explained it, the CIA has a policy of generally avoiding "having a U.S. intelligence asset use U.S. journalistic cover." John Deutch, testimony before SSCI hearing (February 22,