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WEST FRANKFORT, MISSOURI
20 June 1978

What evidence?

CIA Director Stansfield Turner has testified before congressional committees — in secret — to show what he calls a “preponderance” of evidence to support the President’s contention that Cuba was actively involved in the invasion of Zaire. Similarly, the President hosted meetings with leaders of Congress in the White House to convince them he had the facts to support his statements — again in secret.

The secret nature of these briefings poses a problem. The President has been asked to substantiate his charges by third world countries, at least some of whom seem genuinely to want the truth from conflicting claims. Why should not they and the American people be shown hard

evidence of Cuban involvement?

Perhaps national security considerations prevent the administration from revealing all its evidence, or sources for it. But surely there are some hard facts available which will settle the matter. Certainly the Cubans know the extent of their involvement in the invasion, as do the Russians. The White House is missing an excellent opportunity to gain support from third world nations by demonstrating Cuba’s culpability publicly.

More important than world opinion is the simple fact the American people are entitled to know the facts, up to the very narrow point of security precautions, if any really apply in this case.

SALT LAKE CITY TRIBUNE
16 June 1978

Produce 'Smoking Gun'

When Richard Nixon was claiming executive privilege and fighting to keep the presidential tapes from public disclosure, it was widely assumed that the tapes must contain damaging evidence or the president wouldn't try so hard to conceal them.

Events confirmed that suspicion.

President Carter now faces a similar situation. He has accused the Soviet Union and Cuba of aiding and abetting the recent invasion of Zaire's Shaba province. And he further blames Cuba's Fidel Castro for not heading off the invasion.

Skeptical members of the Senate Foreign Relations Committee asked the president to produce some evidence to document his charges. Mr. Carter then sent Adm. Stansfield Turner, Central Intelligence Agency director, to Congress to "brief" certain members and make a case for the Carter allegations. The evidence, however, was circumstantial, and while some congressmen said they were convinced, others are not.

Judging by the number of questions reporters asked about the incident at the president's press conference Wednesday, the public is far from satisfied. Thursday the administration began airing summaries of previously secret intelligence, presumably the same material shown the congressmen earlier.

Even so, the basic charge still rests on circumstantial evidence and

does not convince beyond reasonable doubt.

There was a time when the public would take a chief executive's word without serious question. That time is long gone and Mr. Carter Wednesday conceded as much. Despite going public with the intelligence summaries, the president has a credibility problem. If he has a "smoking gun" with which to "convict" Fidel Castro, he should lose no time producing it.

24 June 1978

Disturbing press confab

As a longtime and continuing supporter of President Carter this newspaper is absolutely flabbergasted by remarks he made in Wednesday's press conference relative to Cuban involvement in the recent devastating invasion of Zaire.

No real purpose would be served in this editorial by attempting to debate whether President Carter was misled in making statements about Cuba's involvement or if Fidel Castro was just plain lying in denying such a role. What is most disturbing about that running argument is that having seen the key information available from the CIA to back President Carter's statements, there are a number of congressmen who have doubts about its conclusiveness. The CIA should be, and better had begun to be, a better intelligence agency than is apparent in this instance.

It is incredible to the AFRO that the president would go before American people on television and ask why Cubans, invited to Angola to help the government there, did not use force on other Angola guests to prevent the latter from crossing into Zaire?

Likewise, would it not be more presidential to promise Angola and the Cuban troops there that the

United States and its allies will prevent any further Zaire support for the Angolan anti-government forces before requesting a pledge from Cuba and Angola that no more counter-attacks would be permitted?

After all, Cuban troops admittedly are in Angola to help the government there beat back internal and external forces which have been supported in every imaginable way by Zaire — and others, including the United States and South Africa.

One thing President Carter should keep in mind as he is pressured to get tough in Africa is that Russia is not going to back off its support for liberation wars against white minority regimes.

Furthermore, every contribution this country makes in support of the white minority regimes puts U.S. credibility behind the eightball throughout the Third World and much of the industrialized West.

The United States has as much right to help safeguard the inept government in Zaire as Cuba has to assist the Marxist one in Angola — but there is no presidential dignity in trying to peddle "our side's clean" and "you guys are playing dirty pool" rhetoric when the recorded and indisputable facts speak for themselves.

Opinion

Carter vs. Castro on Zaire: is it possible nobody's lying?

MOST AMERICANS probably will be more prepared to believe President Carter than Fidel Castro on the question of Cuba's role in the invasion of Zaire. But the vigor of the latter's protestations, coupled with a U.S. case that has struck some congressional leaders as weak, suggests that worried citizens should await more facts before making up their minds. Mr. Carter's press conference Wednesday did little to help.

It could be, after all, that both sides are telling the truth — as they know it. For example, the President is doubtless correct in saying that the Cuban leader might have done more to stop the Katangans from invading. But that is not the same as producing incontrovertible evidence to back up the administration's claim that the Cubans are to blame.

President Castro also may be accurate, from his point of view, in angrily denying U.S. charges that Cuba supplied and trained the rebels before the invasion. But that might depend — if the training was general in nature and some months ago —

on how he interprets the word "before."

In any event, the CIA has yet to produce sufficient evidence to convince skeptics on Capitol Hill that the Cubans can be held accountable for the invasion. And this skepticism draws additional fuel from another disturbing fact.

President Carter in late May said the Cubans "obviously did nothing to restrain them [the rebels] from crossing the border." But this ignored Mr. Castro's assertion to a U.S. diplomat eight days earlier that he had, indeed, tried to persuade Angola to stop the invasion.

The administration neglected to make this assertion public for better than three weeks, supposedly because no one thought it true. One may or may not want to believe the Cuban premier. But he would not be the first Communist leader who told the truth to an audience that didn't want to believe him.

The risk of a weaker case?

Now Mr. Carter adds that even if an appeal did go out from Havana, it was too little and too late. But some observers have wondered whether this suppression for three weeks wasn't somebody's idea of how to avoid weakening the case the administration was trying to build.

Are these skeptics just being difficult? Or are they doing what more congressmen should have done in 1964? In that year President Johnson misled Congress and rammed through the Gulf of Tonkin resolution that gave him vast new authority to expand the war in Vietnam. More questions from Capitol Hill might have made a profound difference in what followed.

The stakes again are large. Americans might be persuaded to endorse a much more militant policy in Africa if they felt their real adversary there to be the Soviet Union rather than native nationalists. Hawks in Washington could make a much stronger case for armed intervention or at least covert military aid (as President Car-



"The Cubans are coming! The Cubans are coming!"

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ter reportedly would like to do for rebels in Angola) if this were proven.

So there is no particular reason to doubt President Carter's conclusion, based on CIA evidence, that the Cubans were involved in training and arming those who invaded Zaire. But these are not necessarily firm proof of Cuban responsibility for the invasion itself.

After all, if the United States were to be held to the same standard, we could be blamed for the 1974 war on Cyprus, since we had helped to equip and train the Greek and Turkish troops who waged it. What about Israel's preemptive invasion of Egypt in 1967 or the India-Pakistan war of 1971? Could we, for the same reasons, be held accountable? It's worth reflecting on these questions before leaping to the conclusion that a Cuban-trained soldier carrying a weapon with Cuban insignia is proof that his orders came from Havana.

It's especially worth reflecting on those questions because so much of our own policy could hinge on the answers. America took a decade to accept the dreadful truths of Vietnam. We should be a lot more skeptical, this time around, of those who might be tempted to support preconceived conclusions with insufficient facts.

MILWAUKEE SENTINEL
10 June 1978

Detente Wounded In Zaire Crossfire

The rapid fire accusations and denials on the Zaire situation, when taken to their lowest common denominator, amount to a war of words that we all have been through before.

Throw in the incredible naivete of Sen. George McGovern (D-S.D.), who always seems to believe everything the Cubans tell him, and the outburst of diplomatic crossfire on where the blame lies for the Zaire incursion is complete.

President Carter got things started by accusing Cuba — and by extension, its Russian arms suppliers — of a major role in training the Katangan rebels who slashed into Zaire from Angolan bases and went on a rampage of death and destruction.

Then the much maligned CIA, backing Carter's claim of Cuban involvement, said it had "very hard, recent evidence" that Cubans — and again by extension, the Soviets — had trained and equipped the Katangese.

There were the usual Cuban and Russian denials. The Soviets ignored Western accusations of connivance and claimed that the mission to rescue white Europeans was "direct intervention" in the name of "selfish interests." Typically, they went so far as to accuse the West of massacring whites in order to put the blame on the rebels.

McGovern, of course, reflecting the liberal distrust of almost anything the CIA does or knows, says he has the answer. The Cubans, he says, personally assured him on May 15 that they had not promoted the Katangese invasion. How can McGovern accept such assurances, with the full knowledge of Cuban involvement in other areas of African turmoil — Angola, for one?

Is McGovern also accepting the Russian retort? That would be the logical next step.

To end it all, Russian Foreign Minister Andrei Gromyko told Carter he was misinformed, while the president's own national security adviser, Zbigniew Brzezinski, offered to give McGovern and other doubting senators proof that the Cubans were "responsible" for the bloody rebel invasion.

Where does this leave the US? It leaves it back at home plate on detente, on strategic arms limitations negotiations, on general goodwill with the Soviet Union and the puppet states the Russians use to do their dirty work around the world.

If Carter and Brzezinski indeed are in possession of the evidence, and there is no indication that they are not, we hope they give it widespread dissemination. We don't need any more US senators getting sucked in by the big lie.

ANGOLA, THE CUBANS, AND AMERICAN ANXIETIES

by Gerald J. Bender

Strategically located between Zaire and Namibia on the west coast of Africa, Angola is a nation of approximately six-and-a-half million people spread over an area larger than the states of New York, Texas, and California combined. The world's fourth largest coffee producer before independence in 1975, and rich in oil, diamonds, iron, silver, manganese, copper, and phosphates, Angola has the potential to become one of the wealthiest countries on the African continent. Yet most Americans, if asked today what they associate with Angola, would undoubtedly respond, "Cuban troops."

Since achieving independence in November 1975, the government of the People's Republic of Angola (RPA), led by Agostinho Neto, has relied heavily on Cuban troops to repel numerous military challenges to its regime—by foreign powers such as South Africa and Zaire; by an extremist faction within the ruling party, the Popular Movement for the Liberation of Angola (MPLA); and by the forces of two factions that fought and lost a civil war with the MPLA in 1975, the National Union for the Total Independence of Angola (UNITA) and the National Front for the Liberation of Angola (FNLA). The Cuban military presence has generally dominated media attention to Angola for the past few years, because both the Ford and the Carter administrations have maintained that the presence of the Cubans in Angola

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must be reduced or eliminated before any diplomatic relations can be established between Washington and either Luanda or Havana.

Most Americans assume that the Cubans in Angola and elsewhere in Africa are little more than proxies for the Soviet Union.¹ Rarely is any distinction made between Soviet and Cuban interests, goals, and actions in Africa. As a result, the Cuban presence in any part of the continent is generally perceived as a setback for the United States in its global competition with the Soviet Union. So much national attention has been focused on a perceived Soviet-Cuban threat in Africa that many have forgotten some larger, more important questions plaguing U.S.-Soviet relations. Even if it could be established that the Cubans are nothing more than Soviet proxies, for example, the problem of how to act toward Soviet-backed regimes or movements in the Third World would remain.

The Lessons of Vietnam

American foreign policy toward Third World conflicts in which the Soviets are involved has been shaped by two competing perspectives—that of the global strategists and that of the area specialists. Generally, the globalists look first (and at times exclusively) at the ramifications of the conflicts for overall East-West relations. If the Soviets are thought to be acting badly, the globalists argue that the United States should back a competing side or withhold U.S. cooperation in some other area of special interest to the Soviet Union. The area specialists, on the other hand, focus (also at times exclusively) on the local causes of conflict—the ethnic, religious, racial, or national factors behind them. They counsel against U.S. involvement in a struggle simply as a reaction to Soviet participation.

¹ For an assessment of Cuba's decision to intervene in Angola from the perspective of Cuban interests, see Abraham F. Lowenthal, "Cuba's African Adventure," *International Security*, Vol. 2, No. 1, Summer 1977, pp. 3-10.

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EXCERPT:

The Kissinger Vacuum

Angola has been forced by its circumstances to depend heavily on the Soviet Union, but this does not mean that the Angolans choose to continue this dependency. Naturally, they cannot lessen their reliance upon a single superpower if the United States and China refuse to normalize relations. In addition, neither the Ford nor the Carter administration has been able to exact even minor concessions from the Soviets or Cubans. Vance's attempt to raise the issue during his April visit to Moscow was only the most recent failure. Neither administration ever succeeded in building a case against the Cuban presence in Angola that is viewed as credible by most other African countries—including Nigeria, as Carter discovered in March—or even by some of the Western allies.

Kissinger's attacks on Cuban assistance to the MPLA in 1975-1976 lacked cogency and credibility, because they were made in a vacuum. By not acknowledging that the South African and Zairian regular troops, as well as assorted mercenaries from Western countries, were fighting in Angola on the side of the FNLA and UNITA, he painted a one-sided picture of the Soviet Union and Cuba attempting "to take unilateral advantage of a turbulent local situation" (as he told the Senate Foreign Relations Committee in January 1976). Without the Cuban military assistance that arrived in late 1975, however, the MPLA would undoubtedly have been crushed by the combined forces of South Africa, Zaire, UNITA, FNLA, and the mercenaries.³ In fact, the magnitude of Cuban help needed to repulse the intervention of South Africa and Zaire was foreseen by some top American intelligence experts. John Stockwell, who was chief of the CIA's Angolan Task Force, claims to have warned the Interagency Working Group in early October 1975 (when there were less than 1,000 Cubans in Angola) that if additional Zairian and South African troops were brought into the conflict, "I suggest that we think in terms of 10,000-15,000 Cuban soldiers, a squadron of MiGs, and 100 or so tanks." Stockwell, in an interview on the CBS television program, "60 Minutes," last May, added that had the Central Intelligence

Agency's "violent option not existed in Angola, we wouldn't have had Cuban soldiers entrenched in the country with great credibility, looked upon as... heroes of the... people of Africa."

Brzezinski has now apparently created his own version of the Kissinger vacuum in which to view the continued Cuban role in Angola. Less than a month after taking office, Carter received signals from both Havana and Luanda indicating an imminent reduction in the number of Cuban troops in Angola. Neto and Castro were both on record saying that the Cuban troops would stay only as long as they were needed—that is, until they could be replaced by MPLA troops. In January 1977, that need appeared to be declining. Roughly 16,000 Cubans (soldiers and civilian technicians) were still in the country, but American officials verified a troop reduction that continued into the spring. Then, in May 1977, Castro announced to Barbara Walters of ABC News that he had halted the Cuban pullout the previous month because of new external threats to the Neto regime.⁴ That same month, an extremist faction within the MPLA staged a bloody attempt to overthrow the Neto regime, and the number of Cubans increased again. The size of the Cuban military presence can be expected to continue to vary in accordance with the intensity of external and internal threats. The Angolans, Cubans, Soviets, Nigerians, and others have all recently cited such attacks on the Neto regime as justification for the approximately 20 per cent increase in the number of Cuban troops during 1977.

³ A detailed account of who participated in the Angolan civil war, when and why, can be found in Gerald J. Bender, "Kissinger in Angola: Anatomy of a Failure," in René Lemarchand (ed.), *American Policy in Southern Africa: The Stakes and the Strains* (Washington, D.C.: University Press of America, 1978), pp. 65-143. According to a recent book on the CIA's role in the Angolan war by former agent John Stockwell—*In Search of Enemies: A CIA Story* (New York: W.W. Norton, 1978)—Kissinger's attacks on Cuba were also based, in part, on fraudulent materials prepared by the CIA.

⁴ Barbara Walters, "An Interview with Fidel Castro," *FOREIGN POLICY* 28 (Fall 1977).

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Plots, Real and Imagined

Relations between the MPLA and Zaire have been strained since the early 1960s, principally because of the latter's continued support of the FNLA. It is no longer a secret that thousands of regular Zairian troops fought alongside the FNLA during the Angolan civil war. Since the end of that war, in addition to giving sanctuary and sustenance to the FNLA, which has continued sporadic raids into Angola, Zaire has assisted the Front for the Liberation of the Enclave of Cabinda (FLEC) in attacks against oil-rich Cabinda, the northernmost province of Angola, which is not contiguous with the rest of the country but is wedged in between Zaire and the Congo Republic. Furthermore, planes of uncertain origin, but taking off from Zaire, have recently violated Angolan airspace, occasionally bombing villages along the northern border. In late 1977, Zairian president Mobutu Sese Seko reportedly increased his assistance to UNITA and was in close touch with its leader, Jonas Savimbi.

The Angolans also believe that Zaire has been involved in several real or imagined international plots against the RPA. The most notorious of these, "Cobra 77," uncovered in February 1977, supposedly involved plans for a four-pronged invasion of Angola around Christmas of the same year. South Africa, Zaire, France, and Western mercenaries were all allegedly involved.

Another bone of contention is a West German government-subsidized firm, the Orbital Launch and Rocket Corporation (OTRAG), which is testing missiles in the Shaba province of Zaire. According to the Germans, the project merely involves private scientific trials of missiles to be used for launching weather and communications satellites. But that version is disputed by Tad Szulc in the March 1977 issue of *Penthouse*, and by the Soviets, Angolans, and others who contend that the Germans, with the cooperation of the CIA, are testing cruise missiles and intermediate-range ballistic missiles in a 100,000-square-mile area of Shaba roughly the size of the state of Colorado.

CARTER, AFRICA, & SALT

I. F. Stone

I

A little history should teach us a little patience in dealing with Africa. When the communists finally won in China a generation ago, their victory was regarded in Washington simply as a Russian takeover. Today communist China is communist Russia's most fanatical enemy.

To glance back for a moment at the White Paper on China which Secretary of State Acheson issued twenty-nine years ago this August is a timely reminder of how resoundingly wrong an American government could be at one of the great turning points of history. "The communist leaders," Secretary Acheson said in his preface to the White Paper, "have forsworn their Chinese heritage and have publicly announced their subservience to a foreign power, Russia," and he called on the Chinese people to "throw off the foreign yoke."

Nobody knows how many billions we spent in an effort to prevent their victory and how many billions more in the effort to strangle the new regime, but if there could have been a "Nixon visit" in 1950, Peking today would be a powerful military ally of the United States instead of a weak and impoverished giant, America's biggest welfare applicant.

From opposite vantage points, Washington and Moscow made the same misjudgments then and are repeating them in Africa today. Both the great powers completely underestimated the hold of nationalism, with its deep moorings in geography, tradition; and culture. Both completely overestimated the power of ideology. If there were a Russian opposition party, able to protest the resources being squandered on Africa, its prize exhibit would be Russian intervention in China: the way Russian arms and military advisers built up the Kuomintang armies only to have Chiang Kai-shek turn on them in his hour of victory in 1927 and massacre his communist allies, and the way in which the Chinese communists after years of aid from Russia have become its most inveterate enemy.

On a smaller scale, the same bitter comedy is playing itself out in Indochina. The long series of wars there since 1945 were fought first by the French and then by us on the simple theory that Vietnam was China's puppet, as China was Russia's puppet. Yet with our withdrawal from the bloody scene, all three are freshly embroiled in a triangular brawl of their own. Peking and Hanoi are speaking of each other with hatred; China helps Cambodia fight Vietnam, and Vietnam, despite Russian aid, has just announced its ingratitude at UN headquarters. A Hanoi press release said that Chinese reports that it was about to give the Soviet Union use of the naval base we built in Cam Ranh Bay was a "total fabrication." So dissoluble are the indissoluble bonds forged in war and revolution. Such indeed was our attitude toward France after its help in our own revolution.

The path of empire has never been more slippery than in these days when new nations are striving to be born—and old ones to be reborn—in Asia and Africa. Except where, as in Eastern Europe, Moscow still keeps armies of occupation, its hold is as precarious as that of the old capitalist imperialisms. Yet long after the life has evaporated from Marxism-Leninism in its citadel, American political leaders still cling touchingly to a faith in its magic power.

If Washington were to be believed, Russia has been on the verge of taking over Africa for two decades. In 1960 John F. Kennedy thought he could garner votes by his inflammatory attacks on Eisenhower for failing to hold onto Ghana and Guinea, though few American voters could have given the correct answer if asked what continent they were on. Guinea under Sékou Touré, thanks in part to the aid embargo we imposed upon him, was Moscow's most faithful satellite in Africa. Moscow had invested \$100 million and 1,500 technicians in the development of what was to become a particularly brutal regime.

But Soviet nationals were expelled in 1961, and in the missile crisis of 1963 when the Russians were desperate for ways to supply their distant satellite in Cuba, Sékou Touré refused to let them use the airfield they themselves had built for him in Guinea. Nasser, then their favorite client, was similarly ungrateful when he stopped shipments through Egypt of Soviet weapons to Congolese rebels in the 1960s.

All this is a familiar story to the African experts, but they dare not when in office publicly recall it lest they be accused of somehow being soft on communism. Here is a ready example. In 1963 the Hoover Institution on War, Revolution, and Peace at Stanford, the last redoubt still holding out against the revolution of 1917, published a comprehensive symposium on Africa and the Communist World. In his scholarly chapter on "Soviet Political Activity," Alexander Dallin, after surveying the efforts of Moscow's once famous (and in Washington highly feared) "Friendship University" for Africans, reported of the black revolution it trained that "no African fellow traveler has ever remained a stable and dependable ally of the USSR."

Dallin commented sardonically on how "time and again, some ephemeral Marxist group would dub itself a Communist party, only to have its leaders and its total membership (sometimes identical) defect without remorse or second thoughts." The book was edited by a professor since come to prominence in the Carter administration, but Zbigniew Brzezinski has abandoned such astringent realism for the more exciting alarms that endear him to the Old Cold Warriors in Congress, the Old Believers whose faith in the potency of Marxism-Leninism to work miracles remains unshaken. Despite more recent communist pratfalls in the Sudan, in Mozambique, in Somalia, and in Iraq, these are the political sectaries who still insist that the Russians can walk on water, even the turbulent waters of Africa.

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All we have said so far seems to have been implied by Carter's campaign speeches on Africa, by the appointment of Andrew Young, by the fresh policies applied elsewhere in southern Africa, and by the "keep cool" speeches last year from Carter and Secretary Yance. Why, then, the sudden hysteria being whipped up over Zaire and Angola?

To find a clear and complete answer is difficult. Every student of African politics comes back appalled by the complexities. But when you begin to study the shift in the Carter administration you begin to realize that the politics of Washington are pretty dark and murky too.

From an anthropological point of view—and sometimes one feels that anthropology is as necessary in Washington as in Africa—American presidents since World War II have had to undergo a puberty rite, to reassure the tribe that the new headman could stand up to its immemorial enemies, the Musku-bumbus, or Russians.

Under Kennedy this need to show that the new president wasn't "chicken" gave us the Bay of Pigs and Vietnam. Johnson stepped up the bombing in Indochina, basically, and for those who knew him unmistakably, because he felt a challenge to his virility. Carter's recent "get tough" speeches and the ultimatum-like challenge at Annapolis—"confrontation or cooperation"—seem to be in the same traditional mold. The recurrent cost of proving each new president's manhood has proven a major, and unbalancing, budgetary item: our present inflationary headaches began with the Vietnam war; the last thing we need is a new and bigger Vietnam—or succession of Vietnams—in Africa. Especially if accompanied by a stepped-up arms race, this seems a sure way finally to do in the dollar.

Yet behind the scenes, well before the Shaba invasion of Zaire from Angola, there were feelers from the White House for a way to get around the restrictions imposed by Congress in recent years to prevent a Vietnam in Africa. The Shaba invasion began the night of May 11-12. But in the May 1 issue of *The New Yorker*, an article by Elizabeth Drew on Carter's National Security Adviser Zbigniew Brzezinski, the most extensive and informative study of him to date,

She reported that while Carter had been critical in the 1976 campaign of Ford-Kissinger attempts at covert CIA intervention in Angola and had supported the restrictions placed on such actions by the Clark amendment, Brzezinski had been moving back to the Kissinger African policies.

"In recent months," Ms. Drew wrote, "Brzezinski has raised the question of whether the congressional restrictions are still applicable; the CIA has told him that they are." According to Ms. Drew, Brzezinski is critical of the restrictions placed not only on the president but on the CIA. "He is troubled," she reported, "by the number of reviews to which some activities [i.e. covert activities] have to be subjected before they can be undertaken." In this he seems to be at odds with the executive order put into effect last January by Carter which requires that "appropriate members of Congress" be informed. It also requires that the president himself approve covert activity of any importance.

But Brzezinski, Ms. Drew went on, "is known to believe that the president should have broad flexibility, including 'deniability'—that is, that it should be possible to carry out operations in a way that would enable the president to deny that he knew about them." With this doctrine of "plausible deniability" we are back in the full bloom of the Nixon-Kissinger era. Brzezinski, like Kissinger, apparently believes that the CIA, by covert operations in aid of the rebel movements in Angola, should "punish" the Neto regime and create for Cuba a situation resembling our own in Vietnam. How to bring about a Vietnam in Africa for Cuba by covert American action without creating a Vietnam for ourselves is a question he has not addressed.

The revelations made in the May 1 *New Yorker* cast important light on certain events since. These show the corruption-through-secrecy and the lack of candor which marked the Vietnam war years. On May 4, Carter said at a press

conference, "we have no intention to intercede in any war in Angola."

But a few days later, Admiral Stansfield Turner, director of the CIA, and Brzezinski's right-hand man, Carter's deputy national security adviser David Aaron, approached Senator Clark (D. Iowa), co-author of the Clark-Tunney amendment forbidding direct or indirect—open or covert—US intervention in Angola without express congressional authorization. They wanted Clark's approval of, or acquiescence in, a plan to transfer equipment through a third party to the UNITA rebel forces in Angola. Clark turned them down, saying it would be against the law. On May 23, when the senator heard that the story of Turner's request was to break next day in the *Washington Post*, Clark issued a statement saying, "It is increasingly clear that President Carter has made the decision to reinvolve the United States in the Angola civil war."

The full story of this effort to circumvent the law is yet to be known. One question, hitherto unanswered, is why Turner and Aaron were foolish enough to approach Clark, perhaps the senator most likely to disapprove of their plan.

But what has not been published until now is that their first approach was to Senator Birch Bayh (D. Ind.), chairman of the Senate Intelligence Committee. Perhaps they hoped they could get sufficient approval from Bayh so that if the covert operation later came to light they could say they had cleared it with the Senate Intelligence Committee. That committee is bound by strict secrecy rules, which could be relied on to keep this "indecent proposal" a secret. But Bayh refused to go along, and instead said, "You'd better see Clark." Perhaps they felt they had better risk the direct approach rather than have Clark hear

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Apparently there were two approaches made to Clark. Aaron went first ostensibly to ask him about indirect aid to the Eritrean rebels. But the *Washington Post* reported on May 24 that "Aaron also mentioned possible US aid to Angola, but only vaguely, a source said." The second approach was made by Admiral Turner. As Jody Powell explained to the *Washington Post*, Turner talked to Clark "about what was possible within the law" and "obviously used several examples." One of the examples was Angola.

Obviously the head of the CIA didn't have to go to Clark to find out what was within the law. According to Ms. Drew's account, the CIA had already told Brzezinski that the kind of covert aid he proposed for Angolan rebels was illegal. Jody Powell the day the *Post* story was published said Admiral Turner presented "no specific proposals." But next day (May 25) the *Post* quoted "reliable sources" as saying that the CIA chief showed Senator Clark a memorandum with specific numbers and types of weapons to be turned over to UNITA through intermediaries.

The admiral, no babe in the wood, "observed," according to the *Washington Post* account, "that this plan appeared to conflict with the Clark amendment" and Clark in turn "reportedly agreed." So ended that seminar.

A more disturbing part of this charade was the White House reaction. "Carter Reported Unaware of Overtures to Sen. Clark," said the *Post* headline on May 25. Jody Powell said, "The president had no knowledge they were doing this sort of thing" and said it was Jody Powell's "impression" that the president did not learn of the discussions with Clark until reporters first raised questions about the story in the *Washington Post*.

Now the general impression in Washington is that Carter "runs a very tight ship." It is difficult to believe that an admiral, conditioned to chain of command, would step out of line on so delicate a matter without higher approval, especially since the CIA is trying to rebuild its reputation. Either there's a quiet mutiny in the White House led by First Mate Brzezinski or this is a case of just that kind of presidential "plausible denial" he advocates.

The *Washington Post* noted that senior State Department officials were strongly opposed to any such US intervention in Angola. "Senior Administration officials," the *Post* reported on May 25, "met at the White House yesterday to thrash out a new policy statement on Africa" to clear up the confusion, and Carter was expected "to reveal the fruits of this meeting" at a press conference in Chicago that day.

Instead, at Chicago on the 25th, Carter effectively changed the subject. He made headlines by accusing the Cubans of complicity in the Zaire raid. The spotlight was taken off the campaign to lift restrictions on covert activities. But in the finer print which few papers published and few Americans saw, he said he had "no present intention" of asking for any modification of the Clark amendment. "Any proposal for modifications of this and other restraints," he said, "will await our review."

Carter went on to say that the existing provisions of the law "will, of course, be faithfully observed by me." But he added that "we must resist further restrictions" by Congress. In the meantime Carter tried to raise popular anger against Angola. Its government, he said, "must bear a heavy responsibility for the deadly attack" on Zaire.... "And it's a burden and a responsibility shared by Cuba." This seemed part of a build-up for punitive action against Angola and Cuba. It was in no way a disavowal of the Turner-Aaron mission. "I'll never lie to you," Carter said in the campaign. But he never promised not to engage in plausible denial. We are back in the old groove worn deep by LBJ and Nixon during the Vietnam war.

The Chicago statement was not extemporaneous. A team of high-level officials worked on it May 24 and then again the morning of the 25th, when final revisions were wired to Chicago. This is what it said of Cuban involvement. The words must be read carefully:

We believe that Cuba had known of the Katanga plans to invade and obviously had done nothing to restrain them from crossing the border. We also know that the Cubans have played a key role in training and equipping the Katangans who attacked.

This turned out to be a masterpiece of disingenuous statement. On May 18 the State Department informed the press that Castro had called in Lyle F. Lane, the chief US diplomat in Havana, and denied any part in the Zaire invasion. Only the bare denial was disclosed and this was interlarded with the kind of "informed speculation" designed to discredit it. But Walter Cronkite on the CBS Evening News on June 9 disclosed another part of Castro's communication which the State Department had withheld. Castro told Lane he knew of the plans for invasion a month or more in advance and had tried unsuccessfully to stop it.

The *Washington Post* broke this story in its later editions of Saturday, June 10. The *New York Times* on June 11 said it learned from Senator Clark that the information was first disclosed when Senator McGovern, who had obtained the full text of the Lane communication from the State Department, read it to the Senate Foreign Relations Committee in executive session Friday, June 9. The cable described, the *Times* reported, "the evolution of the rebel attacks and his purported efforts to stop them." Castro said he failed because Agostinho Neto, head of the Angolan government, was ill at the time and under treatment in Moscow. The executive session was held, at Senator McGovern's request, to hear from Admiral Turner evidence of Castro's complicity in the Shuba invasion. Even the chairman, Senator Sparkman of Alabama, normally an administration stalwart, said he did not think the evidence conclusive.

The whole affair was reminiscent of the way in which the Johnson administration manipulated the Senate and the country in the Tonkin Gulf affair. Selective disclosures and claims of "intercepts" too secret to be shared even with the Senate built up a false picture of what had happened and won Johnson a blank check for bombing reprisals against North Vietnam.

At this writing no one in the Senate has yet demanded that Lane's full report on his conversation with Castro be made public. It is classified but whom is the secrecy stamp protecting? Carter or Castro? Nor has any senator asked

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about our electr Cuba. It would seem that Castro, if he tried to stop the invasion from Havana, had to use telephonic or wireless channels of some kind. Can it be that these escaped our surveillance? Or was the American government made aware by these messages of what was going on? Why was the full text of the conversation with Castro withheld? The effect, if not the purpose, was to inflame public opinion in this country.

So already, even before we get more deeply involved in Africa, the falsehoods, inseparable from these distant and unpopular interventions, begin to pile up. The result is an almost universal skepticism not only on Capitol Hill but in the State Department itself—if not indeed in the bowels of the White House itself—about the president's accusations against Cuba. His effort to counter his loss in credibility, in a televised press conference just as this issue went to press, was not a stellar performance. He began with a Freudian slip, soon corrected, saying that Castro had 20,000 troops in Zaire, when of course he meant Angola. Then he committed a geographical boo-boo, which was corrected only later in the official transcript, by saying that the invasion came from southeastern Angola. There, in a country almost twice as large as Texas, Cuban troops are concentrated in their fight against the UNITA rebels. The invasion actually came from the opposite corner of the country, in the far northeast, where the Cubans are weakest. Carter ended by shifting the accusation from a charge of Cuban complicity in the invasion to a charge that the Cubans could have done more to stop it! It was an inglorious exit from a propaganda battle. Carter himself had provoked.

III

Ambiguity often seems inseparable from government, to reconcile contending viewpoints and to keep options open. But it can easily be carried to an extreme, and that may well be the case now with Carter's stance on Africa and SALT. Certainly the Annapolis speech, which was billed as an exercise in clarification, has only served to exacerbate relations with the Soviets without making clear what Carter's policy is.

The president is asking Congress for greater flexibility, and this is a code word for weakening the restrictions imposed by Congress on the executive and the CIA in order to prevent a new Vietnamese-style entanglement abroad without a "pause for reflection," without advance consultation with Congress. The tricky way in which the Carter administration has been seeking secret con-

"little war" in Angola, à la Laos and Cambodia, along with its disingenuous handling of the diplomatic exchanges with Cuba, make it evident that we need more, not fewer, restrictions on the executive.

There is another kind of flexibility involved, which the president does need, but he himself is undermining it. The situations in Africa are extraordinarily complex and murky, as are the issues in the SALT talks. The White House can only achieve sufficient flexibility to deal with them if it educates the public to an awareness of these complexities, for they require diverse policies and diverse attitudes in various areas. The president cuts down his ability to act pragmatically when he creates hysteria, jingoistic passions, and melodramatic scenarios. To make "toughness with the Russians" the simplistic standard of politics on Africa and SALT is to imprison himself in costly absurdities.

The key issues in Africa are to prevent civil and racial war in Rhodesia and Namibia; settle peacefully the conflicts in both areas, and then press South Africa toward a sane adjustment in its racial policies. Both Washington and Moscow have common interests in this because a failure could so worsen their relations as to endanger the peace of the entire world.

Without some guerrilla activity, without some aid to the Rhodesian and Namibian guerrillas from the other side, Britain and the United States would have no leverage whatever in trying to bring about a peaceful transition to majority rule. The Western powers need Russian cooperation in seeing that this aid does not go so far as to endanger a settlement. In southern Africa, as in the Middle East, convergent actions by the two superpowers are a necessary component for stability. A new wave of anti-communist hysteria will hinder effective helmsmanship in these turbulent waters.

A cardinal point for effective policy in both big capitals is to remember that this is basically an African question. Irresistible forces are moving toward the emancipation of black Africa from racial exploitation in a struggle that cannot be stopped. It can be poisoned and it can wreck the peace of the world. Or it can be helped toward the peaceful settlements necessary if the industrial resources and human assets, white and black, which Africa needs to pull itself out of impoverishment and hunger are to be preserved from destruction.

...and the Russians both will only lose all credibility with the Africans if they feel that they are being sacrificed again, as in the nineteenth century, to a new great power struggle. In Angola, earlier efforts to end what are basically tribal divisions in a coalition government were upset by CIA interference, and this is exactly the kind of covert destabilizing operation the Clark-Turney Amendment stopped and the Turner-Aaron visit to Clark was designed to start up again.

There ought to be an American ambassador in Luanda, the capital of Angola, as Andrew Young has urged over and over again. Every other NATO country has recognized the Neto government. Gulf Oil, Boeing, National Cash Register, and many other US business concerns are doing business with Neto, as is Krupp, and even the South African de Beers Diamond Company. Only the US stands aside and still hopes covertly to "destabilize" that regime. In this respect, Carter is resuming the Ford-Kissinger policy he criticized so severely in the campaign. Yet Neto's cooperation is crucial for a settlement in Namibia.

If Carter wants to draw a line in Africa and dare the Russians to cross it, he had better be careful that the line is not drawn in quicksand like the Mobutu regime in Zaire. And he had better be sure that the Congress and the American public do not begin to feel that, like his predecessors in dealing with Indochina, he is not disclosing the full truth about what he is doing and about our knowledge of events in Africa.

An example: Castro told the *Washington Post* (late edition, May 13) that early in 1976 the Cuban and Angolan regimes decided to distance themselves from the Katangan forces because Angola needed "peace to reconstruct itself" and that meant peace with its neighbor, Zaire. It is difficult to believe that the CIA, with its electronic surveillance of Cuba, its agents in Africa, and its close ties with our NATO ally, the Belgians, is not in a position to confirm or deny this.

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The Belgian connection is important. The organization which ran this year's invasion of Shaba Province in Zaire was Nathaniel M'bumba's Front for the National Liberation of the Congo. Curiously it is allowed a headquarters in Brussels, where it holds press conferences. There was suspicion that the Belgian government was ready to deal with it if the invasion had succeeded. The Katangan gendarmes, the core of M'bumba's forces, are after all the natives whom Belgium trained and on whom it relied in its original effort to break Katanga away from the Congo in the Sixties and thus preserve full control of the Union Minière holdings in that province.

Specialized publications dealing with Africa and Third World affairs in the past eighteen months have reported revolts both civil and military in Zaire as well as preparations for the recent invasion. At least one publication (*Africa Report*, July-August 1977) wrote that while Neto's MPLA was sympathetic to the FNLC "there is little evidence to indicate that it [the MPLA] was willing to stake its own existence in support of the [Congolese] rebels." Surely the African desk of the State Department and the CIA, and above all the Belgians, must have been well aware of all these currents, and of the shifts in Cuban and Angolan policy.

To take a stand in Zaire, side by side with France's neocolonial empire in Africa, is to take a stand on very shaky ground. Neither Nigeria nor even Liberia has expressed support for the "pan-African" force mustered, with great difficulty, by France to save Mobutu; and Nyerere of Tanzania has spoken up strongly against it and asked whether it meant that Carter had changed his African policy. Mobutu's is one of the most corrupt and repressive regimes in Africa. Its ill-paid and ill-disciplined troops are indicative of how badly Mobutu has organized the country he has ruled for more than twelve years. Indeed, his first step in using the new Moroccan troops was to organize them into a new private guard for himself. Apparently he can't trust his own Congolese followers. There was testimony before the Senate Foreign Relations Committee two years ago that real wages had fallen 35 percent during the first decade of his rule, while he himself had grown rich.² His

strength is his weakness, and the foreign banks which have lent him between two and a half and three billion dollars must either prop him up or take a loss on their folly. Mobutu's rule is in this respect a replay of a corruption that undermined the regimes we once supported in China and Vietnam.

What Nyerere objected to was not the rescue of Europeans but the use of the rescue operation to save the tottering Mobutu regime and bail out the foreign banks. "We reject the principle," he told the diplomatic corps in Tanzania (*Washington Afro-American*, from Dar es Salaam, June 13), "that external powers have the right to maintain in power African governments which are universally recognized to be corrupt, or incompetent, or a bunch of murderers, when their people try to make a change." In Belgium, at least, there seems to be considerable support for the view that the mining operations would be more secure if Zaire had a less corrupt and more popular government.

In Ethiopia the Russians and Cubans have been propping up a regime as murderously repressive as Zaire's. In this respect there is little to choose between Mengistu and Mobutu. But if the US and the Soviets hadn't switched sides all too recently between Ethiopia and Somalia, we rather than they might have been impaled on the Horn of Africa, and helping Mengistu's struggle for control of the Eritrean seaports. Great-power rivalry serves only to raise the level of fire power in these endemic, tribal hatreds when a new plague of locusts, drought, and hunger are the urgent common enemies. In that far-off wasteland of desert and mountains, Ethiopia's oldest and most famous friend, King Solomon, would have found it impossible to sort out the multifarious rights and wrongs. Why should Somali herdsmen have to pay attention to relatively new international boundaries across the desert lands they have grazed from time immemorial? How can Ethiopia build a stable nation if these herdsmen make a mockery of its border? Why should Eritrea be subject to Ethiopia when its nationhood has long been recognized? But how can Ethiopia live and prosper if it loses its ancient outlets to the sea in this coastal region Eritrea claims? We couldn't wish a finer mess on Moscow.

Let's not link the other issues, complex enough in themselves, to these insoluble tangles of racial and tribal rivalries. Above all, let us not hurt the human rights movement in the Soviet Union, and the cause of brave men like Orlov and Shcharansky, by linking human rights in the Soviet Union with what Africans see quite rightly as a new Franco-American plan to reinstitute a new colonialism in part of Africa.

The gravest link of all is with SALT. Of course, tension between the superpowers will encourage the bitter-enders against SALT. Here, Moscow and Washington bear a joint responsibility. The Soviet sentence of Orlov for monitoring the Helsinki agreement does testify, as Carter said at Annapolis, to the amazing fear of any dissent in the stale and shuttered Kremlin. Surely there are those among a new generation of Soviet leaders who will want to break away from policies identical in this respect with the Romanovs. Let us help them by keeping the cause of freedom in Russia clear of imperialist hypocrisy and inflammatory cant, as Carter does not when he speaks in one voice to repressive Russia and in another to the equally repressive Shah and the Saudis.

Africa is a passing storm, but SALT involves the future of the planet. The alarming, the crucial, and the urgent fact is that new technological developments just over the horizon threaten to end the balance of terror on which world peace has been precariously poised in our generation. That is the message in the excerpt published here from the latest annual survey of the respected International Institute for Strategic Studies in London. It deserves the widest reading and discussion. But so far I have seen only one mention in the American press of the institute's warnings about the arms race and that was a single paragraph quoted by Henry Bradsher in the *Washington Star* May 24. The African section of the report has been widely noticed, but not its forebodings about SALT. Unless a lid is placed on the strategic arms race promptly by a new SALT agreement, these new technologies, which vastly increase the precision of the ICBMs and with it the temptation to a pre-emptive strike and the fear of such a strike, may soon destabilize the world.

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Footnotes:

It is no answer to fall back on mobile ICBMs, or to invent a new form of shell game by building twenty empty holes for each real launching pad to fool the other side. This enormously expensive new escalation in lunacy will only succeed in driving both sides missile-mad. And Carter had best not speak so complacently about how America is ready to bear the cost of a new arms race and can do so, as he said at Annapolis, "without excessive sacrifice." How much is "excessive" in the shadow of Proposition 13's victory in California, and the suffering it portends for the poor, the elderly, and the underprivileged? There couldn't be a worse time to spend more on arms.

Carter, as a nuclear sub commander, seemed to come into office with some overriding assets—a personal knowledge of the nuclear danger, and a gut commitment to end it. But these seem to be eroding. We must hope he isn't being contaminated by a certain gaiety on the subject on the part of his national security advisers. When Elizabeth Drew interviewed Brzezinski, she asked him about an earlier interview in which he was quoted as saying that the idea that a nuclear war would mean the end of humanity was "baloney."

This was his cheerful reply, as given in *The New Yorker* of May 1:

It's inaccurate thinking to say that the use of nuclear weapons would be the end of the human race. That's an egocentric [apparently, he meant ethnocentric] thought. Of course, it's horrendous to contemplate, but in strictly statistical terms, if the United States used up all of its arsenal in the Soviet Union and the Soviet Union used all of its against the United States it would not be the end of humanity. That's egocentric. There are other people on the earth.

This celestial objectivity should enormously hearten the men with their fingers on the triggers in the White House and the Kremlin. □

—Washington, June 14

'Dallin is still refusing to work himself into a sweat. In *Newsweek* June 12, he writes, "When we toughen our rhetoric, as Brzezinski has, we make it easier for the hard-liners in the Kremlin. All this verbal escalation simply fuels Moscow's backstage dialogue and provides ammunition for those who argue that détente won't work. The code of détente is unwritten, and each side reads something else into it. In the early Seventies, there was a feeling we were stabilizing the status quo. Kissinger oversold that idea in this country, but the Soviets never bought it. As far as they are concerned, parity means equal opportunity to meddle in international affairs. I'm not as alarmed as some people. I don't see any great Russian master plan. They are interested in asserting their influence as long as there is no great risk involved. And so far, there isn't. The trouble is that they have misread the American public. The price they pay is not in terms of a showdown on the battlefield, but in public support for SALT and other agreements." Such calm is not Brzezinski's style.

'Testimony of Stephen R. Weissman of the University of Texas at Dallas, p. 106, Hearings on Angola, African Subcommittee of the Senate Committee on Foreign Relations, February 2, 1976.

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THE WASHINGTON POST
4 July 1978

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Spy Influx in U.S. Cited in Request To Beef Up FBI

By George Lardner Jr.

Washington Post Staff Writer

A secret FBI request for more counterintelligence agents, though blocked on Capitol Hill, has touched off a sharp debate over the dangers of an alleged Soviet-bloc spy influx into the United States.

At closed budget authorization hearings this year, FBI officials told the House Intelligence Committee that there were more suspected Soviet, KGB and East European intelligence officers coming into this country on temporary visas than the bureau could possibly watch without beefing up its counterintelligence division.

The FBI's friends in Congress charge that State Department permissiveness is to blame for the influx. The debate is strikingly reminiscent of the internal security furor of the early 1950s.

Both the House and the Senate Intelligence committees turned down the FBI's request to hire about 125 more counterintelligence agents to step up surveillance activities. Rep. Bill D. Burlison (D-Mo.) devised a compromise that proved even more controversial.

It would make the two intelligence panels custodians of a new list supplied by the attorney general. On it would go the names of all aliens temporarily admitted to the United States in the coming fiscal year despite advice by the FBI that they should have been kept out as security risks.

House conservatives such as John M. Ashbrook (R-Ohio) say the influx is distressing and blame it on the travel relaxations fostered by the Helsinki accords and legislation adopted last year under the sponsorship of Sen. George McGovern (D-S.D.).

"This has opened the floodgates to communists, terrorists, espionage agents and other security problems," Ashbrook maintains. "I would say they have let scores of [such] people in."

House liberals argue against keeping lists of supposed security risks. Rep. Ted Weiss (D-N.Y.) contended it would represent "the first step backward toward the creation of a Committee on Internal Security"—better known in its list-building heyday as the House Un-American Activities Committee.

Legally, the debate boils down to a never-settled controversy over the so-called "security provisions" of the Immigration and Nationality Act—better known as the McCarran-Walter Act when it was passed over President Truman's veto in 1952—and how strictly those provisions should be applied.

According to figures supplied by the FBI, the bureau has lost almost every time in the past several years when it recommended that a foreign visitor be kept out of the United States on the grounds that he or she was likely to engage in espionage or other forbidden activities vaguely described by two particular provisions of the McCarran-Walter Act.

In 1976, according to the rundown, the FBI's recommendations for exclusion of a temporary visitor were overruled (or ignored) 87 percent of the time; in 1977, they were overruled 99 percent of the time, and in the first quarter of 1978, they were overruled 100 percent of the time.

"The people at State probably say the FBI's seeing a lot of bogymen, but if they can move that easily into the country, it gets to be a frustrating thing after a while," says a Justice Department source.

"They're talking about the kind of people who steal secrets," says another department source. "The problem is not that they inevitably will do that, but when you've got an intelligence officer in your midst, the FBI feels they ought to know what they're doing, who they're seeing."

The number of individuals admitted over FBI objections is said to be classified, but according to several sources it comes to between 100 and 150 people a year, primarily from Soviet-bloc nations.

"There are many more American ports [a total of 40] open to ships and crewmen from Russia and Warsaw Pact nations," Burlison said.

"There also seems to be an inordinate number of so-called 'students' in their 30s and 40s coming in. A great deal of concern has been expressed publicly and privately. We just want to keep current on it."

On the other hand, as State Department officials point out, the "security provisions" of immigration law are far from precise. And the intelligence information on which decisions are based is often inconclusive.

"Say there's an Ivan Ivanov who was reported to be a KGB agent in Timbuktu in 1959—and an Ivan Ivanov who is applying to come to the United States," says a State Department visa expert. "Is it the same Ivan Ivanov? Was he really a KGB agent in Timbuktu in 1959? Some of the intelligence we have is ancient history. It

comes in all shadings and gradations."

The issue first came up this year when the FBI asked the House and Senate intelligence panels for 125 more counterintelligence personnel on the grounds that the bureau had more spies to watch, some presumably around the clock. Unpersuaded, the Senate committee turned down the request with the understanding that the bureau could try again later if it came up with more convincing evidence.

Burlison, chairman of the House Intelligence subcommittee on budget authorization, hit on another alternative: requiring the attorney general to inform the Senate and House intelligence panels of the admission of each alien whom the attorney general knows or has reason to believe "is an excludable alien under the terms of Section 212 (a) (27), (28) or (29) of the Immigration and Nationality Act."

Unfortunately, Carter administration officials say, the issue was clouded by the House debate, which focused heavily on Section 28, a so-called "membership" provision that permits the denial of visas to anarchists, communists and others. The attorney general can waive those restrictions and thousand of waivers are granted each year, some under the provisions of the McGovern amendment.

Adopted last August in "the spirit of Helsinki," the amendment requires the secretary of state to recommend Justice Department approval of a temporary visa for any foreigner whose only shortcoming is "membership in or affiliation with a proscribed organization."

The attorney general can still refuse to grant the waiver. According to the Immigration and Naturalization Service, which acts for the attorney general in such matters, the amendment has had only a modest impact, and its implementation has yet to stir a single objection from the FBI.

The real fuss is over the other two sections, Nos. 27 and 29. One calls for the rejection of any foreigner known or reasonably believed to be coming to the United States "to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States."

The other provision requires exclusion of any visitor who "probably would, after entry, engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in any other activity subversive to the national security."

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In a letter to House Intelligence Committee Chairman Edward P. Boland (D-Mass.), Assistant Secretary of State Douglas J. Bennet Jr. described the procedure: Visas are issued by consular officers overseas after State Department review of "information on file with the agencies of the intelligence community." The visas authorize travel to the United States, where "the Immigration and Naturalization Service—a Department of Justice component—makes the final decision" on behalf of the attorney general.

From the FBI's point of view, the trouble is it is often too late to make an effective objection when someone lands here, visa in hand. The FBI is supposed to be consulted before the visa is issued overseas, but sometimes, according to several knowledgeable officials, the visa is issued first.

The foreign visitor would have to be refused admission if he or she were held to fall under Sections 27 or 29, but the bureau keeps losing those arguments.

Officials agree this could change in light of President Carter's reported approval of a reorganization plan that would, among other things, shift the decision-making authority for visa applications from State to the immigration service. Yet that is where it supposedly has been all along as far as the "security provisions" are concerned.

"The two questions you've got to ask are, what is the guy planning to do and is it against the law or is it subversive to the national security," says a State Department official.

"Even when you're dealing with a specific internal security statute, you can run into perfectly legitimate differing views, especially on activity subversive to the national security."

During the House debate, Burlison declared that the FBI "does not, as a matter of policy, request exclusion of all identified or suspected intelligence officers" seeking to enter the United States, but some administration officials contend the bureau is still too skittish.

"On a few of these [visas], really a very limited number, the FBI will object," says INS spokesman Silas J. Jervis. "We have to weigh between the recommendations. The last few years, it's gone in favor of State. Their reasoning has seemed more compelling."

Even so, the House voted 312 to 60 to require reports of contested admissions from the attorney general. Boland assured his colleagues that the House Intelligence Committee had no intention of becoming another HUAC, and agreed to require the reports only for fiscal 1979.

The committee may not even get that much. Director of Central Intelligence Stansfield Turner is writing a letter to Senate Intelligence Committee Chairman Birch Bayh (D-Ind.) to express the administration's opposition to the provision. According to a Justice Department lawyer, the requirement as passed by the House doesn't make much sense anyway.

"The language is all screwed up," he said. "If you read it carefully, it asks the attorney general to tell Congress when aliens who fall under Sections 27 or 29 have been admitted to the United States. But if they fall under Sections 27 or 29, they can't be admitted. As the legislation stands now, it asks the attorney general to report those instances to Congress where the attorney general has violated the law."

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THE WASHINGTON POST
5 July 1978

Probe Sought in 'Media Manipulation' by FBI

By George Lardner Jr.

Washington Post Staff Writer

Two congressional subcommittees have been asked to investigate FBI "manipulation of the media" as part of the groundwork for domestic intelligence charter legislation.

Citing the bureau's apparent use of an unwitting radio newsmen in the 1973 American Indian occupation of Wounded Knee, S.D., the Center for National Security Studies asked for an inquiry in separate letters to Sen. James Abourezk (D-S.D.) and Rep. Don Edwards (D-Calif.).

"This dangerous interference by the FBI with the legitimate collection of news is clearly a violation of the right of freedom of the press as guaranteed by the First Amendment," the center's director, Morton H. Halperin, said of the Wounded Knee incident.

Abourezk is chairman of the Senate Judiciary subcommittee on administrative practice and procedure, and Edwards is chairman of the House Judiciary subcommittee on civil and constitutional rights. Both subcommittees, Halperin submitted, should look into the Wounded Knee episode and other possible instances of the FBI's manipulation of the media in connection with the two panels' consideration of legislation to govern domestic intelligence gathering.

The Wounded Knee episode came to light in portions of a memo obtained under the Freedom of Infor-

mation Act by the Seattle Coalition to Stop Government Spying.

The memo, dated March 16, 1973, and sent from the Seattle FBI office to Minneapolis, alluded to a forthcoming return assignment to Wounded Knee for Clarence McDaniel, a radio reporter for station KIXI in Seattle.

According to the memo, McDaniel, who was highly trusted by the Indians at Wounded Knee, was expected "to continue furnishing complete coverage" to KIXI and was "unaware that his stories are not being publicized in full of that the intelligence information and his tapes are being furnished the FBI."

"If any specific information is needed by FBI, KIXI willing to pass on request as normal duty assignment with no reference to FBI," the memo added.

McDaniel said he was unaware of this until recently. "It's kind of ridiculous really," he said. "The Indians wanted to get their story out. There was no reason for this 'I Spy' business."

The arrangement with the FBI was reportedly made by then KIXI news director Ken Stuart, now retired, who has said publicly that he did it on his own "because I thought it was right at the time." KIXI's general manager, Gil Jacobsen, said the KIXI "management" was also in the dark and "we resent any implication that

KIXI or anybody else has done anything wrong."

"KIXI management did not make any arrangements with the FBI," Jacobsen continued. Asked if Stuart was not a member of management when he was news director, Jacobsen insisted, "In the strictest sense of the word, no."

THE WASHINGTON POST
7 July 1978

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Judge Cites Bell For Contempt Over FBI Files

By Charles R. Babcock
Washington Post Staff Writer

Attorney General Griffin B. Bell formally was held in contempt of court yesterday after refusing again to turn over confidential FBI informant files.

This is the first time the nation's chief law enforcement officer has been found in contempt. Bell argued in vain yesterday that the citation "will adversely affect my ability to function as attorney general."

U.S. District Court Judge Thomas P. Griesa denied Bell's request yesterday that his threatened contempt order be delayed to allow for appeals. Griesa said a new round of appeals was "a totally unjustified attempt to obstruct and delay."

Griesa's action in New York set off a round of legal maneuvers by attorneys for the government and the Socialist Workers Party. The SWP and an affiliate, the Young Socialist Alliance, are seeking the files for evidence in a \$40 million damage suit over allegedly illegal FBI spying.

Lawyers for Bell immediately asked Judge Murray L. Gurfein, of the 2nd U.S. Circuit Court of Appeals, to stay Griesa's order. A hearing is set for this morning in New York.

SWP lawyer Margaret Winter said yesterday that the party will ask Griesa today to hold a hearing Aug. 1 on their renewed motion that Bell be jailed until he complies.

Griesa denied a motion for Bell's imprisonment last week. He ordered then that the attorney general had only until today to comply with his order to turn over the 18 FBI informant files to SWP attorneys before automatically being in contempt.

But Griesa issued a new order yesterday after Bell filed an affidavit confirming his decision to withhold the files.

The attorney general, in the sworn statement, said he had to disobey because informants are such an important source of information in criminal and counterintelligence cases. The "ultimate effect" of Griesa's order to

turn over the files "would be to cause incalculable harm to the nation's ability to protect itself against enemies, foreign and domestic," Bell said.

On a procedural ground, Bell also pointed out in the affidavit that he was willing to be held in contempt because he had been advised that would make Griesa's original order—to turn over the files—appealable.

Earlier appeals of the original order were turned down by both the 2nd Circuit Court of Appeals and the Supreme Court on the technical grounds that a "discovery" order was not appealable.

The circuit court judges did seem sympathetic to Bell's arguments about the importance of informants, but said Griesa had not abused his authority, so they could not review his order.

In issuing his unprecedented contempt order yesterday, Griesa contended that no further appeal was justified. He said Bell's actions in seeking new appeals "are virtually a classic example" of a problem President Carter cited recently in warning about delays in court cases caused by parties seeking to prolong litigation.

Bell spokesman Terrence B. Adamson said yesterday that the attorney general had discussed his stand on the informants issue with the president as recently as Wednesday. It is fair to assume, Adamson said, that Bell and Carter "see eye-to-eye" on the issue.

In going back to the 2nd Circuit Court of Appeals yesterday after Griesa's final contempt ruling, U.S. Attorney Robert B. Fiske Jr. of New York said in a letter to Gurfein that the government simply did not "comprehend" Griesa's assertion that there are no further grounds for appeal.

"The issues in this case involve fundamental constitutional questions concerning the propriety of holding a Cabinet officer in contempt without adequate exploration of alternative sanctions..." Fiske said.

In the accompanying brief, he argued that Griesa's contempt order "places an unnecessary strain upon the separation of powers and should be reviewed by this court."

Griesa last week rejected sanctions

other than contempt on the grounds that the informant files were a "unique and essential body of evidence" for the SWP.

The suit, which has dragged on since 1973, has established so far that the FBI used some 1,300 informants in a surveillance program of the small radical political party lasting from 1938 until then-Attorney General Edward Levi ordered it terminated in 1976.

The SWP alleges that the informants burglarized party offices and actively harassed its members, with the knowledge of the FBI.

Griesa noted in his 68-page order last week that the FBI intentionally omitted reference to known burglaries by an informer at an SWP office in Denver when answering questions in the suit. Thus, he said, a sample of the actual files was needed so SWP lawyers could seek evidence on which to base claims for damages.

Special correspondent John Kennedy in New York contributed to this article.

THE WASHINGTON POST

7 July 1978

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FBI Fires Aide For Allegedly Lying in Probe

By Charles R. Babcock
Washington Post Staff Writer

The former head of the FBI's New York office was fired yesterday by Attorney General Griffin B. Bell for allegedly lying to a federal grand jury investigating illegal FBI break-ins.

J. Wallace LaPrade, one of the bureau's top-ranking officials, announced his dismissal at a New York press conference and vowed to fight it through a lengthy appeals process.

He said he was a "scapegoat" who was fired because he refused to discuss top-secret foreign intelligence information with Justice Department prosecutors seeking evidence of burglaries the FBI conducted in the early 1970s in a search for radical fugitives from the Weather Underground.

A Justice Department spokesman confirmed the firing, but would not characterize the charges.

"If I had discussed it [the classified information] I would have been fired for revealing it," LaPrade said.

LaPrade was removed as head of the New York office in April, when Bell announced the indictment of former acting FBI Director L. Patrick Gray III and two other top officials for authorizing break-ins.

The Justice Department said then that disciplinary proceedings would begin, but did not detail the charges. The Washington Post reported that Bell had been furious at LaPrade's refusal to cooperate with investigators.

The attorney general refused, however, to let his prosecutors seek a perjury indictment against the veteran FBI official. Instead, Bell intervened personally and asked LaPrade to tell the truth so he wouldn't have to prosecute an FBI agent for lying.

LaPrade's later testimony was helpful in making the cases against Gray, W. Mark Felt, former No. 2 man at the FBI, and Edward S. Miller, former intelligence chief, according to sources.

LaPrade is considered likely to be a witness at the trial of the three other officials.

Bell's refusal to seek indictment of LaPrade last year was cited by members of the original team of Justice Department prosecutors as one of the reasons they finally resigned from the investigation.

That decision by the attorney general had a "devastating" impact on the investigation, William L. Gardner, former head of the task force, told a congressional hearing.

In moving formally against LaPrade yesterday, Bell has, in effect, done administratively what he declined to do with a criminal indictment.

Bell is known to have considered LaPrade's conduct during the investigation worse than that of FBI officials who approved illegal break-ins. But he also felt, sources said, that it would take the FBI longer to recover from a perjury indictment of a high official than from the civil rights conspiracy charges finally filed.

LaPrade's public reaction to the proposed discipline in April was so vehement that Bell said he was "astounded" and was "having a lot of second thoughts" about his decision not to approve the perjury charge.

LaPrade's reaction yesterday also was outspoken. He said in a phone interview from his New York office that "they decided they had to have a scalp and they decided it was mine."

He said he didn't feel he'd done anything wrong and alluded to parallels between his case and that of former central intelligence director Richard Helms, who explained lying to a congressional committee because he had a conflicting oath to protect national secrets.

"There were security restrictions on what I could say," LaPrade said on his dealings with the prosecutors in the grand jury. "I think it's unfair to punish someone for guarding closely held intelligence."

Prosecutors have dismissed claims that foreign intelligence connections with the Weather Underground are a valid issue in the FBI break-in cases.

LaPrade's appeal will be heard by the Civil Service Commission only because he is a veteran. FBI agents usually are not covered by civil service laws.

The firing—effective today—will not affect pension rights for the 27-year FBI official. That amounts to about \$34,000 a year, LaPrade said yesterday.

NEW YORK TIMES
7 JULY 1978

A TOP F.B.I. OFFICIAL DISCHARGED BY BELL

Ex-Chief of the New York Bureau Dismissed Over Break-In Case

By WENDELL RAWLS JR.

Special to The New York Times

WASHINGTON, July 6 — The former head of the New York regional office of the Federal Bureau of Investigation, J. Wallace LaPrade, was discharged today by Attorney General Griffin B. Bell. Mr. LaPrade had been a key figure in the investigation of illegal investigative techniques used by the bureau against anti-war radicals.

He was informed of his dismissal in a letter delivered by hand to his New York home. Mr. LaPrade, an assistant director of the F.B.I. and a veteran of 27 years in the bureau, then announced his dismissal at a hastily arranged news conference in the F.B.I.'s Manhattan headquarters.

He said the reason given for his dismissal was failure to cooperate with the investigation, which was conducted by the civil rights division of the Justice Department. He denied that he had not cooperated, but he would not be more specific about the contents of the letter discharging him, saying that it involved classified material.

Describes Himself as 'Scapegoat'

He characterized himself as a "scapegoat," and said, "There was never any doubt in my mind that the civil rights division was determined to get somebody in the F.B.I."

Of Mr. LaPrade's "scapegoat" charge, a Justice Department spokesman, Terry Adamson, said, "I deny that." But he said that department policy regarding rights to privacy and safeguards for due process prohibited him from giving in detail the reasons for the dismissal and from revealing the contents of the letter.

"Mr. LaPrade may reveal the contents

if he wishes to do so," Mr. Adamson said.

Mr. LaPrade, in disclosing the action against him, said, "This is the post-Watergate syndrome — that Government is bad and that people are bad," he said in an interview later. The departmental investigation, he continued, "took the approach from the start that the F.B.I. is bad."

"In two and a half years they came up with very little," he said, "I was in charge of the largest office — it was strictly a matter of making a scapegoat of someone in a highly visible position, and that was me."

He said he would appeal his dismissal from the \$47,500-a-year post to the Federal Employee Appeals Authority, a division of the Civil Service Commission. He has 15 days within which to file such an appeal.

Mr. LaPrade, 51 years old, was removed from his New York post in April, after being named an unindicted co-conspirator in what has become known as the F.B.I. break-in case, and was transferred to the bureau's Washington headquarters.

Justice Department sources said today that Mr. LaPrade's dismissal stemmed from his allegedly having perjured himself before a Federal Grand Jury investigating the role of the F.B.I. in that case, which involved illegal wiretappings, mail openings and burglaries against the Weathermen, an underground antiwar terrorist group between 1971 and 1973.

Lawyers in the Civil Rights Division reportedly recommended prosecution of Mr. LaPrade on the perjury charge more than a year ago because of contradictions between his testimony and that of other

F.B.I. agents before the grand jury, which was sitting in the Southern District of New York. But the prosecutors were overridden by Mr. Bell, who ordered internal disciplinary measures instead.

One agent, John J. Kearney, a former supervisor in the New York office was indicted by that grand jury, but the charges against him were later dropped.

Mr. LaPrade, who headed the 800-man New York office for three years, was called before a second grand jury investigating the matter in Washington, and he reportedly refused to testify when given an opportunity to resolve the earlier contradictions.

The Washington grand jury subsequently indicted former F.B.I. Director L. Patrick Gray 3d; W. Mark Felt, the retired no. 2 man in the bureau, and Edward S. Miller, one-time chief of counter-intelligence, on charges that they ordered burglaries and illegal searches of homes without warrants. They are awaiting trial.

Meanwhile, the Justice Department has been conducting its own investigation of illegal surveillance activities, including those against the Weathermen. Mr. LaPrade testified in the internal inquiry but accused the Attorney General of forbidding him to reveal information that would have cleared him of administrative charges.

Says Break-ins Are Continuing

Mr. LaPrade said three months ago that the F.B.I. was still conducting break-ins, without warrants, under the authorization of the Attorney General and President Carter. The Justice Department responded then that such searches had been directed only against "foreign agents under rigorous internal executive branch approval."

Mr. LaPrade further challenged the Attorney General to a television debate on the methods to be used against terrorist groups and charged that the Carter Administration was engaged in a campaign "to exert political influence" over the bureau and to destroy its independence.

But he declined to identify specific cases of "political intrusions," and the Attorney General refused to comment on the debate challenge.

U.S. Judge Finds Bell in Contempt In Informer Case

Attorney General Refuses To Give Files to Socialists

By ARNOLD H. LUBASCH

Attorney General Griffin B. Bell was held in contempt of court yesterday for refusing to release the files on 18 informers who spied on the Socialist Workers Party for the Federal Bureau of Investigation.

Judge Thomas P. Griesa of the Federal District Court in Manhattan issued the order holding the nation's highest law enforcement officer in contempt after Mr. Bell submitted an affidavit asserting that "I must continue respectfully to decline to authorize release of the files."

Mr. Bell said in the affidavit that holding him in contempt of court would "adversely affect my ability to function as Attorney General" and would create an "unseemly confrontation between the Executive and the Judiciary."

First Action of Its Kind

It was the first time that an attorney general had been held in contempt for refusing to release information, according to Government lawyers. They said that an acting attorney general, Philip Perlman, was held in contempt in 1951 for refusing to return some stock to a shipping company, although the dispute was settled before sanctions were imposed.

A spokesman for the Socialist Workers said that the party would renew a motion today for Judge Griesa to order the imprisonment of Mr. Bell. The party had previously asked the judge to send Mr. Bell to jail on Aug. 1 and to keep him there until the files were released.

The Government immediately asked for a stay of the contempt order pending an appeal. Judge Murray F. Gurfein set a hearing on the motion for 10 A.M. today in the United States Court of Appeals for the Second Circuit in Manhattan.

Judge Griesa had ordered the Government to give the 18 informer files to lawyers for the Socialist Workers as a representative sample of the 1,300 informers that the F.B.I. had used against the small Trotskyist group. The party demanded the files as evidence in its \$40 million law-

suit that charges Federal agencies with illegally disrupting the party's activities for many years.

In his order yesterday, Judge Griesa noted that he had ruled last Friday that Mr. Bell would automatically be in contempt of court unless the files were released by 5 P.M. today. The judge said that he had set the deadline to give Mr. Bell time to make a "final decision."

His order to hold Mr. Bell in contempt was being issued at once, Judge Griesa said, because the Attorney General's affidavit to the court yesterday had repeated the Government's refusal to comply with the judge's disclosure order.

Judge Griesa rejected Mr. Bell's contention that the Government's refusal to obey was a legal tactic designed to obtain "full appellate review" of the disputed disclosure order. The judge refused to stay the contempt citation and certified the disclosure order for appeal as the Government had requested.

Suggested 'Partial Judgment'

As an alternative to contempt, the Attorney General had suggested that the judge could grant a "partial judgment" in favor of the Socialist Workers in the party's suit for damages. This sanction could enable the Government to appeal all the way to the United States Supreme Court without disclosing the informer files or accepting a contempt citation.

But Judge Griesa said in his five-page contempt order that "there is no legitimate ground for seeking further appellate review." He added: "The attempt to do so constitutes a totally unjustified attempt to obstruct and delay."

The judge stressed that the circuit's appeals court had previously ruled that his order for the Government to release the informer files had been made within the "lawful discretion" of the district court. He added that the Supreme Court had refused to review the appellate decision.

Three-Party Conference Call

Judge Griesa said in his contempt ruling. "The Attorney General is hereby judged to be in civil contempt of court and will remain in contempt of court until and unless he purges his contempt by compliance with the order."

The contempt order was conveyed to the Attorney General at 1:15 P.M. yesterday after lawyers for the Government and for the Socialist Workers had participated in a conference telephone call with Judge Griesa, who was visiting his parents in California.

In the long-distance telephone conference, United States Attorney Robert B. Fiske Jr. urged the judge to delay the contempt order. But the party's chief lawyer, Leonard B. Boudin, contended that the contempt order should be put into effect immediately.

Urged Withholding Contempt Order

Judge Griesa told both sides that he would study the affidavit that the Attorney General had submitted earlier in the day and would make his decision soon.

In the six-page affidavit, the Attorney General urged Judge Griesa to withhold the threatened contempt order and said that the judge's 68-page decision last Friday "heightens the need for full appellate review of this controversy."

"If that review," Mr. Bell continued,

closure order or a direction to employ alternative sanctions, erroneous disclosure and substantial injury to the public interest will have been avoided.

'Unprecedented and Damaging'

"Should the court's order, and its conclusion that the Government has no lawful alternative to the release of the files, be upheld after full appellate review, I will of course comply with my lawful obligations as directed by those opinions and orders."

Mr. Bell said that the decision to compel disclosure was "both unprecedented and damaging to the Government's ability to obtain information through informants for law enforcement and foreign counter-intelligence purposes."

In criminal and civil cases brought by the Government, he said, courts have always permitted the Government to drop its case rather than disclose the identity of an informer. When the Government is the defendant in a civil case, he said, it has "always been able to accept sanctions as an alternative to the release of informants' identities."

Relationship With Informers

"No other court," he continued, "has reached the conclusion announced by this court on June 30 that disclosure of informants' files and identities is the only course available to the Government. This unprecedented conclusion, if accepted by the Government, or upheld by appellate courts, would effect a fundamental change in the relationship between Government and informants."

In the case of the Socialist Workers, a trial of the suit that the party filed in 1973 has been delayed indefinitely by the party's long struggle to obtain detailed evidence from the Government in the discovery proceedings for the trial.

As a result of the rulings by Judge Griesa, who is presiding over the case, thousands of pages of Government documents were turned over to the party. But the Government steadfastly refused to obey the judge's order to give the F.B.I. files on 18 unidentified informers to the party's lawyers, even though the lawyers would be prohibited from disclosing the material to anyone else.

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INQUIRY MAGAZINE
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Three former FBI officials have been
indicted for authorizing illegal break-ins.
But the Carter administration still
permits **breaking and
entering for
Uncle Sam.**

By DAVID WISE

"Surreptitious entry . . . Use of this technique is clearly illegal; it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed."

—Tom Charles Huston, explaining the
"Huston Plan," in a July 1970 memo.

DESPITE THE LESSONS OF WATER-
gate, and the recent indictment of
former FBI chief L. Patrick Gray III,
government burglary for national
security purposes is still the unofficial
policy of the Carter administration.

That fact is shocking—and little
understood by most Americans. As Tom Charles Huston
pointed out to Richard Nixon, when the government breaks
in without a court warrant, it becomes a burglar. At least
Huston, peddling his blueprint for a police state in America,
did not mince words. President Carter, in an executive order
issued last January, prefers to call government break-ins
"unconsented physical searches." And he permits them.

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Santa Barbara, and is an associate of the Center for the Study of Democratic
Institutions. His most recent book is The American Police State.*

There is, consequently, a degree of irony in the adminis-
tration's indictment of Gray and two other former senior FBI
officials for allegedly conducting warrantless break-ins dur-
ing 1972 and 1973 in a fruitless search for members of the
radical Weather Underground. According to the indictment,
Gray, W. Mark Felt, and Edward S. Miller conspired to
violate the constitutional rights of eight relatives and ac-
quaintances of the Weather fugitives, "including the right
secured to them by the Fourth Amendment to the Constitu-
tion of the United States to be secure in their homes, papers,
and effects against unreasonable searches and seizures."

Attorney General Griffin Bell, in commenting on the in-
dictment, which was returned by a federal grand jury in
Washington April 10, said the Justice Department had found
no evidence that the Nixon White House ordered the bur-
glaries in the New York City area of which Gray and com-
pany stand accused. Bell said he was unable to place respon-
sibility for the break-ins "outside the FBI."

This, of course, is a crucial point, since the prosecutors can
be expected to argue that government break-ins for national
security purposes are constitutional only when approved by
the President or the attorney general. Such an argument is
consistent with President Carter's official policy, which per-
mits "unconsented physical searches" in foreign intelligence
cases if the President gives his general authorization for such
break-ins and the attorney general approves each one.

It is an argument that smacks faintly of Richard Nixon's dictum that certain actions, otherwise illegal or unconstitutional, are lawful "if undertaken by the sovereign in protection of the interest of the nation's security." Or as Nixon put it more simply to David Frost, "When the President does it, that means it is not illegal."

It all seems a long way from the letter and the spirit of the Fourth Amendment, which was ratified, after all, to protect us against government break-ins. The American Revolution was fought, at least in part, in protest against the notorious "writs of assistance," which permitted the indiscriminate ransacking of colonists' homes by British troops searching for contraband. The Fourth Amendment was framed against the background of James Otis's celebrated argument against the writs in *Lechmere's Case*.

The Fourth Amendment is designed to protect us against "unreasonable searches and seizures" and it provides that no search warrants may be issued except on "probable cause." In interpreting this language, the Supreme Court has held that searches conducted without a warrant issued by a judge or magistrate "are *per se* unreasonable . . ." At the core of the Fourth Amendment is the concept that a neutral judge—not a police officer—should decide when the government is justified in searching for evidence of a crime.

The Supreme Court in 1972 ruled that the government may not wiretap domestic groups without a court warrant. The Court has never ruled, however, on the question of whether in foreign intelligence cases there is a "national security" exception to the warrant requirement of the Fourth Amendment. And Carter's executive order, asserting a presidential power to break and enter in such cases, slips through the narrow space left open by the Supreme Court.

ALTHOUGH THE FBI HAS COMMITTED burglaries for decades, at least since 1948, Carter is the first President to assert that power clearly, boldly, and publicly, although an executive order by Gerald Ford permitted the same practice in less explicit language. Carter's executive order rests on the rationale that the President's constitutional responsibilities to conduct foreign policy and to protect national security permit him to break and enter without a warrant when necessary. Robert Keuch, a deputy assistant attorney general in the criminal division and a specialist on national security law, put it simply: "The Fourth Amendment prohibits unreasonable searches and seizures. But we argue that searches are reasonable when conducted for foreign intelligence purposes and authorized by the President."

Ironically, Carter's promulgation of a presidential right to break and enter is contained in an executive order designed to reform and restructure the nation's intelligence agencies. The order, for example, requires direct presidential approval for CIA covert operations, bans CIA assassinations, prohibits the violent overthrow of democratic governments, and contains many other provisions that, taken together, make up the administration's response to the disclosures in recent years of widespread abuses and law-breaking by U. S. intelligence agencies.

Carter issued his executive order, entitled "United States Intelligence Activities," last January 24. The provision dealing with break-ins appears in Section 2, "Restrictions on

Intelligence Activities." The section is not very restrictive. It permits break-ins, wiretapping, bugging, television surveillance, and physical surveillance without a court warrant, if the President has authorized the spying technique, and the attorney general has approved its use in a specific case. The target can be anyone who the attorney general has probable cause to believe is "an agent of a foreign power"—a phrase that is nowhere defined.

Although the words "agent of a foreign power" bring to mind images of spies or foreign diplomats, it is clear from the

Revealing intelligence abuses has had some positive effects.

language of the order that government break-ins, wiretapping, or bugging can be directed at American citizens, without a court warrant, in foreign intelligence cases. The Senate Intelligence Committee has been holding hearings on S. 2525, an intelligence reform measure that goes further than the President's order in many respects, requiring a judicial warrant for all government searches, for example. In April the Senate passed a wiretap bill that would require a warrant for electronic surveillance in all investigations, including foreign intelligence cases. Although the wiretap bill would prohibit warrantless entries for purposes of planting a "bug," if it becomes law it would leave the government free, under Carter's order, to conduct break-ins for any other purpose—to photograph or search for material, for example.

Whether to prosecute FBI burglars was, of course, a political hot potato of enormous dimensions for the Carter administration. Even if a far larger number of FBI officials and former officials should have been indicted—as a team of rebellious Justice Department lawyers has publicly charged—the decision of the President and Attorney General Bell to indict Gray and two other former high officials represents a milestone. Congress may fail to act on intelligence reform, and a jury may or may not convict Gray, Felt, and Miller, but it is obvious that the disclosures of intelligence agency abuses have had some positive effect. To measure the change in atmosphere, one has only to try to picture J. Edgar Hoover indicted, arraigned, mugged, and fingerprinted for the same crimes now charged against his successor, Pat Gray. A Hoover indictment would have been inconceivable.

On the other hand, Carter and Bell had little choice but to deal with the FBI burglary problem in some fashion. Certainly the problem would not go away.

The first official acknowledgment of FBI break-ins came from Clarence M. Kelley in 1975. Kelley was the Kansas City police chief whom Richard Nixon named to replace Gray, the former navy submarine commander who had demonstrated his unbounded loyalty to Nixon by burning vital Watergate evidence with his Christmas trash. (As his reward, Gray was allowed to twist slowly in the wind.) At a press conference, Kelley confirmed that the FBI had conducted "surreptitious entries" for "national security" purposes for years. Aware that Hoover had prohibited "black bag" jobs in 1966, Kelley said that the break-ins had stopped in 1966 except for "a small amount" conducted in supersensitive foreign counterintelligence cases.

Later, the first Senate Intelligence Committee, chaired by Frank Church (D-Ida.), sketched in the dimensions of FBI

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burglarizing. The committee disclosed that the bureau had committed hundreds of break-ins, and had even developed a system of filing the records of burglaries under a marvelous heading, "Do Not File," in order to preserve their secrecy. In New York City, the FBI burglarized the offices of the Socialist Workers Party 92 times in the early 1960s, on the average of once every three weeks. The agents who conducted such break-ins were trained in "lock studies" and often received cash incentives and special commendations from Hoover for successful burglaries.

Records of the burglaries were filed under "Do Not File."

Although Kelley had assured the public that break-ins were a thing of the past, he had not reckoned with John F. Malone, director of the FBI's New York office, known to his colleagues as "Cement Head." Malone, an orderly man, had kept a list of FBI break-ins in his office safe. The list apparently included break-ins in the early 1970s, even some that took place after Kelley became FBI director in 1973. Kelley then confessed publicly, in August of 1976, that he had been deliberately "deceived" by FBI officials who had concealed information about the break-ins. Malone's list surfaced during a Justice Department investigation of the FBI burglaries. The investigation was launched early in 1976 after a civil suit brought against the bureau by the Socialist Workers Party disclosed evidence that the FBI was still breaking and entering in the 1970s.

In April 1977, a federal grand jury in New York indicted former agent John J. Kearney, who had supervised Squad 47, the FBI unit searching for Weather Underground members, who were charged with bombings or other terrorist acts, and who were hiding from the FBI. Kearney was charged not with burglary but with illegally opening mail and unlawfully tapping telephones in the search for the fugitives.

Some 300 FBI agents staged a silent demonstration for Kearney outside the courthouse in New York when he was arraigned, a rather ominous display by a police agency. In the months that followed, considerable public sympathy developed for Kearney. At the very least, critics contended, the Kearney indictment should have been accompanied by prosecution of any bigger fish who had ordered the break-ins.

A BATTLE PARALLELING THE public debate was being fought inside the Justice Department. The struggle burst into public view in December, when a team of five Justice Department attorneys, led by William L. Gardner of the civil rights division, resigned from the break-in investigation in an open dispute with Griffin Bell. The lawyers had wanted to indict more than half a dozen high FBI officials, including J. Wallace LaPrade, Malone's successor as head of the New York field office. Bell had adamantly refused, claiming that he wanted to bring Kearney to trial first and then move up the ladder to higher officials. Bell appointed a new team of 10 lawyers headed by superstar Barnet Skolnik, the assistant U.S. attorney in Baltimore who had led the investigation of Spiro T. Agnew.

Finally, in April of this year, the investigation by the new team of prosecutors resulted in the indictments of Gray, Felt, and Miller, all of whom have pleaded not guilty. At the same time, Bell dropped the case against Kearney, removed LaPrade as head of the New York office, and announced FBI disciplinary proceedings against 68 agents.

Months before they were indicted, both Felt and Miller had admitted authorizing break-ins. Felt told the *New York Times* that he had approved two burglaries in 1972, one in the Weather Underground case and one against the Arab Information Center in Dallas. He said he believed Gray had given his general approval for break-ins. Miller told the *Washington Post* that Gray, in August of 1972, had reinstated the policy of allowing break-ins. Thereafter, Miller said, he and Felt had approved a dozen

break-ins in the New York area. Miller contended that Gray told a group of visiting FBI agents of his decision to permit break-ins and announced it as well to a group of agents assigned to the Weather Underground investigation who were meeting at the FBI academy in Quantico, Virginia. The indictment charges that Gray spoke to a group of FBI officials in September 1972 and approved the agenda for "a Weatherman in-service training course" at Quantico in October, at which agents "were given a lecture on how to conduct surreptitious entries." The news apparently came as a shock to Senator Ernest F. Hollings (D.-S.C.), the chairman of the FBI appropriations subcommittee. "They were running a school on burglary, heavens above," he exclaimed.

Through his attorneys, Gray has said he never approved any illegal acts by the FBI. But Miller, in documents filed in court by his attorneys late in May, charged that not only Gray, but his successors, Acting FBI Director William D. Ruckelshaus and Clarence Kelley, knew that the FBI was conducting break-ins. Miller said he told both FBI directors in 1973 about the "program of surreptitious entries . . . under Mr. Gray." According to the documents, Miller testified to a federal grand jury in 1973 that he had informed Ruckelshaus and Kelley about the break-ins. Ruckelshaus said he recalled no such conversation with Miller "and I would have." Kelley told me in a telephone interview that he had not seen Miller's documents, but could reaffirm his 1976 statement that "I didn't know about them and had been deceived. I can say that in 1976 I didn't know anything about it, and I don't know what he's talking about now."

Kelley also said he had no knowledge that FBI break-ins continued as late as November 1974, as the Justice Department's William Gardner testified in April. "I don't know anything about break-ins in 1974," Kelley said. "I came aboard in July 1973. I did not authorize any [break-ins]. I did not approve any, nor were any submitted to me."

To understand the issues in the Gray case, one must look back to the early 1950s, when Hoover was pressing Harry Truman's attorney general, J. Howard McGrath, for permission to break and enter to plant microphones, which the FBI was already doing. (Connoisseurs of government burglaries understand that there are two basic kinds—break-ins to plant bugs, and break-ins to steal, examine, or photograph documents or other materials.) McGrath craftily told Hoover that bugs were fine, but he would not approve any that involved a "trespass."

Hoover kept pushing, and in 1954 he succeeded in getting the permission he wanted from Eisenhower's attorney gen-

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eral, Herbert Brownell. In 1965, however, Lyndon Johnson's attorney general, Nicholas Katzenbach, changed the ground rules and required that each break-in to plant a bug be approved by him.

Then on July 19, 1966, Assistant FBI Director William C. Sullivan, who headed the Domestic Intelligence Division, wrote a now-famous memo describing FBI burglaries. "We do not obtain authorization for 'black bag' jobs from outside the Bureau," Sullivan said. "Such a technique involves trespass and is clearly illegal; therefore, it would be impossible to obtain any legal sanction for it. Despite this, 'black bag' jobs have been used because they represent an invaluable technique in combating subversive activities of a clandestine nature aimed directly at undermining and destroying our nation."

On the bottom of Sullivan's memo, Hoover scrawled, "No more such techniques must be used. h." In a memo dated January 6, 1967, Hoover noted with irritation that requests were still being made for "the use of 'black bag' techniques." Hoover said he had already ruled out "surreptitious entrances" and would not approve them in the future. Various factors probably influenced Hoover's decision, not the least of which was his growing annoyance with performing high-risk embassy break-ins to gather intelligence for his rivals, the CIA and the NSA.

Since the whole subject of government break-ins was a closely held secret, the issue did not come before a federal court until the prosecution of John Ehrlichman for the burglary of Daniel Ellsberg's psychiatrist. In that case, Federal District Judge Gerhard A. Gesell, in a ringing defense of the Fourth Amendment, rejected the argument that the President, because of his foreign policy responsibilities, has the power to burglarize. An appeals court upheld Ehrlichman's conviction, and the Supreme Court declined to hear the case.

But a funny thing happened on the way to the court of appeals. The Watergate special prosecutor, Henry S. Ruth, Jr., had submitted a brief arguing that the government had no power to conduct "warrantless physical entries into the home or office of a citizen . . . Such searches have never been tolerated under the Fourth Amendment." In an extraordinary step, Attorney General Edward H. Levi intervened in the case. A 1975 letter, signed by John C. Keeney, a Justice Department official, argued that break-ins were legal under the Fourth Amendment, where espionage or foreign intelligence was involved, if done with the "personal authorization of the President or the Attorney General." Keeney added: "It is and has long been the Department's view that warrantless searches involving physical entries into private premises are justified under the proper circumstances when related to foreign espionage or intelligence."

Thus, in a little-publicized letter, signed by an acting assistant attorney general, the government asserted much the same right to burglarize that Carter proclaimed in his executive order last January.

Carter's order permits warrantless break-ins against "a United States person," which means either a citizen or a resident alien, in foreign intelligence cases. But the order does not discuss "non-U. S. persons." Is the FBI free, then, to burglarize foreign embassies or foreigners suspected to be agents, without broad presidential approval and specific approval by the attorney general? The Justice Department says no: "The Keeney letter was and is still our position."

Although Bell maintains that Gray, Felt, and Miller obtained no authorization for break-ins outside the FBI, the Keeney letter had not yet been written in 1972 and 1973, the period in which the Weather Underground burglaries allegedly took place. Nor is it at all clear that Katzenbach's 1965 order would carry forward to another administration, or that Patrick Gray would be bound by Hoover's 1966 and 1967 orders to end "black bag" jobs.

The Justice Department will presumably be unable to show, therefore, that Gray violated any specific directives in

Congress should require a warrant for all searches.

effect in 1972 and 1973, when the burglaries he is accused of occurred. But that line of proof is not really necessary to the government's case if it can successfully argue that break-ins are constitutional only with approval of the President or the attorney general. And it is clear that the Justice Department has gone to great lengths to satisfy itself that Gray, Felt, and Miller had not obtained approval from outside the FBI. Nixon, Haldeman, Ehrlichman, and several other former officials were all interviewed on that point by Skolnik's team of attorneys.

The 1972 decision of the Supreme Court in the *Keith* case will also be pivotal to the Gray prosecution. This was the case in which the Court ruled that the government could not wiretap a domestic group without a judicial warrant. The Court left open the question of whether wiretap warrants were required in foreign intelligence cases. The *Keith* decision was handed down on June 19, 1972—six months before the first of the nine break-ins alleged in the Gray indictment.

Thus, the FBI was well aware, after *Keith*, that warrantless wiretaps in domestic cases were illegal. And break-ins, as well as taps, are covered by the Fourth Amendment. A central theory of Griffin Bell's case, therefore, is that the Weather people were not foreign agents, so that there could be no basis for a break-in.

IN SUM, THERE ARE SIGNIFICANT DIFFERENCES in the break-ins charged to Gray and those permitted under Carter's executive order. The government maintains that Gray acted without higher authority and against a domestic group; the Carter order requires presidential general approval, and the attorney general's specific approval, and limits break-ins to agents of a foreign power. But these nuances are likely to be lost to a majority of Americans who may wonder why the Carter administration is prosecuting a former FBI director for break-ins while permitting the present FBI director to conduct them.

Since both the President and the Justice Department cling to the notion that the government can burglarize to protect us all from foreign agents, the only solution in sight is for Congress to pass legislation requiring a warrant for all government searches. That might, after all, be what the Founding Fathers had in mind.

"The Fourth Amendment," Judge Gesell noted in the Ellsberg break-in case, "protects the privacy of citizens against unreasonable and unrestrained intrusion by government officials and their agents. It is not theoretical. It lies at the heart of our free society." □

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ON PAGE 24THE CHRISTIAN SCIENCE MONITOR
6 July 1978

Winning respect for federal secrecy

Determining what should and should not be government secrets is a tricky business at best in a country where open government and democracy are highly prized as principles that go hand in hand. In announcing new, more liberal procedures for classifying government information, President Carter hit the heart of the problem with his assertions that "the public is entitled to know as much as possible about the government's activities" and that "classification should be used only to protect legitimate national-security secrets and never to cover up mistakes or improper activities."

The President's sweeping revisions of the classification system place important new restrictions on which government agencies and officials within them have authority to classify documents as "confidential," "secret," or "top secret." And the executive order requires that

no document be classified unless public release would cause "identifiable" damage to national security. The new order, replacing one issued by President Nixon in 1972, stipulates that documents be classified section by section rather than in their entirety, as is the current practice. It also creates an independent oversight agency to rule on any disputes.

Too often in the past has the classified label been used to hide political misconduct, as in Watergate, or just plain ineptness. In addition to violating the public's fundamental "right to know," misuse of the classifications, as Mr. Carter noted, weakens "protection for truly sensitive information by undermining respect for all classification."

The new restrictions are welcome insurance against a needless proliferation of government behind closed doors. The Carter administration

faces further difficult questions about placing limits on secrecy in cases such as that of Frank Snepp, the former CIA agent tried for violating a CIA agreement not to publish a book without giving the espionage agency prior review. Although the Snepp book contained no classified information, the CIA contends his breach of contract could undermine the CIA by leaving the impression that it cannot keep secrets.

Attorney General Bell has indicated the government might consider making such CIA contracts "more reasonable." Limiting their scope or shortening the period of time of such contracts would seem in line with Mr. Carter's commitment to opening up more of the government to public scrutiny. The more the public knows about government, the better its government is apt to be.

ST. LOUIS POST-DISPATCH
26 June 1978

editorials

'Pernicious Doctrine'

Although U.S. District Judge Oren Lewis of Virginia has not yet issued a formal decision in the federal government's suit against Frank Snepp, a former Central Intelligence Agency analyst who wrote a book critical of the CIA, the judge's oral comments at the conclusion of the trial suggested that his ruling could have serious consequences for free speech and press. The judge indicated that he intends to recognize a Justice Department claim for damages against Mr. Snepp for violating his CIA secrecy agreement and to grant an injunction forbidding him to engage in any further writing that might violate the secrecy pledge.

There is a superficial appeal in the government's contention that, if former agents cannot be prevented from ignoring their secrecy contracts, the CIA could not protect vital security information. But the concept of protecting CIA information by collecting damages for breach of contract and by imposing censorship through injunction is a pernicious doctrine that could eliminate effective criticism of the agency. As a matter of fact, even the CIA concedes that Mr. Snepp revealed no information harmful to national security—although he did expose CIA blundering in the last days of the Vietnam War.

The trouble with the breach of contract suit is that it is a blunderbuss censorship weapon being used because the government recognizes that laws providing for criminal prosecution for the release of secret information—such as the espionage act and the original Atomic Energy Act—are narrowly drawn, and for good reason. Most of the millions of documents being kept secret by the government have been classified

by executive fiat and not by statutory authority. Democratic processes, which depend on freedom to criticize any government agency, will be in grave jeopardy if the courts uphold the notion that the government may keep secrets by putting judicial gags on employees or former employees even though Congress has deliberately avoided imposing penalties for revealing classified information.

1 July 1978

The Strange Behavior of Judge Oren R. Lewis

THE most astonishing judicial behavior in recent history has been perpetrated by Judge Oren R. Lewis in the case of *CIA vs. Frank Snepp*. Mr. Snepp, a former CIA agent, wrote "Decent Interval," the tale of Saigon's fall and the desertion of our allies. The point of the story is as much right-wing as left-wing. And

By Garry Wills

even William Buckley, an ex-agent himself, said publication of the book was probably a public service.

Judge Lewis first denied the motion for a jury trial, saying there were no points of fact in question, only of law. Then, after assigning himself the task of speaking only to the law, he badgered the defendant and wandered through a muddy range of factual issues and non-factual hypotheses.

He said, for instance, "I would have no difficulty speculating that the U.S. government and the people suffered a loss in giving away this information."

It is hard to exaggerate the absurdity of that statement. In the first place, the judge was not pronouncing on a matter of law. He was not even pronouncing on a matter of fact. He was pronouncing on a "speculation"—something outside the purview of a jury as well as a judge.

In the second place, not even the CIA is finding that the government or the people—or even the agency itself—suffered any loss whatever because of this book's publication. The argument is solely that there was a breach

of contract (i.e., the agreement agents sign that they will submit to censorship in perpetuity).

Third, the judge kept talking about "this information" as if it were classified. Again, not even the agency claims there is any classified information in Mr. Snepp's book. And Mr. Snepp, far from being a radical, said under oath that he would not have released classified information—to which Judge Lewis snarled, "But you would decide what was classified?"

As the judge became a rabid advocate, he made even the plaintiff appear more judicial than he was. In fact, I cannot remember another judge since the worst racial trials of the South who would say what Judge Lewis did when Mr. Snepp's lawyers tried to introduce evidence. He muttered that it "won't make any difference."

Well, evidence of fact should make no difference where there is no question of fact. But the judge went on to talk in terms of fact over and over again. When Mr. Snepp's defense tried to cross-examine CIA Director Stansfield Turner, the judge ruled this out of order. Why? Because of some point of law?

No. Because, the judge said, "Enough things [have] come out to demoralize the agency." Point of law? Certainly not. Point of fact? Even that only arguably. The judge was ruling again on a hypothesis.

The judge had reason to fear a jury—not because matters of fact were outside this trial's province; because he clearly knows so little about matters of fact. The truest thing he said was that, before this judicial paragon, evidence does not matter.

Snepp victim of CIA?

It is no secret that government lawyers for the Central Intelligence Agency chose the more conservative U.S. District Court in Alexandria, Va., rather than the more liberal court in Washington to file suit against Frank W. Snepp.

But one does wonder whether the CIA used influence to get District Judge Oren Lewis to hear the case and thus still criticism of CIA bungling. The CIA apparently is good at covering up.

Lewis, at age 75, operates what appears to be a kangaroo court. He is one more example of why Congress should again study the issue of mandatory judicial retirement.

Snepp, a former CIA agent, wrote a book called "Decent Interval." It tells why Snepp believes the CIA botched the handling of the evacuation of Saigon in the last days of the Vietnam War.

Unlike other anti-CIA material appearing recently, there were no secrets in the book that could harm the CIA or its agents in the field. The CIA director, however, testified the book damaged the agency's credibility. But if the CIA's credibility is damaged, the book did not do it. The CIA did it to itself.

Snepp, before resigning, repeatedly tried to get CIA officials to read reports he drafted on Vietnam blunders in order to bring about internal reform. He was ignored. He wrote

the book, he said, because the CIA should learn from its mistakes.

Lewis, however, said from the bench during the two-day hearing last week that Snepp had written the book for money. Maybe. But it was an odd statement for a judge who should be impartial to make before even forming an opinion.

Lewis did a few other odd things. He refused Snepp a jury trial. He opened the trial with a prejudicial admonishment to Snepp that "nobody has got a right to divulge classified information." He constantly interrupted the defense with hostile comments. And he even sustained objections to defense statements before government lawyers could make an oral objection.

The case is under advisement. No matter how Lewis finally rules, the hearing itself was botched and the ruling should be appealed. There were some serious questions raised by the suit that were overshadowed by Lewis' dotage and courtroom antics.

Some of the questions involve free speech versus the government's attempts to avoid public embarrassment. How far can an agency such as the CIA protect itself from public scrutiny? Is a secrecy oath violated when no secrets are revealed? And how far can a government employee go in blowing the whistle on agency wrongdoing?

The Snepp Case

The CIA's lawsuit against Frank Snepp, agent turned agency critic, raised an issue of profound importance. But to listen to U.S. District Judge Oren R. Lewis, who heard the case, you would think it involved nothing but the most elementary breach of contract. We can only hope that the Court of Appeals and the Supreme Court treat Snepp's case with the seriousness it deserves.

Snepp's recently-published book, *Decent Interval*, is a highly critical account of the CIA's conduct in Vietnam and particularly of the evacuation of Saigon at the end. It is a damning indictment, but as the government readily concedes, the book reveals no classified information.

It is particularly significant that Snepp, a Charlotte native, insists he left the CIA and wrote the book only after repeatedly encountering a stone wall in his efforts to get an internal CIA review of what happened in Saigon. His point, which we have no reason to doubt, was that unless the agency's operations were thoroughly reviewed and reformed, it could not be counted on to do any better in the future.

Since Vietnam, the CIA has gotten a new director, Stansfield Turner, and has undergone a period of internal disruption, prompted by external criticism. One might think the informed views of a loyal officer like Snepp might finally have gotten a hearing. But that was not the case.

Instead, the CIA, as it has done before, invoked a contract of perpetual secrecy that is subscribed to by all employees. Among other things, the contract requires that anything written about the agency be submitted for prior approval

and censorship. Knowing that other ex-agents' works had been heavily censored — beyond the call of legitimate secrecy — Snepp did not submit his book.

So the CIA sued him, claiming all proceeds of the book and as a deterrent, punitive damages.

The court should, in our view, have looked beneath the surface of the contract and weighed the competing real-life values at stake. It would have found the competing interests of national security — not a direct issue here — and public accountability. It would have found, on the side of the latter, the overriding First Amendment interest in publication without prior restraint.

Having tackled the real issues of the Snepp case, it seems to us, the court might well have concluded that the punishment of a "whistle-blower" and the encouragement of a bureaucracy intent on covering up and ignoring its own mistakes is not in the public interest.

Contracts, for all their usefulness in ordering human society, are not sacred. It is an ancient rule of law that contracts in violation of public policy will not be enforced. In this instance, the CIA's routine extraction of a pledge of prior review strikes us as just such a contract. It should not be honored, because to do so would reward those who have abused the public trust.

Instead, Judge Lewis, making little effort to mask his contempt for Snepp, has indicated he will confiscate the ex-agent's "ill-gotten gains." If that judgment is allowed to stand, it will be a signal to all bureaucrats that they may give free rein to incompetency and manipulate the truth to suit their fancy

27 June 1978

Snepp and the CIA

President Carter has repeatedly expressed his support for the actions of "whistle-blowers" — those government employees who go public with information about governmental wrongdoing. Carter's commitment is a welcome reversal of the attitude prevalent among his recent predecessors, who tended to pursue whistle-blowers with a vengeance. The reversal, however, is not total: Ask Frank Snepp.

Snepp joined the Central Intelligence Agency in 1968. At that time, he signed the CIA's standard secrecy agreement, which granted the agency the pre-publication power to review and censor anything he might one day write. After leaving the agency a couple of years ago, Snepp wrote a book entitled "Decent Interval." The book detailed Snepp's view that American officials had "botched" the evacuation of Saigon in 1975. Despite Snepp's written pledge, the CIA was not allowed to review or censor the book before publication. As a result, and probably with presidential permission, the CIA and the Justice Department sued Snepp for breach of contract.

The trial was held last week in Washington, and it did not go well for the whistle-blowers of the world. To begin with, U. S. District Court Judge Oren Lewis failed to mask his personal disapproval of Snepp. The judge denied a defense motion for a jury trial, impugned Snepp's motives, and at one point whispered that the defense's evidence "won't make any difference." Not surprisingly, Lewis ruled against Snepp.

What is surprising, beyond the judge's apparent impropriety, is that the government made so much of the Snepp case, loading it with a significance well beyond its actual importance. Consider the position expressed by CIA Director Stansfield Turner in his testimony at the trial: "We must assure our sources that they will not be exposed, possibly to death. Over the past six to nine months, we have had a number of sources who say

they are nervous about continuing, and foreign intelligence agencies who have questioned whether they can do business with us. If [Snepp] is able to get away with this, it will prove to other people that we have no control." According to Turner, Snepp is not a whistle-blower but an agency-wrecker.

That view simply cannot be sustained, even if the breach of contract charge can. The CIA's problems with sources and foreign intelligence agencies relate primarily to the congressional and media investigations of the past several years and the instances of past wrongdoing that were revealed as a result. Snepp's book, though highly critical of the CIA, cannot be said to have compromised anything but the agency's reputation. Proof of that lies in one simple fact: Snepp revealed no classified information in his book, nor did the government claim that he did.

But even if the consequences of "Decent Interval" have been far less dire than Turner claimed, what about the CIA's power to "control" the writings of ex-agents? That power is important, but asserting it in the Snepp case raises a question beyond contractual rights: What would the CIA have cut out of "Decent Interval" had it been given the pre-publication opportunity? Unclassified material available to any researcher? Criticisms and opinions with which the agency did not agree?

Perhaps nothing would have been cut. Perhaps Turner and the CIA are solely concerned with making all ex-agents observe the formalities so that legitimate cuts are not denied the agency. But one is left with an uneasy feeling about the Snepp case. At best, the prosecution of Snepp undercuts the president's commitment to whistle-blowers; at worst, it raises the possibility suggested by Snepp himself: If he loses the case on appeal, Snepp said the other day, "I think we'll have a system where former employees cannot criticize the CIA."

Unsealing the 'secrets'

What's in a government secret? Often very little. The eminent British historian A.J.P. Taylor, who is usually at war with his country's restrictive treatment of public documents, used to say *the Foreign Office has no secrets*. He called it Taylor's Law.

We shall see what secrets, if any, are sprung betimes by President Carter's new executive order relaxing and liberalizing the security classification system. The new regulations may bring on a deluge of junk that merely confirms the applicability of Taylor's Law to U.S. affairs as well.

One episode that reinforces that supposition was the famous proceeding against major newspapers publishing the so-called Pentagon Papers. The government was challenged in court to say specifically what secrets in that study might compromise national security and found itself embarrassed for reply. Yet their publication caused a great hue and cry.

There are other kinds of controversies, for instance the current court case involving Mr. Frank Snepp's book on the CIA and the fall of Saigon, that raise important but hardly crucial issues of secrecy.

So far as we can see, the Carter administration's plan for dismantling or at least diminishing Washington's absurdly active classification industry is intelligently conceived.

It would, to mention a few salient points:

- Reduce the number of officials who are authorized to classify documents;

- Strip classification authority entirely from 11 departments, agencies and commissions who really shouldn't have it to begin with, their business being entirely domestic;

- Require classifications in the name of

national security to be based on potential damage that is "identifiable," not vague and hypothetical;

- Make possible the separate treatment of various parts of a lengthy document, so that all of it needn't be classified according to the most sensitive sections;

- Shorten the classification period for many documents;

- And, finally, make it easier to gain access to a requested document by establishing a "balancing" test in which the merits of continuing classification must be weighed against the public's interest in knowing what it contains.

Of course it's only at the fringes and margins that classification rules matter at all. Most classified documents are as void of interest as they are inaccessible. Most controversies over leaks and such are colorful but empty games people play. And if the new rules indeed increase the volume of declassification from 350 to about 600 million pages during the next 10 years — as a White House spokesman suggested they could — there will be far more chaff in the wind, to confuse as well as instruct. Rare are the disclosures that startle or change perspectives. Which, we guess, is what Professor Taylor's law suggests to begin with.

But the new regulations move in the right direction. The public's right to know what its government puts on paper ought to be presumed, except in rare cases where security and diplomatic sensitivity are actually involved. Often there is a contrary presumption: that government has a right to keep secrets just for the hell of keeping them, or for double insurance against red faces.

That presumption is always out of order.

23 JUNE 1978

Snepp snagged

The U.S. government has won its first round in what is likely to be a long court fight against former CIA agent Frank Snepp, whose book "Decent Interval" is highly critical of his former agency's role in the last days of the Vietnam war.

At issue is whether an agent has the right to tell his version of the truth to the public without prior screening by the CIA. The larger question is whether our spies will be allowed to tell the truth in any context when the truth goes against policy.

The government argues that Snepp violated a pledge he signed upon joining the CIA to clear all future publications with his bosses, whether those publications touched on national security or not. (There is no classified material in the book.)

There's no question that Snepp signed the pledge. He acknowledges that. Nor is there a question of whether he got the book published and distributed without his former bosses having a look at it.

The question is why he did so. U.S. District Judge Oren R. Lewis, who found Snepp guilty as charged by the government, said it was clear to him that Snepp's motives were low. "He did it willfully, deliberately and surreptitiously. He did it for the money, but he didn't want anybody to know about it until a certain time," Lewis said.

Snepp has insisted and continues to insist that he did it because the story needed to be told. And he suspected, based on the experiences of other CIA veterans who have written books critical of the agency or policy, that the agency would do everything possible to keep the story from being told.

The government's concern is larger than the Snepp case. The government wants to make Snepp an example so that other CIA agents won't feel free to give their versions of the truth to the public without prior sanitization by the agency.

It appears the government will only be satisfied when all agents and former agents faithfully parrot the established view of policy and the world. When that happens, we may be in a great deal of trouble.

That, at least, is the lesson to be learned from "Hitler's Spies; German Military Intelligence in World War II," by David Kahn. Kahn's thesis, amply supported, is that Hitler failed so miserably to accomplish his goals because he refused to listen to his spies. Those whose reports disagreed with Hitler's policy were weeded out. The survivors molded their reports to conform to policy. Thus Hitler badly underestimated Russia, seriously mistook American attitudes and failed to reckon with the English will to survive. Had Hitler listened to his spies, he might not have started the war at all. He probably would not have looked beyond Central Europe. Horrible as it may be to contemplate, if the Nazis had been willing to listen to intelligence, the Third Reich might still be alive.

The United States, in contrast, has survived partly as a result of free expression and full debate of policy. Our worst mistakes have resulted from too little debate, not too much — witness Vietnam.

We must listen to all of our spies, not just the ones who agree with policy. We cannot afford to allow only the sanitized versions of truth turned out by CIA leaders to be our sole source of knowledge.

Snepp violated his oath. That may warrant some penalty. But it should not be a penalty designed to keep all other versions of the truth from appearing.

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TERRORISM

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THE WASHINGTON POST
7 July 1978

Webster Says Cuba Gives Aid To Terrorists

QUANTICO, Va. (AP) — FBI Director William H. Webster said yesterday there is evidence that Cuba is supporting terrorist groups in foreign countries, including the United States.

But Webster conceded that proof of foreign support for terrorist groups in the United States is slim even though domestic terrorism has increased.

"Many of the propaganda manuals of the groups supporting the independence of Puerto Rico are thought to have been printed in Cuba," Webster told a conference on terrorism at the FBI training academy here. "There are also strong indications of Cuban support for Palestinian terrorist groups."

Webster told a news conference the information on Cuban activities has been passed along by the CIA and most is classified. He declined to say if Cuba's involvement amounted to anything more than being a base for printing leaflets for outside terrorist groups.

Webster said there was little intelligence suggesting that American terrorist groups were linked with foreign organizations.

"I would discount foreign support for terrorism at this time in this country," he said. "We do know this cross-fertilization has existed. There have been efforts by our own domestic (terrorist) groups to make contact (abroad). We don't think they've been too successful."

The FBI is hosting 250 representatives of law enforcement agencies, including officials from agencies in nine foreign countries.

Webster was accompanied at the news conference by Col. Ulrich K. Wegener, head of West Germany's commando-style 9th Border Guard Group. Wegener said that recent restrictions on American intelligence activities had not interfered with international cooperation among law enforcement agencies.

A chief problem confronting law enforcement is preventing terrorism without sacrificing individual rights, Webster said.

He cited figures showing that more than three-fourths of all terrorists escape punishment for their actions while they are almost certain to achieve their aim of gaining widespread publicity.

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THE WALL STREET JOURNAL
7 July 1978

U.S. intelligence agencies have information that Cuba is supporting foreign terrorist groups and Puerto Rican nationalists, FBI Director William Webster said. He told a news conference at the FBI academy in Quantico, Va., there are also "strong indications" of Cuban support for Palestinian terrorist groups.

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7 JULY 1978

Hints Cuban Ties to Terror

By JOSEPH VOLZ

Of The News Washington Bureau

Quantico, Va.—FBI Director William Webster hinted yesterday that U.S. intelligence agencies believe Cuba is helping to support some foreign terrorist groups, as well as Puerto Rican nationalist groups operating in the U.S.

"Many of the propaganda manuals of the groups supporting the independence of Puerto Rico are thought to have been printed in Cuba," Webster told a press conference at the FBI Academy here at the start of an international symposium on terrorism.

He conceded that the FBI had great trouble tracking down U.S. terrorists because their tightly knit underground is "the most difficult we have to investigate."

The FALN, a Puerto Rican nationalist group, and a West Coast organization, the New World Liberation Front, are viewed as the two most dangerous terrorist groups operating in the U.S.

Webster noted that the United States "has not yet been made a primary target of terrorist attack," but he said there were 111 bombings in the U.S. last year compared with only 24 four years earlier.

At the same time, he cautioned that "there is no need to rush to panic. It would be easy for me to sound the alarm."

Ten top experts on terrorism from Europe, Israel and Japan are meeting here with FBI officials in an attempt to develop a worldwide plan against terrorism. Webster noted there is a "disturbing amount of international cross-fertilization among terrorist groups."

THE WASHINGTON POST

7 July 1978

ARTICLE APPEARED
ON PAGE C-15**Jack Anderson**

'Patrons' of the Dealers in Death

Secret Central Intelligence Agency papers have identified foreign governments that deliberately foster the spread of terrorism.

The documents report that terrorism increasingly is running amok, taking scores of lives and creating anarchy. The world seems unable to cope with the mushrooming malignancy.

Even worse, governments which sit in the United Nations and profess belief in civilized concepts have become "patrons of terrorism," according to the CIA.

In a Rhodesian jungle, 12 missionaries and children are found butchered by guerrilla nationalists. In Rome, the Red Brigade plays cat-and-mouse with the fate of kidnaped Prime Minister Aldo Moro, then dumps his bullet-riddled body downtown. In North Yemen, President Ahmed Hussein Ghashmi is blown up by a bomb, the second chief of state assassinated in that desert country in eight months.

The Meinhof-Baader gang runs rampant in Germany. Death squads operate in Latin America. An estimated 1,800 people have died in the violence that has beset Northern Ireland these past nine years. Even in the United States, politically inspired bombings by underground groups have brought death and destruction.

The perpetrators of these crimes are motivated by zealotry for a political cause. Even more sinister is that at least a dozen governments around the world have been conspiring with the assassins.

The CIA documents graphically

show the number of terrorist incidents rising from near zero in 1965 to nearly 250 in 1977.

This and other intelligence documents pinpoint a number of foreign governments which are considered "patrons" on the dealers in death. Here is the secret CIA listing:

- Libya, South Yemen and Iraq support the Palestinian terrorists with arms, money and supplies. Libya is also accused of supporting insurgents in Chad.

- Red China supplies secret arms to terrorists who operate in numerous troublespots. South African terrorists, for example, have close ties to the Chinese.

- North Korea ships arms to various terrorist operations and conducts a training center for guerrillas.

- Tanzania, Zambia, Mozambique and Botswana serve as arsenals and bases for black nationalist operations trying to take over Rhodesia and Namibia.

- The CIA includes the Liberation Office of the Organization for African Unity (OAU) as a terrorist patron. This means that money contributed to the OAU by Liberia, Nigeria and other pro-Western governments is being funneled to left-wing revolutionaries.

- Algeria is linked to subversive groups which obtain arms, support and training.

- Cuba's inroads into Africa are well-known in Angola and Ethiopia. More surreptitiously, Fidel Castro's agents are working with covert African terrorist groups.

- Argentina and Paraguay tacitly tolerate right-wing terrorism in Latin America. In previous columns we have reported the same tactics encouraged by Chile, Guatemala, El Salvador and Uruguay.

- Intelligence sources say Mexico and Costa Rica may be dealing secretly with terrorist outfits. But the details are sketchy.

There is quiet sentiment inside Washington policy councils, meanwhile, to declare that any terrorist attack fomented by another nation upon the United States will be considered an act of war.

Message From Ankara: Turkish Prime Minister Bulent Ecevit has dispatched a personal message to us protesting a couple of lines in a recent column.

We had reported that American Ambassador Ronald Spiers, in a cablegram to Washington, had characterized an Ecevit speech as "mindless nationalism." Upon reading our story, we reported, Ecevit "raised an almighty howl," whereupon Spiers was ordered to fly to Brussels "to soothe the ruffled Ecevit, who was in Belgium at the time."

In his message to us, Ecevit, said he "did not personally react to the report attributed to Ambassador Spiers. I would have reacted if my country were unfairly treated or criticized, but I prefer to be tolerant when personally criticized." This should please and surprise the State Department.

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THE WASHINGTON POST
6 July 1978

U.N. Probes Charge That Soviet Aide Is KGB Agent

From News Service

GENEVA—U.N. Secretary General Kurt Waldheim said yesterday that the appointment of a Soviet citizen to a senior position in U.N.'s European operations would be delayed pending investigation of allegations that he is a member of the Soviet KGB intelligence service.

The accused man, Geli Dneprovski, was scheduled to become director of U.N. personnel in Europe later this month.

The Swiss government also said it was "closely studying" a Soviet request for diplomatic credentials for Dneprovski.

Recent press reports said that Dneprovski had been identified as a colonel in the KGB by Soviet diplomat Vladimir Rezun, who defected to Britain last month. U.S. Ambassador William van den Heuvel on Tuesday filed an objection against the appointment of Dneprovski, who now is stationed at U.N. headquarters in New York.

"I am looking into the matter," Waldheim told a press conference. The U.N. staff in New York was consulting Dneprovski, he said.

"He himself has to express himself in regard to these allegations," the secretary general said. "That is only fair."

Waldheim denied that he personally had appointed Dneprovski, an employe of the United Nations for 12 years, to the Geneva post.

"I found out about this only after arriving in Geneva at the weekend. I did not approve anything," he said.

Key U.N. jobs are awarded on a quota basis, with member countries receiving a certain number of such positions. Governments provide a short list of candidates and the United Nations has to accept one of them.

Waldheim said that no charges had been made against Dneprovski at any other time during his U.N. service. U.N. statutes forbid its staff from taking instructions from outside bodies or governments or releasing information to them which has not been made public.

The London Daily Telegraph, one of the newspapers that made allegations against Dneprovski, said: "If Dneprovski takes up his new job, the KGB will be able to ensure that nobody is appointed to a senior job in the United Nations without their approval."

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ON PAGE A-3NEW YORK TIMES
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Waldheim Holds Up Transfer of Soviet U.N. Aide

Special to The New York Times

GENEVA, July 5 — The reassignment of a Soviet United Nations official from the organization's headquarters in New York to head of personnel at its European office here has been suspended pending an investigation into allegations that he is a senior officer in the K.G.B., the Soviet intelligence agency.

Secretary General Kurt Waldheim said at a news conference today that he had given orders that Geli A. Dneprovsky not be given the new post as planned "until the situation is clarified." Mr. Dneprovsky was to take over the Geneva post this month.

Replying to questions, Mr. Waldheim

said he would also examine with "great attention" reports that Vladimir K. Lobachev, head of the United Nations Conference and General Services Division here, is also a K.G.B. agent. Mr. Lobachev is now in Moscow to recruit interpreters for the United Nations.

Mr. Waldheim said that he had asked the British Government for information about press reports that a member of the Soviet diplomatic staff in Geneva, Vladimir Rezun, who defected to London earlier this month, had identified Mr. Dneprovsky and Mr. Lobachev as working for the K.G.B.

Until now, the allegations against the two Russians consist exclusively of the press reports, Mr. Waldheim said. Wil-

liam J. Vanden Heuvel, the United States representative here, had drawn attention to the allegations against Mr. Dneprovsky without providing any "concrete indications," he commented.

Mr. Waldheim, who is in Geneva for a session of the United Nations Economic and Social Council, noted that Mr. Dneprovsky had been with the United Nations for more than 12 years without any accusations of wrongdoing having been made against him. But the Secretary General said that if there was proof of any violation of the rule that a member of the Secretariat owes undivided loyalty to the United Nations, "we will take the necessary steps."

Some 200 Russian agents are working under United Nations cover to destroy our country. The United States pays 25 percent of their salaries.

KGB IN NEW YORK: THE UNITED NATIONS SOVIET SPY BASE

BY JOE TRENTO AND DAVE ROMAN

The Soviet Union's international secret police—the KGB—is operating at an unprecedented pace and scale in the United States today. A six-month-long investigation by this magazine reveals that the KGB—the largest, best-trained, and best-paid intelligence service in the world, consisting of approximately 500,000 employees—is now basing all American operations out of the United Nations complex in New York.

More than 200 Russian KGB agents work under U.N. "cover" as employees at all levels of the U.N. Secretariat, which handles all administration and programs for the world body. These agents act in obvious contravention of their U.N. oath not "to accept instructions . . . from any government or other authority."

Furthermore, American citizens, who pay some \$118 million each year to the United Nations, are literally financing 25 percent of the KGB agents' salaries.

Penthouse also learned:

- There is no efficient security check conducted to make certain that U.N. employees are not affiliated with foreign intelligence services or that they do not have other questionable backgrounds.

- Because the most knowledgeable and expert CIA counterintelligence officers were forced out of the agency in 1975, the KGB and other foreign intelligence agencies now have a free rein within the United States.

- A large percentage of the KGB force operating from the United Nations are known officers in Department V—the KGB elite specializing in murder, terrorism, and sabotage.

During its investigation *Penthouse* interviewed former top CIA and FBI counterintel-

ligence officials and several Soviet agents and reviewed U.N. personnel files. It learned that KGB agents are currently concentrating their major efforts on the following vital areas:

- The CIA computer system at Langley;
- The Nevada Nuclear Test Site, where highly accurate MIRV warheads are tested;
- The recruitment of fired CIA officials, embittered over their treatment by CIA director Stansfield Turner;
- The Trident Nuclear Submarine Program.

"The KGB is made up of top professionals, who are dedicated and well rewarded for their efforts," James Jesus Angleton, the former head of CIA counterintelligence, told *Penthouse*. Angleton confirms the U.N. activities by the KGB and says, "Diplomatic access and immunity make the United Nations a spy nest." He told *Penthouse* that the "key" figure in all of the Soviet Union's U.N. activities is Vassili V. Vakhrushev.

At fifty-five the urbane Vakhrushev is at the height of his profession as both a U.N. and a KGB administrator.

Since 1975 he has been acting director of the United Nations Information Center in Moscow. But one set of duties that is not in his U.N. pledge is the one that he conducts for the KGB. According to FBI officials, Vakhrushev is running the KGB operation in the United States.

Angleton has a high regard for Vakhrushev's abilities as an agent and a KGB officer: "He is a top man. He gets the best of everything because he has proven himself to the KGB, and their system of rewards and promotions is much less bureaucratic than our own."

Vakhrushev's post has traditionally been held by a KGB official. But in 1975, when

Vakhrushev was approved as the new "acting director," the appointment was made with the understanding that he would supervise the KGB's U.S. operation from the safety of Moscow. When he needs to come to the United States, his diplomatic immunity allows him to do so as often as necessary.

His hiring at the United Nations was orchestrated with the smoothness that one would expect from an international organization. Two high U.N. officials, W.H. Tarzi of Afghanistan and A.S. Efimov of the Soviet Union, arranged for the contract. Soviet aid to Afghanistan was one lever the KGB pushed to get their man approved.

In addition, the Soviets are allowed to call Vakhrushev "acting director" no matter how long he holds his post. This provision allows the KGB to move him to another post without any U.N. investigation.

As one U.N. spokesman put it, "It is a political thing. We have fifty of these U.N. information offices, and the Soviets enjoy this title business by themselves."

One of Vakhrushev's predecessors in the U.N. job had been Mikhail Mikhailovich Antipov—a Department V officer who had saturated the United Nations with KGB operations during the 1960s.

Vakhrushev's secret employment file, which was examined by *Penthouse*, reveals that not even a cursory investigation into his background was made. He first caught the eye of Soviet intelligence officials during his wartime career in the Red Army. In postwar Russia he was lifted out of obscurity and sent to the International Relations School at Moscow University. The KGB sponsored his education. His on-the-job training was begun in the Foreign Ministry in Moscow in 1948. His knowledge of

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other cultures shone, and Vakhrushev was assigned to the KGB's disinformation branch at the Foreign Language Publishing House in Moscow.

Listed on his 1975 U.N. application is one V.N. Pavlov. This reference would be more suitable if one were looking for a job as a political hit man. Pavlov is today an administrative officer in Department V. He was tossed out of Canada during Expo 67 for his operation of a terrorist unit there. Vakhrushev had worked under him in Canada.

Another famous reference on Vakhrushev's application is Yakov A. Malik, former Soviet representative to the U.N. Malik had been deputy director of all clandestine services abroad for the KGB during the transition period after Stalin died.

Also listed as a character and job reference is one of the few KGB agents with full ambassadorial rank—S.A. Vinogradov, who oversaw KGB operations from his diplomatic post in Egypt during Nasser's romance with the Soviets.

(According to CIA sources, these operations included the murder of U.N. Secretary-General Dag Hammarskjöld in the Congo in 1961. These sources indicate that the Russians murdered Hammarskjöld because of his opposition to their scheme to install a "troika"—a three-man tribunal—to run the United Nations. A secret report prepared by the CIA for President Kennedy in 1962 stated: "There is evidence collected by our technical field operatives that the explosive device aboard the aircraft was of standard KGB incendiary design." The CIA sources say that Kennedy kept this information secret because its publication would have destroyed any chance for agreement on a nuclear test-ban treaty with the Russians in 1963. The United Nations rejected the "troika" proposal after an emotional appeal by Kennedy in 1961; he asked the nations of the world to honor Hammarskjöld's memory by turning down the Russian scheme.)

The rest of Vakhrushev's background is, according to Angleton, typical of a KGB official. The KGB put him through advanced training in history and in communications. He became fluent in English, French, and Spanish for his assignments.

But it was his ability to get along with Westerners that brought him to the attention of the KGB's top brass on Dzerzhinsky Square in Moscow. In 1959 Vakhrushev was assigned to be the interpreter for Averell Harriman on the latter's trip to Russia in connection with the blossoming cultural-exchange program with the United States. In a book that Governor Harriman wrote, he thanked Vakhrushev for his company on the trip. According to one former Angleton staff member, who asked not to have his name used, "This caused Vakhrushev's stock to soar. He made a real breakthrough with winning Harriman's confidence. From then on he had a role in selecting false Soviet defectors to feed disinformation to the CIA. Vakhrushev was considered to be an expert on the American mentality."

Before his hunting-accident death last fall, former FBI Security Director William Sullivan told *Penthouse* that "Vakhrushev is a refinement of the Soviet intelligence process. Installing him was a stroke of genius, since he could use the U.N. sanctity to send U.S. military and political secrets through the U.N. diplomatic pouch."

Among the papers that *Penthouse* obtained concerning Vakhrushev is a special order naming him "diplomatic pouch certifying officer." According to CIA counterintelligence officials, this position allows Vakhrushev to send secret transmissions safely back and forth.

Vakhrushev's position with the United Nations involves running the U.N. information center in Moscow, one of fifty such centers around the world. His duties include promoting U.N. activities within the Soviet bloc, recruiting Soviet-bloc citizens for U.N. jobs, and handling all secret U.N. correspondence within the Soviet bloc. This job allows him access to U.N. confer-

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Secretariat.

ences and permits him to travel freely on a U.N. passport to the United States.

Vakhrushev's real duties—those with the KGB—involve not only running U.S. operations for the KGB but also overseeing the entire Western Hemisphere, with special emphasis on Canada, Mexico, and the Caribbean. Day-to-day KGB communications from the United States are sent through the Soviet embassy in Washington, D.C. When major decisions have to be made, reports are sent to Vakhrushev via the diplomatic pouch. (According to *Penthouse* sources, Arkady Shevchenko, the Soviet U.N. official who defected to the U.S. in April, was not part of Vakhrushev's KGB operation in the United Nations.)

The CIA's central computer system is perhaps the KGB's most important American target. The implications of the system's being breached are enormous. Angleton is certain that a breach has occurred. In 1972 a CIA counterintelligence memo warned the CIA itself that "the lack of an in-house repair capability and the problem of breaching the computer system through electronics signal devices from the outside present a dire security question. As of now, the system cannot be protected, and no

technology exists to guarantee the integrity of the system, and none will exist in the foreseeable future."

Speaking to *Penthouse* recently, Angleton said that his worst fears had been proved right. "Everything in the CIA archives is now in the CIA computer, and over the last five years the computer has been breached from the outside. The threat to the national security from that computer is a tremendous one." Angleton's staff discovered that an employee for a large computer company that serviced the CIA computer had been recruited by the KGB. He explained how the Russians worked: "We engaged in game theory. We played with programming the computer—as we got information, we fed it into the computer and we learned how the CIA operated."

Another area Vakhrushev concentrated on was the U.S. weapons program, specifically the MIRV program and neutron bomb project being tested at the Nevada nuclear test site.

Penthouse learned that the KGB had agents posing as newsmen on the site and in active test tunnels as recently as six months ago. The Russians also have agents working for a construction company at the site. These agents, who were cleared by the American government, were working in test preparation.

Perhaps the most frightening aspect of the KGB's U.N. operation is one of the United States' own making. The CIA, under the orders of Adm. Stansfield Turner, its director, has ordered almost a thousand veteran CIA clandestine-services personnel fired. Many of those being fired are just short of retirement. Many are considered to be brilliant. Politically, the group is slowly banding together. James Angleton's Security and Intelligence Fund, which was formed last year, has been a rallying point for many of the fired operatives.

Penthouse spoke to a man who had directed much of the cooperative effort with multinationals in Latin America. He told a bizarre story of KGB recruitment.

"They came to me through a CIA guy who was axed last summer, after eighteen years with the agency. He was a photo interpreter. He told me that all I had to do was to describe the energy-monitoring program of the agency and I would find myself with \$30,000 in my bank account.

"I asked who wanted to know, and he told me it was information for a U.N. official. I asked him why he had sold out; he said he needed the money. They had cut him off without a nickel of retirement, and he had an invalid child at home. I couldn't turn him in," the former CIA official told *Penthouse*.

"The danger of some of these people being recruited is real. The agency has left some of them emotionally raw. The overwhelming amount are pros, they will survive, and they are patriotic, but the agency will never be the same," Angleton said.

Angleton's own personal experience gives his words a bitter veracity—he himself was a victim of one of Henry Kissinger's most devious schemes.

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Angleton had long been a thorn in Kissinger's side. Although the counterintelligence expert continually expressed concern that Kissinger refused CIA briefings on how to avoid trap questions by Soviet officials, Kissinger continued to meet alone in Washington with high Russian officials. In such meetings it is standard CIA practice to brief the diplomat to make certain that a pattern of questioning is not developing that would lead the diplomat to reveal U.S. secrets. Angleton said he was worried that Kissinger might be inadvertently giving the Russians valuable information about the U.S. nuclear strategy.

After CIA Director Richard Helms was replaced by William Colby, the buffer between Kissinger and Angleton was gone. As Angleton explains it, "Politicians were running the CIA with Colby and his people."

Kissinger asked Colby to do anything he could to force Angleton and his entire staff to resign. In 1974 Colby provided Kissinger with information about an illegal mail-surveillance program that Angleton technically supervised. In point of fact, the program was a counterintelligence tool.

Through Colby, Kissinger released the story to the press. Then Angleton and his staff were summoned to Colby's office. According to Angleton, Colby said that because the story was out, the counterintelligence team would have to resign for the good of the agency. They all did.

"With that intensely political act, the counterintelligence shop we had built for thirty years was destroyed," Angleton says.

Angleton is not alone in feeling that, with the destruction of an effective U.S. counterintelligence, the Soviets have been given carte blanche. (In fact, there has been much speculation recently that the American intelligence community has been infiltrated by a Russian agent—or "mole"—at the highest levels.) One FBI inspector told *Penthouse* that counterintelligence at the FBI has become "a routine of tailing diplomats and electronic surveillance. But when it is done through the diplomatic service, you need a CIA operation to control this kind of activity. It just isn't working very well anymore. We once had hundreds of agents assigned to covering the KGB. But, hell, the mounties in Canada do a better job now."

What angers Angleton most about the U.N. operation is the irony of the United States' funding 25 percent of the salaries of all 374 Soviet citizens working in New York. The United States pays the highest assessment for the U.N.—some \$118 million for 1978. Angleton estimates that between "40 and 65 percent of the employees that the Russians have at the United Nations are KGB operatives." As a professional, Angleton admires the U.N. operation. "How could you do any better? You travel in the highest social and economic circles. It is a perfect place to recruit, to blackmail, and to gain access to information."

It's simple for KGB officials to be hired by the United Nations. The United Nations takes potential employees at their word. According to U.N. spokesman William P. Powell, "We have working here a group of international civil servants who have sworn to uphold an oath. We take them at their word. We require no security clearances."

Powell dismissed reports of previously expelled U.N. officials as KGB agents as "just newspaper stories" and confirmed that Vakhrushev's contract does not expire until 1979.

One area that does concern Department of Justice officials is the blatant operation of Department V teams in the United States. "We know the Soviets have trained saboteurs working in teams in California and the Midwest," one FBI official said. "But if we try to do something about it, people will call us paranoid."

"The FBI is paralyzed," Angleton says angrily.

According to one member of Angleton's former team, working as a congressional adviser, "It is not just the United States the KGB people target on. They go for their own defectors. They seek out and blackmail and kill defectors. Recruiting back a defector is valuable for them, and they can do that rather easily if the defector has a family in Russia."

Some of the methods used by the KGB are very heavy-handed. Indiscreet congressmen have been blackmailed by the KGB. "The use of sex is very popular as a tool by the KGB," says the congressional aide. *Penthouse* learned, for example, that the KGB tried and failed to blackmail former Illinois Congressman Kenneth J. Gray. The KGB threatened to reveal Gray's relationship with Elizabeth Ray, who worked for him in 1972 and who was later to accuse Gray and other congressmen of sexual misbehavior. Gray rejected the KGB threat and announced his retirement from Congress in 1973.

Another method of gaining information is through unsuspecting American journalists. According to Angleton: "They are always looking for a story," and "sometimes a KGB agent, posing as a news source, will feed a reporter a story. I know it happened, because the CIA used to make certain the KGB had phony stories, too." Once the reporter gains confidence in the source, information goes back and forth between them. Vakhrushev's résumé, not so incidentally, reveals that he is a member of the Soviet journalists' union.

At the bottom of the dozens of pages of Vakhrushev's U.N. file is the oath he signed when he accepted his position: "I solemnly swear . . . to exercise in all loyalty, discretion, and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interest of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the organization." O—

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A \$100 Million U.S. Mistake: Radar Would Jam Satellites

By Thomas O'Toole

Washington Post Staff Writer

The National Aeronautics and Space Administration, which had planned to launch two giant satellites in 1980 to communicate with all of its other orbiting craft, has belatedly discovered that because of interference from Russian radar in Europe the satellites will not work.

The space agency is now redesigning the satellites' electronic systems, the engineering model of which had already been built. It now expects the launch to be delayed at least three months, and the extra cost to amount to \$100 million.

The tracking and data relay satellite is a giant orbiting transmitter and receiver whose two umbrella-like antennas weigh 50 pounds apiece and unfurl in space to a diameter of 18.5 feet. The satellites are being built to replace 60 percent of the antennas NASA uses on earth at an estimated saving of more than \$100 million a year.

NASA's plans call for an eventual total of six of the 5,000-pound satellites, and it awarded a \$786 million contract to Western Union to build and operate them.

The electronic interference, which is not deliberate but comes from routine activities of the large Soviet radar installations that ring Eastern Europe, was not identified as a problem until last December, well after the contract had been awarded.

"The people involved did not fully understand the environment and the effects it would have on the system," said C. Curtis Johnson, tracking and data relay satellite project manager at Goddard Space Flight Center. "Otherwise, we would have been more careful in the specifications of the system."

The first satellite was scheduled to be carried into orbit in July 1980 by the space shuttle. The three-month delay is important because NASA wants the satellite to be communicating with the shuttle as shuttle flights increase in 1980. And tracking station contracts NASA has with other countries will be expiring about that time.

White House and Capitol Hill sources said that part of the reason for the belated discovery of the problem is that Pentagon and the Central Intelligence Agency never alerted NASA to the size and scope of the radio interference caused by Soviet radars in the high orbit regions to be occupied by the tracking and data relay satellites.

Sources said this is one reason the White House two weeks ago set up a policy review committee of 16 federal agencies to make sure space project staffs were fully aware of all the issues that might have an impact on them.

Two Senate committees are looking into the reasons for the sudden cost increase in the NASA satellite program. They are the Select Committee on Intelligence and the Commerce Committee, whose subcommittee on science and space is chaired by Sen. Adlai E. Stevenson (D-Ill.).

According to the way the interference has been described by NASA to Congress, the giant Soviet radars from the Baltic to the Black Sea transmit beams that converge high over the Atlantic and Pacific at precisely the same locations NASA wants to put its tracking and data relay satellites.

These are spots 22,400 miles above the earth in what are called geosynchronous orbits, meaning the satellites move around the earth at the same speed the earth rotates. This keeps the satellites "hovering" over the same spot on earth all the time.

NASA could relocate the satellites but they would be useless any place else. What NASA wants the satellites to do is provide complete radio coverage with its orbiting space shuttle and 30 other satellites that are orbiting the earth at lower altitudes.

The tracking satellite is being built to replace obsolete and expensive ground antennas on Ascension Island in the South Atlantic; Quito, Ecuador; Santiago, Chile, and Guam and Hawaii in the Pacific. The satellite could also replace other antennas in Alaska, North Carolina and Bermuda.

The satellite will be a dramatic improvement. It will allow controllers on the ground to "talk" to other satellites and the astronauts in the space shuttle during more than 90 percent of each orbit of the earth. As things are now, satellites in low orbit are out of touch with the ground 80 percent of the time.

What must be redesigned to accommodate the radar interference are the integrated electronic circuits built into the satellite to "process" the endless signals from other satellites in lower orbits. The satellite is designed to accept 300 million "bits" of information every second, the equivalent of 200 encyclopedias.

What we're redesigning are the electronics that unmix all those signals and sort them out before sending them to the ground," Johnson said.

"That amounts to 20 percent of the hardware on this satellite."

The way the electronics were originally designed they would be overwhelmed by the Soviet radar signals, at least in part because the electronics would be unable to "recognize" the Russian radar in time to sort it out of the other signals the satellite was receiving.

The space agency estimates the redesign to harden the electronics against the Soviet radar will cost "in the tens of millions of dollars." Capitol Hill sources say the expense will be "at least \$100 million."

The contract to build six of the satellites is held by Western Union, which sublet the work to TRW Inc.

Harris Electronics Corp. and Watkins Johnson Co. in Palo Alto, Calif., where most of the electronics design was done.

The \$786 million contract signed by NASA with Western Union is a fixed-price contract, meaning that whatever extra costs are incurred in the redesign of the electronics and the spacecraft must be renegotiated.

NASA is considering reducing the number of spacecraft it ordered from six to four. One of the six was to be a spare in orbit and another was to be "ready" for launch in case one of the in-orbit satellites failed.

Eliminating two production satellites would save \$100 million, the estimated cost of the redesign.

A Design Problem On Relay Satellite Delays Launching

Special to The New York Times

WASHINGTON, July 2 — The National Aeronautics and Space Administration is redesigning the electronic system of a giant tracking and data relay satellite, originally planned for a 1980 launching, because Russian radar in Eastern Europe would excessively interfere with its effectiveness.

The design snag, belatedly discovered, will cause a delay in orbiting two of the satellites and add extra expense to the spacecraft, which are being built to replace 60 percent of the antennas that NASA now uses in ground tracking stations.

Western Union was awarded a \$786 million contract to build and operate six of the 5,000 pound satellites and NASA is negotiating with the contractor on the extent of time the launching will be delayed as well as the potential cost increase.

The Washington Post today quoted White House and Congressional sources as saying that part of the reason for the belated discovery of the problem was that the Pentagon and the Central Intelligence Agency had not alerted NASA to the size and scope of radio interference caused by Soviet radar in the high orbit regions to be occupied by the satellites.

Told of the Problem

However, NASA sources said today that the Pentagon and the C.I.A. had told NASA officials of the potential problem but that the officials had not fully understood its seriousness.

The electronic interference by the Soviets comes from routine, not deliberate, radar activities in Eastern Europe. The radar beams converge in space at the exact places that NASA wants to place its tracking and relay satellites.

Those places are 22,400 miles above the earth, where satellites orbit the earth in synchronism with the earth's rotation and remain over the same spot on earth at all times. Therefore, it would be useless for NASA to relocate its satellites.

The giant satellite scheduled for launching in 1980 was to replace obsolete and expensive ground antennas at Quito, Ecuador; Santiago, Chile; Guam and Hawaii in the Pacific Ocean, and at Ascension Island in the South Atlantic. The satellite also could replace antennas in North Carolina, Alaska and Bermuda.

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FOREIGN STUDENTS

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THE CHRONICLE OF HIGHER EDUCATION
19 June 1978

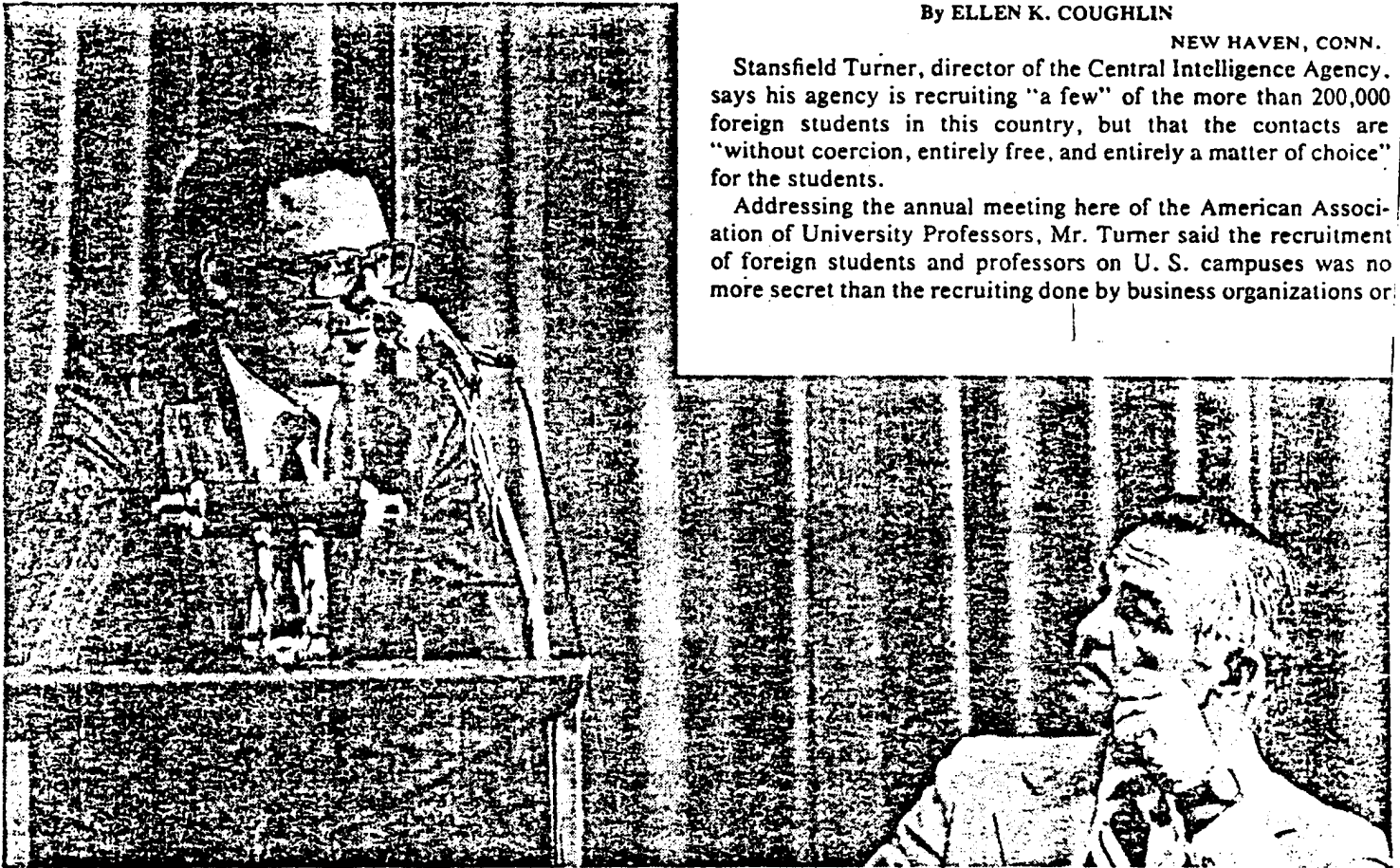
Turner Says the CIA Recruits Foreign Students in U.S., Defends Agency's Use of Professors

By ELLEN K. COUGHLIN

NEW HAVEN, CONN.

Stansfield Turner, director of the Central Intelligence Agency, says his agency is recruiting "a few" of the more than 200,000 foreign students in this country, but that the contacts are "without coercion, entirely free, and entirely a matter of choice" for the students.

Addressing the annual meeting here of the American Association of University Professors, Mr. Turner said the recruitment of foreign students and professors on U. S. campuses was no more secret than the recruiting done by business organizations or



CHRONICLE PHOTOGRAPH BY PHILIP W. SEMAS

Morton Halperin, a critic of the Central Intelligence Agency, questions Stansfield Turner, its director, at professors' meeting.

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other government agencies. Mr. Turner's remarks were, he said, the first he has made in public about the recruitment of foreign students by the intelligence agency.

He also announced that he was preparing, with a faculty member at a leading U. S. university, a code of ethics intended to govern the relationship between the C.I.A. and the academic community. Mr. Turner refused to reveal the identity of his collaborator.

Mr. Turner answered questions from a critic of the C.I.A., Morton H. Halperin, director of the Center for National Security Studies, who challenged the use of professors as "covert recruiters" for the intelligence agency.

Mr. Halperin cited a 1976 report from the Senate's Select Committee on Intelligence Activities, chaired by Idaho Democrat Frank Church, which criticized such "improper" relationships between the C.I.A. and American academics. He asked Mr. Turner if clandestine recruiting of potential agency employees or contacts by faculty members was still going on.

'Just Like Everybody Else'

"We recruit just like everybody else does," Mr. Turner responded. Some contacts with students or professors are open and some are not, he said.

The C.I.A. openly recruits among American students on about 150 campuses, Mr. Turner said, while a handful of other colleges have barred agency representatives.

Potential job candidates are sometimes investigated by the intelligence agency without their knowledge, Mr. Turner admitted. But the intelligence director insisted that that method was no different from recruitment tactics used by many businesses and other agencies.

Mr. Turner added that the C.I.A. wanted to continue to develop informal "consulting" relationships with American scholars. The agency, he said, sees no need to go abroad and clandestinely collect information that is readily available in this country in the form of scholarly research.

"We're anxious for you to share with us your knowledge and expertise," he told the A.A.U.P. members.

Meanwhile, two affidavits filed by C.I.A. officials in a freedom-of-information case in a federal court in Washington have confirmed the fact that the intelligence agency maintains a network of academic informants.

According to a report in the Wash-

ington *Post*, the affidavits said some of the contacts with faculty members were kept secret for security reasons. Most, however, remain confidential at the request of professors who fear reprisals from their colleagues, the report said.

Friendly Refusals

Recounting a brief experience with the C.I.A., another speaker at the A.A.U.P. meeting, John W. Ward, president of Amherst College, said he had contacted the agency to inquire, under the provisions of the Freedom of Information Act, if there were existing relationships between the intelligence agency and any member of the Amherst community.

Twice, Mr. Ward said, he received friendly responses from agency directors, former director George H. Bush and Mr. Turner, both of whom politely refused to answer his question.

Mr. Ward said the C.I.A. constituted a "threat to the integrity of the academic community."

Because of the clandestine and often improper activities of the intelligence agency, Mr. Ward said, ordinary citizens no longer trust social institutions such as churches, foundations, unions, and universities, which are often perceived as an extension of the state.

Mr. Turner insisted, however, that the activities of the C.I.A. on campuses was no more a threat than the influence of big business or government.

"With all the opportunities today for conflict of interest," he said, it is a "naïve assumption" to think that the C.I.A. is the only danger to academic integrity.

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SANTA ROSA PRESS-DEMOCRAT (CA)
19 June 1978

We're destroying the CIA and FBI

A FRIEND WHO recently returned from a trip to England brought back a copy of the Daily Telegraph.

This respected English newspaper had an article by Robert Moss which deplored the wrecking of the United States intelligence apparatus by U.S. liberals and radicals.

He noted the anti-intelligence mood in Congress has crippled the effectiveness of the Central Intelligence Agency at a time when Russia is stepping up its intelligence-gathering effort.

THE CIA IS ALMOST powerless to move, to the extent that the head of the CIA turned down a request for help by Italy in the Aldo Moro kidnapping because he feared it would violate recently-passed laws. Under the legislation passed in 1974, the CIA is not permitted to undertake clandestine actions abroad without first getting the permission of the President after a full hearing before the National Security Council. No fewer than four Congressional committees have to be notified, and anyone knowing the inability of Congressional committees to prevent news leaks knows that any foreign operation soon would be in the gossip columns of Washington.

HE ALSO CITED the indictment

of Patrick Gray, former head of the Federal Bureau of Investigation, as another attack on the intelligence arms of the U.S.

The British journalist could have added the current case where the U.S. Attorney General, Griffin Bell, must deliberately disobey a judge's order if he wants to protect the names of 18 FBI informants from being made public.

THE FBI WAS ORDERED to turn over its files by Judge Thomas Griesa in the suit filed by the Socialist Workers Party. The Supreme Court said the Justice Department couldn't challenge the order, so Bell said he was willing to accept a contempt citation to test the order in a higher court.

International espionage is a messy game played for very high stakes. When we cripple our intelligence-gathering organizations at home and abroad, it should be quite obvious we are playing into the hands of our opponents.

THE BRITISH JOURNALIST made it quite clear he thought we are well on the way to destroying our best intelligence-gathering organizations — the CIA and the FBI. We think he is right on target.

14 June 1978

The spy game is always rough, but tunnel episode goes too far

EVEN IN so nasty a business as spying, a few unspoken rules are generally observed. One is that the game is to be played quietly. Nation A usually doesn't raise a stink about Nation B's attempts at bugging or recruitment of agents for fear that Nation B will blow the whistle on Nation A's similar tactics.

But that rule goes out the window when the game gets too rough, as it has at the U. S. Embassy in Moscow. The discovery of electronic surveillance equipment in an embassy chimney, and of an underground tunnel leading from the chimney to a nearby apartment house, prompted a formal — and public — U. S. protest.

The complaint hit a nerve. The Russians have retaliated with a bizarre tale about a woman CIA agent formerly attached to the Moscow embassy. The woman, if the Soviet account is to be believed, supplied poison to an accomplice who used it against an unnamed "innocent person."

Considering some of the revelations about CIA "dirty tricks" in recent years, the Soviet account can't automatically be dismissed as bogus. Nor is there reason to think that U. S. spies have fallen behind in the use of electronic bugging equipment. Much of our information about Soviet military installations, industries and agriculture comes from orbiting reconnai-

sance satellites. But there is still a role for "spooks," disguises and radio transmitters no bigger than your thumbnail.

There are limits, however, to what a nation can reasonably be expected to tolerate. The Soviets clearly went beyond the limit when, for years, they bombarded our embassy in Moscow with microwave radiation. Whether this was intended to foil U. S. surveillance and communication equipment or to enhance Soviet bugging has never been made clear. But the radiation evidently did affect the health of some embassy personnel, though they regrettably weren't told so by the State Department at the time. The radiation was substantially reduced after the U. S. complained two years ago.

During the latest flap, the Russians have again gone beyond tolerable limits, but in a manner that's almost laughable. It seems that, in debugging and blockading the tunnel to our embassy, U. S. workers gummed up the heating system of a nearby apartment building. The Soviets demand that we pay for the damage.

That's a bit much, even for the Russians. Americans have learned to expect cries of wounded self-righteousness whenever the Soviet Union is caught with its hand in the cookie jar. But we needn't learn to like it.

TERRE HAUTE TRIBUNE (INDIANA)

15 June 1978

Red Eye Is Everywhere

The crippling of the FBI and CIA by post-Watergate revelations and restrictions seems to have encouraged the Russians to step up their spying activities against this country, as many of us feared it would.

The recent discovery of an electronic eavesdropping device in the chimney of the American Embassy in Moscow is the latest in a rash of Soviet espionage efforts to be uncovered. U.S. officials recently warned of an elaborate electronic installation at the Soviet consulate in San Francisco, which, it is feared, monitors international telephone traffic going out from microwave broadcasting towers atop an Oakland building. Similar concerns have been voiced about microwave monitoring by Soviet consulates on the East Coast.

In New York, two Soviet citizens employed by the United Nations were arrested recently for allegedly receiving classified information on U.S. anti-submarine warfare systems.

And in Washington, there are more Communist spies at work than there are American counter-intelligence agents available to watch them, according to John Barron, an authority on Soviet intelligence-gathering operations. The number of Soviet and other Communist-bloc intelligence agents in the United States is reliably reported to have increased 50 percent since 1972 and is now estimated to be 800 in number.

Aside from the FBI-CIA convulsions, the United States is at an intelligence-gathering disadvantage because it is an

open society in contrast with much more closed Communist nations that keep up with every foreign visitor. Detente has increased the opportunity for surveillance of this country by Communist agents entering as diplomats, businessmen, journalists, students or tourists; 40 U.S. ports are open to Soviet ships, which bring 28,000 Russian crewmen ashore each year.

Inasmuch as the Soviet Union never ceases to regard the United States as its greatest antagonist, it is only natural that this country should be the chief target of its vast espionage system. And it is only natural that our instinct for self-preservation should call for more effective countermeasures than those we now perceive.

THE WASHINGTON STAR (GREEN LINE)
5 July 1978

ARTICLE APPEARED
ON PAGE A*12

Letters to the editor

A difficult balancing act

As members of the House Permanent Select Committee on Intelligence and of its subcommittee on legislation which considered H.R. 7308, the Foreign Intelligence Surveillance Act of 1978, we feel compelled to address some of the misconceptions contained in your editorial, "Control of foreign intelligence" (June 5).

At the outset, your readers should know that the concept of a judicial warrant for foreign intelligence electronic surveillance in the United States is not only "the conventional view on Capitol Hill," it has been vigorously supported by the Carter administration and, with equal vigor, by the Ford administration, whose idea it originally was. The fact that you can find executive branch support for your opposing view only from two members of the latter administration is indicative of the strong bipartisan support for the warrant requirement.

In addition, it is inconceivable that either administration would have supported the pending legislation if, as you suggest, it "would severely limit the intelligence-gathering capacity of the president." Indeed, as late as last May 10, the attorney general, the director of the FBI, the director of Central Intelligence, and the director of the National Security Agency stated to this committee that H.R. 7308 would pose no threat to the intelligence collection capabilities of our government. And, presumably, the 95 United States senators who voted passage of the Senate companion bill (S. 1566) do not believe that the proposed measure poses such a threat.

Your editorial urged "the House to pause from any headlong plunge into judicial control" of intelligence collection. If you had taken the time to read the proposed legislation, you would have readily observed that the role of judges is clearly defined and circumscribed.

A judge is only involved where U.S. persons are involved, and then only to the extent necessary to make a probable cause determina-

tion that the target of the surveillance is a foreign power or an agent of foreign power, as defined in the bill. The judge can make no substantive judgments as to the propriety or the need for a particular surveillance.

Rather, the proposed legislation would establish the substantive standards as to what the proper target of a surveillance is, whether the information sought justifies a surveillance, and what standards apply to the retention and dissemination of information obtained — and the judge would determine whether the proffered facts meet the statutory criteria. Such a determination is traditionally made by judges and would not, as you suggest, involve them "in a matter as to which their knowledge, experience and perspective — and traditional constitutional role — are incomplete or irrelevant."

It should also be noted that the "criminal standard" applies only to U.S. persons who might be agents of a foreign power and who may be involved in a criminal violation. In addition, the "criminal standard" contained in H.R. 7308 adds no substantive requirements beyond those contained in the substitute provision Mr. McClory supports.

Under the latter, a U.S. person could be surveilled only if he is acting for or on behalf of a foreign power and engaging in clandestine intelligence activities — which are tantamount to criminal activities. Furthermore, both the attorney general and the director of the FBI have stated their preference for the language of H.R. 7308 over the so-called — non-criminal — standard favored by Mr. McClory.

Our recent history abundantly demonstrates the folly of relying exclusively on the "basic character and integrity" of executive branch officials to protect the rights of our citizens and prevent abuses. Neither is it wise to rely solely on the congressional oversight committees, for these and the Congress can only act after the abuses have occurred.

On the other hand, when U.S. persons are involved, the judicial warrant process would insure that the executive make its case for a surveillance, under congressionally enacted standards, to a neutral and detached magistrate before the surveillance may be initiated.

Of equal importance, the judicial warrant process will assure the dedicated and patriotic men and women of our intelligence services that their activities are lawful and proper.

Admittedly, it is a difficult task to balance the legitimate intelligence needs of our nation with the civil liberties of our people in the area of foreign intelligence electronic surveillance. After three years of careful consideration of the difficult and delicate issues involved, three committees of Congress have struck the balance in favor of a warrant requirement. In the words of Attorney General Bell, "... this bill strikes the proper balance. It sacrifices neither our security nor our civil liberties."

Edward P. Boland,
Chairman

Romano L. Mazzoli

Morgan F. Murphy

Permanent Select Committee on Intelligence,
House of Representatives

Washington, D.C.

ARTICLE APPEARED
ON PAGE 8THE BALTIMORE SUN
1 July 1978

Military intelligence boost eyed

Washington (Reuter)—The Pentagon tentatively plans to increase the budgets of its two main intelligence arms by a total of nearly \$500 million, government sources said yesterday.

The sources said the Defense Intelligence Agency budget would increase from \$130 million in 1979 to \$249 million in 1980 and the National Security Agency budget would go from \$1.08 billion in 1979 to \$1.42 billion in 1980.

The DIA coordinates military intelligence for the secretary of defense and top military officers. The NSA monitors foreign communications from satellites, land and sea-based radio transmitters, and breaks foreign codes.

The present budget figures for both agencies are contained in White House guidelines to the Defense Department for the preparation of the 1980 defense budget that will be sent to Congress in January.

The guidelines project that the DIA budget would drop to \$167 million in 1981

and rise gradually to \$190 million, \$198 million and \$206 million in 1982, 1983 and 1984, respectively.

Under the guidelines the NSA budget would drop to \$1.36 billion in 1981 then run at about \$1.54 billion a year for 1982, 1983 and 1984, the sources said.

The sources said the "bulge" in the 1980 DIA budget was for a new, long-sought headquarters building for the agency, whose more than 4,000 employees work at scattered locations throughout Washington.

There was no word on what the NSA budget increase was for.

The new DIA building will cost around \$100 million, the sources said. The money had been in the 1979 budget but was taken out at the last moment and it was possible the same thing may happen again this year, the sources said.

They said a large part of the agency presently was housed in an aging World War II wooden building, where the sag-

ging floors no longer would hold sufficient numbers of safes for secret documents.

The new building would afford a symbol of permanence to the DIA, which a House of Representatives intelligence committee said two years ago should be abolished.

The committee said some of the DIA's functions should be given to its rival, the Central Intelligence Agency. But President Carter, in his reorganization of the nation's intelligence activities earlier this year, preserved and even strengthened the DIA's role.

The House committee also had recommended that the National Security Agency be separated from the Pentagon and be made a civilian agency.

Estimates on how much the United States spends annually on intelligence vary from \$4 billion to \$10 billion, depending on what is included.

The higher estimate would include operational money for spy satellites, surveillance planes and other equipment.

Taxpayers' money: A matter of trust

A group charged with the responsibility of taking care of money entrusted to their control is always expected to act in a wise and judicial manner. Most of these do meet expectations and when any fail, people react swiftly to manifest their concern. This is readily discernible in all areas except the political.

If one of these private groups should tell the people who supply the funds: "We have approved a tremendous, but undisclosed, amount of money for unspecified operations of a unit which in the past has performed in a manner open to serious questioning," what would be the reaction?

This is exactly what House members did as they issued the Central Intelligence Agency (CIA) and eight other agencies a blank check. They voted 323 to 43 to authorize the funds (without knowing the amounts involved) just on the basis of a committee recommendation. Also the amounts and uses were not specified.

Besides the CIA, the legislation authorized funds for the Pentagon, State Department, Defense Intelligence Agency, National Security Agency, Treasury Department, Energy Department, the FBI and the Drug Enforcement Administration.

A member of the recommending committee said, "Secrecy was necessary because, if the enemy knows what our programs are, it virtually destroys our intelligence programs."

When we take a close look at the list of agencies involved we have cause to wonder just who the enemy is? Could it be beleaguered taxpayers who might rise up in revolt?

One of the few opponents, Rep. John J. Seiberling, D-Ohio, said, "Since the authorization is blank, I intend to vote blank. I simply intend to vote present, and I recommend you all do too."

Rep. James Johnson R-Colo., said the legislation and classified documents made available to members under strict security measures "tell us absolutely nothing about what the intelligence community is doing. I think we are reverting to the old days when the CIA was given a blank check. I felt the information in the classified material was absolutely useless."

"Members who vote for the bill are granting a blank check to spend a lot of money by people who, in the past, have not warranted that kind of trust," Johnson said.

It is intriguing to note that the Department of Energy is listed among the recipients of those intelligence funds. We have often wondered just what this agency was really doing. It certainly has not added anything discernible to our energy needs.

We are aware that individuals sometimes take on other jobs as a cover while engaged in undercover operations. But we hardly expected the highly touted new energy agency would be cast in the role of a double agent.

Congress is supposed to assume the responsibility for all of us as it allocates our tax money. We should expect that it do so in a wise and judicial manner. If members of Congress cannot be entrusted with knowledge of where and how funds are to be spent, how can we trust those who will spend it?

LEWISTON TRIBUNE (IDAHO)

13 June 1978

Who needs it?

Most of the critics of the CIA claim they don't think the agency should be abolished, necessarily, just changed. This is not the view of John Stockwell, a former CIA operative in Angola, who says, in effect, who needs it? Stockwell would simply abolish the Central Intelligence Agency on the grounds that it is beyond redemption and turn its legitimate intelligence gathering functions over to somebody else.

While this approach may seem radical to some, the CIA continues unwittingly to make it increasingly palatable. Just the other day, for example, the CIA acknowledged that it still maintains a network of secret informants on university faculties, presumably to report on the political activities and utterances of college students and teachers.

Do we need this kind of surveillance? Of course not. We not only don't need it, we can't afford it. But

there evidently is no way to get the CIA out of the business of monitoring the political activities of American citizens. The agency is told not to do that; it assures everybody that it is no longer doing that; and then, when required by a court order to say for certain whether it is doing it or not, it confesses that it is.

It is prudent to assume that it will go on doing that, and go on carrying out its assassinations overseas regardless of the wishes of Congress, the State Department, the Department of Justice or the American people, and regardless who is running the agency at any given moment.

Time and events may yet prove Stockwell right. Meanwhile, more of us ought to be asking that question about the CIA: Who needs it? — L.H.

CIA is digging to snare 'moles'

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By JOE TRENTO
Staff writer

WASHINGTON — Convinced that Soviet spies have penetrated the highest levels of the CIA, the agency's security division has launched a masive investigation to identify any double agents and find out who is responsible for the penetration.

One former senior intelligence officer called the probe "the most extensive security investigation in U.S. intelligence history."

The scope and purpose of the investigation were described by a former CIA director, a former deputy director, other CIA officials and sources in the Senate Intelligence Committee interviewed by the Sunday News Journal. Some of the information was contained in documents shown to reporters.

According to the sources, the CIA is running the investigation from the office of its security chief, Robert Gambino, who is under instructions to dig out the facts before the Senate Intelligence Committee starts public hearings and before any leaks appear in the press.

The News-Journal papers disclosed last month that the Senate panel had started a top-secret investigation of its own into the allegations of a "mole" within the CIA.

The intelligence sources said the CIA, like the Senate committee, is focusing on two former agency directors, Richard M. Helms and William E. Colby, and on James J. Angleton, retired CIA counterintelligence chief, in an effort to assign blame for any laxity that allowed the apparent major breach of security.

Dale Peterson, a CIA spokesman, said he could not comment. "It is of a highly sensitive

nature. We hope to be able to offer some comment in the future. Needless to say, we are cooperating in every way with the Senate Intelligence Committee," Peterson said.

A former deputy director of the agency said CIA supporters fear the Senate committee's investigation, if not handled properly, could destroy the CIA as the nation's premier intelligence agency.

The former deputy director called it "the most extensive security investigation in U.S. intelligence

history. I am not that could determine if there is a civilian CIA or if we become part of the Pentagon."

Since the Senate committee's investigation was first reported June 7, the CIA internal investigation has gone into high gear.

One former CIA director said, "They are questioning all our top staff people. No one is above suspicion. The security people are going through the archives back to every Soviet defector starting back to the formation of the agency."

The CIA was established in 1947.

Both the former director and former deputy director asked not be identified.

Former counterintelligence chief Angleton said the investigation was triggered by the publication of Edward Jay Epstein's "Legend: The Secret World of Lee Harvey Oswald." In the book, Epstein writes that Yuri Ivanovich Nosenko was a Soviet double agent sent as a defector to feed misinformation to the CIA.

According to Angleton and others interviewed by Epstein, Nosenko was sent to the United States to convince the CIA that

Lee Harvey Oswald was never a Soviet agent. According to CIA sources and Epstein's book, Nosenko's credentials were believed genuine and he was given a new identity and accepted as a defector despite the opposition of Angleton and his counterintelligence staff. Nosenko is currently a \$35,000-a-year adviser to the CIA.

Former Secretary of Defense Melvin Laird, now working at Readers Digest, publishers of the Epstein book, opened doors for Epstein at the department of Defense, CIA sources said.

This allowed him to track down and interview Oswald's Marine Corps colleagues. Laird's former intelligence deputy, William T. Baroody, steered Epstein toward Newton "Pete" Bagley, who was deputy of the Soviet desk at the CIA and who became Epstein's primary source on Nosenko, according to the CIA report.

Baroody is currently president of the American Enterprise Institute, a politically conservative foundation that includes among its employees former President Gerald R. Ford.

It was the "level" of these sources that alarmed CIA security officials when the book was released last March. It prompted one retired clandestine services officer to say, "We had overlooked the 'mole' thing because we thought it was the typical argument of Angleton and his people, but certain events and leaks from the agency could, in the view of the security people, be only explained by a mole."

Angleton, in a telephone interview, confirmed that he had acted as one source on the Epstein book and said he did not believe Nosenko was a sincere defector and was in fact a double agent.

Bagley, a long-time friend of Angleton, went to then-CIA director Helms and urged Helms not to accept Nosenko's credentials, according to the preliminary CIA report.

Helms ordered Bagley to withdraw his objections, but Bagley refused, according to the report, and, under an unwritten order from Helms, he was never promoted above his grade level in the agency. Bagley has since retired.

The report, being compiled by several former CIA officials brought back from retirement to augment the CIA security staff, is being turned over in "bits and pieces" to the Senate Intelligence Committee.

Cleveland Cram, the former Canada station chief in Ottawa, was called out of retirement to review defector cases and Angleton's specific dealing with defectors.

Cram is considered an old Angleton adversary because of a fun-in over a Canadian intelligence official. Angleton accused James Bennett of being a possible KGB operative while working as a civilian for the Royal Canadian Mounted Police.

According to Senate Intelligence Committee sources, this hindered Cram's operations in Ottawa. Bennett is currently involved in the Canadian government's investigation of Royal Canadian Mounted Police activities.

Cram has been allowed to review CIA "soft," or raw, files, and CIA computer files on all major defectors cases to identify those CIA officials responsible for making decisions concerning defectors.

One Senate Intelligence Committee consultant says the Epstein book has "big political overtones for the agency." William D. Corson, a former Marine intelligence officer under contract to the CIA, said, "The Epstein book cost half a million dollars to research. It is an accurate book, but the reason it was written and guided through was that Laird, Baroody and those responsible for it were attempting to get a body blow at the CIA and turn intelligence totally over to the military."

CIA sources are also puzzled that Hugh Montgomery, Moscow station chief at the time Oswald was in Russia, was never called in to advise on the Nosenko case. Montgomery is currently chief of station in Rome and has been questioned in the internal investigation, according to CIA sources.

Among those interviewed by Cram, in his effort to determine Angleton's role in connection with a possible mole, is Clair E. Petty, who was a "deep-cover" European counterintelligence assistant to Angleton. Petty is now retired and living in Annapolis, Md.

Petty told the Sunday News Journal, "I was questioned about Angleton and his role in some defector cases. I did tell Cram about a report we had from a source that Henry Kissinger may have had a KGB connection and that Jim ordered an investigation. We never were able to trace it down one way or the other. It wasn't provable."

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CONTINUED

Angleton refused to comment on the Kissinger investigation, saying, "I won't talk about that now."

As part of the CIA investigation, the circumstances of Angleton's celebrated December 1974 firing are being reopened. Colby said Angleton was fired because it was discovered that, as part of his counterintelligence efforts, he was illegally opening mail on a regular basis.

CIA investigators discovered that Angleton was operating under signed orders of every director starting with Allen Dulles during the Eisenhower years and ending with Richard Helms.

Widespread reports that Angleton headed domestic spying activity in the late '60s and early '70s are contradicted by a top-secret memo made available to the Sunday News Journal.

It is dated May 19, 1969, and is from Jerris Leonard, a deputy general in the Nixon administration's Justice Department, to Richard Ober of the CIA White House staff, who coordinated activities between the Nixon administration and Helms. The memo said the CIA should assist in monitoring radical students, collecting damaging information about the students and seeing what communist connections they might have.

A note at the bottom of the memo from "DCI" (director of central intelligence — at that time, Helms) said there was no need to inform anyone at the CIA of these plans, especially the counterintelligence staff which Angleton headed.

While the question of who might have been the mole has not been answered, the Senate Intelligence Committee is beginning its investigation with the questioning of Angleton, Helms and Colby.

Angleton confirmed that he would appear before the committee, and said, "I am willing to defend my record any place, in closed or open session."

Perhaps the most telling part of the CIA's attitude toward Angleton in its investigation can be found in the fact that the ex-wife of Angleton's top aide was called out of retirement to aid in the probe. Cordelia Rocca, ex-wife of Angleton's deputy and confidant, Raymond Rocca, had also worked for Angleton. Rocca, who resigned when Angleton was fired, is reported ill with a blood disorder.

(Ralph S. Moyed also contributed to this story.)

*Sheet of
16 July 78*

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ON PAGE A-17

NEW YORK TIMES
12 JULY 1978

A Bill to Revise Charter Of C.I.A. Termed Vague

WASHINGTON, July 11 (UPI) — Three peace groups told the Senate today that a proposed revision of the charter of the Central Intelligence Agency was so vague that it might not prevent the recurrence of spying abuses.

The Senate Intelligence Committee is considering legislation to revise the agency's 1947 charter to define what it may and may not do.

But today's witnesses said that the proposal fell short, and that failure to include specific prohibitions would open the door to greater abuses than those that occurred in the past.

The American Friends Service Committee, a Quaker group, said that nothing less than abolition of the intelligence agency would protect Americans against being spied upon by their Government.

Ethel Taylor, national coordinator of Women Strike for Peace, said that C.I.A. use of informers in political organizations should be prohibited and old files collected by the agency destroyed.

Richard Gutman, lawyer for the Chicago-based Alliance to End Repression, said that domestic counterintelligence activities should not be undertaken unless "based upon concrete evidence" of criminal espionage, sabotage or treason.

ARTICLE APPEARED
ON PAGE A-2

THE WASHINGTON POST
12 July 1978

Agency Charter Called No Cure

WASHINGTON (AP)—Representatives of organizations under surveillance by the CIA and FBI during the 1960s and early 1970s said yesterday that congressional proposals for a new intelligence agency charter will not prevent future abuses. They testified before the Senate Intelligence Committee.

Louis W. Schneider, executive secretary of the American Friends Service Committee (Quakers), said his organization had obtained 10,000 pages of files kept on the Friends by various government agencies, including the CIA, the FBI, the State Department, Internal Revenue Service, and the

armed services. The files show a pattern of surveillance that included opening of mail between committee employes and persons in foreign countries, he said.

Ethel Taylor, head of the Women's Strike for Peace, which urges international disarmament, said her FBI files show she had been under surveillance since 1956.

Chicago attorney Richard M. Guttman, who represents 18 organizations that contend they were under surveillance during the 1968 Democratic National Convention and later, said all CIA covert operations in the United States and abroad should be prohibited.

ARTICLE APPEARED
ON PAGE 12 APHILADELPHIA INQUIRER
12 July 1978

3 targets oppose new CIA charter

By Mike Shanahan
Associated Press

WASHINGTON — Three organizations that were spied on or infiltrated by the CIA and FBI during the 1960s and early 1970s said yesterday that congressional proposals for a new CIA charter would not prevent future abuses.

Representatives of the American Friends Service Committee, Women Strike for Peace, and a Chicago organization that is fighting the intelligence agencies in a lawsuit testified about their opposition before the Senate Select Committee on Intelligence.

Louis W. Schneider, executive secretary of the Philadelphia-based Friends committee, said his organization had obtained 10,000 pages of files on it kept by various government agencies, including the CIA, the FBI, the State Department, the IRS and the armed services.

He said the files showed that there had been constant FBI surveillance of the committee, which won a Nobel Peace Prize in 1947.

In addition, Schneider said, the CIA opened official mail between committee employes and persons in foreign countries, including the Soviet Union. The Friends committee actively opposed the Vietnam war.

The Senate committee is considering legislation that would limit the CIA's authority, but Schneider said that intelligence officials or White House occupants might find ways to justify illegal surveillance despite such a law.

For example, he said, the proposed CIA charter would allow persons attempting to influence policy in foreign countries to be used as a source of information by the CIA.

Schneider said that many Ameri-

can Friends Service Committee workers in countries such as South Africa would fit that description.

Ethel Taylor, who heads the Women Strike for Peace group, which urges international disarmament, said her FBI files showed that she had been under surveillance since 1956.

"It is obvious from my FBI files that agents, women of course, sat on our small committee meetings as we planned actions against the Vietnam war, actions which we gave the fullest publicity possible," she said.

Ms. Taylor said the organization also was under surveillance by CIA agents on the ground that anti-war groups might be obtaining support from foreign sources, a suspicion which she said proved groundless.

Both the service committee and the disarmament group obtained information about surveillance of them through the Freedom of Information Act.

Ms. Taylor said the proposal before the committee was written in such general terms that federal officials inclined toward abuses could claim that any organization was a threat to national security.

Also testifying was Chicago attorney Richard M. Gutman, representing 18 organizations which contend that they were under surveillance during the 1968 Democratic National Convention and later.

Gutman said that CIA files obtained in lawsuits showed that the agency kept close track of all groups protesting at the convention. He said that all CIA covert operations, in the United States and abroad, should be prohibited.

THE WASHINGTON POST
10 July 1978

ARTICLE APPEARED
ON PAGE A-2

Changing Climate May Stymie Intelligence Agency Bill

By George Lardner Jr.

Washington Post Staff Writer

Two years ago, when David Atlee Phillips and like-minded defenders of the Central Intelligence Agency set out on the college lecture circuit, they were routinely confronted by hecklers and protesters denouncing them as "assassins."

The climate has changed. The investigations are over. The recriminations have subsided. The apologists have turned into advocates, urging, even demanding, a stronger hand for the CIA and the rest of the intelligence community despite the record of abuses.

"There's absolutely no question about it," says Phillips, the founder and past president of the Association of Former Intelligence Officers. "A lot of people are saying, 'Gee, the agency has won.' Well, I'm afraid we haven't won. But we have survived."

They may yet be able to claim victory. The CIA—and its congressional overseers, who were first organized in 1975 to cope with disclosures of illegal domestic spying and other misdeeds—stand today at a crucial juncture.

A comprehensive piece of legislation, the National Intelligence Reorganization and Reform Act of 1978 (S. 2525), has been drafted and debated at Senate hearings for months now, but all sides dismiss it as nothing more than a talking paper, a starting point.

Sen. Frank Church (D-Idaho), who served as the chairman of the original Senate Intelligence Committee and its unprecedented investigations, thinks it is already too late.

"Reforms have been delayed to death," he said in an interview. "This has been the defense mechanism of the agency and it could easily have been foreseen . . . Memories are very short. I think the shrewd operators, the friends of the CIA, recognized that time was on their side, that they could hold out against legislative action."

Other senators, members of the present committee such as Walter D. Huddleston (D-Ky.) and Charles McC. Mathias (R-Md.), profess to be more optimistic, insisting that a new legislative charter for the intelligence community will indeed be passed, probably next year. They point out that the Carter administration is, after all, committed to that goal.

But there is increasing uncertainty as to just what kind of intelligence reforms could get through Congress these days and which of those the administration will wind up supporting. The tensions over Africa, the recriminations with the Soviet Union over spies here and there and other signs of what the Russians have called "a chilly war," could, officials agree, produce a stiffer line from the White House.

"We're at a critical period right now," acknowledges Senate Intelligence Committee Chairman Birch Bayh (D-Ind.). "There are significantly more questions being raised in the executive branch right now about the future of (congressional) oversight than there have been in the past. That's why I say we're at a very delicate stage right now."

Bayh indicated that he was speaking of administration concern over some recent news leaks about actual and proposed covert operations, which must now be reported to Congress, however vaguely.

"The whole matter—charters, oversight and everything—I think is going to rise or fall on the (congressional) security question," Bayh told a reporter. "If we cannot convince the president that we can handle this information securely, he's not going to give it to us for oversight and he's not going to continue to support charter legislation that forces the intelligence agencies to give it to us for oversight."

There is also a troubling catch to that proposition, Bayh said. Officials of every administration have been known to leak secret tidbits of information from time to time themselves, for various reasons. That is also happening these days, Bayh is convinced.

"Now what are they grinding and whether it's to release information so that when it hits the papers, they can say, 'Well, look, this is what happens when Congress gets it, I don't know,'" Bayh said.

One of the chief targets of the U.S. intelligence establishment, in any case, is the law under which the president must notify Congress of the CIA's covert operations—which would be euphemistically renamed "special activities" under S. 2525. Repeal of the Hughes-Ryan Amendment, which Congress adopted in 1974, stands at or near the top of any CIA official's legislative "wish list."

Under Hughes-Ryan, covert actions in foreign countries can be undertaken only if the president finds each such operation "important to the national security" and reports it "in a timely fashion to the appropriate committees of the Congress," currently four in each house. Past and present CIA officials regularly denounce the proviso as a "disaster" even though most of the leaks for which Hughes-Ryan is blamed probably would have occurred anyway.

Former CIA Director William E. Colby, for instance, believes the House Intelligence Committee headed by Otis Pike (D-N.Y.) was "mainly" responsible for the fact that "every new thing [covert action] that I briefed Congress about during 1975 leaked."

But the Pike committee, like the Church committee, would have gotten that information anyway, in the course of its congressionally mandated investigations, even if Hughes-Ryan had never been passed. Its successors, the permanent Senate and House Intelligence committees, will continue to get that information even if Hughes-Ryan is repealed. Only the three other committees in each house, Appropriations, Armed Services and Foreign or International Relations, will be cut off.

Still, repeal of Hughes-Ryan has become a goal for the intelligence community in the legislative battles that lie ahead.

"Four committees in each house is absurd," Colby declared. "The breadth of the reporting makes it much less of a secret, more of a topic of conversation."

CONTINUED

For the intelligence agencies, other goals—and potential signs of who wins, who loses—include passage of a law that would make it a felony for intelligence officers, past or present, to reveal a secret and of a statute that would give the CIA more, rather than less, freedom to undertake covert actions.

"There's been a failure on the part of the administration and Congress, in particular, to start off with first things first, which is to define the nature of the threat," asserts James J. Angleton, former CIA counterintelligence chief and now chairman of the Security and Intelligence Fund. "Once you define the threat, you can come up with rules and regulations to confine the threat. That way, you can get rid of all this adversary business [with Congress and the courts] brought in by the left wing."

At present, the rules governing U.S. intelligence agencies are embodied in an executive order President Carter issued in January, which contains various prohibitions and restrictions on covert operations, including a ban on assassinations. Critics such as the Center for National Security Studies have complained that it also leaves the door open for extensive surveillance without a warrant, including break-ins, directed against people in this country.

"The order contains the most explicit and far reaching claim of an inherent presidential right to intrude without a warrant, into areas protected by the Fourth Amendment ever stated publicly by an American president," observes the center's director, Morton H. Halperin.

Designed as a temporary charter, the executive order was written in close consultation with the Senate Intelligence Committee, which then introduced the proposed National Intelligence Reorganization and Reform Act. It would put the American intelligence community under a new director of national intelligence and restrict a wide range of abuses such as burglaries, mail intercepts and drug experimentation. Slightly stronger than Carter's executive order and stitched together with a wide array of reporting requirements, it has also been assailed from all sides.

On the one hand, the American Civil Liberties Union regards the 263-page bill as "very close to being worse than nothing," reports ACLU legislative counsel Jerry Berman.

"The bill broadly authorizes covert operations, paramilitary operations and intrusive investigations of American citizens," he protested. "It takes away the 'inherent power' of the president to do those things, but then gives him the express power to do them, with all the flexibility he had before. As for the prohibitions in the bill, you could drive a truck through some of them. It says, for instance, no covert operations resulting in 'mass destruction of property.' What's 'mass'?"

The Security and Intelligence Fund sees it differently. Angleton clearly

considers the bill the product of a left-wing cabal, an "altogether familiar company of wreckers" led by "arch-liberal politicians" such as Vice President Mondale.

S. 2525, the fund says in its most recent situation report, is "so drastic in its language, so summary in its authority, that it will, if adopted in anything like its present form, leave the two principal intelligence agencies—the CIA and the FBI—all but impotent as far as coping successfully with subversion, espionage and terror is concerned."

"I don't think the president has shown any leadership in the matter," Angleton added. Instead, he said, Carter has left it to Mondale — whom the fund describes as Church's once "ardent lieutenant" on the Senate Intelligence Committee — and to David Aaron, Mondale's former Senate aide, who is now deputy White House assistant for national security.

In any event, congressional sources say that Aaron's boss at the White House, Zbigniew Brzezinski, has shown absolutely no interest in the subject. Indeed, by Brzezinski's reported standards, he ought to be opposed to major portions of both S. 2525 and the Carter executive order. According to a recent article in The New Yorker, Brzezinski has not only expressed concern about the restrictions placed on the CIA as a result of the disclosures of recent years, but he is also troubled by the number of reviews required for certain operations. And he is said to think that Carter ought to have "deniability" — that covert actions should be carried out in such a way that the president could disclaim them instead of being held accountable for them.

Not surprisingly, former CIA Director Richard M. Helms says he's heard various accounts of where the administration stands on the issue of intelligence "reforms" and isn't sure which account, if any, is correct.

"I must say I've had the second- or third-hand impression that the White House is more interested in controlling the (CIA) organization than it is in the legislation," Helms said.

Administration officials, however, say a close watch is being maintained by a special interagency working group that has been going over the bill, line by line, for the National Security Council at regular meetings in the F Street offices of the director of central intelligence. Its strategy will be to argue against anything that departs from the structure of the executive order, to hold out for more flexibility and less restrictions on covert actions.

The Senate bill defines covert actions "in such a way that you'd have to rule out a lot of things done today," one source said. Under S. 2525, such operations would have to be "essential to the conduct of the foreign policy or the national defense" and not just "important to the national security," as present law requires.

Such restrictive readings, it must be noted, are not CIA's normal style and perhaps reflect only a strategic position of the moment. As one of the leading students of the agency, Harry Howe Ransom, says in his book, "The Intelligence Establishment," "Probably no other organization of the federal government has taken such liberties in interpreting its legally assigned functions as has the CIA."

The administration's professed reservations, however, are so extensive that its intelligence experts will probably produce a "counterdraft" to S. 2525 sometime this fall. It is also counting on the House to insist on a more conservative tack.

A preliminary test of sentiments in the House is expected this summer when a bill to control national security wiretaps and bugging comes up for a vote. Originally a slice of S. 2525, it narrowly escaped premature death last month in a House Judiciary subcommittee where liberals and conservatives alike were hoping to shoot it down, for completely opposite reasons.

Church says he senses little enthusiasm for S. 2525 in Congress at the moment, much less for stronger controls.

"It may very well be that last year — the first year of the new administration — represented the last best chance for enacting into law the reforms my committee recommended (in 1976)," he said. "I thought during the campaign that a high priority was going to be attached to the 'cloak and dagger effort,' but it became clear that this was of secondary importance to the new administration."

Alluding to the strong intelligence-establishment flavor of the Senate hearings thus far on S. 2525, Church added: "It is obvious by now that very little thought is any longer being given to the fact that these agencies were engaged in gross violations of American law . . . Now we are being treated to tendentious testimony that any limitations on the CIA with respect to covert activities in the future would be 'demeaning' (as Washington lawyer Clark Clifford, the leadoff witness, put it) to the agency—as if the American people hadn't been demeaned enough."

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THE WASHINGTON POST
13 July 1978

Intelligence 'Reform' Sent to Floor

By George Lardner Jr.
Washington Post Staff Writer

The House Rules Committee yesterday brushed aside a rear-guard GOP request to bottle up the first major legislative "reform" for the nation's intelligence community and cleared the measure for floor debate.

On a voice vote, the committee approved consideration of the bill—designed to impose judicial safeguards on national security wiretapping and bugging in this country—under a rule aimed at preventing surprise amendments.

House Intelligence Committee Chairman Edward P. Boland (D-Mass.) defended the approach because of the bill's complexity. Under the Rules Committee action, no floor amendments will be allowed unless they have been printed in the Congressional Record three days before the issue comes up on the House floor.

Boland said this would give the intelligence agencies a chance to study the impact of any major revisions.

Rep. Robert N. McClory (R-Ill.) charged that the legislation was being "railroaded" through the Congress. He maintained that it should be held up until the House Judiciary Committee took it up on its merits.

"This is just an unbelievable procedure . . . incomprehensible," McClory protested as a witness before the Rules Committee.

Supported by the Carter administration, including the heads of the Central Intelligence Agency, the FBI and the National Security Agency, the bill would require issuance of a judicial warrant in most foreign cases before electronic surveillance could be undertaken.

Although the warrants would be issued secretly, McClory adamantly opposed court review of the government's electronic spywork. "What if the

judge says no?" he objected. "What happens to your country?"

Rep. Morgan Murphy (D-Ill.) replied that the government was saying "no" in many cases already "because agents are afraid to undertake this duty. They're being sued." The government has for decades claimed the inherent power to carry out warrantless electronic surveillance in national security cases, but Murphy contended that the Supreme Court might well strike it down as unconstitutional unless Congress adopts legislation making the authority explicit.

The precariously balanced measure was approved by the House Intelligence Committee in May on an 8-to-2 vote, with McClory and Rep. John Ashbrook (R-Ohio) dissenting, but then it ran into stiffer opposition in the House Judiciary Committee, which has concurrent jurisdiction and where McClory is also a member.

A House Judiciary subcommittee headed by Rep. Robert W. Kastenmeier (D-Wis.) finessed the prospect of any crippling amendments being tacked on there by voting 4 to 3 last month to table the bill. That left the Intelligence Committee free to take its version to the floor.

Reminding Rules Committee members of the abuses of recent years in the name of national security, Boland emphasized the support for the measure from the top echelons of the intelligence agencies.

Rep. Bob Wilson (R-Calif.), the vice chairman of the Intelligence Committee, contended that the support was largely lip-service and that privately "many intelligence officers who can't testify" strongly oppose the bill. He told a reporter later, however, that he expects it to pass largely intact. The Senate has already passed a similar measure by a vote of 95 to 1.

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Carter Calls Meeting on Unauthorized Disclosures

By TERENCE SMITH

Special to The New York Times

WASHINGTON, July 11 — President Carter summoned key members of Congress to the White House today to discuss an "epidemic" of unauthorized disclosure of classified information from Capitol Hill that the President said was drying up intelligence sources and damaging national security.

As a result of such disclosures, the President told the Congressmen, crucial foreign intelligence sources are no longer prepared to share information with the United States.

"The President cited one example of a formerly reliable source who said recently that he knew something interesting but wasn't going to tell us because he was sure he would see it in the newspaper if he did," Senator Howard H. Baker Jr., the minority leader, told reporters after the hour-long meeting.

Too Much Access

Senator Baker added that he and most of the other Congressmen agreed that as a result of the new oversight responsibilities of Congress, "too many people on the

Hill have too much access to too much classified information." Mr. Baker said that he had indicated he was prepared to review the oversight procedures to see if sensitive material could be better protected.

In addition, White House sources said that the President had directed a review of executive branch procedures to reduce both the amount of information that was classified as secret and the number of persons who had access to it.

At the closed meeting, Mr. Carter cited several examples of recent disclosures that he felt were damaging, but neither the Congressmen nor the White House was prepared to single out specific cases for reporters later.

Prompted by 'Leaks'

Senator Barry Goldwater, Republican of Arizona, who was one of the participants, said that the President's concern was prompted by "leaks that have appeared in The New York Times and The Washington Post over a long period of time."

But, aside from citing the publication of the Pentagon Papers in 1971, Mr. Goldwater also declined to be specific or to ex-

plain how the disclosures had damaged the national security.

The unusual and high-level meeting was attended by ranking members of the Senate and House intelligence committees and the leadership from both parties. The Administration officials included Secretary of State Cyrus R. Vance, Defense Secretary Harold Brown, National Security Adviser Zbigniew Brzezinski and Stansfield Turner, the Director of Central Intelligence.

Pledged to Supply Information

It was not clear why the President had decided to hold the meeting at this time, nor what he expected the Congressmen to do about a problem that has plagued Administrations in recent years. Mr. Carter specifically pledged to continue supplying classified information to Congress in line with recent arrangements for Congressional oversight of American intelligence activities.

Congressional sources speculated later that the President might have been concerned about some pending disclosure of sensitive information or have been trying to reassure allied nations that the United States was trying to prevent disclosures.

But several of the participants said that they were puzzled as to why the President had summoned them at this time.

Today's meeting reportedly was originally scheduled for May or early June, when the Administration was concerned about the disclosure of information in connection with the downing of a South Korean airliner in the Soviet Union. The White House was also concerned at the time about exposure of communication intercept techniques during the Korean influence-buying investigation.

But the meeting was delayed by scheduling and other conflicts and was put off until today, reliable sources said.

At the daily news briefing, Jody Powell, the White House press secretary, insisted that the President's concern was the result of a "number of situations in which classified information was improperly released." Some of these disclosures, he conceded, had come from the executive branch.

Asked if he included the White House, Mr. Powell said, "When we decide to make a leak, we make sure it does not jeopardize national security."

Mr. Powell stressed that he did not think "the Republic is about to collapse" because of the disclosures, but he said that the Administration felt it should do all it could to reduce the disclosure of sensitive information.

THE WASHINGTON POST
12 July 1978

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Carter: Intelligence Leaks Harming Security

By Edward Walsh

Washington Post Staff Writer

President Carter complained to a congressional delegation yesterday that leaks of classified information are hampering intelligence-gathering efforts and damaging national security.

Neither the lawmakers who attended the morning meeting nor White House press secretary Jody Powell would later cite specific leaks that had triggered Carter's expression of concern.

"I don't know of any specific story," Powell said. "You're talking about an accumulation of events that we have been attempting to deal with and that we felt should be brought to the attention of the members of Congress."

Pressed for details and told Carter's complaint lacked credibility without examples, Powell became irritated.

"I really don't give a damn whether you believe it or not," he said.

White House officials arranged the meeting, which was attended by a bipartisan group of congressional leaders and members of the Senate and House committees that deal with foreign relations and intelligence.

The White House had announced the meeting in advance, virtually guaranteeing that any presidential comments would be made public by those who attended.

But the precise reasons for Carter's summoning the congressional delegation yesterday remained unclear. Congress is now considering legislation that would provide charters for U.S. intelligence agencies, impose restrictions on covert operations, and mandate a wide range of reports on intelligence activities to congressional committees.

The administration is particularly upset with the reporting requirements, arguing that they would swamp the intelligence agencies in bureaucratic minutiae.

Senate Minority Leader Howard H. Baker Jr. (R-Tenn.) said Carter did cite some examples of leaks he considers damaging to the national interest. Baker declined to disclose the example cited, but said the leaks have resulted in a "new reluctance of reliable sources" to provide intelligence.

Powell made the same point during his regular briefing for reporters but, like Baker, did not specify.

"If previously reliable sources are no longer available to you, that has an impact" on American interests, Powell said. He said it is his "understanding" that on occasion intelligence sources, citing fears of leaks to the press, have refused to cooperate with U. S. intelligence agencies.

"If they are not sure you can protect them, they are not willing to talk to you," Powell said.

Neither Powell nor the congressional group said the White House expected to stop all leaks, which Baker described as "epidemic" in Washington. But they said Carter, in expressing his concern, is striving to "minimize" the number of leaks of sensitive information.

Powell said the president has raised the subject of leaks with executive branch officials and felt "he ought to call it to the attention of members of Congress."

ARTICLE APPEARED
ON PAGE 10NEW YORK DAILY NEWS
12 JULY 1978

Carter: Leaked Secrets Dry Up Sources

By JOSEPH VOLZ

Washington (News Bureau)—President Carter complained yesterday that congressional leaks of classified information are making sources more and more reluctant to talk to U.S. intelligence agencies.

Carter met with key members of the House and Senate Intelligence committees who are regularly given highly classified information by the Central Intelligence Agency, National Security Agency, military intelligence groups and the FBI.

Senate Republican leader Howard H. Baker (Tenn.) told newsmen after the meeting: "We had a long talk about leaks. Leaks are an epidemic disease in Washington and I suppose they'll con-

tinue to be. But if you can't stop them, at least you ought to slow them down."

er pledge had been mentioned by Dillon in reports to the City Planning Commission and Budget Commission.

Bennett said that if the museum had simply asked her to fill out a pledge form the litigation could have been avoided.

The surrogate warned that his decision should not persuade other recipients of donations to treat such dona-

tions in a casual manner. He said that such "inexcusable casualness may cause less charitable gift giving by others."

White House Press Secretary Jody Powell declined to discuss specific news leaks but said that the executive branch, as well as Congress, has been responsible.

"If I decide to make a leak, I make sure it will not damage national security," Powell said. "As far as I know, I've never leaked anything that falls into that category."

Powell also conceded that "no doubt in the past there has been overclassification of material."

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BALTIMORE SUN
12 July 1978

Carter seeks halt to intelligence leaks

Washington Bureau of The Sun

Washington—President Carter and a group of House and Senate members agreed yesterday on the need to plug leaks of intelligence information, contending reliable sources have stopped providing the government data they fear will wind up in print.

However, neither the President nor members of the House and Senate intelligence committees presented any concrete plan for dealing with the situation, and the White House press secretary said later the President has no plans at present to endorse specific legislation.

Jody Powell, the press secretary, also declined to give any specific instances where release of intelligence material had compromised a source.

However, Senator Howard H. Baker, Jr. (R., Tenn.), the Senate Republican leader, said Mr. Carter told the lawmakers of a case in which "a formerly reliable source indicated that he knew of a particular situation but wasn't going to tell us because he was sure it would get in the press."

Both Mr. Baker and Senator Barry M. Goldwater (R., Ariz.) agreed that one problem was too many people have access to classified data. And Mr. Carter acknowledged his administration has been a source of some leaks.

The issue dominated the daily news briefing. Mr. Powell became exasperated at questions that suggested any effort to plug leaks might bring actions such as tactics used by the White House "plumbers" under former President Nixon.

"It doesn't have anything to do with plumbers," Mr. Powell said.

"All of you are familiar with the problem of protecting sources," he told the White House press corps. "I would assume you would understand our concern about it."

NATIONAL/INTERNATIONAL

Carter says leaks by Congress are threat to national security

By Brooks Jackson
Associated Press

WASHINGTON — President Carter summoned key members of Congress to the White House yesterday to hear his complaints that congressional leaks of classified information were damaging national security.

Senate Minority Leader Howard H. Baker Jr. (R., Tenn.) said afterward that Carter had told the group that intelligence sources were drying up because they feared their confidential information would find its way into news reports.

A White House official, who asked not to be named, said that Carter had acknowledged that some leaks came from within his administration, and that he had not suggested how the legislators should stem their own leaks.

The official also said that Carter had pledged to continue supplying classified information to legislators in line with recent agreements to keep Congress aware of certain U.S. intelligence activities.

"We had a long talk about leaks," Baker said. "Leaks are an epidemic disease in Washington, and I suppose they'll continue to be. But if you can't stop them, at least you ought to slow them down."

Sen. Barry Goldwater (R., Ariz.) said Carter opened the discussion about leaks because the situation was "getting serious."

"The leaks that we are concerned about cover a general classification of leaks that have been published in the New York Times and the Washington Post over a long period of time," Goldwater said.

The White House official said that no single story or news organization prompted Carter's concern.

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WALL STREET JOURNAL
12 July 1978

What's News—

World-Wide

Reliable intelligence sources are drying up because they fear confidential information will be leaked to news media, President Carter complained in a meeting with key Congressmen. A White House official stressed that Carter pledged to continue supplying classified information to Congress and acknowledged that the administration also was responsible for some leaks.

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ARTICLE APPEARED
ON PAGE A-2NEW YORK TIMES
11 JULY 1978

Lesson of Shaba:

Carter Risked Serious 'Credibility Gap'

By RICHARD BURT

Special to The New York Times

WASHINGTON, July 10 — On May 25, when President Carter accused Cuba of having backed the attack by Katangans on Zaire's southern province of Shaba, some intelligence officials doubted that the Administration had conclusive evidence to support the allegation.

News Analysis Most of the officials, interviewed in recent weeks, agreed that subsequent information on the attack, which began May 11, tended to substantiate Mr. Carter's statement. But at least one high official continued to question the assertion, and others acknowledged that the initial intelligence on the nature and extent of Cuban involvement was inconclusive when the Government made the matter public.

Accordingly, while intelligence specialists are now satisfied that Mr. Carter was correct in asserting that Cuba was deeply involved in training and supplying the invaders, several say in private that the White House narrowly missed coming out of the affair with a serious credibility gap.

Limitations in Political Arena

The Defense Department's senior intelligence official, Adm. Daniel J. Murphy, hinted at this when he said in a speech that the incursion was "an example of the limitations of intelligence in making a political point." In little-noticed remarks to the National Military Intelligence Association, Admiral Murphy also said that the Administration still lacked "what the press would term hard, conclusive, publicly available evidence or proof of Cuban involvement."

Several experts see in the whole affair a series of troubling questions concerning the Administration's use, and possible abuse, of intelligence in conducting foreign policy. The questions include these:

① Did the Director of Central Intelligence, Adm. Stansfield Turner, in an attempt to respond to the White House's policy needs, exercise proper caution in assessing early reports of Cuban involvement?

② Were Mr. Carter's advisers, intent on drawing the line against Soviet and Cuban advances in the region, too eager to make political capital out of the Central Intelligence Agency's findings?

③ Why did the White House choose to engage in an open dispute with President Fidel Castro over the issue of Cuban involvement when it was unwilling or unable to make evidence public to support its case?

These questions have set off intense debate in intelligence circles, and Congressional aides report that Senator Birch Bayh, chairman of the Senate Intelligence Committee, has ordered an investigation of the Administration's performance in the affair.

White House-C.I.A. Strains

At the same time the episode is said to have created deep strains between the White House and the C.I.A., with intelligence officials arguing that Presidential aides, in an effort to back up Mr. Carter's contentions, put pressure on the agency to divulge classified information that could have jeopardized sensitive sources. White House officials, for their part, complain that at the outset the agency exaggerated the Cuban role and was unable to provide the President with hard proof with which to back up his statement.

Intelligence information has often played a vital role in efforts by American administrations to build support for controversial foreign policy decisions. In 1962, for example, President John F. Kennedy used photographic evidence to justify his naval blockade of Cuba. Two years later President Lyndon B. Johnson, in an effort to gain Congressional support for escalating the war in Vietnam, said that an intercepted radio message proved that North Vietnamese gunboats had attacked two American warships in the Gulf of Tonkin.

Risk in Strong Allegations

With regard to Shaba, the officials pointed to two factors that, they said, made it risky for the Administration to make strong allegations concerning Cuban involvement. The first is that Zaire and Angola, where the incursion originated, are classified as intelligence-deprived areas, meaning that before and during the incursion intelligence specialists never had a clear picture of what was going on. The officials said that in May few American reconnaissance satellites and listening devices were focused on the region and that intelligence reports were based almost exclusively on data gathered from African diplomats, agents from other nations and prisoners taken by French and Belgian paratroopers who moved into Shaba in response to the attack.

"What we had," an analyst recalled, "was just a steady accumulation of evidence, some of it contradictory, that built up through the first week of June. What we lacked was any single piece of intelligence to convince the skeptics."

The second factor posing problems for the Administration was the confusing and fast-shifting situation in southeastern Zaire, the scene of almost two decades of constant insurgency. The Katangans, exiled to Angola after the civil war in the former Belgian Congo in the early 1960's, were equipped and trained by Cuban advisers in late 1973 to take a part in the pos-

independence conflict in Angola that led to the formation of Agostinho Neto's Marxist Government. Although Dr. Neto's victory increased the difficulty of Western intelligence collection in Angola, American analysts believed they had evidence that Cuba continued to provide training and support for the Katangans and helped them carry out their first invasion of Shaba, in March 1977.

Despite this the Central Intelligence Agency is said to have been cautious in interagency discussions in specifying the extent of Cuban responsibility for the 1977 attack, and the White House did not make it an issue in relations with Havana.

Shaba Not Mentioned in Criticism

When some 5,000 Katangans swept into Shaba early in May and quickly seized the mining center of Kolwezi, it appeared at first that the Administration had again decided to play down the possible Cuban role despite continuing reports that Cuban advisers had maintained their close links with the invading force. On May 14 Mr. Carter sharply criticized Cuba for obstructing the "peaceful settlement of disputes," but he did not refer to the Shaba attack.

On May 16, officials said, the State Department sent a message to President Castro asking support in ending the fighting and facilitating a Katangan withdrawal. At the same time the department spokesman, Hodding Carter 3d, told reporters that information concerning Cuban involvement was sketchy.

The following day Mr. Castro called in the chief American diplomat in Havana, Lyle F. Lane, and denied any role in the invasion, saying that he knew of plans for the attack a month or so in advance and tried unsuccessfully to stop it.

As the Administration moved to airlift French and Belgian forces into Zaire to repel the invaders, however, the issue of Cuban involvement suddenly loomed larger. According to officials, a decisive moment came during a meeting at the White House on May 19, when an interagency working group organizing the American airlift under the chairmanship of the deputy national security adviser, David L. Aaron, was told by C.I.A. offi-

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cialists that Cuba had played a vital role in facilitating the incursion.

C.I.A. Confidence a Surprise

"We all thought that Cuba was somehow involved in the affair," a participant related, "but some people seemed surprised that the C.I.A. seemed so sure of its information."

Immediately after the meeting Mr. Aaron, upon discussing the issue with other White House officials, including the Presidential press secretary, Jody Powell, is said to have instructed the State Department to inform reporters of the C.I.A. finding. At the State Department's noon press briefing that day, Tom Reston, a spokesman, announced that "it is now our understanding that the insurgents in Shaba Province have been trained recently by Cubans." Later in the day Secretary of State Cyrus R. Vance, in a background briefing, said that he was not aware of Cuban involvement but that his press aide may have seen more recent information.

The State Department statement led to immediate denials by Cuban officials and expressions of skepticism by Senator George McGovern, Democrat of South

Dakota. Administration spokesmen continued to contend that Cuba had played a direct role in supporting the attack, and on May 23 Mr. Reston told reporters that new information confirmed the Administration's case.

On May 24 Mr. Aaron, Mr. Powell, Hamilton Jordan, Mr. Carter's assistant, and the Deputy Secretary of State, Warren M. Christopher, drafted a statement on the Cuban role for Mr. Carter. At a news conference in Chicago the next day he reiterated the charge that Cuba had trained and equipped the Katangans and asserted that it had done nothing to restrain the attack.

The Case Could Go Either Way

In retrospect, intelligence specialists acknowledge that they were troubled by those statements. One official with close access to information available to the White House at the time said: "After looking at it, I realized it was possible to make the case either way. The guy who was briefing the President had a big load on his shoulders." An official in another agency charged with evaluating the information commented, "The President was probably right, but the evidence just wasn't there to back him up."

Asked why the Administration went out on a limb late in May, some officials said it reflected the inevitable White House tendency to shape intelligence to fit policy. "The Cuban thing came along just at the right time," one explained. Referring to Mr. Carter's national security adviser, he went on, "The President was in trouble in the polls for not standing up to Moscow and Havana while Brzezinski and others were getting increasingly upset by events in Africa."

Others also argued that top intelligence aides, particularly Admiral Turner, were perhaps too eager to provide political ammunition for the White House. Admiral Turner is known in the Government as ambitious and keenly interested in policy matters. Earlier in May he had evidently cooperated with White House officials in pursuing the possibility of resuming American aid to covert anti-Marxist groups in Angola.

Still other officials suggested, however, that Admiral Turner, lacking great experience in intelligence questions, might not have recognized what one specialist called "the grayness of these types of cases."

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THE WASHINGTON POST
8 July 1978

Contempt Citation Against Bell Is Temporarily Suspended

By Charles R. Babcock

Washington Post Staff Writer

Attorney General Griffin B. Bell won a round yesterday in his fight to prevent disclosure of secret FBI informant files.

A federal appeals court judge in New York temporarily suspended a lower-court order holding Bell in contempt of court to allow time for an appeals court panel to review the unprecedented action.

Judge Murray I. Gurfein of the 2nd U.S. Circuit Court of Appeals said the "exceptional" nature of the case led him to conclude Bell was entitled to an appeal.

It is now likely the heated legal battle between the attorney general and the Socialist Workers Party, backed by U.S. District Court Judge Thomas P. Griesa, will not be settled until this fall, when the 2nd Circuit starts its next session.

The SWP and its youth affiliate, the Young Socialist Alliance, have been seeking to review raw informant files for evidence in their \$40 million civil suit against the government for allegedly illegal FBI spying.

Bell has argued that turning over the 18 files—an action ordered by Griesa in May 1977—would break government promises of confidentiality to informants.

Earlier efforts to appeal that order were rejected on technical grounds because it was not the final judgment in the case. A 2nd Circuit panel, in fact, expressed sympathy with Bell's position last year, but said it simply could not review his intermediate "discovery" order. The Supreme Court also declined review.

Griesa escalated the seriousness of the confrontation between the executive and judicial branches in the past week by ordering Bell held in contempt of court for refusing to obey his order.

Bell said he was willing to be held in contempt if that were necessary to get appellate review of the informant issue.

Gurfein said yesterday that he was issuing an oral opinion because of the "legitimate public interest" in the case. "Everybody will be better off if there is appellate review," he said.

If the SWP attorneys win, the judge said, they "will have a solid base on which to proceed.... If they lose, we will have prevented an untimely spilling of the beans in a situation that does not require it and which is irreparable in its terms."

Gurfein said he thought it important that appellate courts "straighten out this entire question of informer's privilege." Giving it up too easily, he said, "may in certain cases result in assassination and death."

The judge likened the current confrontation to the one in which President Nixon sought and was granted immediate review of a lower-court order that he turn over the Watergate tape recordings so he wouldn't have to be held in contempt to trigger an appeal.

Gurfein said that in "normal" court proceedings the government "is entitled to no special privileges beyond that of the ordinary citizen, and that remains true." But he added that the current case involved an "institutional confrontation between the highest echelons of the executive branch and the judiciary."

The judge took pains to say he was not prejudging the merits of the case and that he recognized the importance of the SWP position.

"I decide simply that there is merit in Mr. Fiske's argument that the government has the right to appeal." Robert B. Fiske Jr. is the U.S. attorney in New York who argued the case for the government.

Special correspondent John Kennedy contributed to this article.

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NEW YORK TIMES
8 JULY 1978

BELL IS GIVEN STAY OF CONTEMPT ORDER

Attorney General Wins Legal Delay Pending Appeal of a Ruling in Case Involving Informers

By ARNOLD H. LUBASH

Attorney General Griffin B. Bell won a stay yesterday of an order holding him in contempt of court for refusing to release informer files in a \$40 million suit by the Socialist Workers Party.

After a two-hour hearing in Manhattan, the stay was issued by Judge Murray I. Gurfein of the United States Court of Appeals for the Second Circuit. Judge Gurfein stayed the one-day contempt order pending the Government's appeal of the dispute, which he termed "an historic confrontation."

Robert B. Fiske Jr., the United States Attorney who argued for Mr. Bell, said that the stay "means that, as of now, the Attorney General is not in contempt," and added that it would be "damaging for the Attorney General and for the country if he continued to be in contempt."

Legal experts said that the stay temporarily lifted the contempt for practical purposes because no sanctions can be imposed while it is in effect, but that the Attorney General might technically remain in contempt until the contempt order was reversed.

High Court Ruling Likely

The appeal to the appellate court could take several weeks, with the case heading eventually for the United States Supreme Court.

Margaret Winter, an attorney for the Socialist Workers, said she was "disappointed" by the stay because it would prolong the case, but added that "the important thing is that we ultimately get these files" as evidence that the Government illegally used informers to disrupt the political activities of the Socialist Workers.

On Thursday, Federal District Judge Thomas P. Griesa held the Attorney General in contempt for his refusal to give the Government's files on 18 unidentified informers to attorneys for the Socialist Workers. The files represent a sample of 1,300 informers who spied on the small Trotskyist party.

Judge Griesa said he was prepared to consider "more drastic sanctions" against the Attorney General, including possible imprisonment, to compel disclosure of the informer files.

Confidentiality Held Crucial

In arguing for a stay of the contempt order, Mr. Fiske told Judge Gurfein yesterday that disclosure of the files would violate the crucial confidentiality of informers and cause "incalculable harm to the nation's ability to protect itself."

Mr. Fiske contended that "there was a precipitous rush to contempt in this case" because Judge Griesa had not explored alternative sanctions, which could forfeit part of the suit in favor of the Socialist Workers, instead of resorting to contempt.

"I suppose," Judge Gurfein interjected, "the ultimate sanction in this case would be awarding \$40 million to the Socialist Workers Party."

The Government's contention that the contempt order was "unprecedented" was disputed by Miss Winter in her argument against the stay. She cited a 1951 case in which the Acting Attorney General and the Secretary of Commerce were held in contempt for refusing to return some stock at the end of a civil case.

"As far as we know," Miss Winter added, "no other Cabinet official has ever been held in contempt."

Evidence Called Indispensible

She argued that the Government's informers had used burglaries and other "criminal tactics" against the Socialist Workers, adding that the informer files contained indispensable evidence because "we don't know what kind of harm the Government was inflicting on us."

Judge Gurfein told her that "you may prevail ultimately, but I don't see why anyone loses if there is a stay pending appeal."

Noting that the appellate court had rejected an earlier appeal of the order to release the files, Judge Gurfein said, "All that the court decided was that, at that stage of the proceedings, with the only thing outstanding being an order to produce documents, it was an interlocutory order, which is not appealable."

"The general rule in the Federal courts is that there is no appeal until a final judgement in a civil case," the judge continued, noting that the rule was designed to prevent delays that would upset the proceedings.

"But this general rule of finality is sometimes abrogated," he said, adding that, in "certain exceptional cases," an appeal after a final judgement might be too late to do any good. He noted that a contempt order in a civil case was not normally appealable.

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THE WASHINGTON POST
12 July 1978

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Prosecution Witnesses Say Scharansk Passed Soviet Intelligence to the West

By Kevin Klose

Washington Post Foreign Service

MOSCOW—A parade of Soviet prosecution witnesses accused Jewish dissident Anatoly Scharansky at a secret session of his treason trial yesterday of gathering and sending to the West intelligence on Soviet space research, "classified" sociology and parapsychology data, and defense factories.

According to a press statement issued by the court—the only information source for yesterday's session—11 witnesses testified against Scharansky. The witnesses included the principal accuser, Dr. Sonya Lipavsky, a physician who ministered to dissidents and who has turned out to be both a KGB informer and a one-time "volunteer" for the Central Intelligence Agency.

The official court account gave little information on Scharansky's responses to these accusers, as the trial completed its second day amid continued strong reaction from the United States and other Western countries to this trial and that of Alexander Ginzburg, a longtime human rights activist.

The anger and frustration in Washington especially constitutes a factor in the strategic arms limitation talks scheduled to begin in Geneva today between Secretary of State Cyrus Vance and Soviet Foreign Minister Andrei Gromyko.

At the Ginzburg trial, also in its second day in Kaluga, a provincial city south of here, Arina Ginzburg, Alexander's wife, was ejected after she stood up and protested that one prosecution witness' testimony was "lies from beginning to end."

The witness was Arkady Gradyboev, an artist friend of Ginzburg's who reportedly testified that Arina Ginzburg had threatened him after he testified Monday.

Prosecution witnesses finished yesterday, alleging that reports issued by the Moscow group to monitor Soviet compliance with the human rights provisions of the Helsinki accords slandered the Soviet state. Ginzburg, Scharansky and Yuri Orlov helped found the group, one of several set up around the county. Orlov has been convicted of anti-Soviet agitation; the same charge lodged against Ginzburg and against Scharansky, whose additional treason charge carries a maximum penalty of death.

The Ginzburg accusers sought to rebut reports of the Helsinki group that alleged psychiatric imprisonment of political prisoners and inhumane conditions in Soviet labor camps. They also alleged that a relief fund for political prisoners that Ginzburg administered from Western royalties earned by his friend, Alexander Solzhenitsyn's works "has been set up specially to finance hostile-minded persons," the official court report said. The money went to enemies of the state, they said.

Ginzburg, 41, who suffers from heart and stomach illnesses, was made to stand throughout the proceedings, his wife said.

Much of yesterday's prosecution of Scharansky, 30, a computer programmer who was refused an exit visa to Israel and became a pivotal figure in the Moscow human rights movement, apparently centered on his relations with Robert Toth, a former Los Angeles Times correspondent here.

The court statement did not mention Toth by name, but Leonid Scharansky, Anatoly's brother, who attended the opening session Monday, reported then that the prosecutor, Pyotr Solonin, had identified Toth as an American intelligence agent posing as a journalist. Toth denied the allegation.

Scharansky was aided, according to the official account of the prosecution, evidence by Vital Rubin, a former Soviet who now lives in Israel. Rubin was a spy who sent Scharansky "through the diplomatic mail of one of the embassies a written assignment" to collect information on the role, staffing and location of various defense enterprises, the court statement said.

According to the official account, "a number of witnesses" asserted that Scharansky, guided by ambitious, selfish aims, and "through an agent of a military intelligence service who worked in Moscow as a correspondent, [passed] on the information collected to the West."

The account asserted that the witnesses also gave evidence on other concrete facts of Scharansky's subversive activity, saying it was "paid from the outside and the defendant himself did not work anywhere and was comfortably off being fully sup-

ported by the West in recent years."

Witnesses alleged that Scharansky "repeatedly assisted" Toth "in the course of 1976-77 in establishing on a conspiratorial basis contacts with bearers of secrets from among Soviet scientists and experts in various fields."

Toth was accused of "worming out" information that is not subject to publication, in the open press, on Soviet space research, classified information in the field of sociological research and parapsychology.

On Toth's personal instructions, Scharansky is said to have "personally" questioned a Soviet scientist on the development of engineering genetics, and also obtained information on gene research institutions.

Toth has denied ever spying anywhere and said that the information Scharansky helped obtain was used only in articles for the Los Angeles Times.

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NEW YORK TIMES

13 JULY 1978

SHCHARANSKY'S LINK TO REPORTERS CITED

Soviet's Case Rests on Allegation Dissident Passed On Secrets

By DAVID K. SHIPLER

Special to The New York Times

MOSCOW, July 12 — Regular contacts with American reporters emerged today as the Government's main argument to sustain a capital charge of treason and espionage against Anatoly B. Shcharansky as his trial went through its third day.

The centerpiece of the case against the dissident, according to official statements, has been Mr. Shcharansky's conveyance of allegedly secret information to an unidentified foreign reporter "who cooperated with the military intelligence service of a capitalist state."

[In Geneva, Mr. Shcharansky's wife, Avital, said she was convinced that the Soviet authorities had decided to execute her husband and that the trial would be a signal for a wave of persecution. Page A4.]

U.S. Correspondent Is Named

Although official statements have identified neither the reporter nor the intelligence service mentioned in the Shcharansky trial, Leonid Shcharansky, the defendant's brother, said Robert C. Toth of The Los Angeles Times had been cited in the indictment as an agent of the Central Intelligence Agency. Mr. Toth has denied the charge.

Today, several other correspondents were reportedly named in court, but not in the official communiqué.

Accounts of the trial, which is closed to the public, have been sketchy. Leonid Shcharansky was admitted the first day, but was excluded yesterday and this morning when the trial went into secret session. The statements of the court spokesman have been fairly general.

Anatoly Shcharansky, a 30-year-old Jewish computer specialist who had been barred from emigrating, was accused in the Government newspaper Izvestia before his arrest 16 months ago of links with the C.I.A. President Carter has publicly denied that the agency had any connection with Mr. Shcharansky.

In addition to the Shcharansky case, which is being heard in a civilian court, an apparently genuine espionage trial is taking place simultaneously before a military tribunal, where spy cases are usually handled.

According to Tass, the government press agency, the defendant, an office employee named Anatoly N. Filatov, has been giving details that seem to fit those reported by Izvestia in a recent article about an American agent, Martha Peterson, who was expelled from the Soviet Union a year ago for allegedly planting caches of spy equipment to be picked up by a Soviet citizen. So far, the official statements on the trial have referred only to "foreign intelligence" without making a link with the United States.

A Mixture of Allegations Cited

The evidence in the Shcharansky trial has been a mixture of allegations of espionage and political wrongdoing, including the defendant's alleged efforts "to change the existing Soviet system," as his brother reported one of today's witnesses as having testified.

But the main thrust of the case has been on Mr. Shcharansky's relations with American reporters. He was a public relations man for Jews who, for one reason or another, had been barred from emigration, and he arranged news conferences and interviews and passed information to reporters by telephone.

Yesterday, the court communiqué accused Mr. Shcharansky of having assisted an unidentified correspondent who, it said, "is an agent of a Western military intelligence service," in making contact with Soviet citizens who were privy to secret information about research in sociology, the space program, genetic engineering and parapsychology, the study of extrasensory perception.

Court Testimony Is Summarized

Today, according to the official statement, written testimony from the correspondent was introduced. This may have referred to an account of the security police interrogation of Mr. Toth in June 1977 after the reporter had been seized just as he was being handed a paper on parapsychology. He was made to sign the interrogation, then allowed to leave the country, as scheduled, at the end of his assignment. He is now based in Washington.

"Witnesses testified," the court statement said, "that Shcharansky was the main connecting link between pro-Zionist persons and foreign correspondents. Shcharansky was aware of the fact that his actions and the slanderous materials he transferred abroad were used by the West for torpedoing most important foreign-policy measures of the Soviet state, and also for bringing pressure to bear on the U.S.S.R. as regards a number of questions of an internal character."

Mr. Shcharansky's 70-year-old mother, Ida Milgrom, who has been denied admission to the courtroom, again spent the day with friends on the street outside. She is being barred on the ground that she is to be called as a witness to testify about her son's character, and witnesses are not permitted to attend trial proceedings except for their own testimony.

Aides Seem to Toy With Mother

Attendants at the barricades, seemingly toying with the woman, told her this morning that she might be admitted at noon, but refused to let her pass when the time came. They summoned her again toward the end of the day to invite her as a witness, then refused to let her in. At one point, she sat by herself and wept silently.

Leonid Shcharansky, who was admitted this afternoon after the secret morning session, said his brother was being harassed by judge and prosecutor. Unable to obtain a lawyer of his own choosing and unwilling to accept a court-appointed lawyer, he has been permitted to conduct his own defense. However, he has not been allowed to call witnesses for the defense, and his attempts to cross-examine prosecution witnesses today were largely thwarted, his brother said.

The trial of Aleksandr Ginzburg, another dissident, continued in the town of Kaluga, with the prosecutor demanding eight years in prison and three in exile on the charge of "anti-Soviet agitation and propaganda." Mr. Ginzburg's wife, who was ejected yesterday after a clash with a witness, was barred from the courtroom today.

Toth Denies Information Was Secret

Robert C. Toth, the reporter whose name has been linked with Anatoly B. Shcharansky in the Moscow dissident trial, said yesterday that "there was no secret information provided me by Shcharansky even under Soviet rules of what is secret information."

Mr. Toth, who served as Moscow correspondent of The Los Angeles Times from 1974 to 1977, wrote in that newspaper yesterday that he had collected information from many dissidents, including Mr. Shcharansky, but "there was nothing secret about it." Mr. Toth noted that he had even attributed the information to Mr. Shcharansky and other dissidents in his articles.

Even though the Soviet concept of secrecy covers such information as traffic statistics and salaries of athletes as well as most information not officially released by the Government, Mr. Toth said about the charges against Mr. Shcharansky. "There is no basis in my experience to support conviction for espionage."

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THE WASHINGTON POST
13 July 1978

Toth: 'There Was Nothing Secret'

(Robert C. Toth, who served as The Los Angeles Times' Moscow bureau chief from 1974 to 1977, has been accused by Soviet prosecutors at the Scharansky treason trial of having acted as an agent for a U.S. intelligence service by collecting secret information with Scharansky's help. Toth was temporarily barred from leaving the country and questioned by the KGB secret police in June, 1977, just before his scheduled three-year tour of duty came to an end.)

By Robert C. Toth

Los Angeles Times

Several of my stories have been cited during the treason trial of Soviet dissident Anatoly Scharansky, but the one that appears to be principal focus of Soviet anger appeared in the Los Angeles Times Nov. 22, 1976, under the headline: "Russ Indirectly Reveal 'State Secrets,' Clues in Denials of Jewish Visas."

It was written from information collected over at least a month. Scharansky and other Jewish activists provided the data—the names and former work places of Jews refused exit visas on grounds that they possessed "state secrets" as a result of their jobs.

Scharansky was named in the article, as were others. There was nothing secret about any of it. All information I collected in the Soviet Union was for publication in the Times.

It had occurred to me, after two years in Moscow, that Jews from a strikingly wide range of vocations were being denied exit on secrecy grounds, from soccer players to scientists, from waiters to engineers.

Clearly, some of the "refusedniks," as those who were refused visas called themselves, had once possessed secrets because of their previous work. It seemed obvious, however, that the intelligence value of such information had long perished, since none of these refusedniks had worked at all for over five years.

More important, the capricious use of the "state secrets" excuse to refuse an exit visa to a former worker in the Soviet Milk and Meat Institute, for example, seemed worth a story.

Further, Scharansky and others had already compiled long lists of refusedniks and had transmitted them to their supporters in the United States and Britain to elicit public support for their cause.

The lists showed that some of the same work places at which the refusedniks supposedly had received "secret information," such as the Institute of the Chemical Ministry, were sometimes officially classified as open, or non-secret, by Soviet officials.

The Soviets did this when they wanted to buy advanced technology equipment like computers from Western Europe and the United States, technology that Western governments would not sell to anything but "open" institutes.

For example, Jews who worked on three "oceanographic research vessels" had been denied permission to emigrate on the grounds that they "learned their secrets at their former work places." This suggested that the research vessels were actually spy ships.

My other scientific stories from Moscow that have been cited in the trial dealt with sociology, genetic engineering, space flights, and parapsychology. I am accused of "worming out information that is not subject to publication in the open (Soviet) press," a Soviet court official said.

My article on sociology described unrest in the Soviet Sociological Institute because of ideological restraints on questions to be asked in public opinion polls. Only politically tailored questions could be asked lest non-Marxist replies come back. Most of these polls are for the information of the Communist Party, and very few are ever published.

Scharansky and I had talked about sociology, much as he did with other Western correspondents to whom he offered his help—help intended to make the correspondent more receptive to stories that Scharansky wanted to push about Jews and dissidents.

On genetic engineering, I interviewed a top Soviet geneticist, V. Englehardt, on the subject of splicing genes to make new life species. An aged and much respected scientist, he asked that I submit my story for his approval before publication. Departing from usual practice, I did show him the article, to which he strongly objected.

He had expected it to be in question and answer form, not part of a newspaper story, and he refused to approve it. I tore up the story and wrote another using information not obtained from Englehardt.

Most help came from a refusednik who has now emigrated, E. Trifonov, but that consisted of translating a technical article from a Soviet scientific journal. Scharansky knew of my project but, so far as I recall, provided no information.

Trifonov, in fact, suggested just before his departure that I meet a friend of his, Valerri Petukhov, who was interested in parapsychology as a sideline to his main job in pharmaceuticals. Petukhov, who made contact with me first through Scharansky and then directly himself, gave me the article on the Moscow street a year ago. That was when I was seized by police.

Petukhov was part of a trap, it now seems certain. Dissident sources as well as Western diplomats later reported that he was "commended" by the Communist Party branch of his drug institute for "unmasking" me as a spy. So whatever "secrets" may be hidden in extrasensory perception were, in all likelihood, never available for "worming out" from him.

A Spectacle of Fear

By Tom Wicker

The conviction of Aleksandr Ginzburg and the trial of Anatoly Shcharansky constitute an attack on freedom itself. They remind us once again that this supposed superpower, fearing its own people more than any foreign adversary, permits them not even the most limited human rights of belief and expression. But the trials also make frustratingly clear how little the United States can do to change this depressing condition, not just in the Soviet Union, but for so many of the world's people.

What are human rights anyway? One of our most cherished documents defined them admirably — "life, liberty and the pursuit of happiness." Later, the Bill of Rights specified such freedoms as those of speech and religion. And still another generation added that guarantee of "due process of law" without which rights become empty generalities.

Whatever "rights" may be promised to Soviet citizens, their Government permits no due process to guarantee them; instead, due process is being mocked in the so-called trials of Mr. Shcharansky and Mr. Ginzburg. As a result, not even the barred doors of the courtrooms can hide the hypocrisy, cruelty and fear of the Soviet system from the eyes of the world.

That these shameful proceedings were pursued at all testifies to the desperation with which Soviet officials believe they must counter dissent and stamp it out if possible. They are bound to know that such a spectacle will make it more difficult for Congress, owing to American revulsion, to ratify a sensible SALT agreement or take any other step to improve Soviet-American relations.

Moscow also must know it is risking serious material losses — for example, cancellation of the planned export of computer and oil drilling equipment from this country to the Soviet Union. Since President Carter has publicly denied Soviet allegations that Mr. Shcharansky was a spy for the C.I.A., and personally appealed for the treason charge to be dropped, his trial on precisely that charge is an almost calculated affront to Mr. Carter.

But if their disregard of all these consequences, not to mention the opprobrium of the world, demonstrates the Soviets' implacability, that only underlines the near-helplessness of the United States to do anything effective about it.

Canceling the computer shipments and other exchanges seems clearly warranted, not merely as a rebuke but as a substantive step that might at some future time give the Soviets greater concern for American reaction to their internal indecencies. The State Department's reported view

that canceling the shipments would hurt this country's economic interests without altering Moscow's human rights policy (or lack of one) — ignores the symbolic power of gestures, and may even underestimate Soviet technological needs.

Nevertheless, such American action would be unlikely to have the direct effect of helping Soviet dissidents now, particularly since the Soviets probably would feel compelled to make some blustery response. The same would be true of the more extreme action advocated by a few — that the United States break off the SALT negotiations. Most of this talk is probably for voter consumption in the United States, since such a position seems clearly self-defeating.

It is also ironic in the extreme, if really prompted by concern for human rights. Life is the most basic of all human rights, listed first in the Declaration of Independence. And life is the ultimate concern of the arms limitation talks, because the Soviet Union and the United States with their nuclear arsenals are the greatest threats to life in all its history.

What sense does it make, therefore, to break their connection, tenuous as it is, on this most momentous of issues? And no matter how reprehensible the Soviet Government, who would really be penalized by such an act of folly? The American and Soviet peoples, and all others threatened by nuclear holocaust.

The hard truth is that the United States has little power to affect human

IN THE NATION

rights in the Soviet Union, Cambodia, China, Eastern Europe; but it can, and should, hold up a moral standard to be seen even where its literal power does not run. In other nations — South Africa, for example — American actions may have at least the indirect effect of improving human rights conditions; and these actions should flow from our heritage. In countries heavily dependent on the United States — South Korea, the Philippines, Chile — American policies can have far greater effect, if strongly pursued.

But the United States itself is the most important arena of American concern for human rights, the one where the most can be done. Militant protection of the Bill of Rights, stringent concern for due process of law, the extension of equal economic opportunity to all classes and colors of citizens — these are the first human rights duties of Americans, and in the long run their greatest service even to Anatoly Shcharansky and Aleksandr Ginzburg.

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3 July 1978

Judge Rules Against Snepp on CIA Clearance of Book

AFEDERAL judge, sharply rebuking author Frank Snepp, has ruled that the former CIA agent violated the terms of his secrecy agreement by failing to submit the manuscript of "Decent Interval" for clearance prior to publication.

When *PW* went to press, Federal District Court Judge Oren Lewis had not ruled on the question of punitive damages the government is seeking for the publication of Snepp's book on the fall of Saigon released by Random House last fall. Nor had he issued a written decision.

Snepp will appeal the judge's decision, handed down from the bench in his Alexandria, Va., courtroom June 21 following a one-and-a-half-day trial. At the outset, Judge Lewis denied Snepp a jury trial, asserting that there were no questions of fact to be determined by a jury.

With the support of the American Civil Liberties Union, Snepp will push

for a test of his claim that the CIA secrecy oath violated his First Amendment right and was "fraudulently obtained." The appeal will be made in the U.S. Court of Appeals for the Fourth Circuit in Richmond. That is the Circuit where the CIA earlier won the right to censor classified portions of another Random House book, "The CIA and the Cult of Intelligence" by another former CIA employee, Victor Marchetti, with John D. Marks.

The Justice Department brought the civil suit earlier this year seeking an injunction against further revelations by Snepp, all of the author's earnings from the book and an unspecified amount of punitive damages. Snepp has said that he has now earned about \$60,000 from book sales and the sale of paperback rights.

From the beginning of the trial, Judge Lewis brushed aside Snepp's arguments. "Nobody has got a right to divulge classified information," the

judge said. And the CIA has the right to decide whether secrets are being divulged. By refusing to submit his manuscript for a prepublication going over, he added, Snepp had not given the agency a chance to censor out classified information.

The former CIA agent, who served in Vietnam at the end of the war, argued that no classified information was involved in his account. After Judge Lewis announced his decision, Snepp said: "I think the agency would have torn my book to shreds" despite the absence of classified data, "and that is not what the secrecy agreement is about." Judge Lewis expressed contempt for Snepp during the course of the trial where both former CIA director, William Colby, and the current director, Stansfield Turner, testified that the Snepp defiance of his fiduciary agreement with the agency had flouted the basic system of control over employees. "Over the last six to nine months we have had a number of sources discontinue with us," Turner said. "We have had very strong complaints from foreign intelligence sources. . . . If Snepp is able to get away with this it will appear to other people that we have no control."

Judge Lewis said that Snepp had written his book solely for money and that the nominal damages normally exacted in a breach-of-contract case "would not be a deterrent." Calling Snepp's earnings "ill-gotten gains," the legal phrase used to describe funds received by someone who breaches a business trust, Judge Lewis said that "under the basic law of fiduciary loyalty to an employer, to get inside information . . . and then resign and divulge to the whole world everything that the CIA did" was a clear breach of contract.

Snepp, on the other hand, argued that the CIA is afraid of being embarrassed and having its incompetence exposed. To support this argument he cited many books written by former government officials, based on their experience in government service, that have not been subject to clearance in advance. The author warned that if he loses his case "we'll have a system whereunder former CIA employees will not be able to responsibly criticize the CIA. If the American people want a CIA where employees must muzzle all their grievances, they'll get it."

SUSAN WAGNER

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NEWSWEEK
17 July 1978

THE CIA: Snepp Snipped

After he quit the Central Intelligence Agency, Frank Snepp wrote "Decent Interval," a best seller that cataloged what he called the U.S. Government's disgraceful evacuation of Vietnam in 1975.

The CIA sued, charging that Snepp published the book without submitting it to the CIA for review as he had promised. Last week, Judge Oren R. Lewis ruled in favor of the CIA, and ordered Snepp to put all his profits—about \$60,000 so far, in what Lewis called "ill-gotten gains"—into a court-supervised trust. If Snepp loses his appeal, the money will probably go to the U.S. Treasury. Lewis also barred Snepp from writing anything else about the CIA without its approval.

Lewis, a well-known judicial conservative, said the CIA could not preserve security if agents were "allowed to determine what intelligence ought to be made public." Snepp's lawyers argued that the ruling violates Snepp's First Amendment rights of free speech, especially since Snepp did not disclose classified information. As for the money, Snepp said the court was "welcome" to it. But, he added, "it won't buy back the honor that the CIA lost in . . . Vietnam."

CHICAGO TRIBUNE
8 July 1978

Ex-agent loses CIA book profits

From Tribune Wire Services

WASHINGTON—A federal judge ruled Friday that former CIA agent Frank Snepp violated his secrecy oath by writing an unauthorized book about the agency. He ordered that all of Snepp's "ill-gotten gains" from sales of the highly critical book be given to the government.

"The CIA cannot protect its intelligence sources and methods if its agents are allowed to determine what intelligence ought to be made public," United States District Judge Oren Lewis said in a 14-page ruling released by the court clerk.

Snepp was prohibited "from other violations of his secrecy agreement, by requiring him to submit to the CIA for prepublication review any manuscript which the defendant authors which concerns the Central Intelligence Agency, its activities, or intelligence activities generally which the defendant gained during the course of, or as a result of, his employment."

IF THE RULING isn't overturned on an expected appeal, Snepp stands to lose \$60,000 he has already received from book sales.

"One who breaches his trust and secrecy agreements with the agency of the United States charged with the responsibility for protecting intelligence sources and methods ought not to be permitted to retain his ill-gotten gains," Lewis ruled.

By his actions, Snepp "has caused the United States irreparable harm and loss," Lewis said.

Snepp "willfully, deliberately, and surreptitiously breached his position of trust with the CIA and the secrecy agreement dated Sept. 16, 1968, by causing Random House, Inc., to publish 'Decent Interval' . . . without specific prior

secrecy agreements with the agency of the United States charged with the responsibility for protecting intelligence sources and methods ought not to be permitted to retain his ill-gotten gains," Lewis ruled.

By his actions, Snepp "has caused the United States irreparable harm and loss," Lewis said.

Snepp "willfully, deliberately, and surreptitiously breached his position of trust with the CIA and the secrecy agreement dated Sept. 16, 1968, by causing Random House, Inc., to publish 'Decent Interval' . . . without specific prior approval by the Central Intelligence Agency."

"THIS ACTION," the judge said, "involves a substantial wrong to the United States and to the public's interest in the effective functioning of its government."

Snepp, accompanied by his lawyer, told reporters outside the courthouse, "We will be appealing the decision." He said Lewis' courtroom behavior "was outrageous."

Snepp said Lewis' claim that he had done irreparable harm to the United States and the CIA by publishing the book without prior review was "pure nonsense."

OF THE JUDGE'S order that his profits from "Decent Interval" go to the government, Snepp said: "They are welcome to them. It won't buy back the honor the CIA lost in the final days of the Viet Nam War."

Snepp worked for the CIA from September, 1968, until January, 1976, and served two tours of duty in South Viet Nam. They were from June, 1969, to June, 1971, and from October, 1972, to April, 1975.

ARTICLE APPEARED
ON PAGE A-8

NEW YORK TIMES
8 JULY 1978

Judge Rules Snapp Violated Contract and Must Forfeit Profits on Book

Special to The New York Times

ALEXANDRIA, Va. July 7 — A Federal district judge ruled today that Frank W. Snapp 3d, a former agent of the Central Intelligence Agency, violated his contract in writing an unauthorized book about the agency and ordered that his "ill-gotten gains" be turned over to the Government.

Judge Oren R. Lewis further ordered Mr. Snapp to get the agency's approval before seeking to publish any other material that concerned the agency or intelligence activities in general that he obtained during his employment with the agency.

In a 14-page ruling, Judge Lewis said that Mr. Snapp had "wilfully, deliberately and surreptitiously breached his position of trust with the C.I.A." in publishing his book, "Decent Interval," without obtaining prior clearance.

Outside the Federal courthouse, Mr. Snapp said he would appeal the ruling in the civil suit brought against him by the Government.

Sees Penalty in Criticism

"No American should be deprived of his freedom of speech simply because he criticized the Government," he said.

Mr. Snapp's book dealt with the C.I.A.'s evacuation of Saigon, now called Ho Chi Minh City, at the end of the American involvement in the Vietnam War. Though the Government has not said the book contains any specific classified information, Judge Lewis ruled it had "caused the United States irreparable harm and loss" by impairing the ability of the C.I.A. to gather and protect intelligence.

Robert L. Bernstein, chairman and president of Random House, Mr. Snapp's publisher, said in a statement that today's decision by Judge Lewis showed there were two classes of American citizens.

"One is the select group of high officials including Richard Nixon and Henry Kissinger who are free to make use of classified secret material in the preparation of books and to demand extraordinary sums of money for them," Mr. Bernstein said.

"The second class are the legitimate whistle-blowers, including Frank Snapp, who despite unchallenged care in preventing the compromise of secret material, run the risk of a lifetime gag order and the penalty of forfeiting any earnings from their writings."

He added that the "supreme irony" of the case was that Richard Helms, the former head of the C.I.A., was recently fined \$2,000 "for lying to a Congressional committee and that Frank Snapp has suffered the impoundment of at least \$60,000 for



Associated Press

Frank W. Snapp as he left court yesterday in Alexandria, Va.

telling the truth."

Mr. Snapp said that the advance for his book and the sale of the paperback rights totaled about \$60,000. A spokesman for Random House said that about 65,000 copies of the book had already been sold.

The details of the arrangement suggested by Judge Lewis will be worked out

in an injunction to be negotiated by lawyers for the Government and Mr. Snapp.

'Constructive Trust'

The judge's ruling said only that one who breached his trust and agreements with an agency responsible for protecting intelligence sources and methods should not be permitted to retain "his ill-gotten gains" and that he therefore would impose "a constructive trust" over all revenues, gains, profits and other benefits gained from the book.

Mr. Snapp's lawyer, Marck Lynch, said he assumed that the money under Judge Lewis's proposal would "go to the Treasury."

Attorney General Griffin B. Bell argued several months ago that the suit against Mr. Snapp, if ultimately upheld, was important because he had concluded that such contracts might be the only realistic way for the Government to protect its secrets. This is because the Government's only two remedies to prevent disclosure are through the use of such civil actions or through vigorous prosecution under the criminal law.

Disclosure of Secrets

But the Attorney General noted in an interview that the Government did not like to bring criminal prosecution because if a serious secret was involved, the rules of procedure would almost always require the further disclosure of this secret during a trial.

The C.I.A. is not the only office to require its employees to sign contracts as a condition of employment or upon leaving the Government. Other agencies requiring some kind of contract include the Federal Bureau of Investigation, the State Department, the National Security Agency, various sections of the Treasury Department, the Defense Department, the Nuclear Regulatory Commission and the Department of Energy.

THE WASHINGTON POST

8/ July 1978

ARTICLE APPEARED
ON PAGE A-1,8

Snepp Ordered To Forfeit Profits From CIA Book

By Charles R. Babcock
Washington Post Staff Writer

A federal judge in Alexandria yesterday ordered former CIA officer Frank W. Snepp III to forfeit to the U.S. Treasury all the profits from his unauthorized book on the fall of Saigon.

Snepp also was barred from writing anything else about the Central Intelligence Agency without prior agency review.

The decision by U.S. District Court Judge Oren R. Lewis was not surprising because he had said after a two-day trial last month that he supported the government's position in its first test of the CIA secrecy oath.

Snepp's attorney, Mark Lynch, said yesterday that he will appeal the ruling.

Lewis ordered that a trust account be set up to hold the profits—an estimated \$60,000 so far—from "Decent Interval," Snepp's critical account of CIA operations in the last days of the Vietnam war. Lewis' order does not affect profits earned by Random House, the publisher of the book.

Justice Department officials, who are to prepare papers outlining the trust and terms of the injunction, said yesterday the mechanics for handling the money are still to be worked out. But it is clear, they said, that the funds will go to the Treasury if Snepp's appeals fail.

Lewis said he assessed the damages because he found Snepp has "willfully, deliberately and surreptitiously" breached the secrecy agreement he signed on joining the CIA in 1968.

That agreement requires agency review of any proposed manuscript to ensure classified information is not divulged.

While the government never contended that Snepp's book contained any classified material, Lewis said yesterday that Snepp "is not the judge of what portions, if any, of CIA's intelligence may be made public."

The judge concluded that the unreviewed publication "caused the United States irreparable harm and

loss. It has impaired the CIA's ability to gather and protect intelligence relating to the security of the United States of America."

Awarding nominal damages, as Snepp's lawyer argued, "would be nothing more than a license to continue doing that which the law forbids," Lewis said. Snepp, he added, "ought not to be permitted to retain his ill-gotten gains."

Snepp told reporters outside the Alexandria courthouse yesterday that the government was welcome to the profits from his book. "It won't buy them back the honor the CIA lost in the final days of the Vietnam War," he said.

Robert L. Bernstein, chairman and president of Random House, denounced Lewis' order yesterday, calling it a "bad joke."

He said the order showed that there are two classes of citizens: former high officials such as Richard M. Nixon and Henry Kissinger who can use secrets in their writings, and "legitimate whistleblowers" like Snepp who took pains not to compromise secrets yet still face gag orders.

Bernstein said he found it a "supreme irony" that former CIA director Richard M. Helms was fined \$2,000 for lying to Congress while Snepp has had \$60,000 impounded for telling the truth.

Lewis' proposed injunction against Snepp is not as severe as one in effect against Victor Marchetti, another former CIA official who published an earlier book about the agency. He is forbidden to speak or write about the CIA without prior agency review.

Marchetti went to court to contest agency deletions in his book, "The CIA and the Cult of Intelligence," and lost. The Snepp case is the first time the government has gone to court to test the legitimacy of the CIA secrecy oath as applied to unclassified information.

Snepp lawyer Lynch said yesterday that he will base his appeal on the grounds that Snepp did not violate the terms of the agreement he signed on leaving the agency in 1976 and on the constitutional grounds that a person cannot sign away First Amendment rights.

The later secrecy agreement states there shall be no disclosure of classified information or any information not already made public. The government acknowledged Snepp had done neither in his book.

Hill Probe Sparked by Snepp Case

'Security Oaths' for U.S. Workers

Widespread

By William Delaney
Washington Star Staff Writer

Apart from the highly publicized case of ex-CIA agent Frank W. Snepp III, uncounted thousands of federal employees in offices as dissimilar as the Treasury and Energy Departments routinely sign agreements not to reveal information they pick up on the job, according to a House Judiciary subcommittee memorandum.

Intrigued by the government's civil prosecution of Snepp—whose profits on an unauthorized book about the CIA were ordered impounded Friday by a federal judge—California Democratic Rep. Don Edwards asked the staff of his subcommittee on civil and constitutional rights some time ago to check into the use of "security oaths" throughout the government.

The resulting 16-page memorandum, completed for Edwards last month, shows numerous such agreements in force at agencies ranging from the Nuclear Regulatory Commission to Treasury's Bureau of Governmental Financial Operations.

"The variety in the ways they word these things is interesting," observed one source. "All this memo is is a quick study; it's certainly not definitive, but there appears to be no government-wide policy on how these agreements are worded."

AN AIDE SAID Edwards has no immediate plans for a hearing on the topic, but was investigating court decisions and other evidences as to "how the government deals with the First Amendment rights of its employees."

On June 29 President Carter signed an executive order liberalizing the classification of government documents, but a White House aide said the new order does not appear to alter present agency policies on security oaths.

The Edwards subcommittee memo divides these oaths into two types:

- "One that acknowledges an obligation not to release classified information but does not itself require prepublication review." Such agreements often refer explicitly to the period after which the employee leaves government service.

- "The second type of agreement is more clearly a contract and addresses itself to pre-publication clearance."

In addition, some agencies require "security termination statements" in which departing employees promise not to divulge restricted data without approval from the agency.

CONFLICTING INTERPRETATIONS of the security oath Snepp took when he joined the CIA in 1968 and his termination statement when resigning in 1976 were at the heart of the government's civil action against him before U.S. District Judge Oren R. Lewis in Alexandria.

Snepp contended that his termination statement modified his initial agreement to release no information obtained while he was a CIA employee and in fact permitted him to publish unclassified information without the agency's prior approval.

Lewis, however, held that the termination statement banned Snepp from releasing "any information concerning intelligence of CIA that has not been made public by CIA."

Lewis' ruling, which Snepp is appealing, requires the former agent to turn over to the government some \$60,000 in earnings (plus future royalties) from Snepp's book, "Decent Interval," a critical account of the agency's actions during the 1975 American evacuation of Saigon.

The Edwards subcommittee memorandum, reportedly assembled by a staff intern, includes the following agencies as requiring security oaths of some or all employees: the Departments of State, Defense, Treasury, Energy and Justice; the Agency for International Development; the International Communications Agency (formerly the U. S. Information Agency); the FBI; the Defense Intelligence Agency.

FOR EXAMPLE, the memo says all civilian and military personnel in the Office of the Secretary of Defense are required to sign, as a condition of employment, the following statement:

"I agree that I will never divulge, publish or reveal, either by word, conduct or by any other means, any classified information, intelligence or knowledge, except in the performance of my official duties and in accordance with the laws of the United

States, unless specifically authorized in writing in each case by the Secretary of Defense. . . .

"I understand that no change in my assignment or employment will relieve me of my obligation under this agreement and that the provisions of this agreement will remain binding upon me even after the termination of my service with the U. S."

Certain Energy Department employees must, according to the memo, swear upon leaving the department not to reveal "to any person any restricted data, formerly restricted data, or other classified information of which I have gained knowledge except as authorized by law, regulations of DOE, or in writing by officials of the DOE empowered to grant permission for such disclosure."

CIVILIAN DIA EMPLOYEES must swear to clear "all manuscripts, articles, speeches and papers" derived from their on-the-job information with the agency before discussing them with "any publisher, editor, literary agent or other unauthorized person."

A draft of Carter's recent executive order on the extent and duration of classifying government works contained a section reaffirming the authority of agencies to require security oaths of employees but that section was reportedly dropped with the Snepp case still pending.

"That's a problem that still has to be dealt with," said one administration source.

The subcommittee memorandum indicates "no response" from the CIA as to its security-agreement practices. One source said the CIA promised to respond to the query when the Snepp case was over.

Publishers' Groups to File Brief Supporting Former C.I.A. Agent

WASHINGTON, July 9 (AP) — The Association of American Publishers says that it plans to file a "friend of the court" legal brief supporting the right of Frank Snepp, a former agent of the Central Intelligence Agency, to write about the C.I.A.'s operations. The brief will be filed in the United States Court of Appeals for the Fourth District.

Last week a Federal judge ordered Mr. Snepp to surrender his profits from the book "Decent Interval," which details C.I.A. activities in the last days of the Vietnam War, and to get agency approval before writing anything further about the agency. Judge Oren Lewis said that Mr. Snepp had breached a contract with the agency requiring prior approval by the agency of publications.

The publishers' groups says that the C.I.A. contract violates Mr. Snepp's First Amendment rights to speak freely on issues of public importance and allows the Government to censor nonclassified information.

Snepp and legitimate secrecy

"In order to maintain your secrets, you must have some visible means of control," said Admiral Turner, Director of Central Intelligence, and we agree with him. The question is whether the best means is the kind of contract system which former CIA agent Frank Snepp was found to have violated by a federal district judge. Earlier this year former Director of Central Intelligence William Colby spoke of the inadequacy of the present contract approach. He suggested alternatives worth contemplating in view of the controversial elements of the Snepp case.

This case climaxed last week with Judge Oren Lewis's ruling that Mr. Snepp forfeit his earnings, now said to be some \$80,000, from "Decent Interval," his book about CIA operations in Vietnam. Mr. Snepp was also required to obtain CIA approval before trying to publish anything else drawn from his CIA employment.

The judgment was clouded by some of the court proceedings. On grounds that no factual disputes needed to be decided, Judge Lewis had denied Mr. Snepp's request for a jury trial. The judge reportedly left no doubt about his views against Mr. Snepp from the beginning. The net impression was not of American justice at its most judicious.

Judiciousness was needed to weigh Mr. Snepp's alleged breach of contract against the public's need to have information beyond official handouts about agencies operating in its name. One of Mr. Snepp's arguments was that agency officials were already leaking biased versions of what went on in Vietnam while suppressing his request to offer his on-the-spot criticisms of the Saigon evacuation in a document for internal use. He decided to go public and blow the whistle.

The judge's ruling hinged on the narrow basis that Mr. Snepp signed a contract as a CIA employee not to publish without CIA approval. In suing Mr. Snepp for damages, the government did not charge Mr. Snepp with disclosing classified information, which he says he did not do.

This leaves the conclusion that the reason for the suit, and now the penalty against Mr. Snepp, was not that he violated secrecy but that he defied the CIA's contract method of "visible means of control," in Admiral Turner's phrase. The question remains how that control can be maintained on legitimate

secrets while not preventing at any level the kind of disclosures whose necessity was one of the lessons of legislative scrutiny of the intelligence agencies. Indeed, Admiral Turner entered on his job with a request to the CIA that information about lapses be passed on to him. At some point the public, too, must be informed.

Which brings us back to Mr. Colby's doubts about the contract system and his suggestions beyond it. He told a Senate subcommittee that the government should not "turn frantically to attempts to enforce contracts or obtain damages." He indicated injunctions were a doubtful remedy in light of Supreme Court decisions against prior restraint of publication.

He proposed a criminal statute narrowly covering only those intelligence sources and methods vulnerable to "termination or frustration" by a foreign power if they were reported. A further limitation would lie in the application of the statute only to those who had specifically promised to keep these secrets. A problem here might arise if such a system were used to create new privileged and unprivileged classes in the CIA.

But the thrust would be away from generalized pre-censorship. There would be judicial adversary proceedings to decide on what material was covered. Reporters could not be prosecuted for having the information. Clearance of manuscripts would be voluntary.

These are not the only possible alternatives. But they suggest an awareness of the need for change highlighted by the Snepp case.

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ON PAGE A-10

THE WASHINGTON POST
11 July 1978

The Snepp Case

THE DECISION OF Judge Oren R. Lewis in the case of Frank W. Snepp III and his book, "Decent Interval," was anything but a surprise. Given the views the judge had expressed during the trial, it was almost a certainty that he would rule that Mr. Snepp violated his contracts with the Central Intelligence Agency by failing to submit his manuscript for pre-publication review. And given his own personal outrage at what Mr. Snepp had done, Judge Lewis may well believe he let Mr. Snepp off lightly by only confiscating the profits from the book: \$60,000 so far.

Mr. Snepp's lawyer says the decision will be appealed. It should be. There are serious questions in this case that deserve more careful judicial scrutiny than they have received. Mr. Snepp is challenging the legal right of the government to require some of its employees to sign such prior-review contracts before they go to work. He is also contending that he did not violate the terms of the contract as they had previously been interpreted and applied to the publication of non-secret information.

Those points are the legal essence of the case. But what is involved is much larger. The government is attempting to establish that such contracts, signed by all employees of the CIA and a few other agencies, are enforceable in court. If they are, the government hopes that will be a deterrent sufficient to discourage other ex-agents from writing, without clearance, about their experiences. If they aren't, the government will try to think up other ways to block publication of similar books.

In that sense, Mr. Snepp is a guinea pig. He was not totally alone in believing he could write his book without fear of retribution, so long as he did not reveal any secrets—and no one has argued that he made any such revelations. Other ex-CIA employees had done similar things in the past. Whether that

point has legal merit in determining what the contract actually means is now up to the Court of Appeals, but it seems to be a strong argument at least in terms of reducing the penalty Judge Lewis imposed. A more just penalty, if Mr. Snepp loses on appeal, might be to have his lawyers paid out of the book's profits, with the government taking what is left. That would leave Mr. Snepp neither richer nor poorer because of his error, if he made one.

Beyond the legal issues of this particular case, however, are some major issues of public policy. Should some, but not all, former government employees be allowed to write about their experiences so long as they do not disclose classified information? Should some, but not all, of these employees be able to determine for themselves what is and is not classified? Should some, but not all, employees have to submit their manuscripts for review to the very agency they are criticizing or embarrassing? We are thinking, for example, of books by former presidents, Cabinet officers and some lesser but still high-ranking officials that relied on classified information to an extent far greater than did Mr. Snepp.

What is needed is a general overhaul of the laws barring the disclosure of classified information and a re-ordering of the arrangements government makes with individuals in sensitive positions. The government's true interest is in protecting legitimate secrets, not in suppressing embarrassing information. In the case of the CIA, the vital interest is in protecting the sources of intelligence and the methods of gathering it, not in blocking publication of material critical of its own semi-public operations. The danger of the Snepp case is that if the government is upheld on the legality of these contracts, it will forget about the need to find a better balance than now exists between the protection of real secrets and the publication of critical comment.

ARTICLE APPEARED
ON PAGE A-17NEW YORK TIMES
11 JULY 1978

Three Vital Appeals

By Tom Wicker

Does the Government have the right to impose secrecy on certain Government employees, even when they no longer work for the Government and even when classified national security information is not at stake?

If Judge Oren Lewis's decision is upheld by Federal appeals courts in the case of Frank Snapp, the former Central Intelligence Agency official who wrote a book called "Decent Interval," the answer to this question is yes. Judge Lewis, after a trial in which he made no secret of his astonishing partiality, has ruled that Mr. Snapp's royalties be impounded as "ill-gotten gains" derived from writing a book not authorized by the C.I.A., and that he get the agency's approval before writing anything else about it.

Mr. Snapp, who was stationed in South Vietnam during its final conquest by North Vietnam, returned to this country and reported through official channels on what he saw as the C.I.A.'s inept performance in the last days of the war. When no notice was taken of his report, he resigned, wrote a book detailing his charges and published it without agency review.

The Government claims this violated a secrecy oath Mr. Snapp had signed with the C.I.A. The Government does not claim that Mr. Snapp disclosed classified or national security information. Yet, Judge Lewis declared grandiloquently that the book's publication had "caused the United States irreparable harm and loss" and "impaired the C.I.A.'s ability to gather and protect intelligence relating to the security of the United States."

In fact, Frank Snapp's book impaired the C.I.A.'s ability to cover up its own ineptitude and its unwillingness to correct its deficiencies; and the "irreparable harm" is about to be done to (a) future "whistle-blowers" in security agencies who might want to inform the public about Government misdeeds; (b) the taxpayers and voters who need such information, and (c) the First Amendment.

May an American citizen be convicted of a crime because of evidence obtained through a warrantless wiretap?

No, if the crime is extortion or robbery or stock-swindling or rape or assault and battery or murder; but yes, if the charge is spying, and if appeals courts uphold the conviction and sentencing (to 15 years) of Ronald L. Humphrey as a spy for Vietnam.

The prime evidence against Mr. Humphrey was obtained from a warrantless tap on the phone of his alleged co-spy, David Truong; the Government might never have connected Mr. Humphrey to the case without the tap evidence. Yet, for the first time in American history, such evidence — considered "tainted" in every other kind of criminal case — was admitted into evidence. Additionally, Judge Albert V. Bryan made the dubious ruling that during part of its existence, the tap was primarily used for intelligence, but that for a subsequent period it was "prosecutorial" in nature. Only evidence obtained during the prosecutorial period was ruled inadmissible, but that was enough to convict Mr. Humphrey.

Attorney General Griffin Bell seems deliberately to have sought, in this case, to validate the use of warrantless wiretaps by the Government in foreign intelligence cases. Yet, a bill has been passed by the Senate and is pending in the House to require judicial warrants even for foreign intelligence taps, just as they are already required for taps used in criminal and domestic intelligence cases.

Mr. Bell has pledged the Carter Administration to abide by the pending legislation; but the Humphrey case

IN THE NATION

raises troubling questions about that commitment. Besides, the wiretap bill is in trouble in the House and may not pass — in which case, approval by the appeals courts of Mr. Humphrey's conviction would leave the Government with greatly expanded wiretap and prosecutorial powers.

Can the identity of confidential sources of information be concealed even when their names are of vital importance to a criminal defendant or to one side in a civil case?

No, not if the confidential source is that of a journalist; but yes in the case of an F.B.I. "informer," if Attorney General Bell is upheld in his contention that he does not have to turn over the names of some of them to the Socialist Workers Party to be used in developing the party's \$40-million civil suit against the Government.

The Socialist Workers contend that the F.B.I. used its so-called "informers" illegally, to disrupt party activities. To prove these charges, it needs to know their identities; Federal Judge Thomas P. Griesa first ordered Mr. Bell to provide a small sampling of informers' names, then held him in contempt of court when he refused to do so. A higher court has stayed the contempt order, pending resolution of Mr. Bell's appeal.

Are police informers to be given an immunity no one else can claim? Recently discovered evidence in Alabama suggests, for instance, that F.B.I. "informers" there actually were agents provocateurs in civil rights bombings and other cases. And anyway, what gives the Attorney General, any more than the rest of us, the right to decide which court orders

NEWSDAY
23 June 1978

A One-Sided Hearing on CIA Censorship

"I'm certain you're en route to Richmond," a federal judge told a defense attorney this week in Alexandria, Va. "I'll show you the way. It's right down Route I-95."

Richmond is where the U.S. Court of Appeals for the Fourth Circuit is located, and District Judge Oren Lewis pointed the defense attorney there in no uncertain terms: An appeal was all but guaranteed by the judge's blatant bias against defendant Frank Snepp, an ex-CIA agent who had published a highly critical book about the agency's performance in Vietnam without obtaining prior approval.

Snepp stands accused of violating his contract with the CIA, which the government contends covers any publication involving the agency, whether classified information is divulged or not. Even the government doesn't claim that Snepp's book contains secrets or classified data not already revealed by the CIA itself.

Talk about a kangaroo court. The facts were not in dispute. Judge Lewis told Snepp, and denied him a jury trial. He then informed Snepp's lawyer that the evidence "won't make any difference." And apparently it didn't. Lewis ruled against Snepp after a day-and-a-half trial peppered with admonitions and scoldings of the defendant. He wouldn't even allow the defense to cross-examine CIA director Stansfield Turner, who testified for the prosecution. In short, the trial was so one-sided that it must have been an embarrassment even to the government.

The questions raised in the Snepp case are serious ones that merit more than cursory attention, not just by the courts but by the administration, Congress, the CIA and the public. Judge Lewis obviously had his mind made up before the trial began; we hope the appeals court will send the case back for a fair hearing.

MERIDEN RECORD-JOURNAL (CONN.)
23 June 1978

Bad day for the defense

It was a bad day for the defense in Alexandria, Virginia.

That's where Frank Snepp, former C.I.A. agent, is on trial in Federal District Court for publishing his book, "Decent Interval" without benefit of C.I.A. clearance.

What made the day grim for Snepp and his attorneys was the attitude of District Judge Oren Lewis. The ex-C.I.A. operative is accused, by the government, of breach of his promise of secrecy by publishing his account of the last days of the American presence in Saigon. The government is asking that as punishment, all royalties received from the book be given to the government.

It's a civil case, not a criminal trial, and consequently the rules are somewhat different from the procedural safeguards required by the Constitution in a prosecution. There are many, however, who feel that the government's case against Snepp should be a persecution, as well as a prosecution, and Judge Lewis appears to be one of them.

In what was called a "series of stern rulings," the judge threw out the defense's request for a jury trial on the grounds that there were no facts in dispute. He indicated that "nobody has a right to divulge classified informa-

tion," terming the defense's view of the meaning on "classified" a mere matter of semantics. He shut off a line of questioning by defense attorneys, saying that "We are not going to make the C.I.A. be exposed to any more than they have been."

The role of the American judiciary is to serve as an impartial referee at a trial. The aim of even-handed justice, from the account of the Alexandria trial so far, seems to have been missed by Judge Lewis. Rather than providing a calm, reasoned atmosphere, he appears to be behaving like a litigant himself and adding to the chilling effect of the government's lawsuit.

Even the darkest of days may have a silver lining: by showing his colors so early and so clearly during the proceedings, Judge Lewis may well be laying the groundwork for a defense appeal. The wages of judicial sin, after all, are appellate reversals. Small comfort, perhaps, but at this point, it seems about all Snepp and Company have.

PHILADELPHIA BULLETIN
26 June 1978

Telling CIA tales

We hope the time never comes when people of conscience in our government stop "blowing the whistle" on the mistakes and misdeeds of those in authority.

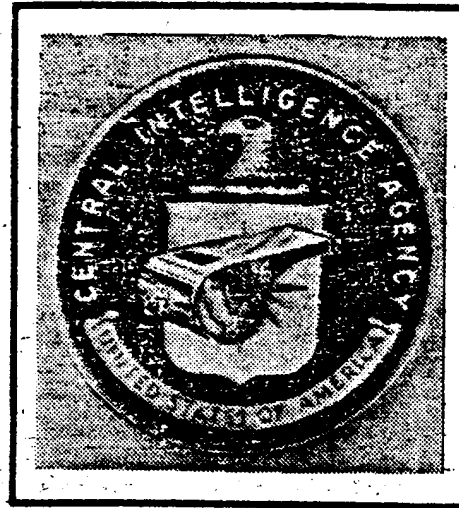
That's an aspect of the trial of Frank Snapp, a former Central Intelligence Agency analyst, which should make us all uneasy.

At the same time, we Americans simply have to begin to ask ourselves if we can continue to have an intelligence agency at all unless there are some guidelines as to the way that whistle is blown and these are followed.

Mr. Snapp, after eight years in the CIA, resigned and wrote a book critical of the agency's alleged failures during the American evacuation of Saigon in 1975. He didn't submit the book for CIA clearance despite a "secrecy agreement." The CIA and the Justice Department have sought in a breach of contract suit to take away his profits from the book as damages.

Mr. Snapp has contended that he wasn't obligated to submit his book for review as he didn't disclose classified information. He says he wrote the book "because I thought the CIA should learn from its mistakes." He thinks that if he loses the case there'll be a CIA that "marches in bureaucratic lockstep" and immune to criticism from former employees.

Still, the CIA, tattered and torn from years of disclosures and criticisms, is obviously seeking to reestablish control and discipline that it regards as essential to the conduct of an intelligence operation. Even when an ex-employee doesn't reveal classified information in a publication, and the Government doesn't contend Mr. Snapp did, it can be and is argued that the agency itself, rather than the individ-



ual ex-employee, should pass on this.

The federal judge in this case has not yet formally ruled, but he has said that he thinks Mr. Snapp deliberately and willfully breached a contract and breached the public trust and "did it for money."

This reference to what the judge called Mr. Snapp's "ill-gotten gains," however, may also be a painful reminder of how many public servants, far more highly placed than Mr. Snapp, made a good deal more money out of writing about their betrayals of government and actual crimes than he has made out of criticizing CIA's errors.

But we keep coming back to the basic point that our society must continue to work towards proper oversight in this sensitive area of intelligence activities and there are now congressional committees charged with this responsibility.

The whistle-blowers on intelligence matters should be able to rely on Congress for corrections. We hope that increasingly they can — and will.

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MISCELLANEOUS

Approved For Release 2009/04/28 : CIA-RDP05S00620R000501310001-1

U. S. NEWS & WORLD REPORT
17 JULY 1978

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ON PAGE 4

Letters to the Editor

National Security Agency

Your cover story on the National Security Agency [June 26] was well written and informative. Despite this, I would rather that it had not been published. Exposure of the actions of the FBI and CIA led to a curtailment of their intelligence-gathering capabilities. I hope your article does not result in a cry for similar restrictions on the operations of the NSA.

GREG FU
Falls Church, Va.

ARTICLE APPEARED
ON PAGE 10

Washington Whispers.

Friends say CIA Director Stansfield Turner is still simmering over the way the White House handled the charges of Cuban complicity in the invasion of Zaire. To refute denials from Fidel Castro, presidential aides tried to pressure the CIA to release more and more intelligence indicating Cuban involvement—even at the risk of revealing secret intelligence methods and sources that would compromise the agency.

Kremlinologists are speculating that high awards recently handed out to three prominent Soviet surgeons offer clues to what ails Soviet leader Leonid Brezhnev. One of the specialists is a heart expert, another a kidney expert, the third a urologist.

★ ★ ★

ST. LOUIS POST-DISPATCH
3 July 1978

A World At Risk

The U.N. General Assembly's Special Session on Disarmament opened last month in an aura of hope and idealism and has now passed into history in ambiguity at best. Its final document was a vague and pious declaration of the obvious dangers of nuclear weaponry. Indeed in some quarters the session has been dismissed as an outright failure. In that view, nothing constructive really happened; the world is just as dangerous for one and all as it was when the session began six weeks ago. And to a considerable extent, that may well be a realistic reading of the condition of the world if not of the session's positive potential.

One of the difficulties that the meeting faced was the failure of the superpowers to take it seriously — or at least to give the appearance that they accorded it the highest possible priority. Neither President Carter nor Soviet leader Brezhnev put in an appearance, and that cast a shadow of impotence over the proceedings. To be sure, the U.S. and the Soviets were locked into their own bilateral negotiations over strategic arms and significant associated matters. The latter include laudable efforts to ban nuclear tests, to prevent an arms race in outer space, to curb the threats of chemical and radiological warfare, to limit military activity in the Indian Ocean and to achieve a reduction in force levels in Central Europe, where more than 1.5 million armed men face each other on either side of the Iron Curtain.

Still, these vital issues, touching the lives of all the people of the world, not merely Americans or Russians, were being negotiated at some distance from the U.N. session, which in fact was largely irrelevant to their resolution. Hence it is not surprising that most of the Third

World countries, unable to dramatize the linkage they saw between disarmament and development, thereafter played little part in the work of the session, although they were largely responsible for convening it in the first place. Even that champion of peace and disarmament, India, made no effort to press for a moratorium on the testing of nuclear weapons and a ban on their use.

But there were some positive achievements. One of the most significant was the assembly's decision to enlarge its Commission on Disarmament to include France and China, both nuclear powers, and to provide for a system of rotating leadership to replace the joint Soviet-American leadership that in the 19 years of the group's existence has produced not disarmament but vastly expanded armament throughout the world. France and China had previously refused to participate in the work of the commission because of superpower domination. They now have an opportunity to show if they can do any better.

The prospects are hardly encouraging. A Central Intelligence Agency study made public the other day played up the substantial increase in military spending that can be anticipated from the Soviets in the next few years. It made no mention of the Pentagon's spending plans, but one can be sure that they will be anything but modest, even if a strategic arms agreement is buttoned up in Geneva next month. For in setting new ceilings on strategic weaponry, that agreement will be a license for both sides to build up to them. That will be better than an uncontrolled race to mutual extinction. But it will be a long way from what the disarmament session was supposed to be all about.

ARTICLE APPEARED
ON PAGE C-1

THE WASHINGTON STAR (GREEN LINE)
13 July 1978

Portfolio

Commentary

Hugh Sidey (WDVM-9): " . . . It is true that there is less need today for secrecy than we used to think. It also is true that we need to watch the FBI and the CIA more closely. But there must be some method by which we can inform ourselves of those who would damage or destroy our society. There must be some trust placed in our public servants to use the power we give them correctly . . . "

28 June 1978

Spying between the superpowers

WILLIAM COLBY, who headed the CIA from 1973 to 1978, doesn't think highly of today's Soviet spies. He says they lack ideological fervor. The Russians offer "some guy \$5,000 or \$15,000 for secrets. They'll get odds and ends that way, but they won't get very much."

How true! Take the two Soviet employees of the United Nations who were arrested in New Jersey on charges of buying defense secrets from a U.S. naval officer. The data they got was worthless because the American was cooperating with the FBI. The Russians didn't know when to come in from the cold.

So we think an exchange of this pair for American businessman Francis Crawford is a good deal. Crawford was imprisoned in Moscow on obviously trumped up currency charges in retaliation for the New Jersey arrests. The three have been released in custody of their respective

ambassadors and are expected to be free soon to return home.

Spying is a tit for tat business between the two superpowers, with agreed on protocol in case of capture. Up to now, each country in recent years released the other's spies without undue publicity. This time, however, the United States, for undisclosed reasons, blew the whistle immediately on Valik Aleksandrov Enger and Rudolph Petronovich Chernyayev.

Soviet President Leonid Brezhnev's edginess is understandable in light of his problems with China and Western criticism of his imperialist aspirations in Africa. But we believe the espionage arrangements between Moscow and Washington will return to the status quo without harm to detente. President Carter echoed our feelings when he said he believes Brezhnev wants peace. "We're too strong a nation to be pushed around. We want to be friends with the Soviets."

7 July 1978

The Priorities of Counterintelligence

By Cord Meyer

WASHINGTON — In the wake of the South Korean scandals, Congress wants more scrutiny of what the intelligence agents of friendly governments are up to in this country.

The problem is how to devote more attention to the "friendlies" when the "unfriendlies" are so busy. In calling for closer attention to the secret operations of our allies in the United States, the Senate Intelligence Committee takes pains to stress that Soviet espionage poses a much more serious and continuing threat.

The American counterintelligence network is stretched tight by the ubiquity of Soviet and satellite officials on long-term assignments. Serving as diplomats, members of the U.N. staff, trade representatives and news correspondents, these officials form an indispensable base for Soviet espionage operations.

This roster of communist visitors has been steadily expanding. It totals now about 2,200 officials, including some 300 Russians who are members of the U.N. Secretariat in New York. The latter do not enjoy diplomatic immunity, but they are not impeded by the travel restrictions which bind Soviet diplomats. A Russian diplomat who has defected to the British has recently identified a fresh covey of Soviet agents among U.N. staff employees in New York and Geneva.

American counterintelligence experts regard some 40 percent of all the Soviet officials in this country as known or suspected intelligence operatives. A similar percentage of the East European personnel is believed to be responsive to their respective intelligence services. Experts can only guess at the intelligence pre-occupations of the 5,000 Soviets and 6,000 East Europeans who come here each year as members of visiting delegations. In addition, some 21,000 multiple entry visas were granted in 1977 to the crews of Soviet ships under a 1972 agreement.

Within this large population of potential spies, it is the job of the actual agents to recruit American citizens and to maintain secret contact with them. As recent court cases have revealed, the Soviet objective is to collect a wide range of highly classified information on advanced military technology and American plans and intentions worldwide.

AGAINST THIS THREAT, OUR first line of defense is the FBI, which has under the law the primary responsibility for keeping clean the Augean stable caused by the presence of so

many Soviet operatives. Using physical and electronic surveillance, the evidence of Soviet defectors and the cooperation of individual citizens, the bureau has the unenviable, difficult task of catching Soviet spies and their American agents before serious damage has been done.

How well is the FBI now performing this vital counterintelligence function? There is no doubt the efficiency and morale of the bureau has been hurt by misuse of presidential authority and the past abuses of some of its officials. The pending prosecutions and disciplinary actions will leave lasting scars, but the good news is that the FBI is beginning to recover from these shocks.

On coming to office, Attorney General Griffin Bell was wholly unfamiliar with the complex world of counterintelligence, but he and his bright young assistants have proved quick learners. After a long search, Bell has found in Judge William Webster a first-rate FBI director who is getting full support in rebuilding the morale of the bureau.

The FBI counterintelligence experts have been encouraged by their award of the highest financial priority in the Justice Department's new zero-based budget. Bell has stood firm in a recent court case in defending the confidentiality of informants. In contrast to former Attorney General Levi, Bell has been giving FBI agents prompt and definitive guidance to resolve doubts on what they can legally do under the new regulations designed to protect individual rights.

On counterintelligence issues, Congress is shifting at last from the sins of the past to the needs of the present. Both Senate and House Intelligence committees have earned good reputations for preserving security, and Justice is concentrating highly classified information in these two committees to limit the congressional leaks that have been so damaging.

Much work remains to be done by Justice in working out with Congress a new legal charter for the intelligence community. One problem is to protect civil rights while allowing the intelligence agencies to do their work without crippling restrictions. Justice lawyers agree that gaping loopholes in the obsolete and conflicting espionage laws need to be closed.

The counterintelligence resources now available are so fully challenged by the present scale of Soviet espionage operations that Bell plans to tell Congress that surveillance of the "friendly" agents will require more funds.

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HUMAN EVENTS
29 JULY 1978ARTICLE APPEARED
ON PAGE 4Soviet Civil DefenseCIA Report
Boomerangs on Culver

Sen. John Culver (D.-Iowa), who scored a meager 20 per cent on the American Security Council's 1978 national security voting index, has released a Central Intelligence Agency study that disproves the dovish lawmaker's vigorous effort to downplay Soviet civil defense efforts.

In his version of the report which he requested, Culver said in a prepared statement that while civil defense represented "a significant national effort" on the part of the Soviet Union, the program "is by no means sufficiently effective to encourage the Soviets to risk starting a nuclear war."

Culver also said: "While crediting the Soviet Union with a major, ongoing civil defense program, this report demonstrates that those efforts are not sufficient to prevent millions of casualties and massive industrial damage in the event of a nuclear war. In short, Soviet programs are not enough to tip the strategic balance against us."

While Culver's assessment of the report is technically correct, the report, nevertheless, is far more alarming than the frenetic Iowan arms controller suggests. Moreover, the study is all the more disconcerting, since the CIA, under Stansfield Turner, is considered especially attuned to the wishes and whims of the head-in-the-sand defense stance at the White House.

Despite all the dovish statements emanating from the Administration, however, the CIA report makes clear that, under favorable conditions, the Soviet Union could, because of its civil defense program, reduce its casualties in a nuclear exchange to "the low tens of millions." In World War II, the Soviets lost 20 million people.

What is also undeniably clear is that the Soviets are engaged in a massive program, which, in effect, totally undermines a major assumption upon which we have based our arms negotiations with the Russians. That assumption is that each side will abide by the "Mutual Assured Destruction" doctrine; that is, that each side will leave its population centers vulnerable to an atomic attack, so, supposedly, neither side will dare launch a first strike for fear of a lethal, retaliatory blow.

While the United States adheres to this doctrine in a theoretical way, we have also systematically dismantled our air and missile defenses for the precise purpose of assuring the Soviets that we are abiding by the doctrine in a very practical way as well. But though we are making our citizenry increasingly vulnerable to an atomic assault, the Soviets—this CIA study proves—are engaging in a gargantuan effort to shield their population from the effects of an atomic war.

Says the report: "Civil defense activities are directed by a nationwide civil defense organization

consisting of over 100,000 full-time personnel located at all levels of the Soviet government and economic structure. . . . A sustained effort has been made to provide blast shelters for the leadership and essential personnel. . . ."

Assuming a U.S. retaliatory blow following a Soviet first strike, the CIA remarks:

- Under worst conditions for the USSR, with only a few hours or less to make final preparations, Soviet casualties would be well over 100 million, but even in this scenario, "a large percentage of the leadership elements would probably survive."

- With just a few days for final preparations, casualties "could be reduced by more than 50 per cent; most of this reduction would be due to evacuation, the remainder to shelters."

- Under the most favorable conditions for the USSR, including a week or more to complete urban evacuation and then to protect the evacuated population, "Soviet civil defenses could reduce casualties to the low tens of millions."

Completely contrary to the thrust of Culver's contention, then, the CIA study—undoubtedly tailored not to incite the White House—is a very disturbing document.

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ON PAGE 28

U.S. NEWS & WORLD REPORT
31 July 1978

Worldgram

How good is the Soviet Union's highly touted civil-defense program?
Not good enough for its leaders to feel safe in starting nuclear war,
according to a mid-July Central Intelligence Agency report. Here's why:

Casualties in sudden conflict would run to 100 million. Tens of millions
would die even with a week's warning to evacuate urban centers. Further--
There's enough blast-shelter space to save 110,000 top officials, 12 to 24
percent of the work force, up to 20 percent of the total population. But . . .
Moscow has no way of preventing massive damage to vital industrial plants.
It's easier to protect people than to defend a nation's economic sinews.

The conclusion set forth by the CIA's experts: "We do not believe that the
Soviets' present civil defense would embolden them deliberately to expose the
U.S.S.R. to a higher risk of nuclear attack."

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NEW YORK TIMES
24 JULY 1978

Issue and Debate

Trade and Foreign Policy:

Will Export Controls Influence Moscow?

by RICHARD BURT
Special to The New York Times

WASHINGTON, July 23 — President Carter's decision last week to cancel the sale of a computer and impose controls on the export of oil technology to the Soviet Union has touched off a controversy over whether trade curbs should be used as a diplomatic tool.

The President's move was designed to underline American displeasure over trials of Soviet dissidents and the treatment of American journalists in Moscow. As described by White House officials, the imposition of controls on oil equipment is also meant to give Mr. Carter leverage in disputes with the Soviet Union, ranging from rights violations to foreign policy differences.

Yet a host of questions concerning the linkage strategy remain to be resolved, in particular, whether the threat of denying trade is effective in the case of the Soviet Union.

Link to Arms Talks Ruled Out

Until recently, American officials had spoken only in vague terms about using trade to influence policy; in a speech at Wake Forest University last March, for instance, Mr. Carter said a Soviet military buildup and other activities in Africa could jeopardize technological and economic ties.

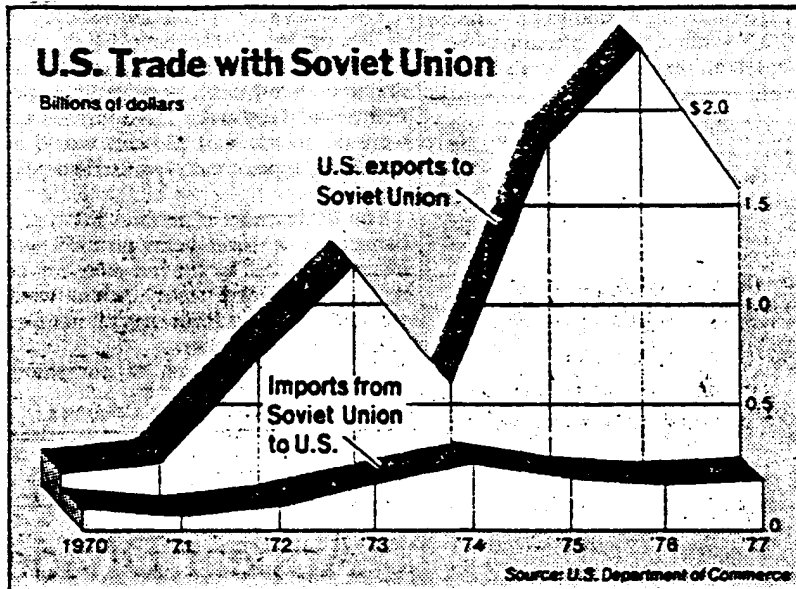
But Mr. Carter's unwillingness to link Soviet policies to the talks on the limitation of strategic weapons led his security advisers in the White House to search for economic pressures that could be used.

This approach was resisted by the State Department and the Commerce Department, but the recent trials of dissidents fostered Congressional support for economic sanctions. By placing oil technology on the list of commodities subject to export controls, Mr. Carter can now review proposed sales case by case. And yet officials remain divided over whether and how he should use his power.

Background

In the first two decades after World War II, the United States, in effect, conducted economic warfare against the Soviet Union. The transfer of advanced technology was prohibited and exports of many other products required government approval. The 1969 Export Administration Act removed most of these barriers and the Nixon Administration, under its policy of détente, gave Moscow access to American technology and goods, prohibiting only items that were judged to have direct military application.

Behind President Nixon's support for increased trade was the belief of his national security adviser, Henry A. Kissinger, that the Soviet Union needed American help to spur an inefficient economy. The Republican Administration, in concluding a 1972 trade accord



The New York Times / July 24, 1978

with the Soviet Union, sought to induce Congress to remove high tariffs on the import of Soviet goods and to have the Export-Import Bank grant credits in the hope that Moscow's increasing dependence on American trade would inhibit aggressive behavior abroad.

Mr. Nixon's effort was blocked by Congress, where Senator Henry M. Jackson, Democrat of Washington, led a movement to make lower tariffs and export credits dependent on Moscow's relaxation of its curbs on emigration. After this linkage had been made part of the 1974 Trade Act, Moscow renounced the 1972 trade agreement.

The volume of trade grew, nonetheless, reaching a peak of \$2.3 billion in 1976. However, the Russians imported about 10 times as much as they exported, with grains needed to replenish poor harvests making up about 60 percent of imports from the United States.

Moscow has also been buying industrial equipment, which reached a peak of \$600 million in 1976. Lately, the Soviet Union has been purchasing growing amounts of advanced oil technology, needed to increase the rate of recovery of its increasingly tight oil resources. The Commerce Department estimates that oil-related sales could be \$1 billion over the next three years.

The Case for Controls

Advocates of export controls contend that commerce should not be detached from other currents in the Soviet-American relationship. The United States, they say, links trade with other issues when dealing with allied nations, such as Japan or West Germany, and there is no reason that deals with the Soviet Union should be exempt.

They also note that while the Soviet

Union has emerged as a powerful military power, its persistent economic problems offer opportunities for leverage. White House officials are particularly interested in forecasts by the Central Intelligence Agency, which have been challenged by some outside experts, that the Russians may be facing difficulties in meeting oil requirements in the early 1980's and that the Soviet leaders have therefore been turning to the West for equipment such as pumps, drill bits and exploration equipment.

These aides say that the United States should not help Moscow expand oil production without political concessions. Such a strategy is feasible, it is said, because the United States has a corner on the world market for advanced oil technology. This is also said to be the case with advanced computers.

In making the case for a linkage policy, the White House officials say that the United States should use a "carrot-and-stick" approach, rewarding the Soviet Union for moderate behavior and penalizing it for what the United States regards as aggressive acts.

Case Against Controls

Export controls are criticized from several perspectives. State Department officials, for example, question whether Moscow would be willing to pay a political price for American trade. They note that when Senator Jackson succeeded in linking trade benefits with emigration, Moscow simply lost interest. The Soviet Union, they say, may have an appetite for technology, but it is unlikely to alter its policies — at home or abroad — to obtain it.

These officials, together with some members of Congress, also wonder

CONTINUED

whether the White House, having achieved controls on exports, could fend off domestic pressures opposed to controls. They point to the Ford Administration's experience during the 1976 civil war in Angola, when the Government threatened to cut off grain shipments to Moscow because of its military support for one of the factions in the conflict. The Administration was unable to carry out the threat because of political objections from farmers.

Commerce Department officials say that, in many cases, other Western nations could step in to fill the gap created by a decision to deny a particular product to Moscow. The Soviet Union already does far more business with the modern industrial economies of West Germany and Japan than with the United States. The officials say that the United States' present edge in computers and oil equipment is vanishing. For a linkage policy to work, other Western nations would have to be induced to cooperate, and the officials believe this would be almost impossible.

Finally, Secretary of Commerce Juanita M. Kreps and her top aides fear that new licensing procedures will add to the maze of restrictions that now hinder a growth in exports and undermine the competitive position of American industry.

Outlook

Although Mr. Carter has canceled the computer sale and imposed controls on oil technology, he said at a news conference last week that no further steps were planned.

While the Administration is unlikely to cancel any deals in the immediate future, another Soviet crackdown against dissidents or enhanced activity in Africa could once again create pressures for retaliatory action. A central question that needs to be resolved is exactly what Soviet behavior the United States is attempting to influence. The experience of the Jackson amendment demonstrated the problems of linking trade to emigration, and there is general agreement that, if a linkage policy is to work, the United States must specify what Soviet actions could bring on economic sanctions.

Moreover, if economic diplomacy is to be effective, there must be a sufficiently large volume of trade to which a leverage policy could be applied in the first place. But to raise the volume of Soviet-American trade to anywhere near the level attained by other major Western nations would probably require the lifting of current restrictive legislation, which Congress is in no mood to approve. It is questionable, furthermore, whether the Soviet Union would risk building up trade with the United States in face of an expressed policy that Washington would use its economic clout if the strategy demands.

NEW YORK TIMES
26 JULY 1978ARTICLE APPEARED
ON PAGE A-2

U.S. Study Finds Soviet Superior in Strategic Arms

By DREW MIDDLETON

Special to The New York Times

The Soviet Union has attained or is moving toward superiority in 10 of 13 strategic nuclear forces and weapon systems, according to a report sponsored by the Defense Nuclear Agency.

The report said the United States' advantage in submarine-launched missiles with multiple warheads and in intercontinental bombers could be eroded by the Soviet Union's development of such warheads for its submarine missiles and the inclusion of a controversial bomber, known in the West as Backfire, in its strategic calculations.

The report was prepared by Santa Fe Corporation of Alexandria, Va., for the Defense Nuclear Agency, which is the Defense Department agency charged with nuclear weapons management. The circulation of the report, according to officials in the Defense Department, has irritated Administration aides who fear that it may undermine public support for a new agreement limiting strategic arms.

Defense Department Views Differ

Officials characterized the report as a valuable academic study that did not reflect Defense Department views. Those views are that a Soviet edge in some areas, such as explosive power of missiles, has been offset by American qualitative improvement, including missile accuracy.

By the late 1960's, the report states, the Soviet Union had achieved equality in numbers of land-based missile launchers, in multiple warheads for land-based missiles, in the weight that a land-based mis-

sile can deliver to a target and in the combined explosive power of land-based and submarine-based missiles.

By now, the report says, the Russians have achieved equality or advantage in additional fields including the number of submarine-based launchers, the total number of long-range missiles and bombers, the ability of land-based missiles to destroy hardened targets, and the ability to retaliate after sustaining a strike.

Report Covers the 1960-82 Period

The report covers the period from 1960, when the United States' advantage in all fields was unquestioned, to 1982, when the Russians will have drawn well ahead in all but three areas. Discussing trends in American and Soviet strategic nuclear forces, the report lists the forces in which the Russians hold an advantage.

In total numbers of long-range missiles and bombers, it says, the Soviet Union will have an advantage of 2 to 1 in 1982. This includes an edge of 3 to 1 in land-based launchers and 6 to 1 in submarine-based launchers. The United States will preserve a lead of 3 to 2 in bombers.

The report points out that Soviet anti-ballistic missile forces, defensive radar systems and air defense forces are superior to those of the United States, which, in fact, has no ABM system.

The report also states that if the Backfire bomber were included in the overall picture, the apparent United States advantage in bombers would be eroded. The Americans contend that the Backfire can fly intercontinental missions; the Russians insist it has only medium range.

The United States will maintain an ad-

vantage of 3 to 1 in the overall total of multiple warheads in 1982, the report says. The advantage is greatest in submarine-launched missiles — 9 to 6. In land-based missiles, the Russians have an edge of 7 to 2.

Submarine-launched missiles is another category where the American advantage is endangered. The Russians are known to be making efforts to develop and deploy multiple warheads for their submarine missiles.

There is less certainty about future Soviet weaponry. According to intelligence sources, the Russians are developing a new heavy land-based missile to replace the SS-11, whose warhead was estimated by the West at 1 to 2 megatons.

By 1982, the report estimates, the Russians will also have an advantage of 3 to 2 in "hard-target kill capability." The capability to "kill a hard target," that is, a hardened missile silo, is a key element in the strategic balance.

Measure of Retaliatory Capacity

It is a measure used as an indicator of counter-force capability. The American assumption is that a first strike in a nuclear war would be launched by the Soviet Union. Consequently the resistance of American silos in which the United States' most advanced land-based missile, the Minuteman, is housed is crucial to the ability to launch a second, or retaliatory, strike.

The report found that the Soviet Union by 1982 will have a hard-target kill capability against strengthened silos of 3 to 2. This advantage covers silos strengthened to take an impact of 1,000, 2,000 and 3,000 pounds per square inch.

The report states that the Soviet Union also will have an advantage by 1982 in the counter-military potential of land-based and submarine-based missiles. This potential is the ability of a nuclear force to retaliate after sustaining a strike.

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ARTICLE APPEARED
ON PAGE A-8NEW YORK TIMES
28 JULY 1978

Snepp's Lawyer Calls U.S. Unfair

By ANTHONY MARRO

Special to The New York Times

WASHINGTON, July 27 — A lawyer for Frank W. Snepp 3d, the former Central Intelligence Agency official who was found by a Federal District Court to have violated his secrecy oath with the agency, said today that the Justice Department was being "patently unfair" to Mr. Snepp in seeking an immediate payment of money damages that "would bankrupt him."

In a motion to the same judge who ruled that Mr. Snepp had violated his oath by writing a book, "Decent Interval," that was critical of the agency's performance in the evacuation of Saigon, the lawyer, Mark H. Lynch, urged that no payment be required for at least 60 days.

Violated Secrecy Oath

In addition, Mr. Lynch complained that the department was seeking recovery of the total amount of money that Mr. Snepp received from his publishers without regard for the fact that some of this money had already been paid to the Government in taxes and without considering that some of it was used to cover the expenses needed to produce the book.

To demand recovery of this total sum, Mr. Lynch said in a memorandum to Judge Oren R. Lewis, "would bankrupt" Mr. Snepp.

Judge Lewis, in a decision on July 7

after two days of hearings in the Government's breach of contract suit against Mr. Snepp, said that the former intelligence officer had violated his secrecy oath with the agency and that all the "ill-gotten gains" should be turned over to the Government.

ARTICLE APPEARED
ON PAGE 13NEWSWEEK
31 July 1978

My Turn

Frank Snepp



The CIA vs. Me

Last November, when my highly critical account of the American evacuation of Vietnam appeared on the stands, I never dreamed I would be dragged into court by the government, denied my profits and stripped of my right ever to write again about my experiences in Vietnam or the CIA without official approval. Yet all of this has happened and I now find myself in the center of a crucial test case of the First Amendment.

During my recent trial in a Virginia Federal district court, the lawyers for the Justice Department claimed I had violated a "public trust" and a "contract," a 1968 secrecy agreement with the CIA, by publishing my book without authorization. But not once did they accuse me of leaking secrets or even less sensitive information that had not already been revealed by the CIA.

Nor has the government seen fit to acknowledge that a second secrecy agreement I signed when I left the CIA in 1976 significantly modified the first. The later agreement did not obligate me to submit everything I might write for review. It merely put me on notice to protect the nation's secrets by exercising my own common sense and judgment.

AGREEMENT AND APPROVAL

The Justice Department's lawyers, however, have pretended that my second agreement is meaningless and have based their case solely on the earlier one. That agreement did forbid me to write or say *anything* about "intelligence activities generally" without CIA approval. But because of the sweeping character of this prohibition, it was never enforced. I did write uncensored letters to my family from Saigon; I did provide countless briefings to the press in Vietnam without having to clear my remarks beforehand. Furthermore, agency veterans such as Miles Copeland and Tom Braden frequently wrote about their professional experiences without CIA clearance and they were never sued. (Admittedly, former CIA employee Victor Marchetti was hauled into court in 1972 and prohibited from writing without CIA approval, but only after the agency had convinced the court that he had violated the ban against disclosure of classified information.)

No wonder, then, that when I left the CIA in 1976 I felt the agency had no right to demand clearance of everything I might write or say. I was all the more

convinced of this because the CIA had betrayed its obligations to me under my original secrecy agreement. In exchange for my signing that document, the CIA had promised to address any complaints I might have about its operations. But when I returned from Vietnam in 1975 and tried to register my concerns about the evacuation with the proper authorities, no one wanted to listen.

As a way of getting the truth out, I sought CIA support for a book about the evacuation, but my superiors told me they would never sanction any book by a present employee that was critical of the agency. Meanwhile, I discovered that senior CIA officers were leaking their own self-flattering accounts of Saigon's final agonies to the press, sometimes using classified information whose very disclosure potentially endangered Vietnamese we had left behind. That did it for me. I resigned in protest.

In the course of my trial, most of these facts were somehow lost. Moreover, when CIA director Adm. Stansfield Turner took the stand to spell out the "damage" I had done to the agency with my unclassified disclosures, my lawyers from the American Civil Liberties Union were unable to pin him down. He would say only that books such as mine lessened the public's confidence in the agency's ability to keep secrets. Former director William Colby, in testimony of his own, went further, claiming that even "cleared" books and Congressional investigations can have this effect. Are we to stifle responsible criticism to save the CIA from embarrassment? Are we to gag Congress to protect the CIA's image?

'ILL-GOTTEN' GAINS

In the end the judge declared that I deserved to lose all my "ill-gotten" gains because I had violated an implicit "public trust" (not merely a secrecy agreement, mind you) to earn them. He did not find it necessary to reconcile that judgment with the fact that many others have done virtually the same thing. Hundreds of prominent Americans, from Thomas Jefferson to George Kennan, have written critically of official policies after serving the government in positions of trust and have been paid for their efforts. Other public servants have mined the knowledge they gained at the public's expense to great personal profit. Colby, who was once head of the CIA's East

Asia Division, now is a well-paid lobbyist for Japan, and Henry Kissinger intersperses work on his own multimillion-dollar memoirs with public lectures that net him thousands of dollars each year. These men have not been sued for exploiting a public trust for money.

I believe the Justice Department and the Carter Administration are treating me differently in order to intimidate those in the CIA who would speak out against official wrongdoing. They are using my case to establish a precedent for punishing those who will not toe the company line.

DISCIPLINARY PRECEDENT

Turner claims he needs this precedent to enforce discipline in the CIA and to ensure that secrets are kept. But if the higher courts agree with him, the chill will be felt far beyond CIA ranks. The Justice Department will be free to muzzle and to break financially any Federal employee in a "position of trust" who dares to call the Administration on its mistakes, even if he exposes no secrets and has signed no secrecy agreement.

No doubt, the CIA must find some way to protect legitimate secrets. Perhaps the most sensible solution would be for Congress to enact a law that would prescribe stiff criminal penalties for any employee of a security agency who leaks secrets harmful to an intelligence source or method. Under this rule a would-be author from the CIA, the State Department or the Pentagon would be able to write what he wanted without having to submit his manuscript for clearance—but always with the understanding that if he disclosed classified information he would face a terrible reckoning. This would not, of course, prevent someone bent on treason from revealing national secrets (nor, for that matter, would the court's ruling against me). But it would serve to reconcile, in the only conscionable way, the demands of national security and the imperatives of the First Amendment.

Snepp, a former CIA official in Saigon, wrote "Decent Interval," a book that details the CIA's alleged mistakes during the last days of the Vietnam war.

Judge Bell's Gutsy Action: BACK-TO-BACK VICTORIES FOR JUSTICE

PATRICK BUCHANAN

WASHINGTON — Last week, Attorney General Griffin Bell picked up a contempt citation rather than divulge the names of FBI informants in the Socialist Workers Party. And his Department of Justice swept both ends of a doubleheader in federal court here.

David Truong, son of a Vietnamese "peace candidate" in 1967, and co-conspirator Ronald Humphrey of the U.S. Information Agency, were each sentenced to 15 years in the Graybar Hotel for espionage for the Hanoi regime. (Given good behavior, they will be eligible for parole in 1982.)

And Frank W. Snapp III, the cheeky ex-CIA agent who blabbed in a highly profitable book about the botched Saigon withdrawal, was ordered to fork over his ill-gotten gains.

In each instance, Judge Bell showed the courage to be unpopular, the moxie to employ unappetizing but essential tools to protect the internal security of the United States.

In the Truong-Humphrey case, for example, the Department of Justice made no apologies for the use of wiretapping, secret television surveillance and double agents to apprehend the pair.

As for Snapp, Justice did not claim that he had betrayed vital security secrets. Its case was built upon the simple, unassailable fact that Snapp had

signed a CIA oath to allow agency scrutiny of subsequent writings — a contract Snapp willfully and knowingly violated.

If the Snapp decision has a "chilling effect" upon potential turncoats inside the agency who are now gathering dirt in anticipation of fame and fortune on the lecture-and-talk show circuit, that is a welcome ancillary benefit.

It was the misfortune of Snapp and his lawyers to have their case upon the docket of federal Judge Oren R. Lewis, a minor legent in the locality.

Snapp's initial request for a jury trial was gavelled down. He was regularly referred to by the judge as "Shep." "Objection sustained," the judge would thunder to defense arguments — well before the prosecution had time to make the objection. Linger- ing doubts about the judge's thinking disappeared half an hour into the trial, when he gave the defense directions to the federal appellate court in Richmond: "You just take I-95 and go south."

But if the judge's handling of the Snapp case was not a model of jurisprudence to be studied in law schools, his decision cannot be faulted.

Snapp is not some backwoods bumpkin. He signed a "clear and unambiguous contract" with the CIA. He took their pay for 10 years. He then broke that contract and reaped, at last report, \$60,000 in profits for his breach of faith.

At least two former and one present CIA director concurred with the judge's opinion that Snapp's conduct "caused the United States irreparable harm and loss... (and) impaired the CIA's ability to gather and protect intelligence relating to the security of the United States of America." The significance of the case resides in the fact that Judge Bell and President Carter knowingly and willingly broke their pock with the civil liberties crowd and the CIA-baiters — to protect the nation's security secrets.

Morton Halperin, director of the Center for National Security Studies, was appalled at the trials. Nothing the White House can do with an executive order of secrecy, he asserted, "could outweigh the harm to free debate on national security issues brought about by the Snapp and Truong cases."

Apparently, Halperin feels that a little espionage on Hanoi's behalf is an essential ingredient of a "free debate on national security issues." One begins to understand why Mort was singled out in the Nixon White House as a leading candidate for wiretapping.

A breach of trust

Frank W. Snapp, the former CIA agent who wrote an unauthorized book about CIA activities in Saigon at the climax of the Vietnam War, is offended because a federal judge has concluded that he violated an oath of secrecy just for the money. On the contrary, says Mr. Snapp, he became a tattler because he wanted the agency to be held accountable for its mistakes.

All right, we'll accept Mr. Snapp's version of his motive, but it doesn't help his defense in the suit for breach of trust brought against him by the Central Intelligence Agency. The point is that the CIA has a valid reason for requiring its agents to sign agreements that they will not write and publish material about their experiences without the agency's clearance. It could not otherwise guarantee the confidentiality of its intelligence or its operating methods.

U.S. District Judge Oren Lewis rejects Mr. Snapp's pleas that the CIA is trying to deny

him his rights of free speech. This was simply a "willful, deliberate breach of the highest trust," says the judge, and it is now Mr. Snapp who must be held accountable for a mistake.

Mr. Snapp's conscience did not have to be satisfied in the bookstores. Congressional oversight committees are prepared to hear what disgruntled former CIA agents have to say, and have shown no reluctance to call higher officials onto the carpet if there is evidence of misdeeds. That's the discreet and effective way of policing the CIA without destroying its usefulness.

With the CIA currently eliminating 800 employees from its payroll, a number of would-be authors may be hitting the streets. In the Snapp case, Judge Lewis has drawn the distinction between free speech and a condition of employment by a supersensitive federal agency. There's hope the CIA will be spared the further damage of a new spate of tell-all books. —

Court Ruling Defends CIA Pact

The Central Intelligence Agency has taken a beating in the past few years during which the ethics and legality of many of its operations have been disclosed. In many instances criticism of the CIA has been warranted and essential. But going overboard in picking the CIA apart can cripple it so that it cannot perform its vital function of protecting the security of this country.

An appreciation of the CIA's role is inherent in the significant decision handed down by a federal district judge against Frank W. Snepp III, author of a book about the CIA. In the view of Judge Oren R. Lewis, Snepp should be called to account for violation of a secrecy agreement he signed when he went to work for the CIA. Under the agreement, anything Snepp wrote about the agency had to be submitted for pre-publication review.

In ruling that Snepp will have to forfeit his profits from the book, "Decent Interval," Judge Lewis focused on the special role of the CIA and the obligation of its employees to live up to agreements that can affect the agency's role.

"The CIA cannot protect its intelligence sources and methods," declared the judge, "if its agents are allowed to determine what intelligence ought to be made public." "One who breaches his trust and secrecy agreements with the agency of the United States charged with the responsibility for protecting intelligence sources ought not to be permitted to retain his ill-gotten gains."

Judge Lewis ordered that every cent Snepp makes from the book, which deals with CIA actions during the fall of Saigon, shall be impounded in a court-supervised trust. Under the decision, Snepp will have to forfeit all his profits from the book.

In defending himself, Snepp contended that his book didn't disclose any confidential information. This point is not contested by the agency. But the CIA maintains that the book did make public information about agency operations that should remain secret. The judge asserts that if the CIA cannot determine what type of intelligence can be made public by its employees, it cannot protect its intelligence sources and its methods.

If the CIA cannot enforce discipline that relates to its special responsibilities, the agency can hardly do the job the nation has assigned it. Granted, there must be ground rules to keep the CIA operating within the ethical code of a democracy which guarantees civil rights. By the same token, CIA employees must abide by the rules of the agency and by agreements to which they are a party. A secrecy agreement with the CIA should be strictly complied with.

The judge has tried, with his decision, to give the CIA a remedy that can be used against employees who breach agreements that can disrupt the agency. The ruling will be appealed to higher courts in this most significant test case. Meanwhile, the decision seems to make sense in defining one of the limits on subjecting the CIA to critical scrutiny.

12 July 1978

'Victory' upholds integrity of oath required by CIA

The CIA has won a strange kind of victory in its suit against former agent Frank Snepp for allegedly violating an oath.

Snepp wrote the book, "Decent Interval," which told the substantially unchallenged story of how the Central Intelligence Agency botched the evacuation of Saigon and deserted many Vietnamese who had aided the United States.

Some \$60,000 in profits has been ordered impounded by the trial judge, pending Snepp's appeal, and Snepp has been ordered to clear any further writings with the CIA.

There have been several breaks in the ranks when former CIA agents wrote either books or magazine pieces on the agency's operations, but the Snepp affair was the first time the agency went to the mat in any effort to enforce the various oaths involved.

Two contradicting views are involved. Snepp's is that he is being punished for criticiz-

ing the government; the government's is that it is only asking that Snepp be forced to keep his word. It is an unusual case in that Snepp's allegations have not been disputed by the agency. Nor has the agency based its opposition on a claim that the book was written from confidential information.

Mix all that with a healthy helping of the public's right to know and the CIA's need to maintain discipline in the ranks, and the casual observer hardly knows where to turn.

But we have the gnawing feeling that an agent who departs the "company" cannot be granted the right to select which oath he will uphold, or which material he might reveal.

Breaking the ranks might be a legitimate last resort, but there's no indication that Snepp took his concerns to the appropriate oversight committee. Instead, he went directly to print. The method he chose tends to confirm his interest in profit and negate his stated "right to know" position.

RALEIGH NEWS & OBSERVER
30 June 1978

Broad concerns in Frank Snepp case

Frank Snepp, a North Carolina native who worked for the Central Intelligence Agency in Vietnam, has lost the first round to his former employer in the dispute over his book, "Decent Interval." Snepp's book, which was highly critical of the CIA's role in the American evacuation of Vietnam, has been labeled a "willful breach of the highest public trust" by a federal judge.

This decision confronts Snepp with civil penalties, possibly including loss of earnings on his book. But it also raises the question of how restrictive the precedent will be for others who leave government agencies and write critically of them.

Those who fear the thrust of the precedent have reacted sharply to Judge Oren R. Lewis' utterances from the bench. They say he has implied a stronger fiduciary relationship between government agencies and their employees than is commonly thought to exist. The difference between Snepp and employees of other agencies is that before going to work he and other CIA agents had to promise not to publish without clearance by the agency.

The judge obviously did not agree with Snepp's argument that the waiver bound him against revealing CIA secrets, not to refrain from writing about his experiences in the agency. And certainly Snepp

knew the chance he was taking when he went ahead with "Decent Interval." As Random House noted on the dust jacket of his book, he "defied its (the CIA's) censors to tell his story."

Even so, the principles involved should not be settled by one irascible federal judge who, by some accounts, showed angry impatience with Snepp's position from the beginning. An appeal by Snepp to the 4th Circuit Court would provide a broader judicial review of CIA employees' responsibility. Then, if the court found that the agency's present waiver requirements don't measure up legally, perhaps it could put the CIA on the right path. That's rather important considering the fact that the CIA recently discharged 800 or so operatives, many of whom may be itching to take pen in hand.

It would certainly be contrary to the public interest if valid criticism of other government agencies or their officials should be suppressed as a result of the Snepp case. Congress is currently working on a "whistle-blower" bill that would give better protection to federal employees who reveal illegalities or unconscionable waste in their own agencies. The nation has an obvious, legitimate interest in protecting its intelligence secrets, lest its sources of information dry up. But that's a far cry from making all bureaucracies sacrosanct.

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LEXINGTON DISPATCH (N.C.)

13 July 1978

The Snepp Affair

A federal judge has just told Frank Snepp, a CIA agent originally from Charlotte, that he will not be allowed to collect the royalties from the sale of his book, "A Decent Interval," because the book is in technical violation of an oath he took when he worked for the CIA never to divulge its secrets.

The decision has a good deal of practical impact on Mr. Snepp, who is not a wealthy, retired government official, but a broke young man who has been doing nothing for a couple of years but working on his book, since he left his beginning career in the CIA. The book is his protest of conscience about the CIA evacuation of Vietnam. In the rush to get out, he said, many Vietnamese who had worked with the U.S. and particularly the CIA there were simply abandoned to the cold mercies of the incoming Hanoi government.

The book admittedly does not reveal secrets damaging to present U.S. intelligence operations. But Mr. Snepp got a hanging judge.

The judgment would not be so bad for Mr. Snepp if he were an elderly, retired and quite affluent public servant who had used his influence over the years to amass a fortune, a pension, perquisites, investments and so on.

Say for example he was an ex-president, forced out of office for crimes all but formally proven which cost the nation millions of dollars and its self-esteem.

Say he had then written a venal, self-serving book to excuse himself and charged \$20 a copy for it.

Say he was living at San Clemente with a fat pension, government-paid bodyguards and secretaries and office expenses to work with...

Then, the judgment recently rendered against Mr. Snepp would not hurt him so much.

Justice, they say, is blind, and all men are equal before it, and that is why, on the statues of Lady Justice in front of the county courthouses and federal justice buildings, they have her wearing a blindfold. But it seems things do not always work that way.

Americans lately have been snowed under with books by the notorious, the hated, the criminals, the outcasts, all of whom have managed to profit copiously from their mis misdeeds because the public wants to read about them.

There is no allegation that Mr. Snepp ever failed to perform his duty to his country while he held a public job, or that he has attempted to damage that ongoing job now that he is not part of it. Judging by the course of events recently, he would have done better to accept bribes while in office, sell influence, or for that matter, murder three or four innocent people and then write a book about it all, rather than simply doing his job and then try to expose something he thought was wrong.

There is not much, it seems, that the average person can do about it. But we do not recommend that you pay \$19.95 for a copy of Richard Nixon's "RN: The Memoris of Richard Nixon" or any of the two or three books Mr. Nixon has promised to deliver himself of in the future.

If you buy Mr. Snepp's book it will not do him any good financially, but he probably would like you to know what it says.

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MICHIGAN DAILY
21 JULY 1978

INTELLIGENCE CHARTER HEARINGS:

Harvard head slams CIA

By JEFFREY WOLFF
Special to The Daily

WASHINGTON — In testimony before the Senate Select Committee on Intelligence Activities yesterday, Harvard University President Derek Bok asked Congress to put a stop to Central Intelligence Agency (CIA) "operational activities" on college campuses which include "covert recruiting."

Bok's request came as a result of CIA refusal to abide by those provisions in the Harvard guidelines concerning university relationships with intelligence agencies.

BOK OFFERED the Select Committee several letters from CIA Director Stansfield Turner which state that the agency cannot abide by Harvard's restrictions on CIA covert recruiting and other operational activities at the prestigious university.

"The relationship between U.S. foreign intelligence agencies and universities must be structured in ways that protect the integrity of universities and the academic profession and safeguard the freedom and objectivity of scholarship," said Bok.

The Select Committee solicited Bok's testimony as part of its hearings dealing with the Senate's proposed intelligence charter (S. 2525) which seeks, for the first time since the National Security Act of 1947, to define and control the activities of U.S. intelligence agencies.

It was the time the Select Committee has invited academics to testify on CIA campus activities.

HARVARD AND several other universities adopted guidelines after recent revelations that the CIA has used professors to recruit and gather information about students attending American universities. It has been revealed that this often entails a summary of the student's political views, financial situation and social habits. Records were typically kept without the student's knowledge or consent.

These CIA files were often retained by the agency whether or not the student was approached with a job offer. Foreign students are known to be frequent subjects of CIA covert recruiting. And the information on the student has often been used to pressure the individual into spying for the CIA on his countrymen both in the U.S. and at home.

A SET OF guidelines for relations between the University of Michigan and U.S. intelligence agencies will be proposed at the September faculty Senate Assembly meeting.

Bok supported the prohibition of such covert recruitment in the Harvard guidelines by citing the need for "trust and candor to promote the free and open exchange of ideas and information essential to inquiry and learning."

The prohibition on "participation and

operational activities of intelligence agencies" refers to the publicized policy by the CIA of encouraging professors doing research abroad to provide the CIA with sensitive information. In addition, some professors have had contracts, unknown to their colleges or sometimes to the administration, with the CIA in which they used their academic cover to obtain particular information desired by the intelligence agency.

THE HARVARD president was highly critical of the CIA's attitude that it did not have to abide by Harvard's rules. He argued that "the CIA is hardly the appropriate arbiter to weigh (national security) needs against the legitimate concerns of academic freedom."

Also giving testimony was Morton Baratz, former General Secretary of the American Association of University Professors and now vice chancellor for academic affairs at the University of Maryland.

Baratz stressed the importance of guidelines in giving each university the chance to set its own rules. However, he criticized the proposed charter for not banning covert recruitment and also recommended that "intelligence agencies be prohibited from using as sources of operational assistance in foreign countries, all academics travelling abroad."

He supported this complete ban by arguing the need to remove any reason for suspicion among foreign governments that an American professor is motivated by reason other than his purely professional interest.

THE THIRD witness, Richard Abrams, testifying in his capacity as chairman of the Statewide Committee on Academic Freedom for the University of California, supported the other witnesses advocating an end to covert relationships.

But, Abrams, whose committee has recently completed a study of relations between California and U.S. intelligence agencies, suggested the CIA cultivate academic relationships on a "freely open basis."

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ON PAGE 4CHRISTIAN SCIENCE MONITOR
24 JULY 1978

Harvard and CIA still at odds

Bok goes to Senate unit in dispute over secrecy issue

By David Match
Staff writer of The Christian Science Monitor

Boston

Harvard University's running dispute with the Central Intelligence Agency (CIA) about whether the CIA can secretly recruit on campus and carry out other covert activities has turned a bit more contentious.

Last week in Washington, Derek C. Bok, Harvard president, released to the Senate Select Committee on Intelligence correspondence he had with CIA director Stansfield Turner on the subject. Dr. Bok told the committee that the agency is saying it will ignore a university ban on covert recruitment on campus, as well as other guidelines the university has put into effect on an interim basis.

Dr. Bok said in an interview that "such operations by the CIA discredit the academic profession as a whole and harm this institution." He also said his legal counsel, Daniel Steiner, has "talked at length with the CIA officials about this," that there is "no enmity between the two institutions," and that he advised the CIA in advance that he was going to release the correspondence.

A CIA spokesman said: "This is a basic problem between two institutions that have overlapping interests, and Congress will have to settle the question. As of now there is no law against our functioning on campus and most of our activities on campus are overt. It is important that the Church Committee [the select committee to study intelligence operations, headed by Sen. Frank Church (D) of Idaho, predecessor to the present panel, chaired by Sen. Daniel K. Inouye (D) of Hawaii] did not recommend outlawing the covert activities."

The Senate committee is working on a bill (S2525) revising the federal law governing intelligence activities.

Guidelines drawn up

After the Church committee reported in April, 1976, Harvard appointed a committee to draw up guidelines to govern relationships between the university community and the CIA and other U.S. intelligence agencies. These guidelines were put into effect in May, 1977.

Harvard thus became the first academic institution in the U.S. to issue guidelines in this area. The Church committee

had released information indicating the extent to which the CIA was involved in such covert activities.

President Bok says that "at least 50 universities are now actively at work in this area." He says there is a consensus that the CIA should be banned from undisclosed activities on campus.

'Secrecy' challenged

Morton S. Baratz, general secretary of the American Association of University Professors in Washington, also testified before the committee last week. Both Dr. Baratz and Dr. Bok said that they are not asking that the substance of the CIA work be disclosed. They are only asking that when the CIA works with a professor the university where he or she teaches be informed of the relationship and the professor not recruited secretly for the CIA.

They are also strongly opposed to the CIA practice of using professors abroad to report information to the agency. They say this discredits the academic world in general and hinders freedom of inquiry in many ways.

Dr. Bok said that Harvard may enter into research contracts with intelligence agencies as long as the existence of a contract is made public. And he said that when a professor does work for an intelligence agency, it is not necessary to make this fact public, as long as the dean of the department is aware of it. Harvard does not want secret recruiting, covert intelligence operations, or the obtaining of the unwitting services of one member of the Harvard community by another member.

Harvard is especially concerned, said president Bok, that its professors not observe or report to the CIA on foreign students, of which there are more and more at U.S. academic institutions.

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CIA — a potential employer

By **ROBERT BELTRANO**

Advertiser Staff Writer

With more than 100,000 students being graduated from college nationwide this spring, the job market faces its annual overload of job hunters.

Perhaps the worst off are the ones who come out with a degree in liberal arts.

While specialists like doctors, lawyers and engineers have a great opportunity to find related employment, liberal arts majors usually end up as sales people, in non-skilled jobs or in civil service employment.

However, one of the most overlooked employers of liberal arts majors happens to be a government agency — the CIA.

The Central Intelligence Agency is almost always looking for qualified people

experts in their field. If you think it's all cloak-and-dagger-type work, think again.

"The Company," as most people refer to it, offers employment to a vast number of people and has many jobs that need to be filled.

Larry L. Currin, the West Coast director of personnel recruiting, says the CIA offers other benefits similar to government civil service: job security and a "50 percent chance of travel." While military experience is helpful, it is not required.

The agency hires a great number of people with masters' and Ph.D degrees. However, it does not rule out people with only a bachelor of arts.

Of course, if you are fluent in another language, you have a greater chance of a job.

Applying to the CIA is a little easier than most people think. No, you are not approached by some stranger who thinks you'll do. You have to initiate the action.

The University of Hawaii Placement office has Form 2895 for you to fill out and mail. If the CIA representative thinks you're qualified, he'll arrange a interview with you.

The agency, according to its recruiting brochure, employs career people trained in nearly all fields of study: scientists, engineers, economists, linguists and mathematicians to name a few. Always needed are students of political science, international relations, history and area studies who can "immerse themselves in developments abroad," according to the brochure.

Federal-agency booths prevalent at convention

By **PATRICE HAFHEY**
of The Oregonian staff

The FBI and the CIA are among the more than 300 exhibitors who have set up displays in Memorial Colliseum to promote their organizations, companies and products at the NAACP convention this week.

Most agencies are at the National Association for the Advancement of Colored People convention to show minorities what they are doing, improve their image, and in a few cases, recruit employees.

"We need to improve the hiring of minorities," Mike Poell, a representative for the CIA said. He added that the CIA booth at the convention would also be performing a public relations role, and hopefully clear up some misconceptions about the role of the CIA.

The exhibit booth includes a six-

minute film and three CIA representatives to talk about the agency and take applications from potential employees. Seven percent of the present CIA staff is black, said Avon Harding, a CIA official.

The FBI was also making an effort to improve its public image and recruit minority employees. "Minorities have not traditionally sought out law-enforcement careers," Arlene Highfield, an FBI representative said. "We are trying to overcome our bad publicity."

Only 150 of the FBI's 7,800 special agents across the country are black, she said. Several applications have been filled out so far by conventioners and Ms. Highfield said she is "very encouraged."

The federal government is also prominent among other exhibitors at the convention. Included among the federal agencies are several branches of the Department of Justice, the National

Aeronautics and Space Administration and all branches of the military.

NASA, which in June began training three black men and two women to be astronauts, put together a promotion booth which included booklets such as "Minority Profiles" of NASA employees. The booth also contained information explaining how space technology boosts technology on Earth.

Attending NAACP conventions is a recent addition to many federal agencies' public relations programs. The federal government, in contributing over 45 booths to the Portland convention, is, in the words of one CIA representative, "really going for affirmative action."



INTELLIGENCE RECRUITING — Among employee recruiting booths at the Memorial Colliseum for the National Association for the Advancement of Colored People convention in Portland was one for the Central Intelligence Agency. Employees Avon Harding (left), Mike Poell (back to camera) and Mary Corrado staff booth where films, literature and pictures were displayed. Several federal agencies have similar recruiting booths.

6 JULY 1978

NAACP convention also a job market

By PAUL MANLEY
Journal Staff Writer

Jobs are looking for applicants — especially among members of minority groups — this week at Portland's Memorial Coliseum, where the National Association for the Advancement of Colored People convention is in progress.

"Got the resume blues?" asks the sign at the Control Data Corp. display. "Our nationwide computer network matches job seekers and employers faster."

In front of the sign, a battery of computers spews information onto screens while another screen "plays games" with onlookers who pause to punch its buttons — just like home television sets, but with a greater variety of patterns.

James V. Walker, Morris Plains, N.J., manager of equal opportunity affairs for Warner-Lambert Co., a major drug firm, stressed that the Coliseum's exhibit hall — where the recruiters are holding forth — is open to the public, not limited to convention delegates.

"We accept resumes from applicants," Walker explained, "and discuss opportunities within our companies. We find out what specific fields they're interested in, then after the convention we go back and discuss the applicants (with company officials) and refer them to hiring managers."

But contacts aren't limited to people actively seeking jobs, Walker pointed out. "Some young people like to be counseled about career directions, regarding goals and objectives. And they want advice about study programs."

Comsat, the space satellite firm, is there in force.

"We're looking not only for high-technology people," said William Lockett, Washington, D.C., Comsat's assistant director of personnel. "We have large support groups and need attorneys, finance people and others. But we're primarily interested in minorities in the engineering field."

Participating in the NAACP convention "serves a two-fold purpose," Lockett said. "It gives us an opportunity to explain what Comsat is and to acquaint young people with the technology and hopefully get them interested at an early age."

Government agencies — including the armed forces, National Aeronautics and Space Administration and the FBI — all are recruiting during the NAACP convention. Even the Central Intelligence Agency is there.

"We're interested in recruiting and also in clearing up misconceptions about the agency," said Avon Harding, a CIA equal employment officer.

"We've had excellent responses," added Harding's associate, Mike Poell. "We have a six-minute film describing the history of the agency and its concept. This is the third NAACP convention that the agency has participated in."

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Castro puts African adventures ahead of U.S. ties

By James Nelson Goodsell
Latin America correspondent of
The Christian Science Monitor

Cuban President Fidel Castro is putting both his African ventures and his ties with the third world ahead of any rapprochement with the United States.

That is the message coming from Havana as Cuba celebrates the 25th anniversary of the start of the movement that brought Dr. Castro to power not only with a sprucing up of the city itself but also the visit of dozens of Asian and African leaders for the occasion.

Dr. Castro, who has long said he would not sacrifice his colleagues in the third world for relations with the U.S., bitterly denounced Washington, charging it was trying to turn nonaligned countries against Cuba.

But it won't work, he promised his listeners:

Tito remark ignored

Those listeners included Palestinian leader Yasser Arafat, black Rhodesian leader Joshua Nkomo, and South African black leader Oliver Tambo.

Dr. Castro did not specifically mention the current meeting of nonaligned foreign ministers in Belgrade in which Yugoslav President Tito warned against "new forms of colonial presence" in Africa, a not very veiled reference to Cuban and Soviet presence in that continent.

As if in answer, President Castro said Cuba had no intention of pulling its thousands of soldiers out of Africa while various African governments want their services. At the moment, Cuba has close to 45,000 soldiers and civilians serving in 14 countries, with more than two-thirds of them in Angola and Ethiopia.

'Achievements' listed

The speech was vintage Castro. It was one of his famous multihour performances - lasting nearly three hours, in the eastern city of Santiago de Cuba, the spot where his movement began 25 years ago.

But the audience was unusual. Instead of the hundreds of thousands massed in an open-air rally, the listeners were a select group of 17,000 specially invited guests.

They heard him tick off what he regards as the achievements of his revolution (improved education and housing, increased citizen participation in society). But the majority of the talk dealt with Cuba's international policies.

In addition to criticism of the U.S., which included charges that the U.S. abuses the human rights of its citizens, Dr. Castro took swipes at the Chinese. He denounced the government in Peking for its treatment of Vietnam and what he said was gross criticism of his own African policies. He called this "the repugnant treason of the Chinese leaders."

In addition to the Castro speech, the 25th anniversary celebrations include the week-long 11th annual World Youth Festival in Havana and a series of events scheduled to spotlight what one Cuban source called "The infamous activities of the CIA."

Former Central Intelligence Agency official Philip Agee is in Cuba and will be leading symposiums on the U.S. intelligence community. In addition, the Cubans have brought forward a Cuban national who supposedly became a CIA operative in Latin America while serving as a Cuban agent.

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27 JULY 1978

Cuban newspaper says CIA infiltrated by spy for Havana

From Inquirer Wire Services

HAVANA—A Cuban spy infiltrated the CIA in the 1960s and worked for it for eight years, the official Cuban newspaper Granma has reported.

Granma said that the spy, Manuel Hevia Consulluela, worked his way up to a senior position in the agency and was chief of security at a 1970 meeting of governors of the Inter-American Development Bank.

Hevia Consulluela's CIA career

began in 1962, when he pretended to accept recruitment in Havana, the newspaper said. It said he later left Cuba, theoretically in exile, to work for the agency, while in fact he was fulfilling instructions from Cuba security headquarters all the time.

He is writing a book, called "Passport 11333—Eight Years with the CIA," that is to be published soon, Granma said.

The report coincided with an appearance on Cuban television by

Philip Agee, a former CIA agent, who denounced the agency's activities. In a 30-minute interview, Agee discussed CIA operations in Latin America during the 1960s and said that part if his work had been to damage Cuba's relations with other Latin American countries.

Agee, who wrote a book on his CIA career for which he was threatened with prosecution by the agency, was invited to Cuba to take part in the week-long "World Youth Festival," which begins here tomorrow. As part of the event, a commission is to investigate "The Crimes of Imperialism," focusing in particular on CIA actions.

The CIA has been accused of, and in some cases has admitted, various operations against Cuba, including plots against the life of President Fidel Castro.

During Tuesday night's interview, Agee said he wanted to help people understand better "what the CIA is doing and how to identify its personnel in different parts of the world."

He said his second book, "Dirty Work, The CIA in Europe," was being printed and was more important than his first one, "CIA Diary—Inside the Company."

Agee added: "I have a contract for a third book with my editors in London which has to do with the CIA in different regions of the world."

He said he believed that "the interests of the CIA are really against the peoples of the world, and that includes the peoples of the United States themselves."

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THE CHRISTIAN SCIENCE MONITOR
27 July 1978

Spy for Cuba reported in CIA in 1960s

Havana

A Cuban spy infiltrated the CIA in the 1960s, and worked for it for eight years, the official Cuban newspaper Granma has reported.

The man, Manuel Hevia Con-sulluela, is writing a book about his spy experiences. He worked his way up to a senior position in the CIA and was chief of security at a 1970 meeting of governors of the Inter-American Development Bank, the paper said July 25.

The newspaper said the Cuban agent pretended to accept recruitment by the CIA in Havana in 1962, and later went into exile to work for the agency. In fact, he was fulfilling instructions from Cuban security headquarters, Granma said.

The report coincided with an appearance on Cuban television by Philip Agee, a former CIA agent, who denounced the agency's activities. Mr. Agee, in a 30-minute interview, discussed CIA operations in Latin America during the 1960s, and said part of his work had been to damage Cuban relations with other Latin American countries.

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FOR PUBLIC AFFAIRS STAFF

PROGRAM ABC World News Tonight STATION WJLA TV
ABC Network

DATE July 25, 1978 7:00 PM CITY Washington, D. C.

SUBJECT New Castro Broadside at CIA?

FRANK REYNOLDS: ABC News has learned that Fidel Castro is preparing another broadside against the CIA. On Thursday, in Havana, the Cuban government will reveal what it calls new evidence that the CIA tried to make it appear that Cuba was directly involved in the assassination of President Kennedy.

According to our information, the Cubans will present at least one, possibly two, so-called double agents, men who worked for the CIA, but actually were loyal to Castro, who will again, according to the Cubans, prove the CIA tried to blame Cuba for the President's murder.

We're also told the Cubans will make public their version of recent CIA actions against them in Africa. And just why Fidel Castro has chosen to renew the old controversy about the assassination is not clear. But our source, who is a high official of the Cuban government, insisted the information to be revealed is new.

A CIA spokesman said today the agency has no idea what the Cubans will say, but the charge that the CIA deliberately tried to place the blame for the assassination on Cuba is "ridiculous."

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MISCELLANEOUS

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ON PAGE 7

PARADE MAGAZINE
THE WASHINGTON POST
23 July 1978

DARK ROLE In 1960, unknown to the American people, our Central Intelligence Agency recruited and trained anti-Castro Cubans for an invasion of Cuba, which resulted in the Bay of Pigs disaster.

In 1964, unknown to the American people, our Central Intelligence Agency hired Cuban exile pilots to help protect the Congo government (now Zaire) in Africa, then headed by Premier Moise Tshombe, from Communist encroachment.

In 1975, unknown to the American people, our Central Intelligence Agency recruited and managed

several mercenary armies to fight in Angola. Unfortunately, they lost. Details of that sad operation in Africa are detailed by John Stockwell, CIA chief of the Angola task force, in his book "In Search of Enemies."

The role of the CIA in implementing U.S. foreign policy is far greater than the average American realizes. And so long as the CIA continues such clandestine operations, the American taxpayer must accept its dark role on faith--faith in the ability of elected legislators to oversee this necessary band of elitist spies.



AUTHOR JOHN STOCKWELL

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27 JULY 1978

CIA SOUGHT VAINLY TO EXHUME OSWALD'S BODY,

United Press International

Newly released files show the CIA, suspicious that the Soviets may have brainwashed Lee Harvey Oswald, sought unsuccessfully to exhume his corpse to see if his reported 1959 suicide attempt was a Russian cover-up.

The CIA considered Oswald's alleged suicide attempt four years before he killed John F. Kennedy "one of the crucial points in Oswald's experiences in the Soviet Union," according to an internal Warren Commission memo made public yesterday under the Freedom of Information Act.

The CIA wanted to dig up Oswald's corpse and closely examine a scar on his left wrist, where he supposedly "deeply slashed" himself upon learning on Oct. 21, 1959, he had been denied Soviet citizenship.

THE CIA FELT "if the suicide incident is a fabrication, the time supposedly spent by Oswald in recovering . . . in a Moscow hospital could have been spent by him in Russian Secret Police custody being coached, brainwashed, etc., for his appearance at the American embassy" three days later to renounce his U.S. citizenship, the memo said.

Oswald's body never was dug up, and the commission made no final judgment on whether his suicide attempt was authentic.

Followers of conspiracy theories contend that one strong possibility is Oswald was a Soviet agent when he shot Kennedy.

A copy of the memo from one commission assistant counsel, W. David Slawson, to another, Arlen Specter, was made available to UPI by Michael Levy, a freelance researcher who obtained thousands of assassination documents through an FOI request.

The commission's 1964 report said an autopsy showed Oswald had a scar on his left wrist — the kind which could have been caused by a suicide attempt. It said medical records furnished by the Soviet government stated Oswald was treated Oct. 21-28, 1959, at the Botkinskaya Hospital in Moscow for a self-inflicted wound on the left wrist.

The newly released memo revealed CIA skepticism because Oswald reportedly slashed his wrist so deeply "that had he not been found a few minutes later by his Russian tourist guide he would supposedly have died."

FILES SHOW

"IT IS THIS suicide which is supposed to have convinced the Russians of his sincerity and caused them to change their minds about letting him enter the Soviet Union. It is, therefore, a crucial occurrence," the memo said.

Although Oswald's expatriation attempt was rejected, he eventually was allowed to stay in the Soviet Union until June 1962.

Oswald was killed by Jack Ruby in the Dallas police station two days after the assassination, and the commission memo said that three months later FBI Director J. Edgar Hoover was "reluctant to exhume Oswald's body as requested by the CIA."

Slawson said he did not want "to force the FBI's hand on this point" unless examination of Oswald's decayed remains "could establish . . . that the scar represents what was once a deep wound of the kind which could cause sudden death by bleeding."

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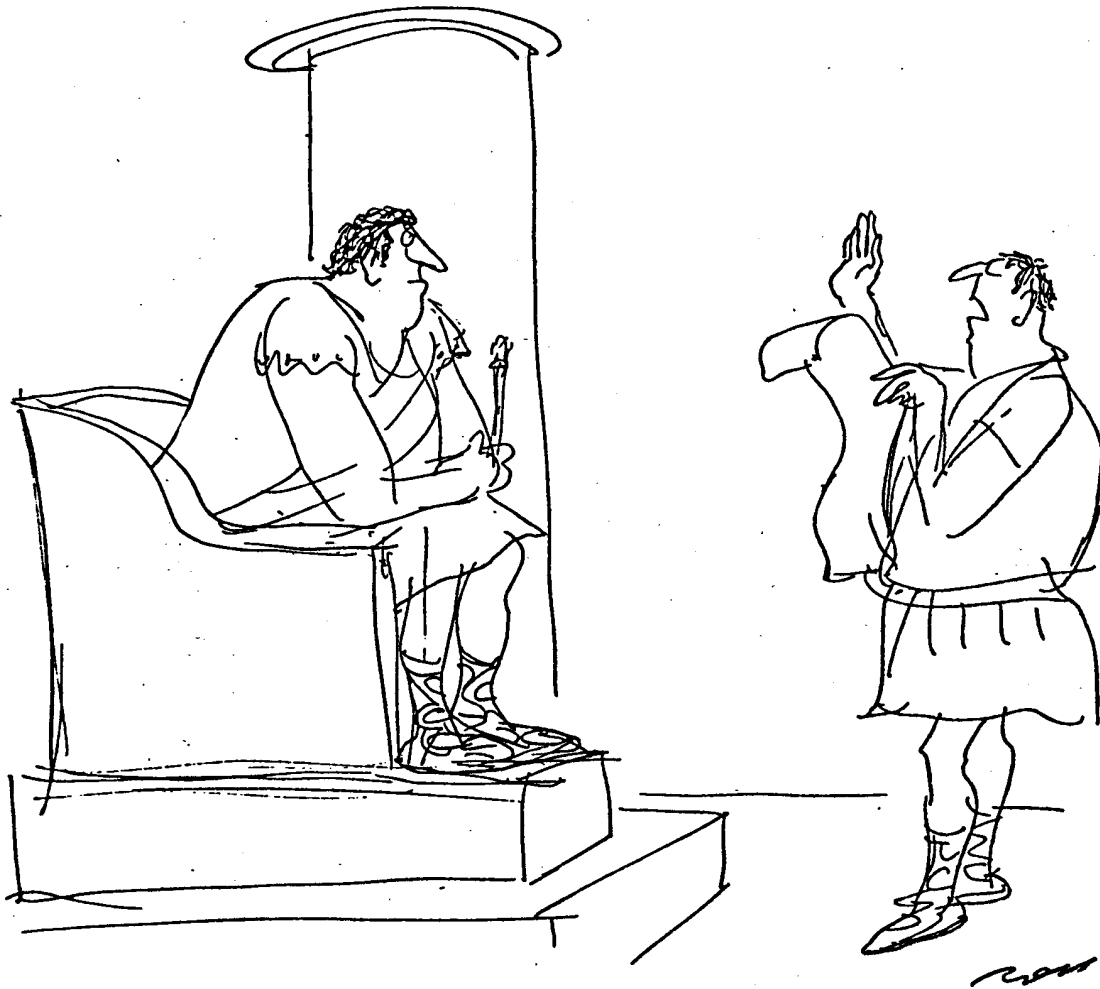


LEE HARVEY OSWALD

*Hand of
30 July 78*

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ON PAGE 76

7 August 1978



"Hail, Caesar! And now the news."

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ARTICLE APPEARED
ON PAGE 18THE WASHINGTON POST
3 August 1978

Worldwide Effort Being Launched to 'Destabilize' CIA

By George Lardner Jr.
Washington Post Staff Writer

Perched just below Dupont Circle is the apparently temporary headquarters of a new international campaign to "destabilize" the Central Intelligence Agency.

The anti-CIA announcements are being made in Havana, but the vehicle is a magazine being put together by former CIA officer Philip Agee, "the agency's No. 1 nemesis," and a number of colleagues bent on "exposing CIA personnel and operations whenever and wherever we find them."

The new publication, which is expected to appear roughly six times a year, is called the Covert Action Information Bulletin, and its tone is uncompromising. Urging a worldwide effort to print the name of anyone who works abroad for the CIA, Agee advises readers of the premier issue not to stop there. Once the names have been made public, he recommends:

"Then organize public demonstrations against those named—both at the American embassy and at their homes—and, where possible, bring pressure on the government to throw them out. Peaceful protest will do the job. And when it doesn't, those whom the CIA has most oppressed will find other ways of fighting back."

Agee concludes: "We can all aid this struggle, together with the struggle for socialism in the United States itself."

"This thing is incredible . . . unbelievable," exclaimed CIA spokesman Herbert Hetu. "The motivation of these people has got to be more than that they're just ticked off at the CIA."

"This goes beyond whistle-blowing," Hetu added of the magazine. "Whistle-blowing is supposed to be directed at wrongdoing. These people are operating under the overall pretext that everything we do is wrong."

Expelled from Britain and a succession of other Western European countries over the past two years, Agee is reportedly living in Rome, but the magazine is being published here by C. I. Publications Inc., a nonprofit corporation set up in the District on Dec. 22.

Its incorporators, directors and officers are William H. Schaap, a lawyer and editor in chief of a newsletter called the Military Law Reporter; Ellen Ray, a colleague of Schaap on various boards and projects; and Louis Wolf, coeditor with Agee of a new book entitled "Dirty Work: The CIA in Western Europe."

It is designed partly as a how-to-do-it book aimed at "breaking the 'cover' of thousands of CIA agents around the world."

The headquarters of C. I. Publications Inc. is given in the incorporation papers as a sixth-floor suite in the Dupont Circle Building at 1346 Connecticut Ave. NW, which houses the Public Law Education Institute.

The institute's president, Thomas P. Alder, told a reporter yesterday he had not been aware of Schaap's use of the address for his "sideshow" magazine and indicated he would put a stop to it. The institute publishes the Military Law Reporter Schaap edits.

The financing for the new undertaking was unclear. Alder said Schaap, Agee and all the others who could answer such questions were still in Havana, where they have been taking part in an anti-CIA tribunal that began last week as part of the International Youth Festival.

In announcing the plans there, Agee and Schaap have said they hope to establish a worldwide network of "researchers" who will keep CIA officers under close scrutiny and forward their names to the Covert Action Information Bulletin for publication. Others associated with Agee in the so-called "CIA Watch" are James and Elsie Wilcott, former CIA finance and support personnel who are also taking part in the Havana festival.

In a joint statement in the first (July 1978) issue of Covert Action entitled "Who We Are," Agee and the others describe the magazine as a successor to Counter-Spy, which went out of business a year and a half ago.

Counter-Spy folded after a welter of controversy over the 1975 assassination in Athens of CIA station chief Richard S. Welch. The magazine had earlier listed Welch's name as a CIA official stationed in Peru.

Unlike Counter-Spy, Agee and the others said in the first issue of Covert Action, "We are confident that there will be sufficient subscribers to make this publication a permanent weapon in the fight against the CIA, the FBI, military intelligence and all the other instruments of U.S. imperialist oppression throughout the world."

According to John H. Rees, editor of a conservative newsletter called Information Digest and Washington correspondent for the Review of the News magazine (originally put out by the John Birch Society), Schaap is a member of the National Lawyers Guild, and, with Ray, served on the Counter-Spy magazine advisory board. The two also participated together in the National Lawyers Guild's Southeast Asia Military Law Project and served as the guild's observers in February 1977 at the Baader-Meinhof trials in Stammheim. Rees reported in Information Digest's latest issue.

Several hundred copies of Covert Action were reportedly sent from Washington, and more were distributed free in Havana.

3 AUGUST 1978

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ON PAGE 2

News in Brief

Former CIA agent Philip Agee, speaking before a tribunal at the 11th World Festival of Youth and Students in Havana, claimed the U.S. agency was responsible for the deaths of 100 Cubans in a 1960 explosion on a ship carrying Belgian arms to Cuba. He gave no details. Agee also charged that the CIA fabricated a document purporting to contain names of Peruvians on the payroll of the Cuban Embassy in Lima. After the list appeared in a Lima newspaper the Peruvian government broke relations with Cuban.

ARTICLE APPEARED
ON PAGE 19THE WASHINGTON POST
3 August 1978

Cuba Charges CIA Plotted to Kill Castro As Recently as 1976

By Marilise Simons

Special to The Washington Post

HAVANA—The Cuban government mounted a major attack on the U.S. Central Intelligence Agency yesterday, producing for the first time alleged double agents who claimed that CIA efforts to assassinate Premier Fidel Castro continued until as recently as 1976.

The charges were made before a so-called "tribunal against imperialism" being conducted while 20,000 young leftists and communists from 140 nations take part in this week's 11th International Youth Festival.

In addition to the new charges concerning a number of alleged CIA plots to assassinate Castro, the double agents and other Cuban prisoners who testified yesterday also made new allegations related to the assassination of President Kennedy.

The Cuban government is also expected to release a 24-page document shortly called "CIA, Cuba Accuses" detailing Havana's charges that the CIA has "obscured and twisted information concerning the death of John F. Kennedy."

The decision to air these charges at yesterday's tribunal may have been designed, in part, to steal the thunder from the U.S. House Assassinations Committee, which sent a delegation here in April to pursue various questions about the Kennedy assassination.

The House panel is planning to hold public hearings on its JFK inquiry next month.

The Kennedy assassination allegations were overshadowed here yesterday, however, by testimony that plots to kill Castro continued until only two years ago, despite CIA claims that any such activities were discontinued in 1965.

This claim was made by several double agents, including Nicolas Alberto Sirgado Ros, who said he acted as a double agent for 10 years until 1975.

Sirgado, who said he was recruited by the CIA during a visit to London in 1966, said the CIA had trained him in a variety of techniques and in 1974, asked him to plant a microphone in the offices of Osmany Cienfuegos, who holds the key job of secretary to Cuba's Council of Ministers.

In 1976, Sirgado said he was asked to provide an itinerary of a visit to Angola by Castro—a request interpreted here as an indication that the CIA might have been planning to assassinate the Cuban leader while he was on that trip.

Sirgado said he passed carefully prepared misinformation to the CIA, and later that year, received a letter of congratulation and a wrist watch from Secretary of State Henry Kissinger.

Another Cuban, Jose Fernandez Santos, said a further threat on Castro's life was expected in Mexico in 1976.

Two men, whom he identified as Francisco Manuel Camargo Saavedra and Patricio Sanchez, scouted Mexico City's airport and a downtown monument as possible sites for the assassination, Fernandez said.

A succession of five former double agents provoked strong emotional responses with stories of how they had succeeded in sabotaging CIA plots to kill Castro.

One of the self-professed double agents, Abel Haidar Elias, testified that on one occasion, he had been given a powerful rifle to pass to a chosen assassin.

When the agent told the tribunal that he had never delivered the weapon, the audience gave him a standing ovation.

The panel also heard a variety of claims regarding the Kennedy assassination.

Much of the testimony suggested that the CIA had sought to convince the public that Lee Harvey Oswald had dealings with Cuba long before the Kennedy assassination. By so doing, witnesses argued, the sources behind the Kennedy murder could protect the real culprit and instead involve Cuba, thus justifying a U.S. invasion to overthrow Castro.

The most dramatic testimony came from Eusebio Azcue Lopez, who was consul at the Cuban Embassy on Sept. 27, 1963, when a man claiming to be Lee Harvey Oswald requested a visa to travel to Cuba.

Azcue said "the man I saw on TV being killed by Jack Ruby, in no way looked like the man I had seen three months earlier."

The CIA photos of Oswald presented to the Warren Commission "were also not of the man I had seen" in Mexico, Azcue said. He told the tribunal he reported this immediately to Raul Roa, then Cuban foreign minister.

Rolando Cubelas Secades, now serving a 25-year prison term, also appeared and denied the CIA's claim that he was a double agent, saying, "This is completely false, a perfidious lie."

Cubelas, who has already served more than 12 years in prison for "crimes against the state," appeared emotional as he left jail yesterday for the first time. The man who is said to have gone under the CIA code name AM LASH told the tribunal he worked only for the CIA between 1961 and his arrest in 1966.

CONTINUED

ARTICLE APPEARED
ON PAGE A-3NEW YORK TIMES
3 AUGUST 1978

Cuba Says C.I.A. Fabricated Evidence on Kennedy

By ALAN RIDING

Special to The New York Times

HAVANA, Aug. 2 — Cuba accused the United States Central Intelligence Agency today of fabricating evidence in order to link Havana with the assassination of President John F. Kennedy and thus justify further American efforts to overthrow the Castro Government.

In lengthy testimony before a political "tribunal," organized to coincide with the 11th International Youth Festival, Cuban officials also charged the C.I.A. with plotting numerous assassination attempts against Cuba's President, Fidel Castro.

Evidence of some of these plots was provided by six Cuban "double agents," who apparently infiltrated Cuban exile groups in Miami and collaborated with the C.I.A. until as recently as 1976.

But while many of the Cuban charges were not new — some witnesses even quoted evidence from the report of the United States Senate's Select Committee on the C.I.A. — the Cuban Government did provide fresh testimony casting doubt on some C.I.A. claims that linked President Kennedy's accused assassin, Lee Harvey Oswald, to Cuba.

Eusebio Azcué López, a former Cuban consul in Mexico City, told the tribunal that the person claiming to be Lee Harvey Oswald who visited him Sept. 27,

1963, to request a visa for Cuba was not the same person who appeared in films and photographs as the arrested assassin of Mr. Kennedy. The Warren Commission reported the C.I.A.'s evidence that Lee Harvey Oswald had visited the Cuban consulate on that day.

"In no way did the person I saw in film and photographs resemble the person who visited me," said Mr. Azcué, who has never before given evidence in public. "The person in the film was younger and with a pudgier face compared to the hard lines and older face of the person who requested the visa."

A member of a so-called Cuban Investigating Commission, Idalberto Guevara Quintana, who presented today's main charges against the C.I.A., said that there was a growing body of evidence suggesting efforts to link Cuba to the assassination even before it took place.

Mr. Guevara charged that, contrary to evidence presented to the Warren Commission, no one by the name of Lee Harvey Oswald belonged to the so-called "Fair Play to Cuba" organization in the United States and that no affiliate of that group existed in New Orleans, where Mr. Oswald had allegedly been a militant.

He also said that, contrary to evidence presented by the C.I.A. to the Senate's Select Committee, the person who sought a visa for Cuba in Mexico City never announced while in the consulate that he

was planning to kill President Kennedy.

The C.I.A., Mr. Guevara said, tried to link Cuba to the murder by emphasizing links between Mr. Oswald's assassin, Jack Ruby, and the Mafia leader Santos Traficante, who visited Cuba in 1959 in an unsuccessful effort to persuade Mr. Castro to reopen Havana's casinos.

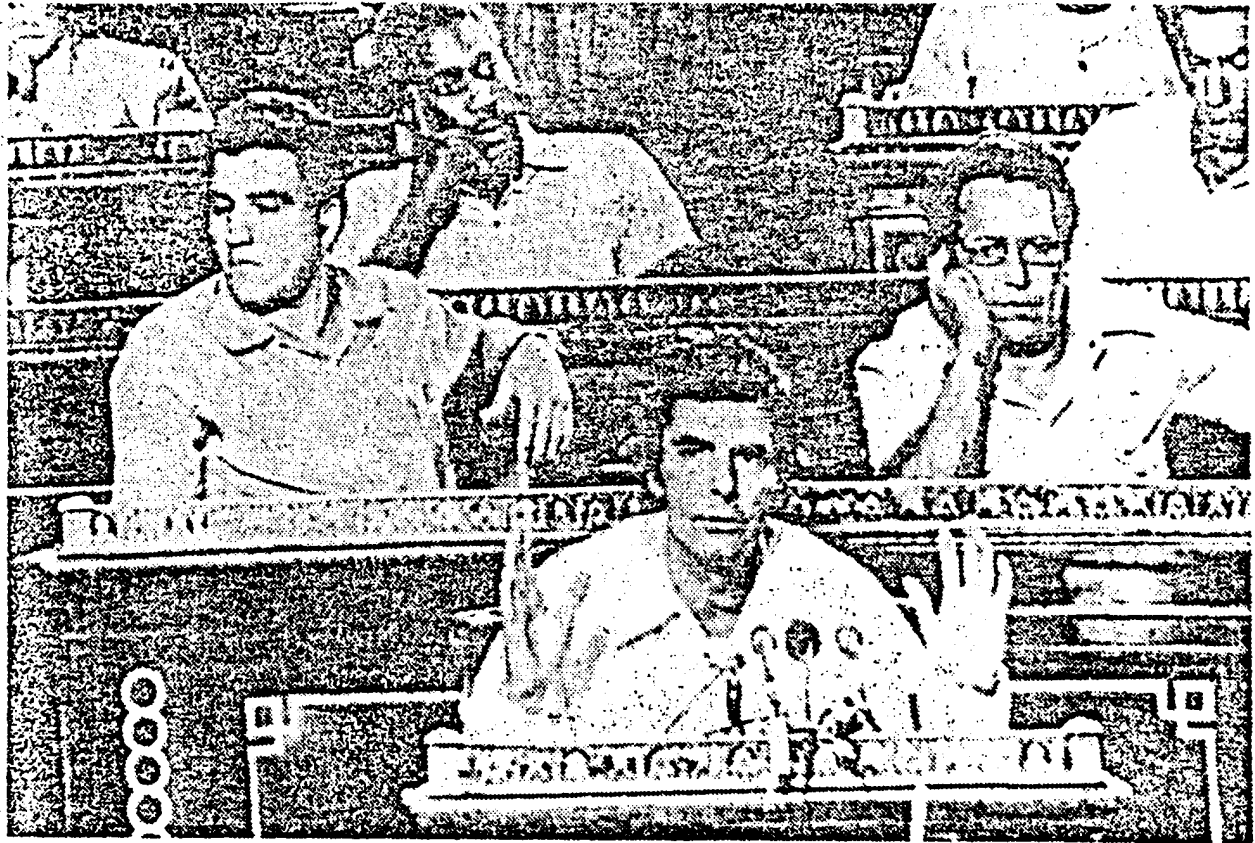
Mr. Guevara further maintained that the C.I.A. has tried to hide the fact that Lee Harvey Oswald was recruited by the agency while in Japan in 1958.

Mr. Guevara accused the C.I.A. of deceiving the Senate's Select Committee by suggesting that Rolando Cubelas Secades, who is now serving a 25-year prison term here for espionage for the United States, was in fact a double agent, thus trying to discredit his evidence of assassination plots against President Castro. Mr. Cubelas appeared before the tribunal today and admitted working for the C.I.A. in Cuba from 1961 to 1966.

Another witness before the tribunal, which has been organized with the principal objective of placing the C.I.A. on trial and which is called "Youth Accuses Imperialism," was Juan Felaifel Canahan, a Cuban intelligence agent who infiltrated Cuban exile groups and the C.I.A. in Miami between April 1963 and February 1966.

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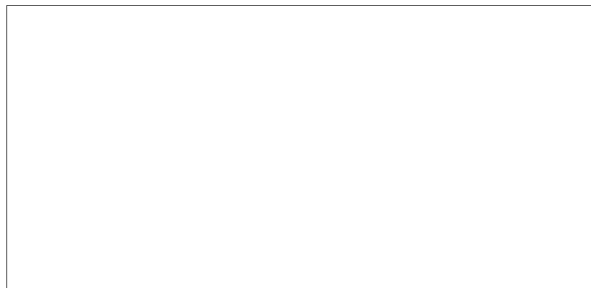
WASHINGTON STAR (RED LINE)
2 AUGUST 1978



-Associated Press

Former CIA Agent Testifies in Cuba

Phillip Agee, former CIA agent, gestures as he testifies at a youth conference tribunal in Havana yesterday. Agee talked about personal involvements in CIA activities in Cuba.



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ON PAGE A-10

WASHINGTON STAR (GREEN LINE)
2 AUGUST 1978

D.C.'s man in Havana

We doubt that many District taxpayers will be warmed by the thought of a school board member using public money to attend an anti-Western propaganda spectacular in Havana. Whatever the level of taxpayer outrage over Frank Shaffer-Corona's \$756 travel allowance, the expenditure is a misuse of the school system's money.

Mr. Shaffer-Corona is spending \$84 a day from D.C. coffers while in Cuba for the 11th World Festival of Youth and Students, *The Star's* Gloria Berger reports. Despite the felicitous title, the festival is a political event without the remotest application to the education of Washington schoolchildren.

And what politics! A filled stadium watching delegates from the U.S. carrying banners about "anti-imperialist solidarity" and banning the neutron bomb. Philip Agee outlining plans for new anti-CIA activities. Yasir Arafat, the Palestinian terrorist chief, damning American and Israeli misdeeds. Fidel Castro ordering up fireworks as the gracious host of it all.

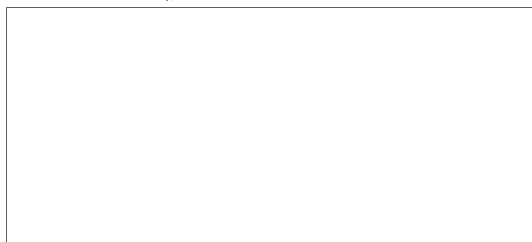
The traveling school board member has not been available in the last few days to explain how the left-wing bash in Havana is going to

help anyone deal with the District's school problems.

Mr. Shaffer-Corona's request for the travel money did not go unquestioned, by the board president and by board and District financial officials. Board of Education President Conrad Smith at one point wrote to Mr. Shaffer-Corona protesting his planned use of board funds and urging that he reconsider. Mr. Smith also appealed to Schools Superintendent Vincent Reed, who understandably begged off commenting on the travel practices of the elected board.

A problem is that the board's guidelines, under which each member can draw up to \$1,350 in travel expenses to attend educational conferences and training sessions, are too vague. Mr. Shaffer-Corona was able to justify his Havana expenses for bureaucratic purposes by citing the high-sounding educational claims of the World Festival's sponsors.

Tighter, more specific guidelines are in order, particularly if D.C. school board members cannot be relied on to use reasonable judgment in such matters. In the board's definition of the kinds of travel for which the public can be billed, an explicit exclusion of political propaganda sessions may be necessary.



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LEWISTON TRIBUNE (IDAHO)
1 July 1978

Don't ask the Senate

If the Carter administration desires any advice on its Africa policies, it had better not look for it in the Senate, which indicated this week that it has lost the capacity to think clearly on that subject. It did so when it voted, 53 to 29, to recommend that the U.S. break off diplomatic relations with Cuba until Cuba pulls its military forces out of Africa. The State Department rejected the recommendation, for the good reason that the U.S. has more to gain than Cuba does from our limited diplomatic ties.

It is especially foolish to consider self-punishing retaliation over a difference of this kind because the difference itself is hard to justify. Much more is being made over the Cubans in Africa than the matter deserves. The Cubans have not caused nearly as many long-run problems for the U.S. in Africa as has the CIA, and if the Senate wished to be helpful to American interests there it would recommend pulling out the CIA and leaving the Cubans alone. The Cuban troops have in fact been of some use to

Americans by providing security for Gulf Oil's drilling operations in Angola. Were the Cubans to leave, we would have to replace them or risk the loss of that oil.

Unfortunately for the U.S., the Cubans are on the side that is ultimately the most likely to win in Africa — the black nationalists — while the U.S. appears to be in league with the former colonial nations that have lost Africa and are now only a token power there — the Belgians and the French. The American CIA cooperates warmly with the repressive white minority in South Africa, while the Cubans help train the black soldiers who one day will help pitch the whites out. The more we complain about the Cubans in Africa and threaten retaliation against them, the more clear it becomes to the Africans whose side we're on.

Our future relations in Africa, as well as our present relations with Cuba, would have been further soured if the Senate had got its way this week. — L.H.

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Management

Soviet Defense Spending Expected to Sustain Rise

Washington—Soviet defense spending has grown at an annual rate of 4-5% in the decade ending 1977, and the upward trend in allocation of resources to defense is expected to continue, according to the Central Intelligence Agency.

The CIA's National Foreign Assessment Center said spending grew from 40-45 billion rubles in 1967 to 58-63 billion rubles in 1977. Its report centered on ruble comparisons for the growth trend. In Moscow, the ruble's U. S. dollar value is about \$1.25, an exchange rate considered artificially high, when the actual value is nearer 80 cents.

In its impact on the Soviet economy, defense spending had these effects:

- Defense consumed 11-12% of the Soviet gross national product, and defense investment consumed about one-third of the final product of the machine-building and metalworking industries.

- Between 65 and 75% of Soviet males reaching draft age were conscripted into the armed forces, or 3-4% of the total labor force.

- In the period studied, more than half the total spending went for capital investment, about one-fourth for operating expenditures and over one-fifth for research, development, testing and evaluation.

The share allocated to the Soviet air force increased largely due to the buildup in frontal aviation, assigned for strike and deployed in Warsaw Pact nations and on the Chinese border. Spending for the Soviet navy and national air defense forces grew more slowly than defense spending as a whole, the report noted.

The CIA said most of the growth in navy spending was allocated to ballistic missile submarines, while the air force used most of its funding for interceptor aircraft. Strategic rocket forces received the smallest share of investment and operating funding and were primarily concerned with deployment cycles for intercontinental ballistic missiles.

However, the CIA said spending for Soviet forces along the border with Communist China grew at more than twice the rate of the total, and now commands 10% of the total defense spending.

"Soviet economic growth has been slowing in the 1960s and 1970s, and we forecast a further slowdown in the 1980s," the CIA said. "Nonetheless, all of the evidence available to us on Soviet defense programs under way and planned suggests that the long-term upward trend in allocation of resources to defense is likely to continue into the 1980s."

There also is no indication, the CIA

pointed out, that Soviet economic problems are causing major changes in defense policy.

Defense spending will grow in the next two or three years but at a lower rate due to completion of current ICBM, submarine and fighter aircraft programs. It will accelerate again in the early 1980s when the Russians deploy weapon systems now under development.

The CIA also stated that conclusion of a strategic arms limitation talks (SALT) agreement along the lines now generally taken by the U. S. and the Soviet Union would not, in itself, significantly slow the growth of Soviet defense spending.

Spending by services included these trends:

- **Air force**—Spending increased more rapidly than for any other military service. The number of tactical aircraft in frontal aviation categories increased by about 50% over the 10-year period, mostly deployed along the Chinese border—where the number grew more than five-fold.

- **Ground forces**—Investment consistently took a little over 50% of ground forces spending, mainly for purchase of tanks and mobile tactical surface-to-air missiles and some artillery and armored personnel carriers. Again, the Chinese border was the leading buildup area. The Soviets doubled the number of divisions there.

- **Navy**—Spending for ballistic missile submarines grew at a rapid pace between 1967 and 1974, while spending for general-purpose navy forces declined. These trends were reversed after 1974. Emphasis is on forces associated with strategic attack, open-ocean antisubmarine warfare and open-ocean antiship missions, including deployment of Kresta- and Kara-class guided-missile cruisers and Kiev-class aircraft carriers. Antiship posture was also strengthened by procurement of long-range Tupolev Backfire bombers.

- **Strategic rocket forces**—In 1977, uniformed military personnel assigned to the service numbered more than 300,000, slightly fewer than the forces in 1967. Most of the spending was allocated to ICBM forces, or about three-fourths of the total for the service. In 1977, spending for the strategic forces rose above its 1967 level for the first time, showing an increase of about 3%.

ARTICLE APPEARED
ON PAGE DC 9THE WASHINGTON POST
3 August 1978

Jack Anderson

Soviet Press: Specialists in Slander

The Soviet conviction of two American newsmen for "slander and defamation" must be one of the supreme ironies of our time. It's Soviet journalists who are specialists in slander.

An intelligence study declares categorically that many Soviet correspondents "double as intelligence operatives" and "influence local press coverage of international developments." Their entire discipline is to spread misinformation about the United States.

Yet the Kremlin had the incredible gall to accuse Craig Whitney of The New York Times and Harold Piper of The Baltimore Sun of slandering the committee that controls the Soviet media. This is the same committee that pours out daily venom against the United States.

Soviet newscasts portray the United States as an "imperialist" and "racist" nation, ever plotting against socialist governments and threatening world peace. Yet the real imperialists today are the Soviets, who support Cuban mercenaries in Africa and communist subversives around the world.

The Kremlin has introduced the age of "double-speak" and "double-think" forecast by the late George Orwell. Such words as freedom, democracy, peace and justice have been debased. Communist dictatorships pose as "people's democracies" and brand true democracies as dictatorships.

The study, prepared by the Central Intelligence Agency for the House Select Committee on Intelligence, illustrates how the Soviets distort the news.

Former Italian Prime Minister Aldo

Moro, for example, was recently kidnaped and killed by terrorists. But Moscow blatantly broadcast that, "to call a spade a spade," the mastermind behind the kidnaping "is called the Central Intelligence Agency and the foreign power it belongs to is the United States."

Declares the study: "The Soviets have attempted, by repeated efforts in a variety of media, to establish in the European mind that the kidnaping of Aldo Moro was the work of western intelligence services, or specifically, the CIA."

Indeed, the Soviets not only distort the news, they forge it. The study cites this example: "A forged U.S. Information Service press release, containing a spurious speech by President Carter, implied that the U.S. was exerting heavy pressure on the Greek government with respect to Greece's relationship with NATO." This phony press release "was mailed to various Greek newspapers in September of 1977." (The U.S. Information Service is now part of the International Communications Agency.)

The Soviet KGB, according to the study, specializes in forging official U.S. documents which contain "demeaning references to friendly governments. The Arab world, and Egypt in particular, appear to have been prime targets of recent KGB forgery."

The Soviet propaganda apparatus, the study states, is "second to none." It operates an "extensive shortwave radio system," broadcasting in 34

languages; "two news agencies; the pro-Soviet communist parties; international communist fronts; bilateral friendship societies . . . and a large corps of foreign correspondents, many of them Soviet intelligence officers."

The Kremlin has invested heavily in this worldwide propaganda output. "Our rough estimate," speculate the CIA analysts, is that "\$2 billion per year might be on the conservative side."

The propaganda machine is closely controlled by the Kremlin. "The Politburo approves the major themes of the Soviet propaganda campaigns—and the means which will be used to disseminate them. For example, KGB forgeries and other major covert actions require Politburo concurrence. Mikhail Suslov, a party secretary and senior member of the Politburo in point of service, holds the propaganda 'portfolio' within the Politburo."

ARTICLE APPEARED
ON PAGE 42-43U.S. NEWS & WORLD REPORT
7 August 1978

Russia's Massive Campaign to Blacken U.S. Image

An official report bares inner workings of Moscow's global propaganda network. Lies, forgeries, unsuspecting dupes and "fronts" are used to defame America.

The Soviet Union is speeding up expansion of its already massive propaganda war against the United States.

That is the warning from the Central Intelligence Agency, as made public in late July by the House Permanent Select Committee on Intelligence.

According to the CIA:

- Russia spends at least 2 billion dollars a year to spread pro-Communist and anti-U.S. propaganda through a worldwide network that includes international front organizations controlled by the Kremlin.

- There are "recent indicators that the Soviets intend to place increasing reliance on propaganda and particularly to intensify their propaganda against the United States."

This heating up of the Kremlin's cold war of words is seen as another blow to the already damaged détente that was supposed to bring a relaxation of tensions between the superpowers.

The report by the CIA was prepared at the request of Representative John M. Ashbrook (R-Ohio), a member of the House Intelligence Committee. It dealt only with Soviet propaganda operations in other nations, not in the United States, because the CIA is barred from engaging in counterintelligence activities in America.

The CIA recommended, however, that Congress investigate Moscow's operations in the U.S., saying that "some of the evidence presented in this paper suggests that such a study would be worthwhile."

"At highest levels." Describing the Soviet propaganda as a mixture of "exaggeration, innuendo and outright falsehood," the CIA gave this summary of Moscow's aims and methods:

"Propaganda campaigns are planned and directed at the highest levels of the Soviet regime. The fundamental aims of Soviet propaganda directed abroad are to weaken the opponents of the U.S.S.R. and to create a favorable environment for the execution of Soviet policy.

"The primary target of Soviet propaganda abroad is the United States; Soviet propaganda seeks to isolate the United States from its allies and to create a worldwide image of the United States as aggressively 'imperialist' and 'racist.'

"Specifically, the Soviets attempt to show that U.S. military spending and

weapons development make this country the major threat to world peace."

Recent examples cited by the CIA: The Russians originated a worldwide campaign against U.S. production of the neutron bomb. Moscow tried to paint the kidnap-murder of Italian politician Aldo Moro last spring as the handiwork of the CIA. And Soviet agencies have accused the U.S. of conspiring to help West Germany become a major nuclear-missile power.

Key elements. To carry out their propaganda programs, the CIA asserted, "the Soviets have developed a worldwide network of assets second to none." As components in that network, the CIA listed:

- A short-wave broadcasting system that beams programs to virtually every country, using 84 languages.

- Two news agencies, Tass and Novosti (APN), that are supplying services to scores of countries—often free of charge.

- More than 75 Communist parties outside the Soviet bloc, with a total membership of more than 3.5 million.

- Dozens of international "Communist fronts" posing as independent organizations but actually "funded and controlled by the Soviets." (The 13 major fronts are shown on page 43.)

- Nearly 500 Soviet newsmen working abroad, "many of them Soviet intelligence officers," and all of them "as much employes of the Soviet state as a Soviet consul or ambassador."

- The state security organization (KGB), which secretly supplies money to foreign politicians, forges documents and sends "influence agents" into many countries.

With these agencies, plus the intelligence services and propaganda resources of Cuba and the Communist nations of Eastern Europe, the CIA said, "the Soviets are able to orchestrate propaganda campaigns on a worldwide basis with relative ease."

The role of fronts. Communist-front organizations are described in the report as "major propaganda weapons"—especially effective in creating "public support for Soviet policies among the unsuspecting." These groups also serve as recruiting grounds for intelligence agents, the CIA said.

The World Peace Council, claiming affiliates in 120 countries, is called "the

most important Soviet front." And the World Federation of Trade Unions is listed as "the largest and one of the most active" fronts.

The World Youth Festival now being staged in Havana is cited as a front-group activity, sponsored by the International Union of Students and World Federation of Democratic Youth.

The CIA charged that Russia is expanding its use of forged documents to discredit Washington. Most of the recent forgeries, the agency said, "have been alleged copies of official U.S. government documents which contain demeaning references to friendly governments." One was described as a forged release of the U.S. Information Service "containing a spurious speech by President Carter which implied that the U.S. was exerting heavy pressure on the Greek government with respect to Greece's relationship with NATO."

A theme that is found over and over in the propaganda, the CIA report said, paints the United States as "the devoted friend of conservative or right-wing regimes" and "unsympathetic to the needs and ambitions of the Third World" of underdeveloped nations.

The most widely reiterated theme centers on American weapons development. Said the CIA: "Since World War II, the Soviets have campaigned vigorously against virtually every major U.S. weapon. The atom bomb itself was a target of Soviet propaganda until the moment the Soviets acquired their own atomic capability."

Details of three drives. To demonstrate how the campaigns are waged, the CIA gave a detailed history of three such efforts, including the one aimed at the neutron bomb. According to the agency:

"The earliest sustained propaganda on the neutron bomb originated exclusively from the Soviet Union" in July and August of 1977, and "the Soviets escalated this attack in later weeks to support the propaganda campaign as it got under way elsewhere." Russia described the bomb as "the ultimate capitalist weapon, one which killed people but left property intact."

From Moscow, the CIA related, the antibomb campaign spread across Eastern Europe, where it "was massive, well organized and faithfully mirrored the Soviet effort. It employed all channels of public communication: press, radio, television, petitions, public letter writing and demonstrations."

The drive soon moved into Western

CONFIDENTIAL

Europe, Africa, Asia, South America—and the U.S. itself. "For the Soviets," the CIA said, "the real propaganda success" came when antibomb articles began appearing in "even the most objective elements of the [news] media, which felt an obligation to carry both sides of the argument."

When it was announced last September that President Carter would not approve production of the bomb until America's NATO allies agreed to deploy the weapon, the Soviets shifted their propaganda attack to the NATO nations. This made the neutron bomb "a major political issue in virtually every European capital."

The CIA cited the Moro kidnapping in Italy as an example of how Moscow uses the "big lie" technique.

Moro was kidnapped last March 16 and later murdered by a left-wing terrorist organization known as the Red Brigades. In the words of the CIA: "Moro's abduction was universally regarded as a setback for moderate ele-

ments," and "thus it seemed inconceivable" that it "could be interpreted as serving the interests" of the United States. Yet Moscow directly charged that the kidnapping was the work of the CIA.

To rationalize that charge, the Soviet news agency Tass said: "The aim of the Red Brigades, under a mask of leftism, was to induce a rightward political swing in Italy." Presumably that would hurt the Italian Communist Party.

As another example of misleading Soviet propaganda, the CIA cited the "OTRAG case." In 1975, a group of West German firms combined to create OTRAG (Orbital Launch and Rocket Corporation) to develop a capability of placing satellites in space for commercial clients. In 1976, OTRAG contracted with the government of Zaire for a large testing and launch range in Shaba province.

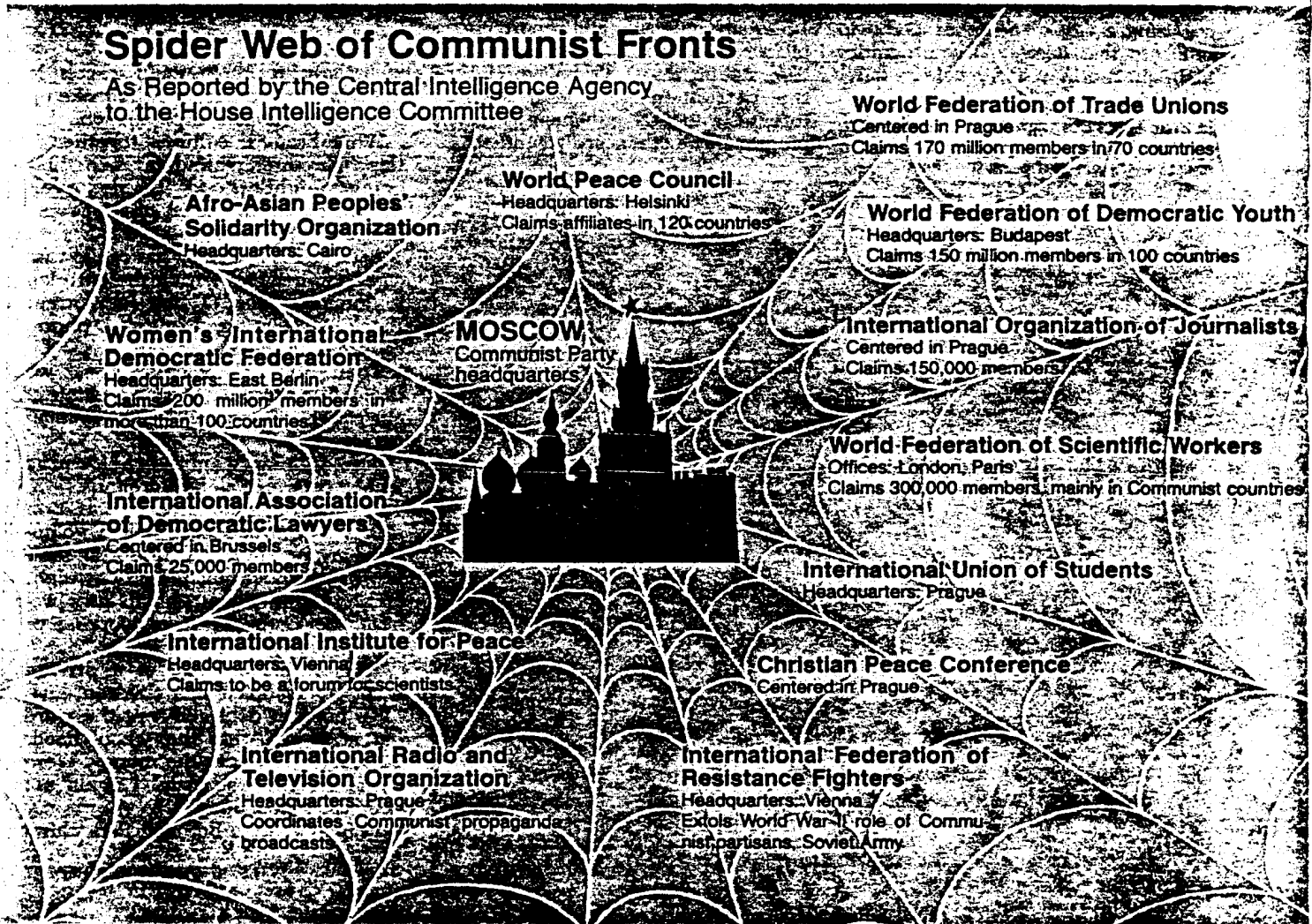
Here, in the words of the CIA, is what Soviet propagandists did with that project: "In the fall of 1977, Tass

began to send its clients stories claiming that OTRAG was a West German rearmament scheme designed to produce cruise missiles and IRBM's...

"By early 1978, a combination of Tass, the Soviet internal press and KGB covert press placement had created a legend that the United States (specifically the CIA and Department of Defense), France and West Germany, with Zairean President Mobutu's connivance, were engaged in a conspiracy to help Germany become a major nuclear-missile power... As the complex of fabrications has grown, it has been picked up by legitimate journalists throughout the Third World and even in the West."

Fresh "indicators." The CIA said that Leonid Zamyatin, the director of Tass, has just been elevated to head a new "information department" of the Communist Party Central Committee. And several members of the Soviet parliament who play a primary role in propaganda policies toured newspapers and radio stations in the U.S.

These were cited as among "recent indicators" that the Soviet Union intends to step up its war of words against the United States. □



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WASHINGTON STAR (RED LINE)

3 AUGUST 1978

ARTICLES APPEARED
ON PAGE A-3

Maheu Denies Anti-Onassis CIA Connection

LAS VEGAS (AP) — Onetime Howard Hughes aide Robert Maheu says he was hired by a competitor of Aristotle Onassis to discredit the Greek millionaire.

But he yesterday denied a report that he was part of a purported CIA "dirty tricks" campaign against the late shipping magnate.

Playboy magazine said Maheu, then-Vice President Richard Nixon and now-Chief Justice Warren Burger all took part in the alleged plot to ruin Onassis after the shipowner had received permission to carry Saudi Arabian oil to the United States.

Burger, an assistant attorney general at the time, denied through a spokesman that he received intelligence reports on the anti-Onassis campaign. Nixon could not be reached for comment and the CIA declined comment.

Maheu, who operated an international management consulting and investigative firm and received a \$500-a-month retainer from the CIA, said in an interview yesterday that he had worked for Stavros Niarchos, a fierce competitor of Onassis.

He said his firm did a study of the Onassis-Saudi Arabian agreement and concluded that by 1960 Onassis could be making a profit of \$200 million a year on the shipments.

"He would have controlled more deadweight (tanker) tonnage than the United States had under its command," Maheu said. "Here was a man in so much control, the question was where he would have gone next with his profits.

"He could have tied up the world and our own government hadn't realized the severity of this."

A PLOT ON ONASSIS CHARGED IN ARTICLE

Nixon, Burger and a Hughes Aide
Linked to 1954 'Dirty Tricks'

CHICAGO, Aug. 2 (AP) — Richard M. Nixon, who was then Vice President; Warren E. Burger, then a Justice Department employee, and Robert A. Maheu, a one-time aide to Howard R. Hughes, were part of a 1954 plot directed against the late Aristotle Onassis because of his shipping power, according to an article in the September issue of Playboy magazine.

The article, excerpted from "Spooks," a forthcoming book by Jim Hougan, said that the plot had developed after the Greek shipping magnate received permission from the late King Ibn Saud to carry Saudi Arabian oil in his ships.

Today's Washington Post quotes Mr. Maheu as confirming the basic elements of the article in a phone interview from Las Vegas, Nev. But he denied Mr. Hougan's allegation that his actions had been part of an international conspiracy.

Mr. Burger, who is now Chief Justice of the United States, denied through a spokesman that he had received intelligence reports on the campaign against Mr. Onassis.

Nixon Not Available

Mr. Nixon could not be reached for comment, and the intelligence agency refused comment.

"I wouldn't take the assignment" from Stavros Niarchos, Mr. Onassis' in-law and rival, "until I cleared it with the outfit," Mr. Maheu was quoted as saying. The "outfit," he said, was the Central Intelligence Agency, which at the time paid him a \$500 monthly retainer.

He said that he reported his anti-Onassis activities regularly to the C.I.A. The agency also helped his operatives in Rome, where derogatory stories about Mr. Onassis were given to a newspaper, he said.

Mr. Maheu also acknowledged briefing Mr. Nixon.

Mr. Hougan contends that the Jidda Agreement between King Saud and Mr. Onassis broke the monopoly control of Saudi oil shipments by the Arabian-American Oil Company, angering many American oil executives as well as Mr. Niarchos.

Campaign Is Described

Quoting extensively from the financial journalist John Gerrity, who said that he had been in on the plot, Mr. Hougan said that Mr. Niarchos, the C.I.A., the Federal Bureau of Investigation and various Government officials began a calculated "dirty tricks" campaign against Mr. Onassis.

He said that the campaign involved wiretapping Mr. Onassis' New York headquarters, shadowing his top employees and spreading smears against Mr. Onassis in the world press by means of Government leaks and bribed journalists.

The author said that the campaign had even involved the bombing and strafing of one of Mr. Onassis' whaling ships by a Peruvian fighter plane.

In the article, Mr. Hougan quotes Mr. Gerrity as saying that he and Mr. Maheu, whom Mr. Gerrity believed was an agent of the Central Intelligence Agency, were recruited for the campaign at a meeting in Mr. Nixon's office in early 1954, when Mr. Nixon was Vice President.

He also said that Mr. Gerrity had met with Mr. Burger, then an Assistant Attorney General, who said that he would take "judicial oversight" of any activities that Mr. Gerrity and Mr. Maheu might take against Mr. Onassis.

ARTICLE APPEARED
ON PAGE 1THE WASHINGTON POST
2 August 1978**Reportedly Approved by CIA, Nixon**

Maheu Admits '54 Anti-Onassis Drive

By Charles R. Babcock
Washington Post Staff Writer

Private investigator Robert A. Maheu was paid by a competitor of Aristotle Onassis in 1954 to carry out a campaign of wiretaps and dirty tricks against the Greek shipping tycoon—with the knowledge and approval of the CIA and then-vice president Richard M. Nixon, according to a *Playboy* magazine article.

Maheu, a former FBI agent who later became a top aide to billionaire Howard Hughes, was hired by Stavros Niarchos to undermine a lucrative contract Onassis had signed with the Saudi Arabian government to transport oil, writer Jim Hougan says in the September issue of the magazine.

Maheu confirmed the basic elements of the article yesterday in a phone interview from Las Vegas. But he denied Hougan's allegation that his actions were part of an international conspiracy. "That's a crock," Maheu said.

"I wouldn't take the assignment [from Niarchos] until I cleared it with the outfit," Maheu said. The "outfit," he added, was the Central Intelligence Agency. He was on a \$500-a-month retainer from the agency at the time, he said.

He reported his anti-Onassis activities regularly to the CIA, Maheu said, including the use of the illegal and "unproductive" wiretap on Onassis' New York office. The CIA also helped his operatives in Rome, where derogatory stories about Onassis were peddled to a newspaper, he added. Onassis eventually lost the contract. He died in 1975.

Maheu also acknowledged briefing Nixon about the campaign to subvert the Onassis contract, but said it came after his extensive "research" for Niarchos. Hougan's report alleges that Nixon gave Maheu and an associate, John Gerrity, the original "Mission: Impossible" assignment.

The *Playboy* article quotes Gerrity as saying then-Assistant Attorney General Warren E. Burger—now chief justice of the United States—was also kept informed of the anti-Onassis

campaign by U.S. intelligence agencies.

As head of the Justice Department's civil division at the time, Burger approved a massive suit against Onassis that same year, which alleged he illegally bought some surplus American ships. Onassis also faced a criminal indictment in the case, but it was dropped later as part of a settlement.

Burger said yesterday through a spokesman that he received no such intelligence reports. The spokesman added that the Justice Department also charged Niarchos, the would-be benefactor in the plot, in 1954 for similar activities.

Nixon could not be reached for comment on the *Playboy* article. The CIA refused to comment.

Maheu's involvement in the campaign against Onassis was alluded to, without naming the two shippers, in a footnote in a November 1975 Senate Intelligence Committee report on CIA assassination plots.

That report detailed Maheu's role as a middleman between the CIA and the Mafia in a plan to kill Cuban leader Fidel Castro.

The CIA used Maheu in several sensitive covert actions where it "didn't want to have an agency person or a government person get caught," the report said.

Maheu denied Hougan's contention that Niarchos was fronting for the major oil companies who feared their own monopoly in Saudi Arabia would be threatened by Onassis' deal.

A State Department official arranged the briefing for Nixon, Maheu said, to bring him up to date on the seriousness of the Onassis contract. A few days later in June, he added, the State Department issued its first public protest about the arrangement.

In the meantime, Gerrity went to Europe to spread derogatory stories about Onassis by bribing reporters, the *Playboy* article said. Gerrity, a former *Washington Post* reporter and now a local financial correspondent,

could not be reached for comment.

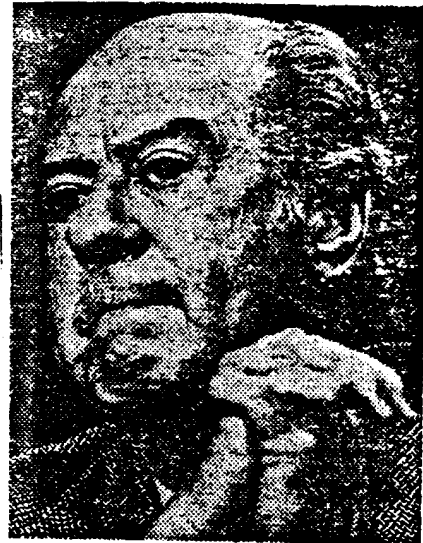
In Rome, according to the Hougan story, Gerrity had two CIA agents at his command. "I wasn't a CIA agent—the CIA was my agent," he was quoted as saying.

The Hougan article is part of a forthcoming book about the use of secret agents by private corporations and government.

"We were always being reminded that the CIA was behind the operation, that it was government work," a Maheu associate was quoted as saying.

While confirming that he kept the CIA constantly informed, Maheu insisted that he was paid only by Niarchos for the anti-Onassis campaign. He said an estimate that his bill was \$187,000 was "peanuts."

"I had four or five men in the Midwest on that at one time," he said. "I don't recall what the total was but it was a lot more than that."



ROBERT A. MAHEU

... confirms basic elements

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ARTICLE APPEARED
ON PAGE A-5WASHINGTON STAR (GREEN LINE)
31 JULY 1978

SLAYINGS PANEL RELEASES 3 PHOTOS, 2 DRAWINGS

By Jeremiah O'Leary
Washington Star Staff Writer

The House assassinations committee, only two weeks away from beginning public hearings on the murder of Dr. Martin Luther King Jr., has released three photographs and two composite drawings of men which the investigators hope the public will recognize and identify for the committee.

Patricia Orr, a spokesman for committee counsel Robert Blakey, said yesterday the panel hopes citizens will come forward with information about the five men that might shed light on the assassinations of King and President John F. Kennedy.

The committee did not explain what significance it attaches to identification of the men but said that "it should not be assumed that this release means the committee believes the persons in the photos and sketches were involved in the assassination of President Kennedy or Dr. King."

THERE WAS NO explanation of why the committee released the pictures so close to the beginning of open hearings. The panel has predicted it will make the final report on its findings by Dec. 31.

One of these pictures is of a young blond man who appears to be under 30 and is wearing a windbreaker. The other is of an older man with gray, bushy hair.

The third photograph, according to the committee, was taken in Dealey Plaza, in Dallas, where the Warren Commission determined that Oswald fired the shots that killed Kennedy. The features of the man in Dealey Plaza are indistinct but it appears that he was photographed sitting on the grassy knoll overlooking the scene of the assassination.

One of the drawings depicts the face of a clean-shaven man in his 20s or 30s. The committee said the drawing is that of a man who occasionally used the name "Maurice Bishop." The "Bishop" man allegedly represented himself as a member of the U.S. intelligence community in the 1960s.

It was learned that he came to the attention of the probes when a Cuban exile named Antonio Visciana told them "Bishop" had been in contact with Oswald in Dallas prior to the assassination.

THE OTHER SKETCH purportedly is that of a man identified only as "Ralph" who allegedly was in Atlanta in 1967 or 1968. The committee had subpoenaed two brothers named Leon and Claude Powell, who are described as house painters. "Ralph," the committee has been told, allegedly offered the Powell brothers money to kill King. Leon Powell testified about the incident in a closed

hearing of the committee, headed by Chairman Louis Stokes, D-Ohio, but Claude Powell has refused to testify and risks a committee contempt citation.

The drawing of "Ralph" shows a hard-faced young man with dark hair but the committee revealed no other information it has about him.

The committee said it was releasing the photos and drawings in keeping with the policy of making "best possible use of available pictorial evidence and photographic techniques." But the committee did not disclose how it got the photos or the manner in which the composite drawings were made, obviously based on descriptions of "Maurice Bishop" and "Ralph."

The committee asked that anyone who has information about any of the five contact the committee by mail.

The House committee — the Select Committee on Assassinations — has been holding closed hear-

ings periodically for much of this year and is going public Aug. 14 with the first of the open King hearings. One key witness is expected to be James Earl Ray, who is serving a Tennessee court life sentence for the slaying of King in Memphis in 1964. The first phase of the King hearings, under the subcommittee chairmanship of Del. Walter Fauntroy, D-D.C., will last one week.

Open hearings on President Kennedy's slaying will begin Sept. 6 and continue for about one month. Then, committee sources said, final hearings on the King slaying will be held in November. In December, the Stokes committee will meet to consider all the evidence and make a determination on how it believes the assassinations were carried out. The final report will be prepared by former Life magazine writer Dick Billings and will be made public Dec. 31.

At that point the \$5 million dollar probe will end and the committee will go out of existence.

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1 AUGUST 1978

Help Asked in Locating Assassination Witnesses

The House Committee on Assassinations has asked the public to help identify five potential witnesses it wants to question about the assassinations of President John F. Kennedy and the Rev. Dr. Martin Luther King Jr.

The committee, which will open public hearings in two weeks, released two drawings and three photographs that are too blurred for newspaper reproduction, and said that the five persons shown in them were not believed to have been involved in the slayings themselves but might have pertinent information to give.

The snapshots show one dark-haired man sitting at a curb in Dallas near the spot where President Kennedy was shot "moments" earlier and two men who "may have been in Mexico City" in 1963, when Lee Harvey Oswald was there. One of them appeared to be blond, about 30 years old and the other gray-haired, about 50, with an aquiline nose.

One of the sketches is of a middle-aged, dark-haired, square-jawed man with high cheekbones named "Ralph," who "allegedly was in Atlanta in 1967 or 1968." The other portrays a man with close-cropped hair and a resemblance to Prince Philip of Britain. The committee said the man reportedly represented himself as a member of the United States intelligence community in the 1960's, occasionally using the name "Maurice Bishop."

Photos Tied To JFK, King Killings

WASHINGTON (AP) — The House Select Committee on Assassinations released some photographs and composite drawings Sunday "in the hope that citizen recognition of them might shed additional light on the assassinations of President John F. Kennedy and Dr. Martin Luther King Jr."



Photo at left was taken in Dealey Plaza in Dallas moments after President Kennedy was shot. The other two photos are of two men who may have been in Mexico City in the fall of 1963 at the same time that Lee Harvey Oswald was there.

The material released included:
• A photo the committee said was taken in Dealey Plaza, Dallas, on Nov. 22, 1963, moments after Kennedy was shot. The blurred photo shows a dark-haired man who appears to be seated on a curb.

• "Photos of two men who may have been in Mexico City in the fall of 1963 when Lee Harvey Oswald, the man the Warren Commission determined shot President Kennedy, was there." These photos also are blurred.

• A drawing of a man the committee said reportedly represented himself as a member of the U.S. intelligence community in the 1960s and who on occasion used the name "Maurice Bishop."

• A sketch of a man, "with the first name 'Ralph' who allegedly was in Atlanta in 1967 or early 1968."

The committee gave no further details of the photos and drawings.

"It should not be assumed that this release means the committee believes the persons in the photos and

sketches were involved in the assassination of President Kennedy or Dr. King," the committee said in a statement. "The committee is, however, interested in obtaining their identity and whereabouts so it can contact them."

It asked that anyone having information about the men to contact the committee by mail, not by telephone.

"The letter should identify the sender by name, address and phone number, and it should list the name, address and phone number of the person identified, plus another picture of him if one is available," the statement said.

Letters should be sent to House Select Committee on Assassinations, Washington, D.C., 20515.



At left is a man who represented himself as a member of the U.S. intelligence community in the 1960s and, on occasion, identified himself



as Maurice Bishop. At right is a man who allegedly was in Atlanta in 1967 or early 1968 whose first name is Ralph.

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ON PAGE A10

THE WASHINGTON POST
31 July 1978

Panel Releases Pictures Linked To Kennedy, King Assassinations

Associated Press

The House Select Committee on Assassinations released several photographs and composite drawings yesterday "in the hope that citizen recognition of them might shed additional light on the assassinations of President John F. Kennedy and Dr. Martin Luther King Jr."

- A photo the committee said was taken in Dealey Plaza, Dallas, on Nov. 22, 1963, moments after Kennedy was shot. The blurred photo shows a dark-haired man who appears to be seated on a curb.

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- A drawing of a man the committee said reportedly represented himself as a member of the U.S. intelligence community in the 1960s and who on occasion used the name "Maurice Bishop."

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BALTIMORE EVENING SUN

1 August 1978

Cord Meyer

Information Leak Puzzling Congress

WASHINGTON

The leak to the press of a highly classified report from the Senate Intelligence Committee has thrown an apple of discord among those charged with guarding the national security.

The leak raises fresh doubts about the reliability of Congress in keeping sensitive material, now furnished by the CIA on a regular basis, from being used for publicity leverage in policy disputes. This leak unfairly assailed Henry Kissinger and former CIA Director William Colby, and reflected a callous lack of concern for the damage done to private reputations.

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The episode opened with the delivery on May 17 to the National Security Council and the CIA of one copy each of a top secret report. It was an analysis by the Senate Intelligence Committee of the extent to which the responsible committees of Congress were kept informed concerning the secret U.S. intervention in the Angolan civil war in 1975.

Reacting to the allegations of a retired CIA agent, John Stockwell, that Kissinger and Colby had withheld information from the Congress on the CIA role in Angola, the committee undertook in its report to establish the facts.

However, the findings in this report persuaded CIA Director Stansfield Turner to make an urgent request to the NSC staff that it not be sent to the president until additional evidence had been reviewed by the Senate committee.

Turner claimed that the drafters of the report showed bias and inadequate knowledge in reaching the conclusion that Kissinger and Colby had misled Congress in their testimony and that the CIA had exceeded its authority.

The NSC staff recommended that the report be remanded back to the Senate committee and CIA to see if they could not reach agreement on the basis of all available information, including CIA operational cable traffic that was to be released to give the Senate committee a clearer picture.

The chairman of the Senate Intelligence Committee, Sen. Birch Bayh, D-Ind., now states that after an exhaustive review a final version of the report is nearly completed.

Bayh is satisfied that neither Kissinger nor Colby tried to mislead Congress. He states categorically that "the allegations

Meanwhile, Seymour Hersh of the New York Times called Senator Bayh's office in early July and read a description of the report which he had received from an unidentified source. He appears to have had a garbled version of the first draft containing allegations against Kissinger and Colby.

Hersh was told that his story contained many inaccuracies. He was urged not to rush into print, since the final report would be issued shortly.

On July 16, the Times published on the front page Hersh's story stating that the Senate Committee had concluded that Kissinger and Colby had misled Congress "according to sources with first-hand knowledge."

There was no mention of Hersh being told by Bayh's office that his story was inaccurate in many respects.

Serious damage has been done to individual reputations, and the CIA has again been cast in the role of a "rogue elephant." But the search is on in earnest for the leaker since, if this kind of information can leak, there is no guarantee that vital secrets will not be surfaced for partisan purposes.

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The NSC staffers are convinced that the source of the leak lies in the Senate Intelligence Committee staff, which is deeply split into liberal and conservative factions. One NSC staffer has offered to take a lie detector test if a particular Senate staffer will do the same.

The speculation is that someone on the Senate staff strongly opposed to the Angola intervention realized the final report would not contain the sensational allegations and decided to go public with the earlier version in order to make his point.

Sen. Bayh points out that the leak could have come from the NSC or the CIA, but he has ordered a full investigation of his own staff and tightened security controls. Just a week before this leak, President Carter sharply warned key members of Congress that he could no longer release sensitive information to the committees if the damaging leaks continued.

Up to this episode, the Senate Intelligence Committee has had a reasonably good reputation for security. Sen. Bayh and his colleagues know they must try to find the leaker, if they are to insure continuing access to the information essential to their oversight function.

A watchdog with rabies is no protection

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ON PAGE 111-114

THE NATION
5-12 August 1978

ANGOLA STILL OFF LIMITS

Reaffirming the Clark Amendment

SEN. DICK CLARK

Although little has changed within Angola since Congress cut off funds for U.S. military involvement in that country two and a half years ago, a great deal has happened in Africa and in this country since then. The Cuban military presence in Africa has spread, although no stable strategic strongholds have been achieved. Nevertheless, the mood of America has changed, with public opinion becoming more suspicious of possible Soviet advances. In the search for responses, the idea has been revived that the United States might reconsider a military role in Angola, raising the risk of our getting involved, once

Sen. Dick Clark (D., Iowa) is chairman of the Subcommittee on African Affairs, Senate Foreign Relations Committee.

again, in a local conflict in a distant country of no intrinsic strategic value to the United States.

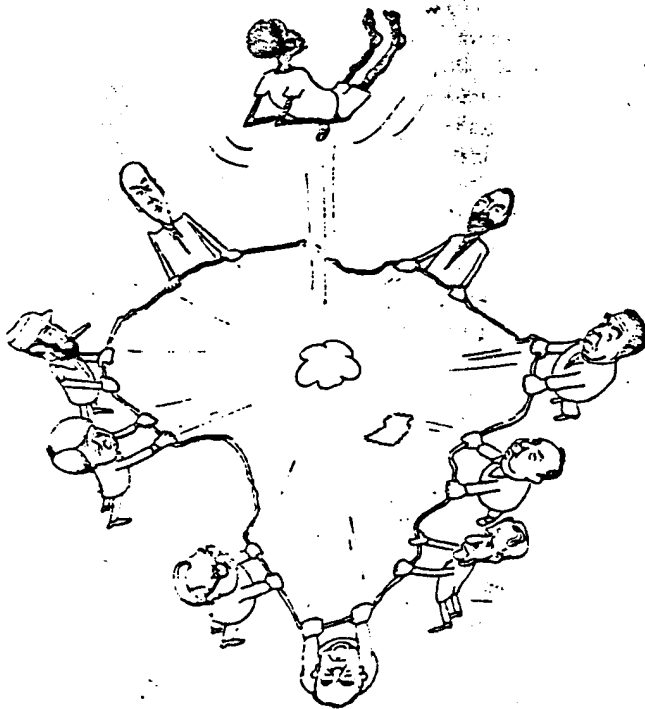
As the President himself stated in his May 4th press conference, the so-called Clark Amendment prohibits this course of action. In view of the considerable confusion and misrepresentation that have arisen over this legislation, and the amount of controversy that has recently surrounded the issue, it is useful to set the record straight about what the Clark Amendment is and does.

It goes beyond the so-called Tunney Amendment, contained in Title IV of the Department of Defense Appropriation Act of 1976. The latter states that funds from a particular account in the Military Procurement Act cannot be used in activities involving Angola. My amendment prohibits any kind of American military involvement in Angola without Congressional approval.

The key passage of the Clark Amendment—Section 404 of the International Security Assistance and Arms Export Control Act of 1976—is Subsection (a) which reads as follows:

Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance by law enacted after the date of enactment of this section.

There are a number of points to note about this law. First, it applies only to a single country—Angola. It in



Joke, De Nieuwe Gazet (Antwerp)

no way restricts the President's authority elsewhere in Africa, including Zaire where, it was falsely asserted, the Clark Amendment tied the President's hands during the recent crisis in Shaba. Second, the law bans military or paramilitary "assistance of any kind" in Angola, including third-country arms transfers and covert operations. Actions of that sort, sometimes described as "limited" actions, could start us down the long road of another Vietnam. Third, in an attempt to maintain America's neutrality in the internal struggle for power, the legislation denies assistance to government and nongovernment forces alike.

The final point is one few people note: the Clark Amendment does *not* prohibit military assistance under any circumstances. It says that, if the administration wants to provide military assistance to Angola, it must do so openly, with full Congressional authorization.

The second part of the amendment, Subsection (b), spells out the procedure to be followed in the event the administration considers such action to be in the national interest, and Subsections (c) and (d) make further

clarifications. They read as follows:

Subsection (b): If the President determines that assistance prohibited by Subsection (a) should be furnished in the national security interests of the United States, he shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing:

(1) A description of the amounts and categories of assistance which he recommends to be authorized and the identity of the proposed recipients of such assistance; and

(2) A certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement in unclassified form, of the reasons supporting such determination.

Subsection (c): The prohibition contained in Subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

Subsection (d): The provisions of this section may not be waived under any other provision of law.

In brief, then, the Clark Amendment says that no American involvement in the Angolan civil war is permissible without Congressional approval. It prevents the United States from getting embroiled in a secret war, one concealed from the American public. In addition, the Clark Amendment may not be waived under any other provision of law. Repeal of the Tunney Amendment, for example, would in no way affect the Clark Amendment.

Given the climate of Soviet-American relations, there is even more justification for the rigid enforcement of this law today than there was when it was enacted. As we know from our recent experience in Vietnam, small-scale assistance in an ongoing internal conflict can lead to a quagmire from which we cannot escape. Unless we are prepared to become as deeply involved as they are, Soviet and Cuban troops will not likely be displaced in Angola by direct or indirect U.S. military assistance.

Nor is such assistance apt to end the continuing conflict there. Over the past three years, 20,000 Cuban troops and massive Soviet assistance have not succeeded in suppressing local rebellions and achieving a stable military situation. To the contrary, a stalemate appears to have been achieved, with the prospect of a long-drawn-out conflict that will spill over, as it already has in the case of Zaire, into wider regional hostilities.

On what possible grounds, then, can we justify the revival of the idea that somehow we might influence the situation in Angola through military means? Would the objective be to overthrow Neto who, from all recent indications, seeks to diminish his dependence on Cuban and Soviet support and achieve a peaceful settlement of the Namibia conflict in order to remove the threat of South African troops on his own border? Would the goal of U.S. involvement be to tie down the Cubans so that they could not intervene elsewhere in Africa? Have serious estimates of actual Cuban capabilities been made in specific countries, for example Rhodesia, where intervention is likely? Or would the offer of arms to Angolan insurgents be seen as a gesture to demonstrate a Western

show of force, however limited, to deter further adventures in Africa by Moscow and Havana? Would this gesture be a credible and effective signal to send?

These are some of the unanswered questions raised by the controversy that has surrounded the Clark Amendment in recent weeks—questions which were not sufficiently answered in 1975 before the decision was made to intervene.

Obviously, I share the concern of others about further Cuban involvement in Africa. But we should be careful to recognize that a hasty and inappropriate response could produce the opposite result of what was originally intended. The covert operations of the CIA in Angola three years ago served, in part, to step up Cuban assistance to the MPLA, not to reduce it. Moreover, it committed us to a course of action that eliminated alternative policy options and, most importantly, escalated a remote local conflict into an international confrontation between the superpowers. As *The Washington Post* commented in an editorial on July 4: "It should not have to be demonstrated after Vietnam that guerrilla wars cannot be turned off or on in foreign capitals."

Many of us fail to learn from history, even when the experience is still fresh in our memories. Prof. John Marcum criticized the folly of previous U.S. intervention in Angola in his definitive article in *Foreign Affairs* (April 1976) entitled "Lessons of Angola." He wrote:

To insist upon defining the Angolan issue in global terms to the exclusion of local and regional terms . . . was to exclude the most plausible means of remedying the conditions which had attracted foreign intervention in the first place. And to insist that the only "chips" were military chips was to play from the weakest suit in the American hand. The accompanying notion that one should not communicate intentions and concerns but should allow free rein for others to miscalculate and take reckless risk defies any definition of sensible diplomacy. It betrays an obsessional, self-defeating preoccupation with superpower global antics reminiscent of the grimmest days of the cold war.

Marcum noted that it was only months after the CIA initiated its covert action that the United States expressed readiness to "use our influence to bring about the cessation of foreign military assistance (including Cuban and South African) and to encourage an African solution if they would do the same." Never did the Ford administration call in OAU ambassadors or approach key African leaders to foster collective African initiatives with full U.S. support.

The mistake was also emphasized by John Stockwell, chief of the CIA Angola Task Force that was given responsibility for running America's military operation in that war. Stockwell described his disillusionment in a recent book, *In Search of Enemies*, and summarized his conclusions in a letter to Adm. Stansfield Turner published in *The Washington Post* on April 10, 1977.

"From a chess player's point of view, the intervention was a blunder . . ." he commented. In the end, "the CIA committed \$31 million to opposing the MPLA victory. But six months later the MPLA had nevertheless . . . won,

and 15,000 Cuban regular army troops were entrenched in Angola. . . . At the same time the United States was solidly discredited, having been exposed for covert military intervention in African affairs, having allied itself with South Africa, and having lost."

In my judgment, the lessons of Angola in 1975 are still valid in 1978. Therefore, when I was approached last May by some National Security Council and CIA officials who, in different ways, raised the idea of possibly reviving American military participation in Africa, I told them I was opposed to the idea and that it was my understanding that the amendment which I wrote would make such action illegal in Angola. I learned that CIA lawyers concurred with my interpretation. Subsequently, assurance was provided by the President, in his Chicago press conference on May 25, when he stated that he had no intention of seeking repeal of the Clark Amendment, and had "no intention of getting involved in any conflict in Angola at all." Whatever initiatives had been made, therefore, seemed at that point to have been put to rest.

In the meantime, however, the American public and international capitals were puzzled by contradictory policy statements and actions by the administration. The May 13th Shaba crisis in Zaire was linked to the larger issue of Cuban culpability in the attack, a charge that seems plausible but, in my judgment, remains unverified. Furthermore, the President complained about legislative restrictions that prevented him from acting in times of emergency. Indeed, at the outset of the crisis, my amendment—which deals only with Angola—was cited by top administration officials as the chief stumbling block preventing the United States, first, from responding to an African military crisis involving the safety of American nationals; and, second, from confronting the overall problem of the Cuban presence in Africa as a whole.

A report on legislative restrictions regarding assistance to Africa, prepared by the staff of the Senate Foreign Relations Committee, concluded to the contrary, that "during the recent crisis in Zaire, the President possessed the authority under existing law to take far more extensive action, had he so desired." The committee report also stated that "Applicable statutory restrictions on military involvement have presented no obstacle to the achievement of publicly announced U.S. objectives in Africa."

Perhaps there are legitimate causes for concern about the President's foreign policy authority. Unnecessary restrictions do exist in the area of foreign economic assistance, with commodity- and country-specific restrictions that the President also cited in his May 25th press conference. But this was not the original complaint by the President when he said his hands were tied in responding to the Cubans or to the crisis in Zaire.

Ironically, within a period of but seven weeks, we seem to have come full circle in our policy toward Angola. Rather than supply arms to Angolan insurgents, the administration has wisely adopted a posture of talking with the government of Angola. The June mission of Ambassador Donald McHenry to Angola was not designed to establish diplomatic relations with Luanda, although that may be possible some day. Rather, the mission was

aimed at achieving some degree of understanding with that government on two potentially explosive issues: (1) the Angola-Zaire dispute; and (2) the independence of Namibia. Whether we like it or not, the cooperation of the government of Angola is a precondition for any stable solution of these problems. If we do not want a Shaba III, if we do not want an escalation of the guerrilla war in Namibia, we must deal directly with the Angolan Government.

The McHenry mission has already produced some significant results. Returning Katangans are being disarmed and their refugee camps are being moved further from the Zaire border. The Angolan Government is entering into a cooperation agreement with Portugal, possibly opening up the opportunity for Portuguese to return to Angola to help rebuild the economy and reduce that country's dependence on the Cubans.

This diplomatic initiative should not now be endangered. It is in the interests of both Angola and the United States to pursue solutions to these issues, and to pursue improved bilateral relations as well. For Angola, it might

mean a reduction of security threats to its borders and increased overseas technical assistance. For the United States, it might mean a reduction of Eastern bloc influence in southern Africa.

There is, therefore, no manifest reason to lift any Congressional restriction on military assistance in Angola. On the contrary, lifting such restrictions at this time could send the wrong signal to African leaders, raising the specter of great-power intervention in their affairs. Should the President, at any time in the future, determine that such action is in the national security interests of the United States, then he may propose this action openly—in full view of the American people—by asking Congress for authorization, as provided for in the law.

Until then, it would make far greater sense to play a diplomatic and economic role in southern Africa, rather than a military one. This is the policy, I am convinced, that most Americans would prefer. It is also the policy, I am certain, that most Africans would endorse.

CHRISTIAN SCIENCE MONITOR
1 AUGUST 1978

OPINION AND COMMENTARY

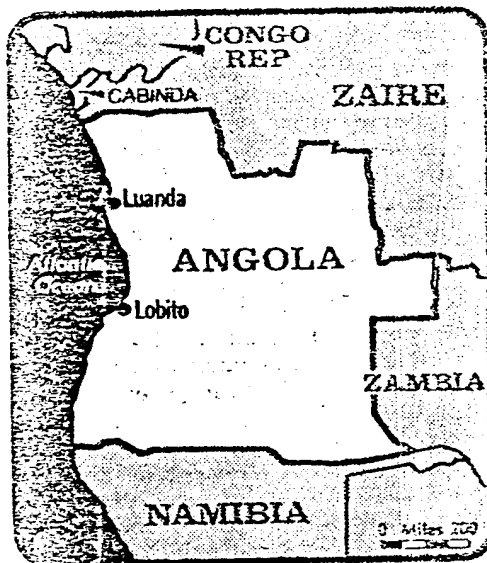
Why America *should* intervene in Angola

By William H. Burgess III

The Russians are playing "hard ball" in Africa. By their actions, it is clear the Soviet concept of détente does not preclude the use of armed struggle as a means to obtain foreign policy ends. To paraphrase a recent editorial in a Zambia newspaper, the Soviets are "pursuing their ideology on the corpses of Africans" by attempting to install, against the will of indigenous democratic forces, pro-Moscow minority governments in many African states.

As a political and moral leader of the Western democracies, President Carter must take a firm stand against the red star rising over Africa. Specifically he must pursue a course of action that will destabilize the Soviet-Cuban presence in Africa; secure moderate pro-West governments; and reverse Soviet-Cuban expansion. His starting point should be the Achilles heel of Soviet penetration of Africa — Angola. With Senate approval, the United States should seek accord with other nations of compatible interests and develop a joint program of aid to pro-West guerrillas battling the Russian client regime of Dr. Antonio Agostinho Neto's Movimento Popular de Libertacao de Angola (MPLA).

Many would disagree, and urge not only closer relations between the U.S. and the MPLA government but also full recognition of President Neto as legitimate leader of Angola. Some attempt to portray the MPLA as the "true" representative of all Angolans, Dr. Neto as a "respectable" leader, and the MPLA's archenemy, the Uniao para a Independencia Total de Angola (UNITA), as a diabolical CIA/South African front tirelessly attempting to undermine Angolan democracy. These



are misconceptions.

Ideologically, ethnically, culturally, and morally, the MPLA government represents only a fraction of the Angolan people, and has scant claim to legitimacy. A radical Marxist party brought to power in Angola by Cuban troops and Russian weaponry, the MPLA was founded in 1956 by members of the Portuguese and Angolan Communist parties. In 1959, the MPLA was expelled from Luanda, capital of Angola, by the Portuguese colonial authorities. With the 1962 election of Dr. Neto, poet and medical doctor, to the MPLA presidency, the party assumed its strongly pro-Moscow stance and began a guerrilla war against the Portuguese.

The leadership of the MPLA, and most of its support, is predominantly from mulattos (5 percent of the Angolan population) and city dwellers mostly from in and around Luanda and Lobito. Dr. Neto is, for example, a member of the Mbundu tribe (25 percent of the population), but is also of mixed Portuguese-African descent and an "assimilado" — a member of an elite (3 percent of all Angolans) class allowed Portuguese citizenship and participation in mainstream Portuguese society. As with many in the MPLA hierarchy, he has spent most of his life outside the country.

UNITA was established in 1965 by its current

leader, Dr. Jonas Savimbi, among the Ovimbundu (45 percent of the Angolan population). Dr. Savimbi is the son of a prominent Baptist preacher in southern Angola, and is a charismatic, spellbinding orator in four major Angolan dialects and five European languages. Although educated abroad, Dr. Savimbi, like virtually all UNITA leaders, has lived most of his life in Angola.

UNITA is unique among African political groups — and worthy of U.S. aid — because it is a self-contained popular movement fighting for a constitution that calls for a multiracial society, multiparty democracy, and free elections every five years. UNITA is also fighting, with moderate success, the elitist, totalitarian MPLA and the 20,000 Cuban and 1,500 Russian soldiers who would transform all of Angola into a repressive police state.

The United States must act soon if democracy is to have a chance in Africa. We must realize that "intervention" is not per se a dirty word, and that the outcome of the Angolan conflict and the history of African politics in this century will be shaped by the American posture toward the Angolan insurgency.

Mr. Burgess, former U.S. intelligence analyst, writes after a year's research on the Angolan civil war.

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Aviva Rubin: Teacher. Mother of Four and Spy-Broker

By Michael Dobbs

Special to The Washington Post

VIENNA—For someone involved in top-secret negotiations over the release of Soviet dissident Anatoly Scharansky in exchange for spies held in the West, Chicago-born Aviva Rubin has a remarkable flare for personal publicity.

Until two days ago, Rubin was just one more anonymous guest staying at the modest Prinz Eugen hotel near Vienna's south station. She could have been mistaken for one of the thousands of travelers who pass every year through Vienna—one of Europe's great tourist centers and now a key transit point between East and West.

Then at noon Tuesday, the Vienna bureau of Reuters news agency circulated a story that Scharansky, sentenced last month to 13 years in prison and labor camp on treason charges, was about to be freed in an intricate spy swap. Within half an hour, the phone in Rubin's seventh floor room began ringing. It's been ringing ever since.

Downstairs in the lobby, reporters from Austrian television began setting up lights. Rubin's two Russian-born companions transformed themselves into bodyguards and kept an eye out for intruders. The hotel man-

ager promised her two free days to see "beautiful Vienna when it's all over" at his expense. And 48-year-old Rubin put on one of her two specially packed wigs.

By a kind of osmosis incomprehensible to anybody not in the news business, the name of Rubin—variously high school teacher, travel agent, and mother of four—had become inseparably linked in the minds of foreign editors of the world's major newspapers with that of Anatoly Scharansky—human rights activist, computer scientist, and alleged CIA agent.

The connection is provided by an Israeli millionaire who is rapidly emerging as a key, and also publicity-conscious, entrepreneur, in the murky business of East-West spy swaps. His name: Samuel Flatto-Sharon, also 48 and now an independent member of parliament in Israel to which he fled from France after being sentenced to a five-year jail term on charges of fraud.

As Flatto-Sharon's personal secretary, Rubin ("I do all the cloak-and-dagger work") has spent the last month waiting for telephone calls from her boss in various parts of Europe. Two weeks ago, she was in Moscow, where she contacted Scharansky's family.

Rubin describes Flatto-Sharon as "charming, wealthy, and sophisticated." She attributes his role in the present bargaining—which envisages the release of three communist spies being held in the United States and West Germany—to the greater mobility and flexibility of a private entrepreneur in comparison with government officials.

"The Russians accept him because he has proved he can deliver the goods," she said, referring to Flatto-Sharon's part in the swap last April involving American college student Alan Van Norman, arrested in East Germany after attempting to smuggle a family out of the country; Israeli Muron Marcus, imprisoned in Mozambique after his private plane was blown off course, and American Air Force clerk Robert Thompson, who was jailed as a Soviet spy in 1965.

Also involved in the present negotiations on the Communist side are two veterans of sensitive East-West deals: the East German lawyer Wolfgang Vogel and the Soviet journalist Victor Louis. They too have the reputation of being charming, wealthy, and sophisticated.

In Vladimir prison, 100 miles east of Moscow, a young Soviet Jew is waiting to be flown to Israel—probably via a neutral Western European city. And in room 708 of Vienna's Prinz Eugen Hotel, a middle-aged American Jew is waiting for the phone to ring.

But just what else she is doing there, nobody seems to know.

ARTICLE APPEARED
ON PAGE A-5NEW YORK TIMES
2 AUGUST 1978

SHCHARANSKY DEAL DENIED BY U.S. AIDES

But Israeli Contends Negotiations Have Been Held in Moscow

Special to The New York Times

WASHINGTON, Aug. 1 — Government officials said today that they had no reason to expect the early release of Anatoly B. Shcharansky, the Soviet dissident. There had been reports from Europe and Israel that plans for an exchange of prisoners were under way.

Last month, officials had said they would seek Mr. Shcharansky's release through diplomatic channels, but today State Department aides said privately that they could not confirm the reports that he would be released soon.

Secretary of State Cyrus R. Vance, questioned by reporters after having testified in a Senate committee, declined comment. When asked whether he thought an exchange or release would be helpful to Soviet-American relations, Mr. Vance said, "Obviously it would be helpful if Mr. Shcharansky were released."

The officials, while saying that they had no information about an exchange, did not rule out such a development. They said they could not speak with certainty about negotiations by other parties such as West Germany or Israel.

Israeli Reports on Negotiation

Special to The New York Times

TEL AVIV, Aug. 1 — Shmuel Flatto-Sharon, a member of the Israeli Parliament who reportedly was involved in a previous prisoner exchange, said today that his secretary had visited Moscow recently and negotiated an exchange involving Anatoly Shcharansky.

Mr. Flatto-Sharon is a millionaire immigrant from France who ran for Parliament in Israel in the hope that immunity would protect him from extradition on charges of fraud and bribery. Israeli officials dealing with Soviet affairs said they had no knowledge of any negotiations and were dubious about Mr. Flatto-Sharon's statements, most of which, they said, had not materialized in the past.

Mr. Flatto-Sharon, reached by telephone at his villa in Savyon, declined to discuss details, saying: "The best is to talk as little as possible. In a few days, maybe there will be good news."

Secretary in Moscow 9 Days

His secretary, Vivyan Rubin, said in a telephone conversation from Vienna that she had spent nine days in Moscow, but she declined to be specific, saying only that talks were continuing "in the line of what we did earlier." This was seen as a reference to a three-way deal reportedly initiated by Mr. Flatto-Sharon in which the United States, East Germany and Mozambique each freed a prisoner after negotiations through an East German lawyer, Wolfgang Vogel.

At the time, Mr. Vogel was quoted as having said that he would like to arrange further exchanges involving, among others, Mr. Shcharansky and Lawrence Lunt, an employee of the Central Intelligence Agency held in Cuba since 1965.

Bonn Spokesman Denies Feelers

Special to The New York Times

BONN, Aug. 1 — A West German Government spokesman today denied reports that an intermediary from Eastern Europe had sought out Chancellor Helmut Schmidt to arrange an exchange of Anatoly Shcharansky for Günter Guillaume, an East German spy. The spokesman said the Government had no intention to exchange Mr. Guillaume.

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THE CHICAGO TRIBUNE
24 August 1978

ARTICLE APPEARED
ON PAGE 4 Sect.1

Former CIA aide seized as spy

Washington Star

WASHINGTON—A former CIA official arrested last week in Chicago allegedly sold Soviet agents a manual describing the workings of the so-called "Big Bird" satellite, which is used to spy on the Soviet Union, according to intelligence sources.

Several government sources said the ex-officer, William P. Kampiles, is accused of taking the manual from the CIA at a time when he was employed as a low-level official in 1977 and of later selling it to Soviet agents in Greece.

Justice Department officials still are trying to decide whether to seek an indictment against him for sale of classified material. A decision is expected before the end of the week.

The satellite, which has been in use for about five years, is said to be able to take photographs of Soviet missile silos, airfields, and other military installations, and is generally considered an important source of intelligence about the Soviet Union.

IT ISN'T CLEAR, however, just how valuable the manual could be to the

Soviets. Several sources said Wednesday that the CIA considers the alleged sale of the manual a "very serious" matter. One Justice Department source, however, said that the information in the manual may be of less concern than the simple fact that a low-level officer was able to get access to it and that it could have been missing from the agency for so long without being discovered.

Kampiles, the son of Greek immigrants, was a GS-7 "watch officer" at the agency for about eight months, and routinely received and relayed classified information within the agency. By one account, he wanted to become an operations officer with the CIA, but was told that he didn't have the aptitude for it.

AN INVESTIGATION was begun by the local field office of the FBI after the CIA turned over a letter it had received from the former employe saying he had made contact with Soviet agents in Greece and, by one account, suggesting that he might now be of help to the agency.

At the time it received this information, according to one intelligence

source, the FBI already had some indication that the Soviets had obtained information about the "Big Bird" satellite, but did not know from where it had come.

It was not until after the FBI had questioned Kampiles and gone back to the CIA to ask about the manual, according to one source, that the agency realized it was missing.

The "Big Bird" satellites, which are launched from the West Coast, are said to be so sophisticated they can pick out small details of vehicles and persons on the ground.

KAMPILES WAS ARRESTED last week. Although the final decision still has not been made on whether to seek an indictment of him, the expectation is that the Justice Department will make such a move. The reason for the delay, Justice Department sources said, is the inevitable concern in any such case that it might cause more harm to "national security" to prosecute because of the revelations about the material, and about access to it within the agency, that would have to be revealed in a trial.

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ON PAGE A-13

THE BALTIMORE SUN
24 August 1978

Ex-CIA man sold Soviet 'Big Bird' data, FBI says

Washington (AP)—A former CIA employee, who earned less than \$15,000 a year relaying secret messages, was paid \$3,000 for allegedly selling the Russians a technical manual describing the "Big Bird" satellite that spies on the Soviet Union, the FBI said yesterday.

The employee, William P. Kampiles, was arrested in Chicago last week on charges of passing secrets to the Russians.

Intelligence officials said a CIA colleague of Mr. Kampiles became suspicious when Mr. Kampiles told him he received money from the Russians in exchange for what Mr. Kampiles said was misinformation. The officials added that Soviet intelligence agents are not known to pay anyone without receiving documents in return.

They said the CIA colleague alerted the FBI, leading to the discovery that the satellite manual was missing.

According to intelligence officials, the sophisticated satellite takes pictures so precise that they can distinguish between civilians and people in military uniform.

The intelligence sources said loss of the manual—reportedly missing almost a year without being noticed—has prompted a review of CIA security procedures by the Central Intelligence Agency and the Senate Intelligence Committee.

THE WASHINGTON POST
23 August 1978

ARTICLE APPEARED
ON PAGE A-1, 16

CIA 'Big Bird' Satellite Manual Was Allegedly Sold to Soviets

By Thomas O'Toole
and Charles R. Babcock
Washington Post Staff Writers

A former officer of the Central Intelligence Agency who was arrested last week for passing secrets to the Soviets is alleged to have sold them a technical manual describing the "Big Bird" photographic satellite that spies on the Soviet Union from earth orbit.

Intelligence sources said yesterday that the top-secret document was gone for almost a year without being noticed. A CIA search for the manual began only after FBI agents asked whether it was missing.

The loss of the manual has led to a wholesale review of CIA security procedures, both by the CIA and the Senate Intelligence Committee, sources said.

The Big Bird is no more than 5 years old. More than a dozen of the 12-ton units have been put into earth orbit by the United States to take pictures of Soviet missile silos, submarine bases, naval installations, airfields and troop movements.

The photographs taken by Big Bird are so precise that they can distinguish between civilians and people in military uniform and can pick out the makes of automobiles, even read their license plates.

When onetime CIA man William P. Kampiles was arrested in Chicago last week, federal government sources said Kampiles had done the United States "irreparable harm" in selling technical material to the Soviet Union.

The government sources last week did not mention that Kampiles had allegedly dealt away the details of Big Bird, only that he had sold secrets of a classified system known as KH-11.

Intelligence sources said yesterday that KH-11 was the CIA code name for Keyhole-11, which is the Big Bird photographic reconnaissance satellite. These sources said it is difficult to measure how much the Soviets have profited from the manual describing Big Bird. They cannot build such a satellite of their own from the manual, but they may be able to identify weaknesses in the satellite and protect their secret installations accordingly, some experts suggested.

One source said it would do the United States very little harm, since the sale of the manual did not give the Soviets the ability to stop the satellites from taking pictures.

"The Russians know this satellite has been in orbit taking pictures of their country for some time," the source said. "Getting their hands on the manual doesn't stop the satellite and doesn't stop the pictures."

Senate Intelligence Committee members asked pointed questions of CIA officials during a closed-door briefing on the case last Friday, according to sources. Members wanted to know how Kampiles, 23, a low-level "watch officer" who left the CIA after eight months in 1977, allegedly could have walked off with a top-secret document without it being noticed for nearly a year.

The CIA already has started an internal review of its security procedures because of the Kampiles case, sources said yesterday.

The son of Greek immigrants, Kampiles was arrested a few days after he had allegedly told an FBI agent about selling the secret satellite manual to a Soviet diplomat in Athens earlier this year.

Intelligence sources said the FBI became suspicious of Kampiles when he wrote a letter to a CIA colleague saying he was in contact with and had received money from the Soviets. He allegedly volunteered to spread "disinformation" to them. The reference to money alerted federal officials, because it is a known Soviet intelligence technique never to pay anyone without receiving documents in return, sources said.

Kampiles was questioned by an agent from the FBI's Washington field office early last week, and explained finally how he had contacted the Soviets on a trip to Athens in February, according to sources.

At one meeting with the Soviets in Athens, Kampiles allegedly turned over the cover page and an illustration of the KH-11 satellite. A few days later he returned and gave the rest of the manual to a security officer named Michael, according to sources. In return, he accepted and signed a receipt for the cash.

A CIA security officer told the FBI last week that a copy of the satellite manual assigned to the center where Kampiles worked was missing. It is not known whether other classified documents also are missing, sources said yesterday.

Kampiles is a 1975 graduate of Indiana University. He worked at the CIA from March to November of last year — at a GS-7 scale, paid less than \$15,000 a year.

In his capacity as "watch officer," he received and relayed top-secret messages. He also had access to the storage drawer where the manual was located. And one day, he told the FBI, according to sources, he put the document in the inner pocket of his sports coat and took it home.

Though intelligence community officials have voiced fears about proceeding with the case because of the sensitive satellite material involved, there seems little doubt that the Justice Department will move to indict Kampiles. "We fully intend to go forward," a spokesman said yesterday.

Sen. Malcolm Wallop (R-Wyo.), a member of the intelligence committee, said yesterday that the allegations against Kampiles raise serious questions about CIA security procedures. "They're forever telling us how weak the Congress is [in protecting secrets]. To my knowledge nothing close to this has come out of either house."

Sources close to the CIA said they were surprised that a watch officer had access to a document describing what is generally regarded as the most secret intelligence satellite built by the United States.

"Normally, these documents are kept in a safe and are never kept anywhere near a watch office," one source said. "The whole thing sounds a little like sloppy secrecy."

The Big Bird satellite is a multibillion-dollar program managed jointly by the Pentagon and the CIA. The satellites were launched from California's Vandenberg Air Force Base into a polar orbit that takes each of them over the same place on earth every two weeks.

The Big Bird satellites are equipped with cameras that take photographs in black-and-white, color and infrared. The cameras send their photos back by electronic means, then parachute capsules containing the exposed film down to earth. The pictures they take have been described by some who have seen them as "remarkable."

"The resolution of these cameras is superb," one source said. "There's almost no way you can camouflage things or hide things from these cameras."

Soviets Allegedly Got Spy Satellite Manual

By Anthony Marro
Special to The Washington Star

A former CIA official arrested last week in Chicago allegedly sold Soviet agents a manual describing the workings of the so-called "Big Bird" satellite, which is used to spy on the Soviet Union, according to intelligence sources.

Several government sources said the ex-officer, William P. Kampiles, is accused of taking the manual from the CIA at a time when he was employed as a low-level official in 1977 and of later selling it to Soviet agents in Greece.

Justice Department officials are still trying to decide whether to seek an indictment against him for sale of classified material. A decision is expected before the end of the week.

THE SATELLITE, which has been in use for about five years, is said to be able to take photographs of Soviet missile silos, airfields and other military installations, and is generally considered an important source of intelligence about the Soviet Union.

It is not clear, however, just how valuable the manual could be to the Soviets. Several sources said today that the CIA considers the alleged sale of the manual a "very serious" matter. One Justice Department source, however, said that the information in the manual may be of less concern than the simple fact that a low-level officer was able to get access to it and that it could have been missing from the agency for so long without being discovered.

Kampiles, the son of Greek immigrants, was a GS-7 "watch officer" at the agency for about eight months, and routinely received and relayed classified information within the agency. By one account, he wanted to become an operations officer with the

CIA, but was told that he didn't have the aptitude for it.

An investigation was begun by the local field office of the FBI after the CIA turned over a letter it had received from the former employee saying he had made contact with Soviet agents in Greece and, by one account, suggesting that he might now be of help to the agency.

At the time it received this information, according to one intelligence source, the FBI already had some indication that the Soviets had obtained information about the "Big Bird" satellite, but did not know from where it had come.

It was not until after the FBI had questioned Kampiles and gone back to the agency to ask about the manual, according to one source, that the agency realized it was missing.

THE "BIG BIRD" satellites, which are launched from the West Coast, are said to be so sophisticated they can pick out small details of vehicles and persons on the ground.

Although Kampiles was arrested last week, a final decision still has not been made on whether to seek an indictment of him, although the expectation is that the Justice Department will make such a move. The reason for the delay, Justice Department sources said, is the inevitable concern in any such case that it might cause more harm to "national security" to prosecute because of the revelations about the material, and about access to it within the agency, that would have to be revealed in a trial.

The CIA refused official comment on the matter. "This is one we can't touch at all," said Herbert Hetu, the agency's chief spokesman.

ARTICLE APPEARED
ON PAGE A1-12THE WASHINGTON POST
20 August 1978

National Security Secrets Hamper U.S. Prosecutors

By Charles R. Babcock
Washington Post Staff Writer

A decision on whether to prosecute Lockheed Aircraft Corp. and one of its former top executives is being delayed to check eleventh-hour claims by defense attorneys that national secrets might be disclosed at a trial.

Sources familiar with the investigation of Lockheed's payments to foreign officials said the Central Intelligence Agency has been asked to check the validity of the claims — which came after the Justice Department's criminal division recommended prosecution in April.

The Lockheed case is the latest in a series of sensitive investigations in which national security considerations have collided with — and threaten to derail — prosecutions.

On Friday, for instance, there were reports about two criminal cases that have been complicated by national security.

In one, the government announced it would drop three of six felony charges against a senior executive of International Telephone and Telegraph Corp. because it would have had to disclose classified documents at the trial.

A similar concern was a factor in the Justice Department's decision last fall to let former CIA director Richard M. Helms plead "no contest" to a misdemeanor charge from the same investigation of ITT-CIA collusion in Chile.

In the other case, a former CIA employee, William P. Kampiles, was arrested on charges that he sold top secret information to the Russians, but his prosecution may be difficult. The Los Angeles Times quoted a U.S. intelligence source as saying of that case: "One of the problems is that in order to prosecute we might have to release classified information and we just can't do that."

Deputy Attorney General Benjamin R. Civiletti said in a recent interview that weighing the effect of national security on potential prosecutions is

about the toughest issue his prosecutors face.

"If that issue raises its head we try to pursue the investigation hard. We may be able to make a case without entering the field. So I don't ignore it. But I don't throw up my hands either when the issue come up. We try to work around it. And in 9 out of 10 cases we can," Civiletti said.

Critics of decisions like the government's disposition of the Helms case say "national security" has become such a fuzzy area that defendants can make frivolous claims in efforts to prevent prosecution.

FBI officials accused of participating in illegal break-ins in the early 1970s, for example, claimed the so-called "black bag jobs" were necessary because the Weather Underground fugitives they were pursuing had ties to foreign powers. The Justice Department rejected such claims.

U.S. District Court Judge Gerhard

A Gesell rejected a national security defense when former Nixon White House aide John Ehrlichman was convicted of authorizing a break-in at the office of Daniel Ellsberg's psychiatrist in 1971.

Details of Lockheed's claims could not be learned. But the matter is not yet considered serious enough to involve Civiletti, Attorney General Griffin B. Bell or CIA Director Stanfield Turner, officials said.

Mitchell Rogovin, who represents former Lockheed president A. C. Kotchian, has talked to criminal division head Philip B. Heyman about the case. Rogovin himself has close ties to the CIA, having served as its liaison with the Internal Revenue Service and as its lawyer during recent congressional investigations.

The Wall Street Journal reported last year that government investigators had found indications that the CIA knew about and probably encouraged bribes from American corpora-

tions to foreign government officials.

Lockheed, for instance, paid several million dollars in "agent's fees" to Yoshio Kodama, who had ties with the CIA and was a major fundraiser for Japan's ruling party.

But it is not believed that Rogovin's national security claims went as far as alleging that such potentially explosive ties between U.S. intelligence and multinational corporations would be exposed at trial.

In the Lockheed, ITT-Chile and CIA espionage cases prosecutors have had a chance to balance the need to protect national secrets with the equally legitimate duty to uphold the law.

A more troublesome example of the conflict between intelligence secrets and law enforcement was seen in the recent investigations of South Korean influence-buying in Congress.

A Senate Intelligence Committee study showed that the CIA at times refused to pass along early evidence of the scandal to the FBI or Justice Department for fear of compromising sacrosanct "sources and methods."

One one occasion CIA headquarters officials wouldn't even allow the station chief in Seoul to brief the U.S. ambassador about alleged bribery of members of Congress by South Korean agents.

Indications of illegal South Korean lobbying were largely ignored for more than five years. Not until late 1975 did the evidence — some of it apparently obtained by supersecret National Security Agency intercepts of Korean diplomatic traffic — lead to a full scale Justice Department investigation.

Even then the most sensitive material could be used only for investigative leads. It could not be used at a trial without exposing the secret methods of obtaining it.

Corroborating evidence about suspected payments from Korean officials, such as former ambassador Kim Dong Jo, could not be found. So some

CONTINUED

potential prosecutions of current House members were stymied.

Civiletti said he is not bothered too much by this frustration because he is aware of the potential for abuse in intelligence agencies' eavesdropping on American citizens.

"That would be a very dangerous process, so it's only in collateral circumstances that they pass on information for us," he said.

Civiletti noted that CIA Director Turner has expressed displeasure at the danger to secrets in prosecuting espionage-type cases. "He thinks the English system of secret trials is the only sensible way to proceed," Civiletti said. "I'd never agree with that."

The continuing conflict between law enforcement and national security has been the subject of a year-long study by a Senate Intelligence subcommittee headed by Joseph R. Biden (D-Del.). It is expected to release its report in a few weeks.



WILLIAM P. KAMPILES
... a trial may be difficult

LOS ANGELES TIMES

19 August 1978

ARTICLE APPEARED
ON PAGE Pt. 1 1,9

'Irreparable Harm' Seen in Sale of CIA Data to Russ

BY ROBERT L. JACKSON

Times Staff Writer

WASHINGTON—U.S. security has been dealt "irreparable harm" by detailed descriptions of an electronic surveillance system that a former CIA employe is accused of selling to the Russians, intelligence sources said Friday.

Sections of a manual outlining the highly secret system were delivered to a Soviet agent in Athens by William P. Kampiles, 23, of Chicago, according to a complaint filed by the FBI in a federal court in Chicago. Kampiles was arrested Thursday.

A U.S. magistrate in Chicago Friday set an unusually high bond of \$1 million for Kampiles, who was being held in a federal detention center there.

In Washington, a high-ranking government source said that "this man has done irreparable harm to our country."

"It's an extremely sensitive matter," the source added. "One of the problems is that to prosecute we might have to release classified information, and we just can't do that."

It was learned that CIA Director Stansfield Turner had called Atty. Gen. Griffin B. Bell on what the intelligence agency terms a "secure phone" to brief him on the case before Kampiles was arrested.

In addition, Turner visited the White House to discuss the case with Zbigniew Brzezinski, President Carter's assistant for national security affairs.

The FBI said that Kampiles had been employed as a watch officer for the CIA from March to November, 1977. During that period, he allegedly removed a top-secret document entitled "KH-11, System Technical Manual" from CIA headquarters in Langley, Va., and kept it when he moved to Chicago.

Late last February or early March, Kampiles sold sections of the sensitive document to a Soviet agent code-named "Michael" in Athens for \$3,100, the FBI said.

Apparently to prevent leaks of classified information, U.S. Magistrate Olga Jurco of Chicago placed under court seal an eight-page affidavit by FBI special agent Rickey P. Knapp that accompanied the official complaint.

But U.S. Atty. Thomas P. Sullivan said in a statement that the CIA manual allegedly stolen by Kampiles dealt with "a sensitive technical collection system."

"The operation of this system as described in detail in the technical manual directly relates to our national defense," Sullivan said.

It could not be learned whether the electronic system was used in the United States or abroad, or whether it involved the operation of spy satellites.

The FBI said Kampiles had given the Russians the cover page, the table of contents and Section 1 of the CIA manual.

The \$1 million bond set for Kampiles is rare, although two Soviet employes of the United Nations accused of espionage against the United States were held in New Jersey last June on \$2 million bail each.

The Russians were temporarily freed on June 26 as part of a U.S.-Soviet deal in which American businessman Francis J. Crawford, accused of currency violations by the Russians, was freed in Moscow to await trial.

In recent years the highest money bail imposed in other espionage cases has been \$100,000.

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ON PAGE 1

THE WALL STREET JOURNAL
24 August 1978

A former CIA employe was paid \$3,000 for allegedly selling a Soviet intelligence agent a manual describing the "Big Bird" satellite that spies on Russia, the FBI said. The employe, William P. Kampiles, was arrested last week in Chicago. Intelligence officials said loss of the manual has prompted a Senate and CIA review of the agency's security procedures.

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ON PAGE 1A

PHILADELPHIA INQUIRER
20 AUGUST 1978

An ex-CIA man is held in espionage

Associated Press

CHICAGO — Bond of \$1 million in cash has been set for a former CIA employe accused of delivering a top-secret national defense document to the Soviet Union.

U. S. Attorney Thomas Sullivan said loss of the document, entitled "KH-1: System Technical Manual," could cause "grave danger to national security."

William P. Kampiles, 23, a sales representative for a drug company in suburban Oak Brook, was formally charged on Friday with selling the document to the Soviets.

Bond was set by U. S. Magistrate Olga Jurco, who ordered Kampiles to surrender his passport.

A complaint prepared by the FBI alleges that Kampiles delivered the document to a Soviet agent on or about March 2 in Athens, Greece, and was paid \$3,000.

Kampiles worked as a watch officer for the Central Intelligence Agency from March to November 1977. He allegedly took the document from CIA headquarters while working there and kept it after he left the agency and moved to the Chicago area, authorities said.

Kampiles, born in Hammond, Ind., was living in Munster, Ind., when arrested. If convicted, he could be sentenced to life imprisonment.

ARTICLE APPEARED
ON PAGE A-5

WASHINGTON STAR
19 AUGUST 1978

\$1 Million Bond for Ex-CIA Worker

CHICAGO — A former CIA employee accused of delivering a stolen national defense document to a Soviet agent was ordered held under \$1 million bond yesterday.

U.S. Magistrate Olga Jurco followed the recommendations of federal prosecutors on setting the high bond for William T. Kampiles, 23, and ordered Kampiles to surrender his passport. She set another court hearing for next Thursday.

U.S. Attorney Thomas P. Sullivan said Kampiles was accused of giving a Soviet agent a "sensitive technical manual dealing with a technical collection system."

The FBI said Kampiles, of Munster, Ind., was employed as a CIA watch officer from March to November of 1977. He is alleged to have removed a the document from CIA headquarters while employed there and to have taken it with him when he moved from Vienna, Va., to Chicago.

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THE BALTIMORE SUN
19 August 1978

Bond set at \$1 million in spy case

Chicago (AP)—A \$1 million bond was set yesterday for a 23-year-old former CIA employee charged with delivering a national defense document to the Soviet Union.

William P. Kampiles, a sales representative for a drug company in the western suburb of Oak Brook, was charged with giving the Soviets a document relating to national defense. It was entitled, "KH-11, System Technical Manual" and was classified top secret, Thomas P. Sullivan, a United States attorney, said in court.

Mr. Sullivan said that loss of the manual could cause "grave danger to national security."

Bond was set by U.S. Magistrate Olga Jurco, who also ordered Mr. Kampiles to surrender his passport.

An FBI complaint alleged that Mr. Kampiles gave the document to a Soviet by the name of "Michael" on or about March 2, 1978, in Athens, Greece, and was paid \$3,000.

ARTICLE APPEARED
ON PAGE A-4

THE WASHINGTON POST
19 August 1978

Sale of CIA Secret to Soviet Said to Do 'Irreparable Harm'

Los Angeles Times

Russia's alleged purchase of details of an electronic surveillance system from a former CIA employe has dealt U.S. security "irreparable harm," intelligence sources said yesterday.

Sections of a manual outlining the highly secret system were delivered to a Soviet agent in Athens by William P. Kampiles, 23, of Chicago, according to a complaint filed by the FBI in a federal court in Chicago. Kampiles was arrested Thursday.

Yesterday, a U.S. magistrate in Chicago set an unusually high bond of \$1 million for Kampiles, who is being held in a federal detention center there.

In Washington, a high-ranking government source said:

"This man has done irreparable harm to our country. It's an extremely sensitive matter. One of the problems is that in order to prosecute we might

have to release classified information, and we just can't do that."

It was learned that CIA Director Stansfield Turner called Attorney General Griffin B. Bell on what the intelligence agency calls a "secure phone" to brief him on the case before Kampiles was arrested.

Turner also visited the White House to discuss the case with Zbigniew Brzezinski, President Carter's assistant for national security affairs.

The FBI said Kampiles was employed as a watch officer for the CIA from March to November 1977. During that period he allegedly removed a top-secret document entitled "KH-11, System Technical Manual" from CIA headquarters in Langley and kept it when he moved to Chicago.

In late February or early March this year, Kampiles sold sections of the sensitive document to a Soviet agent code-named "Michael" in Athens for \$3,100, the FBI said.

ARTICLE APPEARED
ON PAGE 3CHICAGO TRIBUNE
19 August 1978

Former CIA aide held on spy charge

By John O'Brien

A FORMER EMPLOYEE of the Central Intelligence Agency now living in suburban Munster, Ind., was ordered held Friday in lieu of a \$1-million cash bond on a charge of selling a top secret defense document to a Soviet citizen.

The espionage suspect, William Peter Kampiles, 23, appeared in federal court here following his arrest by Federal Bureau of Investigation agents Thursday night in his townhouse apartment at 7645 Hohman Av. in Munster. A formal hearing on the charge was set for next Thursday.

In requesting the high bond, U.S. Atty. Thomas P. Sullivan told Magistrate Olga Jurco that improper release of the document to an enemy power "could cause grave damage to our national security."

Police in Munster confirmed reports by neighbors of Kampiles that he shared his townhouse home with a Munster policeman, Perry Felecos. A police spokesman said Felecos, a policeman less than one year, went on a four-day furlough Friday and could not be reached for comment.

FBI Director William Webster said Kampiles, a salesman for a Chicago area drug firm, was charged in a federal complaint filed Thursday in Chicago of selling the document for \$3,000 to a Soviet agent in Athens, last March 2.

THE DOCUMENT, classified as top secret, is believed to have been removed by Kampiles from CIA headquarters

near Washington while he was employed by the CIA as a "Watch officer" from March until November, 1977, Webster said.

No details about the document were released, except its title, "KH - 11 System Technical Manual."

Webster said Kampiles, a native of Hammond who was "terminated" by the CIA, returned to the Chicago area with the document last fall. He said Kampiles is accused of delivering it in Greece to a man identified only as "Michael" and described as "a representative of the Union of Soviet Socialist Republic."

KAMPILES' ARREST was coordinated with and "had the complete cooperation of the CIA," Webster said.

FBI authorities in Chicago said Kampiles is to appear before a federal magistrate Friday. They said the penalty for espionage provides for any term of imprisonment, including life imprisonment.

ST. LOUIS GLOBE-DEMOCRAT
18 August 1978

Ex-CIA employee arrested as a spy

WASHINGTON (AP) — A 23-year-old former CIA employee was arrested Thursday in suburban Chicago on charges of delivering a national defense document to the Soviet Union, the FBI said.

William P. Kampiles, a sales representative for a drug company in suburban Chicago, was arrested on the basis of a complaint filed before a U.S. magistrate in Chicago, FBI spokesman Steve Gradis said.

Kampiles was charged with giving the Soviets a document relating to the national defense entitled, "KH-11, System Technical Manual" which was classified top secret, Gradis said.

The FBI complaint alleges Kampiles gave the document to a Soviet by the name of "Michael" on or about March 2, 1978, in Athens, Greece, and was paid \$3,000.

Kampiles, a former Vienna, Va., resident, was employed as a watch officer for the Central Intelligence Agency from March to November 1977.

He allegedly took the document from CIA headquarters while working there and kept it when he moved to Chicago after the termination of his CIA employment, Gradis said.

The spokesman added that Kampiles' arrest was coordinated with the CIA.

Kampiles was born in Hammond, Ind., and when arrested, was living in Munster, Ind., outside Chicago.

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FOR PUBLIC AFFAIRS STAFF

PROGRAM First Line Report

STATION WTOP Radio
CBS Network

DATE August 19, 1978 9:40 A.M. CITY Washington, D.C.

SUBJECT Mystery Of CIA Road Signs

BOB SCHIEFFER: "First Line Report," News and commentary.

I'm Bob Schieffer, CBS News White House correspondent, reporting on the CBS Radio Network.

The mystery of the CIA and its road signs, or if you can get there from here, why do you need signs pointing the way?

Details, after this.

* * *

The other day, when President Carter went to the CIA, we discovered something, that the agency not only issues press releases from time-to-time, but that the anonymous person who cranks them out has a sense of humor. That's why we're breaking precedent today and simply reading word-for-word a government press release. We haven't changed a word. We promise to do it often, but we thought you'd like this one, and it's shed some new light on an old story.

It's titled, "The Ups and Downs of the CIA's Road Signs." and we quote.

"There is a story that's been making the rounds for so long it's almost become a legend, and it goes like this. 'Shortly after its new building was completed in 1961, the CIA was not quite satisfied with having its 219-acre compound merely well-hidden from public view by the woodlands of Northern Virginia. So it concocted a neat little deception to confuse friend and foe alike. It erected signs on adjacent motorways telling drivers that access roads they were passing led to a place called the Bureau of Public Roads, or the Fairbanks Research Station.'

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"Of course, no one was fooled, and none less than President Eisenhower ordered the CIA to stop this folly and put up signs making it clear that the access roads led to the CIA.'

"The fact of the story is true, according to the CIA release. There really is a Highway Research Facility adjacent to the CIA. It's been there since 1950, fully nine years before construction began on the CIA headquarters next door.

"The signs pointing to the Research Facility were also there before the CIA was, and they've been telling the truth from the beginning, and the Research Facility belongs to the Federal Highway Administration.

"The CIA says the confusion and the legend probably started because sometimes there were CIA road signs along with those of the Research Station, and at other times there were not.

"There is one grain of truth to the legend. It dates back to November 1959, according to the CIA, when President Eisenhower came to lay the cornerstone for the CIA headquarters building. His driver couldn't find the place. So the President ordered the CIA road signs to be put up.

"Two years later, as CIA personnel were moving into the just-completed headquarters, President Kennedy paid a visit. He had no taste for road signs pointing out the government's secret intelligence agency, so he ordered the signs taken down. For the next twelve years, the signs of the Highway Research Facility stood alone.

"Then President Nixon visited CIA headquarters during that period. In a talk to the CIA employees in 1969, he referred to the ups and downs of the CIA road signs, noting that this gave him a dilemma. He said it was his practice to open his remarks at other agencies with, quote, 'It's a pleasure to be here, but since the CIA obviously is not suppose to be here perhaps I had better start with it is a pleasure not to be here,' end of quote.

"Then, in 1973, the CIA signs went up again, this time at the direction of then CIA Director James Schlesinger, and they are still there, except for one of them which has had ups and downs of its own. The sign along the southbound lanes of route 123 in Virginia has disappeared nine times almost overnight everytime it's been put up. It's been suggested that these signs now grace the walls of local bed rooms or fraternity houses.

"In short, the CIA contends it has never posted phoney signs nor hidden behind the signs of another agency. But the story has

-3-

accomplished one thing -- to this day, few people really believe there is a Highway Research Station. Perhaps in giving directions, the CIA's employees instruct visitors to follow the signs to the CIA," end of quotation, end of press release.

The only comment here -- we wish we had written it.

Now this message.

*

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*

This has been "First Line Report." I'm Bob Schieffer, CBS
News.

FOR PUBLIC AFFAIRS STAFF

PROGRAM CBS News STATION WTOP Radio
CBS Network
DATE August 16, 1978 5:00 PM CITY Washington, D.C.
SUBJECT President Carter Visits the CIA

DOUGLAS EDWARDS: Mr. Carter ventured out from the White House for a visit to the CIA.

Ed Bradley has details.

ED BRADLEY: It's just a short trip from the White House, about eight miles from downtown Washington, to the secluded Headquarters of the Central Intelligence Agency. Mr. Carter was here for two meetings, one with those employees who analyze all of the material which goes into the President's daily intelligence briefing, and the second to discuss the agency's clandestine operations.

Mr. Carter also used the occasion to give a pep talk to several hundred agency employees who stood out in the hot sun to greet him.

PRESIDENT JIMMY CARTER: I appreciate what you are, what you do. You almost are in the position of being like Caesar's wife. You have to be even more pure, because the slightest mistake on your part is highly publicized and greatly magnified, whereas your great achievements and successes quite often are not publicized and are not recognized.

BRADLEY: Mr. Carter said one of the most pleasant surprises of his Administration has been the quality of work at the CIA.

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FOR PUBLIC AFFAIRS STAFF

PROGRAM ABC World News Tonight STATION WJLA-TV
ABC Network

DATE August 16, 1978 7:00 PM CITY Washington, D.C.

SUBJECT The President Visits the CIA

FRANK REYNOLDS: The President visited the Headquarters of the Central Intelligence Agency today and told several hundred CIA employees they must be more pure and more clean and more decent and more honest than other government workers.

Mr. Carter spoke first outdoors, then went inside to meet with more than 50 undercover agents who, according to a CIA spokesman, could not be seen outside.

The President also said he is worried that too much openness and candor about CIA operations can damage the national security.

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FOR PUBLIC AFFAIRS STAFF

PROGRAM News 7 STATION WJLA TV
DATE August 16, 1978 6:00 PM CITY Washington, D.C.
SUBJECT Quotes President Carter

RENEE POUSSAINT: President Carter put Caesar's wife forward today as a model for CIA employees. Speaking at CIA headquarters in Langley, Mr. Carter said that like Caesar's wife, CIA workers have to be more pure, more decent, and more honest because their slightest mistakes are magnified.

On the other hand, he said, their achievements are frequently not publicized and not recognized.

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FOR PUBLIC AFFAIRS STAFF

PROGRAM NBC Nightly News STATION WRC-TV
NBC Network

DATE August 16, 1978 6:30 PM CITY Washington, D.C.

SUBJECT President Carter Visits the CIA

DAVID BRINKLEY: President Carter went across the Potomac today to the CIA Headquarters in Virginia and said a few kind words to the spies, who have not heard many lately. During his campaign, in fact, Mr. Carter often was critical of the CIA, but today it was all as nice as could be.

Here's Judy Woodruff.

JUDY WOODRUFF: Only a few hundred CIA employees came out to see the President. At least had stayed inside because they didn't want their pictures taken by the press.

During his presidential campaign, Mr. Carter repeatedly criticized the CIA. He said abuses committed by the agency had undermined the confidence of the American people in their government. But today he suggested things had improved since he came into office.

PRESIDENT JIMMY CARTER: There is now a stability in the CIA. There have been too many shocks, too many rapid changes in the past. But the policies that have now been established by Executive Order, by sound decisions, by cooperation, and in the future by law will give you a much surer sense of what the future will bring.

WOODRUFF: Inside, the President listened to briefings on how the CIA collects and analyzes information, and talked with about 50 spies.

There is probably no federal agency that needed a morale booster as much as the CIA. Since the people who work here either stayed inside or if they came out didn't talk to the press, there's

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no way of knowing what they thought of the President's remarks.

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FOR PUBLIC AFFAIRS STAFF

PROGRAM The Federal Beat STATION WRC Radio
DATE August 17, 1978 7:40 AM CITY Washington, D.C.
SUBJECT President Carter Speaks at the CIA

TINA GULLAND: President Carter is trying to boost morale out at the CIA. He spent an hour yesterday at the agency's Langley Headquarters, where he gave workers a pep talk.

PRESIDENT JIMMY CARTER: You almost are in the position of being like Caesar's wife. You have to be even more pure and more clean and more decent and more honest than almost any persons who serve in government. Because the slightest mistake on your part is highly publicized and greatly magnified, whereas your great achievements and successes quite often are not publicized and are not recognized, and they certainly are never exaggerated.

GULLAND: The President told the CIA workers that there is a growing appreciation for what the agency does. He added that there have been many shocks and rapid changes at the CIA in recent years, but the President said there is now a stability at the agency and a much surer sense of what the future will bring.

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PROGRESSIVE
September 1978ARTICLE APPEARED
ON PAGE 10,11

Silencing Whistle-Blowers

A Federal court ruling against former CIA operative Frank Snepp, who published unclassified but embarrassing information on the Agency's actions in the final days of the Vietnam war, establishes a dangerous precedent that could inhibit other potential whistleblowers from calling public attention to Government abuses. In the successful civil suit filed by the Justice Department, Snepp was ordered to forfeit the "ill-gotten gains" from his book, *Decent Interval*, which he published after his attempts to report the abuses through official channels were ignored.

The Government claims Snepp, by publishing the book, violated a secrecy oath he had signed when he joined the CIA in 1968. Snepp maintains the agreement does not apply to unclassified information. U.S. District Judge Oren R. Lewis of Alexandria, Virginia, disagreed, declaring in his July 7 decision that the book "caused the United States irreparable harm and loss" and "impaired the CIA's ability to gather and protect intelligence relating to the security of the United States."

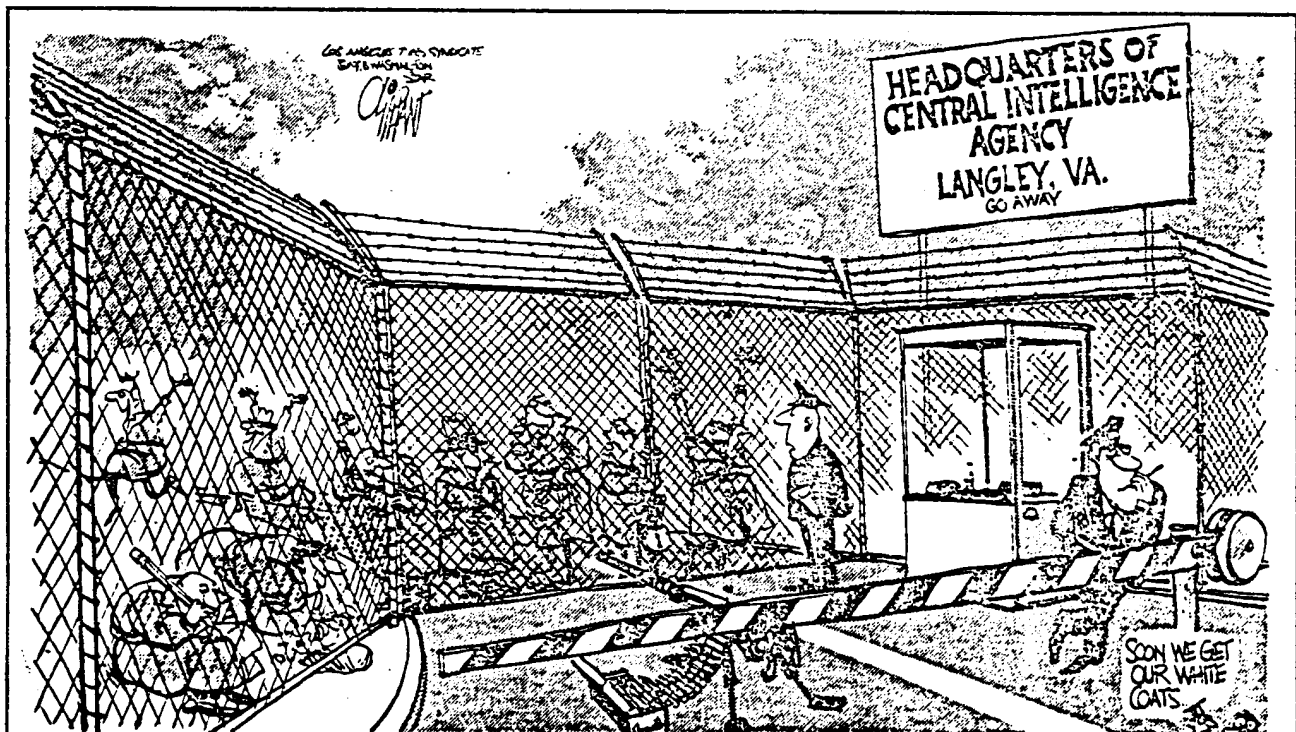
Similar language was used in the unsuccessful attempt to block publication of the Pentagon Papers in 1971, though it has never been shown that "national security" was compromised. There are other interesting parallels: While Snepp's account of how the CIA bungled the evacuation at the end of the war has received most of the media attention, his book also provides documentation

for much of the official deception suspected by the peace movement at the time. Snepp confirms, for example, the frame-up by South Vietnamese President Nguyen Van Thieu and the CIA of moderate Saigon legislator Tran Ngoc Chau; reveals that the *Saigon Post* was a CIA front; describes how Thieu's troops, backed by the United States, engaged in massive land-grabbing after the 1973 ceasefire, and notes that the North Vietnamese army was not increasing its troop strength during that period as the Government claimed.

Unlike Daniel Ellsberg (who was bound by no secrecy oath), however, Snepp was not motivated by revulsion at the immorality of the war. He believes that the war should have been won, and would have been had the United States pursued it more effectively. But the Justice Department apparently will not tolerate even sympathetic criticism.

The Government acknowledged that Snepp disclosed no information that had not already been made public, but it insisted on the need to establish a precedent against those who might potentially publish classified material. That precedent, however, was clearly established two years ago in the pre-publication censorship of *The CIA and the Cult of Intelligence* by John Marks and Victor Marchetti — a decision that expressly barred censorship "with respect to information which is unclassified or officially disclosed."

The problem, of course, is not one of "national security" but of the Government's power to prevent private citizens from revealing potentially embarrassing in-

Oliphant, *The Washington Star*

'Sorry, sir, but our role as guards of the establishment has changed somewhat; instead of stopping people from entering, we're now here to see that you loonies in there never get out!'

CONTINUED

formation. The Snepp decision, if upheld on appeal, will not only affect the 800 former CIA operatives who might wish to disclose Agency abuses, but thousands of other employees in seven Federal departments and agencies who must sign similar secrecy oaths.

While Richard M. Nixon and his felonious former associates earn millions of dollars by using classified information in their self-serving memoirs, those who try to inform the public are punished. Snepp's publisher, Robert Bernstein of Random House, noted the "supreme irony" that former CIA director Richard Helms was fined only \$2,000 for lying to a Congressional committee, while Snepp has suffered impoundment of at least \$60,000 for telling the truth.

Perhaps the best assessment of the ruling came from Snepp himself, who commented after the decision, "No American should be denied his freedom of speech because he criticized the Government." It is alarming to find such a basic principle under official attack.

ARTICLE APPEARED
ON PAGE 14

NATIONAL GUARDIAN
23 AUGUST 1978

Cubans at Youth Festival expose CIA plots

By BARBARA MINER
Guardian Staff Correspondent

Havana, Cuba

"One morning in 1967, in Montevideo, I was involved in the following interrogation:

"Are you a communist?"

"No."

"Are you forcefully opposed to the foreign policy of the U.S.?"

"No."

"Tired, the technician disconnected the electrodes and deactivated the indicators [of the lie-detector]."

Thus begins the book released in Havana two weeks ago by Manuel Hevia Cosculluela, a Cuban official who infiltrated the CIA for eight years. The above passage describes one of Hevia's many lie detector tests with the CIA.

Hevia's "Passport 11333, Eight Years with the CIA" details his recruitment by the CIA in 1962, his brief exile in Miami and his years of work for the CIA in Uruguay. In October 1970, Hevia left Uruguay and returned to Cuba.

For the first time, Hevia publicly told his story at the tribunal, "Youth Accuses Imperialism," at the 11th World Festival of Youth and Students July 28-Aug. 4.

A number of other Cubans also explained for the first time in detail how they had infiltrated the CIA as early as 1959.

The data released two weeks ago, however, do not deal with any CIA activities during the Carter administration, apparently an effort to warn but not antagonize the current U.S. government.

In addition, the Cubans presented information to the tribunal in which they charged that Lee Harvey Oswald had been a CIA agent since the late 1950s. In a paper

entitled "CIA: Cuba Accuses," the Cuban government said that "the forces that planned, financed and ordered the assassination of the President of the U.S." have tried to involve Cuba in the assassination. They did so, according to the Cubans, "to try to diminish Cuba's growing prestige and fabricate a pretext to activate certain plans to overthrow the revolutionary government by force."

In a series of documents, the Cubans said that the person who visited the Cuban consulate in Mexico shortly before Kennedy's assassination was not Oswald—as has been charged by the U.S. government as part of its proof that Oswald was a Cuban agent. The CIA was fully aware "that there were two Oswalds"—the one who visited the consulate and the one who killed Kennedy, the Cubans charged. They provided documentation that the CIA carefully kept a log of photographs of all those who visited the Cuban consulate.

"Once it has been established that there are two Oswalds," ex-CIA agent Philip Agee explained at the tribunal, "this calls in question the entire picture presented by the Warren Commission" that Oswald acted alone. "This opens up the panorama of conspiracy."

The Cubans revealed that through their agents they had discovered at least five plans in recent years to assassinate Cuban President Fidel Castro. A Senate intelligence report in 1975 stated that CIA-sponsored attacks against Castro had terminated in the 1960s.

The five assassination attempts include two attempts during Castro's visit to Chile and Ecuador in 1971; two attempts to send infiltration teams into Havana in 1974, and

assassination preparations made during planned trips to Mexico and Africa in 1976. These two trips were canceled when the Cubans suspected assassination plots.

On the Africa attempt, the Cubans stated last week: "On Oct. 9, only three days after the criminal sabotage in Barbados [in which 73 people were killed by a CIA-planted bomb in a Cuban airliner], a message sent by the CIA to an agent in Havana was intercepted. That message, transmitted from the CIA's central headquarters in Langley, Va., says in part: 'Please inform at earliest opportunity any data concerning Fidel's attendance at the ceremony for the first anniversary of Angola's independence, Nov. 11. If he's going, try to get complete itinerary for Fidel's visit to other countries on the same trip.'"

Nicolas Sirgado Ros, a Cuban official with the ministry of construction whom the CIA thought was working for the agency from 1966 to 1976, explained at a press conference here last week that the Cubans then canceled Castro's trip.

Some of the most detailed information on Cuban penetration of the CIA was provided by Sirgado. Explaining that he was ordered to start infiltrating the CIA in 1962, he said that in 1966 such efforts proved successful and he was recruited in London. Thus for 10 years the CIA thought it had a high-placed Cuban official working for it.

"So the question of infiltrating the CIA was a meticulous, careful, long-term concept right from the beginning," said Sirgado, "based on known information about plans for aggression against our country and concrete CIA plots to assassinate Commander-in-Chief Fidel Castro and of course on the Cuban revolution's need to protect the people, their leaders and socialism."

A ROLEX FROM KISSINGER

Sirgado, who said he received a letter of praise and a Rolex watch from Henry Kissinger for 10 years of valuable work with the CIA, outlined the various interests of the agency. These interests included personal information on leaders of the Cuban government, some of whom he worked with closely; information on Cuba's relations with various developing countries; economic relationships; Cuba's Africa policy, and internal developments.

On the question of the nonaligned movement Sirgado said: "Almost from the beginning of our penetration work in the CIA they insisted on information on all that we [Cuba] did as full members of the nonaligned movement. They wanted to know everything. Without the slightest reservation these gentlemen referred to the



Cuban girls attending youth festival events.

CONTINUE

subversive' nature of this organization." As early as 1961 and-1970, according to Sirgado, the CIA asked Cuban agents for "firsthand information that they said would be used to formulate a U.S. policy on Africa designed to frustrate any revolutionary or even progressive movement."

The most detailed information on CIA interests and involvement in Latin America was given by Hevia.

"For eight years, the CIA believed I was one of their agents," said Hevia. "It is impossible to relate all of the functions I carried out for them...I shall refer to penetration at diverse levels that the CIA carried out basically through technical assistance and training courses."

The Cuban explained that much of the CIA work in his later years was carried out through the Agency for International Development. The CIA agent in charge of these technical assistance courses was AID official Daniel Mitrione, later assassinated by Uruguyan patriotic guerillas.

Technical assistance was a euphemism for programs to teach various techniques for interrogating political prisoners. "Mitrione not only trained [in these interrogations] but actually participated," said Hevia.

In one torture-training session, Hevia explained, "beggars were used as guinea pigs. They died as a result of this 'training:'"

In the end of his book, Hevia quoted Mitrione, who told him in a conversation about the CIA's philosophy of interrogation:

"Above all: efficiency. Cause only that pain which is strictly necessary, not one bit more. Don't ever lose your temper. Act with the efficiency and the cleanliness of a surgeon, with the perfection of an artist."

And as Hevia said in explaining his infiltration of the CIA: "There will be Mitriones as long as there is imperialism."

ARTICLE APPEARED
ON PAGE 18NEW TIMES
4 SEPTEMBER 1978**The Insider***Promises, promises***Senators Stop the Music on
Carter Whistling a Different Tune**

Candidate Jimmy Carter, the outsider, was vociferous on the need to protect government whistleblowers. He was especially critical of the treatment accorded Ernie Fitzgerald, the Pentagon employee dismissed in 1969 for exposing a \$2 billion cost overrun in construction of the C5A transport plane—a revelation which threatened the Lockheed bailout. Fitzgerald, who won back a Pentagon position after years of legal wrangling, now looks into such things as food service costs for mess halls and the construction of bowling alleys in Thailand. "I'm kept busy," he says, "but I know my career has reached dead end."

President Carter apparently sees things differently now that he's on the inside. When his Civil Service Reform package arrived in Congress, noticeably missing was any provision to protect those who reveal federal waste and mismanagement. It condoned disclosure only of violations of laws, rules and regulations. Carter's retreat on whistleblowing came as no surprise to those following the Justice Department's feverish prosecution of Frank Snepp, the former CIA agent whose book, *Decent Interval*, dis-

**Abourezk blows the whistle**

closed the CIA's disgraceful role in the events surrounding the evacuation of Vietnam, but revealed no classified information.

Taking note of the President's oversight in the Civil Service Reform Act were Senators James Abourezk (D.-N.D.) and Abraham Ribicoff (D.-Conn.) who insisted on amendments to protect those who expose government waste and mismanagement. The President, realizing his vulnerability as a candidate for re-election, decided not to oppose the changes. Carter's flip-flopping on the issue of whistleblowing seems to stem from the differences between Carter-the-candidate and Carter-in-the-White House.

—Dorothy J. Samuels

AUSTIN AMERICAN-STATESMAN (TEXAS)

1 August 1978

CIA books pose no security threat

Government prosecution of former CIA agents Frank Snapp and John Stockwell over their books exposing CIA incompetence, duplicity, deceit, treachery and other violations of its charter is an unconscionable attack on First Amendment freedom of the press.

The First Amendment was not enshrined in our Constitution merely to permit disgruntled citizens to complain about potholes in the streets; rather it was forged to provide a sword and shield for those who would criticize, attack and expose governmental wrongdoing — especially the kind that Stockwell and Snapp have revealed.

Having read both books, it is abundantly clear that no danger to our national security exists as a result of publication of those volumes. In fact, it is clear that the only threat involving security, is the security of those bureaucrats and policy-level personnel in the CIA and other government agencies whose willful wrongheadedness has continually mid-wifed disastrous American policy in all parts of the world.

Both Snapp's and Stockwell's books should be required reading for all Americans.

THOMAS A. PRENTICE
2203 Dove Springs Drive

ARTICLE APPEARED
ON PAGE B-1

WASHINGTON STAR
19 AUGUST 1978

The Ear

MAYBE THEY ALREADY KNOW . . . Publisher Lyle Stuart, Ear hears, is braced for shocks all 'round. His book "Dirty Work," written by Philip Agee and Lewis Wolfe, hits the market in about a month. It's about the CIA, natch. It names 750 CIA station chiefs around the world, pinpoints where they are, tattles on what they're up to. Oh, dear. Ear *hates* a fuss.

Putting the Gag on CIA Whistle Blowers

MEDIA WATCH

Nat Hentoff

Next to being afflicted with a terminal disease, as Learned Hand once said, the worst thing that can happen to you is to be sued by the United States government. But only once, in all of American history, has such a suit deprived a defendant of his very right to speak freely. That indeed is "unusual" punishment. The first—and so far only—



Nat Hentoff American citizen to have had a lifetime gag order placed on him is, of course, Victor Marchetti.

Marchetti, the once and former CIA agent, was sued in 1972 by the United States government for having breached his secrecy agreement with the CIA—an agreement in which he

Nat Hentoff, a long-time media observer, is a staff writer for *The New Yorker* and the *Village Voice*. He is at work currently on a book about the First Amendment for high school and college students. Mr. Hentoff is a member of the board of the New York Civil Liberties Union, and contributes this column regularly to *CLR*.

had pledged to submit to the CIA for prior approval anything he might write or say about what he had learned while he was with the agency. In 1975, the United States Court of Appeals for the Fourth Circuit ruled that, while Marchetti had not lost *all* of his First Amendment rights by signing that secrecy agreement, he had forfeited some of them for the rest of his life: "He may not disclose classified information obtained by him during the course of his employment which is not already in the public domain."

As for the First Amendment in particular, said the Fourth Circuit Court of Appeals, Marchetti, "by his execution of the secrecy agreement and his entry into the confidential employment relationship . . . effectively relinquished his First Amendment rights."

Therefore, insofar as classified information is concerned, Marchetti is under a permanent injunction by which the CIA is his lifetime censor of anything he wants to publish concerning his time at the agency. The Supreme Court twice refused to review the case with only Justice Douglas dissenting on both occasions.

What is it like to be the only American who has to function as if he were under the licens-

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ing system of fifteenth- and sixteenth-century England? "If I write an article," Marchetti has told Anthony Lewis of the *New York Times*, "I always have to worry about proving that it is not based on something I heard in the agency. It makes editors leery of having you write for them—they don't want to get involved in litigation. I'm even writing two novels now, and it's on my mind."

Marchetti may soon be joined by another licensed citizen. In November, 1977, Frank Snepp, another former CIA agent, published a book about grievous CIA malfeasance during the evacuation of Saigon, *Decent Interval* (Random House), without CIA clearance. Three months later, he too was brought to court by the Justice Department for having violated his secrecy agreement with the CIA. This time, however, the government not only wants Snepp permanently dependent on the CIA for approval of whatever he writes based on his years with the agency. The government also intends to deter any future whistle blowers by insisting on taking all Snepp's profits from his book, all tie-in profits, and an unspecified amount of money damages for the harm he has done the CIA. And Snepp is to pay all court costs.

The American Civil Liberties Union is defending Snepp because, as Norman Dorsen and Aryeh Neier have pointed out, this suit by the Carter administration "is the most sweeping attempt to date by the Executive Branch to interfere with the right of former government officials to publish accounts of their government service. . . . If the government is successful in this case, the threat of financial ruin and injunction against speaking and writing would chill the participation of former officials in debate on public issues. This

case makes a mockery of the administration's claim to be interested in protecting whistle blowers."

What makes the Snepp case far more dangerous than even Marchetti's is the government's claim that Snepp not only broke a contract—the secrecy agreement—but also violated a "fiduciary" obligation to the CIA by publishing a book that was not authorized by the agency. That is, the contract aside, secrecy inheres in the very nature of the relationship between any government employee who has access to classified information and the agency where that information is to be found.

Accordingly, this "fiduciary" duty requires that the employee must obtain prepublication approval from the government. The employee cannot unilaterally decide that he has not disclosed any classified information. Says the Justice Department in the Snepp case: "Only the employer—in this case, the Central Intelligence Agency— . . . may determine what is classified and thus not disclosable. . . . Only those at the top of the intelligence community pyramid have the total view of the many pieces of the puzzle to know the implication of the release of any one item."

So too might it be said of any bureaucratic pyramid in any agency involved in classified material. Therefore, says Mark Lynch, Snepp's attorney, if the government wins, this "fiduciary" doctrine of prior restraint can be stretched to include those who have worked or still work for the Defense Department, the National Security Council, the White House, and all other agencies that amass classified material and are the sole judges of "the implication of the release of any one item." The result would be not so much a chilling effect as a permanent freeze because "no-publication" agreements could then be extended throughout government on "fiduciary" grounds.

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Snepp's defense begins by citing the government's admission that his book did *not* reveal "classified information or any information concerning intelligence or the CIA that has not been made public by the CIA." Therefore, Snepp did not violate the second of the two secrecy agreements he signed with the agency. The first, in 1968, when he joined, covered "any information or material relating to the Agency." The second—and therefore the current, superceding—agreement, signed in 1976 when Snepp left, covers only "classified information" and material "that has not been made public by the CIA."

With regard to Snepp's having stomped on his "fiduciary" duty to the CIA, the government is basing its argument, by analogy, on the already court-tested obligations of employees to protect their employers' trade secrets. But in Snepp's case, the government has already conceded that he has revealed no secrets. So the "fiduciary" argument does not apply in this suit.

Furthermore, even in the Marchetti case, the Court of Appeals held that "the First Amendment limits the extent to which the United States, contractually or otherwise, may impose secrecy agreements upon its employees and enforce them with a system of prior censorship. *It precludes such restraints with respect to information which is unclassified or officially disclosed.*"

Snepp and the ACLU also claim, it should be emphasized, that in addition, "the First Amendment prohibits a governmental system of prior restraint of *classified* information, except where the government can meet the very heavy burden of justification articulated in *New York Times v. United States*, 1971. (That is, for example, when the nation is at war and the government, as stated in *Near v. Minnesota*, moves to "prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops.")

This part of Snepp's argument, however, has to be held in abeyance because the Court of Appeals in the Marchetti case disagreed with this claim, and Snepp's lower court battles are being fought in that same Fourth Circuit. But Snepp has placed the full First Amendment argument in the record in the event his case is reviewed by the Supreme Court.

Among the other arguments Snepp and the ACLU are advancing is the contention that there is no evidence that *Decent Interval* has damaged national security—despite the government's claim that the book has undermined "confidence and trust in the agency, thereby hampering the ability of the agency and the Director of Central Intelligence to perform their statutory duties."

During discovery procedures, Snepp's lawyers emphasize, the government was unable "to identify any concrete or particular injury resulting from defendant's failure to submit his manuscript for pre-publication review."

But what if the CIA *could* produce a clear, specific example of *Decent Interval* having damaged "confidence and trust" in that agency which so far, of course, has been beyond reproach? Even if there were such an example, say Snepp's lawyers, "In this country, there are no limits to the peaceful criticism which citizens can level at their government."

On the basis of these and other arguments, Snepp moved for summary judgment. An earlier motion to that end by the government had been denied. On May 12, Snepp too failed to avoid trial. And so, a free-speech and free-press battle of great and perilous consequence has moved from the planning papers

into the arena. And this time, those who would do fierce injury to what James Madison and his colleagues constructed are not Nixon and Mitchell but Carter and Griffin Bell.

As Frank Snepp puts it, *this* White House and *this* Justice Department "are going way beyond the Pentagon Papers precedent and the Marchetti precedent and are seeking to punish me for having published unclassified material, an incredible extension of the government's assault on the First Amendment."

Coming from a president whose attorney general has proclaimed the 1978 Federal Criminal Code Reform Act (which contains much more massive assaults on the First Amendment) his top legislative priority, the Carter administration's pursuit of Snepp's free speech rights is not so incredible after all. ●

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WASHINGTON STAR
20 AUGUST 1978ARTICLE APPEARED
ON PAGE D-2Letters to the editor

'I did not leak the family jewels'

While Edward Jay Epstein seems to have abandoned his earlier hypothesis that I might have been a Soviet "mole" within CIA [a "mole" is the word for an agent whose job is to burrow into and eventually undermine the other side's intelligence system — Ed.] in his *Commentary* article which *The Star* reprinted on Aug. 6, he makes other equally far-fetched assertions which call for clear rebuttal.

I did not leak the so-called "family jewels" to Seymour Hersh of *The New York Times*. Mr. Hersh came to me before his Dec. 22, 1974, *Times* article with a much exaggerated account of those past events. It was clear to me that he was going to publish that story, so I tried to bring him down to a more accurate perspective, and I gave him no material he did not already have.

Second, my comments to Hersh and my testimony about CIA during 1975 had absolutely no connection with my professional differences of opinion with James Angleton over how counterintelligence should be conducted in CIA. Mr. Epstein seems to have missed the account of my conversation with Mr. Angleton on Dec. 20, 1974, which appears on page 396 of my book, "Honorable Men," where I clearly said that both he and I knew that his movement from the post as CIA's chief of counterintelligence was not connected with Mr. Hersh's article.

Third, my change in the CIA counterintelligence structure strengthened rather than weakened that effort over the way it was con-



WILLIAM E. COLBY

ducted previously, from which I could find no tangible results.

Fourth, I certainly did favor the recruitment of additional agents in so-called "hard-target" areas, including the Soviet Union, following a program initiated in the mid 1960s in CIA. I do not have access to the details of the Lipavsky case at this

time, but I note from the public accounts of it that CIA apparently tried him out and abandoned him after a few weeks of its usual cautious testing. The Soviets apparently utilized these tentative contacts as the basis for a concocted attempt to smear the Jewish activist movement.

Perhaps Mr. Epstein's next (fifth) theory to explain my change in CIA's counterintelligence machinery and my 1975 testimony will look at the straightforward accounts of both contained in my book. The first was to make counterintelligence more efficient, helping and not hindering our positive intelligence mission. The second was an appreciation that a new day had dawned from the old days of total secrecy and unquestioned executive power over intelligence, and a belief that CIA in this new era must be accountable to the Congress and to the American people as well as to the president.

I stand by both of these beliefs.

William E. Colby

Washington, D.C.

(NOTE: For those who came in late, the Epstein piece alleged that Mr. Colby, as director of the CIA in 1975, came close to wrecking the agency by leaking to *The New York Times* reports of the agency's domestic skulduggery, referred to as the "family jewels.")

ARTICLE APPEARED
ON PAGE A-19

THE WASHINGTON POST
21 August 1978

Colby Denies Leaking Story On CIA Domestic Snooping

United Press International

Former director William E. Colby denied yesterday he leaked the explosive 1974 story about the Central Intelligence Agency's illegal involvement in domestic surveillance.

But Colby, who headed the CIA from 1973 to 1976, conceded he confirmed the story to New York Times reporter Seymour Hersh before publication 3½ years ago.

The story led to four government investigations of the CIA, opening some of the agency's secret activities to public scrutiny and leaving part of its staff demoralized.

The CIA's counterintelligence chief, James Angleton, retired within 48 hours after The Times story was published. Colby and Angleton were old bureaucratic enemies, and the feud has continued, with Angleton's extreme partisans trying to leave the impression Colby acted contrary to U.S. interests and might even be a Russian spy.

In a letter to the editor in Sunday's edition of The Washington Star, Colby responded to an article in Commentary magazine by writer-critic Edward Jay Epstein that was reprinted in The Star three weeks ago.

"While [Epstein] seems to have abandoned his earlier hypothesis that I might have been a Soviet 'mole'

[agent] within CIA . . . he makes other equally farfetched assertions which call for clear rebuttal," Colby said.

He said his comments to Hersh "had absolutely no connection with my professional differences of opinion with James Angleton over how counterintelligence should be conducted in CIA" and denied assertions he used the disclosure of the information to oust the counterintelligence chief and three top deputies.

Colby insisted his overhaul of the CIA's counterintelligence operation "strengthened rather than weakened that effort over the way it was conducted previously."

Epstein said "it was Colby himself who had engineered the leak" of the "family jewels"—the details of two decades of questionable CIA activities.

"I did not leak the so-called 'family jewels' to Seymour Hersh of The New York Times," Colby said in his letter.

He said Hersh came to him before publication of the story "with a much exaggerated account of those past events."

"It was clear to me that he was going to publish that story, so I tried to bring him down to a more accurate perspective, and I gave him no material he did not already have," Colby said.