

ABC NIGHTLINE
29 April 1983

BELL: A former intelligence analyst charged with selling secrets to Libya is found dead, apparently by his own hand. We'll focus on the story of Waldo Dubberstein and on the ethics of intelligence work, the gray areas and the fine lines to be drawn. Adm. Stansfield Turner, former head of the CIA will be with us, and also former CIA agent and Watergate figure Howard Hunt. Also tonight another record week on Wall Street. Can the rally just keep rolling along? Our guest, Louis Rukeyser of Public Broadcasting's Wall Street Week, and we'll look at a modern-day, underground railroad--churches in the U.S. providing sanctuary to illegal refugees from Central America. We'll talk with one of the churchmen involved with a Salvadoran family living in sanctuary on church property and with the State Department's top official on refugee affairs.

BELL: Good evening. Ted Koppel is still out with the flu tonight. For more than three years now the U.S. intelligence community has been embarrassed by the saga of an ex-CIA agent named Edwin Wilson. He was accused and convicted of breaking numerous laws while working for Libyan strongman Muammar Khadafy. Worse, his trail raise serious questions about assistance he might have received from former colleagues still working for the CIA and other intelligence agencies. Yesterday a retired top intelligence analyst, Waldo Dubberstein, was indicted on charges of selling secrets to Khadafy through Wilson. Today Dubberstein is dead, an apparent suicide. Jack Smith picks up the story.

SMITH: Dubberstein was found dead this afternoon by police in the basement of this suburban Washington apartment house where his girlfriend lived. TOM BELL (Arlington Police Spokesman): He has been shot once in the head with a shotgun. He was dead. His body was sitting in a chair when we found it. At this time we have nothing to substantiate anything other than suicide.

SMITH: Dubberstein was 75 years old, and had he been found guilty could have been sentenced to up to 57 years in prison. He was a Pentagon intelligence analyst with a top secret security clearance till he retired last year and was charged with selling classified information to the notorious former CIA agent Edwin P. Wilson, who worked for Libya's Col. Khadafy and is now in a U.S. jail for arms smuggling. It's alleged that Dubberstein went to this hotel and other Washington locations where Wilson's associates paid him \$32,000 over three years for his information. In 1978 Dubberstein, while still working for the Defense Intelligence Agency is alleged to have traveled to the Libyan capital of Tripoli to discuss Israeli and Egyptian troop strengths in the Middle East with Libyan intelligence officers. His involvement with this man, Edwin P. Wilson, now

confirms the worst fears of some U.S. officials that the infamous operation run by Wilson for Col. Khadafy may have reached into the heart of the U.S. intelligence community. Edwin Wilson worked here at the Central Intelligence Agency till 1976, then using the contacts he had amassed in his years with the agency, he went to work for Muammar Khadafy as a consultant in terror. Indictments charged that Wilson smuggled arms and explosives for the Libyan dictator, trained terrorists and hired assassins for him, and two years ago even provided renegade U.S. pilots to fly Khadafy's supply planes during the invasion of Chad. It now appears Wilson may also have provided Khadafy with some U.S. intelligence. Last year Wilson was lured back to the U.S. and was sentenced to 15 years for arms smuggling, but he still faces charges for trying to kill two Justice Department attorneys, for smuggling explosives and for training terrorists. Wilson's chief associate, Frank Terpil, who is said to have worked for Idi Amin at one time, was last seen in Beirut and is still at large. Two witnesses against Wilson, *Kevin Mulkehey shown here, who also worked for him, an *Rafael Vehaverdi both died last year, but both deaths were ruled accidental, and now Waldo Dubberstein. He is said by police sources to have left a suicide note behind. 'I am not guilty,' it reportedly says in part, 'but I cannot take it any longer.' His guilt or innocence may never be established now because he is dead, but one thing seems clear--Mr. Dubberstein moved in bad company. This is Jack Smith for Nightline in Washington.

BELL: In a moment we'll talk live with two of Waldo Dubberstein's lawyers, lawyers who say he was duped--a tragic, innocent victim.

BELL: Joining us live now from our Washington Bureau is Waldo Dubberstein's attorney, Howard Bushman, along with his co-counsel Louis Koutoulakos. Gentlemen, welcome. Mr. Bushman, they talk about apparent suicide, yet two men, who were involved in one way or another with the Wilson case previously, are dead. Do you have any reason to suspect foul play? BUSHMAN: I think on the surface there's always people that wanna try to relate information such as this and make more out of it. I think that in Waldo's case his situation and the facts in his case should control his individual situation.

BELL: And that would be what? BUSHMAN: And that would be that obviously he was very upset. This had been a very hard situation for someone 75 years old to take, who's dedicated his entire life to service to the American people and to, and to our government. I believe after all these years in government for someone his age in life, with the opportunity to enjoy life--he was obviously making a good retirement income, consulting income to the DIA at the Pentagon--there's absolutely no motive here of selling out his country.

BELL: But a tragic suicide then is what you would agree with?
BUSHMAN: I think this was a situation of where he was in a no-

win situation. For someone like him being in government, his reputation, his name was the most important thing.

BELL: And that's what he meant when he said, 'I am not guilty, but I cannot take it any longer.' Do you think that's an accurate suicide note? BUSHMAN: Well, I haven't seen the note, and I have only known what people have told me this afternoon. My feelings on the case are that, very much that he was innocent. You make a statement that, 'We won't know whether he was innocent or guilty.' He is innocent.

BELL: All right now.... BUSHMAN: There's a presumption of innocence.

BELL: You've said earlier.... Gentlemen, both of you join in here, please. Mr. Koutoulakos, the phrase was used earlier by you, one of the two of you that, 'He was a dedicated public servant who got himself involved with two individuals who conned him and a lot of other Americans who loved their country.' What do you mean by that? KOUTOULAKOS: Well, I don't know who made that statement, but let me say this. My own views are certainly like Howard's. I met Mr. Dubberstein as a result of Mr. Bushman asking me to associate with him in the case when he came under investigation. This case to me is a sorry commentary of life in America today.

BELL: Why? KOUTOULAKOS: For the simple reason that, you know, these presumptions of innocence and whatever our, at least our criminal justice system was built up on and dedicated to, they're kind of driven, and they are stripped away from you. Here's a man who, in my view--and I base it on what I know about the case, what he has told us about the case, what our investigation indicated--that he was certainly not guilty of what has been represented in that indictment that he was guilty of.

BELL: But he did have associations with Wilson, did he not? KOUTOULAKOS: Well, he.... BUSHMAN: But again, he was in a business of intelligence. It's a very common situation for people to know other people at the agency, to work on....

BELL: To take money? BUSHMAN: Well, it's an allegation that he took money. KOUTOULAKOS: That's right. That....

BELL: That is the government's allegation. BUSHMAN: Well, the government's evidence is based on *Mr. Shlacter. Mr. Shlacter is a convicted felon. He sold out to the government. He was a total partner with Mr. Wilson in this endeavors that they had, and that's the basis of their evidence. KOUTOULAKOS: But remember, too, Mr. Shlacter.... You know one of the things that has disturbed me--and I'm speaking as a former prosecutor, too--they get somebody like Mr. Shlacter--and I don't know the gentleman--but here's a man who certainly, in my opinion, buys his freedom so to speak. He gets a very short period of time in

the penitentiary because he tells the government what I think that they want to hear, so in effect he's really selling his testimony by virtue of giving them what they want to hear. You know, he wasn't tested in court. The tragic event of Mr. Dubberstein dying certainly eliminates that prospect, but we were looking forward to cross-examine Mr. Shlacter.

BELL: Again, the government's case said that there was a covert trip to Libya under an assumed name to meet with people who are considered enemies of the United States. This wasn't a naive man we were talking about, is it? KOUTOULAKAS: Well, first....

BELL: A man who's been in the intelligence community his whole life? KOUTOULAKAS: Well, first of all, it's been at least whatever limited experience I've had with this so-called classified information, you know some of the people label glorified weather reports as classified. Now I don't know, even reading the indictment, I'm not satisfied that whatever might have taken place was in the category of classified information that would have damaged this government, and I don't believe it flat out.

BELL: Gentlemen, we'll be asking you to stay with us as we expand this discussion into the entire question of ethics in the intelligence community in just a minute. In a moment we'll talk about the nature of undercover work with former CIA Director Stansfield Turner and with E. Howard Hunt, a former CIA officer, who, of course, served nearly three years in prison for his role in Watergate. We'll also have a report tonight on how Salvadoran refugees in this country illegally are being protected from U.S. authorities by American churches. We'll talk with a Presbyterian minister involved in the movement and with some of the refugees he's helped, as well as the State Department's official in charge of refugees in this country.

BELL: Joining us live now in our Washington bureau, Adm. Stansfield Turner, former head of the Central Intelligence Agency, and from our affiliate WPLG in Miami, Howard Hunt, former CIA officer and one of the Watergate conspirators. Adm. Turner, first of all, I understand that as head of the CIA you fired two employees who were working for Edwin Wilson at the same time they were working for the CIA. Could you give us any information about that situation? TURNER: Yes, Steve, that came up very early in my tenure as director. Edwin Wilson was just very good at conning people into doing things they shouldn't do, or in to persuading people that he was legitimately working for the CIA. I uncovered this case where two people were both working for Wilson and for the CIA. I peremptorily fired two people. I also, at that time, made it very clear to the entire CIA that we had no contact, no association with Wilson. He was in no way working for us.

BELL: In other words, anyone who was an employee of the CIA at that time, especially a top employee, should have known that

Wilson was the persona non grata, if you will? TURNER: It was very clear to them all, by written directive as well as an oral meeting with the very top people, that they were not to have any contact with Wilson.

BELL: Were you concerned, however, then? Are you concerned now that despite your steps it went much deeper than that? TURNER: I never had evidence that it went much deeper, but I did have suspicions and concerns--none that I could ever carry to the point of dismissing people, but that's one reason I made this very clear directive, to make it clear to those people that if they were dealing with Wilson, they were running a tremendous risk of being fired. Now Mr. Dubberstein didn't work for the CIA. He worked for the Defense Intelligence Agency, but I do believe that message was strong enough that it should have got (sic) to him down there, too.

BELL: I was going to say you don't have the same organizational problems that we sometimes have where one division doesn't get a message from another? TURNER: Well, we certainly do. It's a big organization, the whole intelligence community, but I think that everybody in the community, by the time Mr. Dubberstein is alleged to have dealt with Wilson, knew that Wilson was not a bonafide intelligence officer in our country.

BELL: Howard Hunt, you were a former CIA officer. How in the world could something like this happen? A former officer like Edwin Wilson come around with schemes--would you ever have listened to something like that? HUNT: No, I wouldn't have, because for one thing I had definite assignments all the time I was in the agency. I knew exactly what they consisted of, and to have stepped over that line would have just been unthinkable.

BELL: How would you explain situations like this? Did you know others who did accept assignments like this? HUNT: I never did know, Steve. I never heard of anything like that during my 21 years in the CIA. I retired in 1972, and so many of these things have transpired since my incumbency. The AGE business, *Marchetti--all of these things took place after I had left the agency.

BELL: Let me make clear here that we're not accusing Mr. Dubberstein, deceased today, of anything himself. I was putting that last question in the context of the two men dismissed by Adm. Turner previously. Mr. Hunt, as a person operating in the world of intelligence, which sometimes seems a pretty seamy world to a lot of us, did you every have any trouble with black and white? Where there gray areas in there that made it difficult? HUNT: I never found any. That's, I think, a pretty common misapprehension, but it's falacious. At least in the activities that I was principally involved in--and I can speak of two with some authority because they've been publicly revealed--and one was the overthrow of the (inaudible) government in Guatemala, and the second was the ill-fated

attempt to remove Fidel Castro from Cuba. Now there was certainly no question in my mind when I was doing organizational and other types of operation of work for the United States government in those two contexts but what I was doing was absolutely right and was ordered by appropriate higher authorities.

BELL: But now--and we're not making this into a Watergate program--obviously you came into a situation later where exactly that sort of dilemma seemed to have posed itself. HUNT: The error there on my part was taking the word of an intermediary whom I barely knew and had really no reason to trust, someone who didn't have the links, the ties, the professional background that I did and that my colleagues in the CIA did.

BELL: Which would seem to make the case for Mr. Dubberstein's attorneys that that kind of error could be made. TURNER: Exactly. HUNT: Well, of course, attorneys can make cases for lots of things. For example: I've been trying to consider the Dubberstein tragedy in the most compassionate light, and it seems to me, particularly in view of the purported suicide note that he left, that you can reasonably hypothesize that he might have been a double agent working for American intelligence against Libya and working through Edwin Wilson. For example: The note is alleged to have said, 'You will not understand, but I can't take it any longer.' The 'you will not understand' might will mean, I have been working for our government, but I can't reveal it, and 'but I can't take it any longer' in view of his really advanced age, it might mean that he simply couldn't take the physical or mental strain of one of the toughest jobs in the world.

BELL: Adm. Turner, since the hypothesis came up, is that a hypothesis that makes sense to you, or.... TURNER: Oh, I think it's possible, but not very likely. I think an important point here, Steve, that we ought to all recognize is that since 1976 the government of our country has established new controls and oversight over the whole intelligence process. That makes it much less likely that this kind of thing can happen. It also means that when men like Howard Hunt are out there in the field doing what they are doing, they really know today that it has been authorized by the appropriate levels of our government. The more unusual, the more risky the undertaking, the higher the clearance goes.

BELL: Yes, but.... TURNER: That didn't exist in the past.

BELL: I have an assumption that life can be a lot tougher for CIA agents than for journalists, yet I can think of a hundred situations as a reporter out in the field where you don't have time to check with headquarters. You simply have to make a judgement, and if you're overseas that judgement might mean violating the laws of another country. Certainly your agents operate in this area? TURNER: Oh, there's no question about

that. The individual has to have his own set of morals, but he also today, I think, has better instructions as to what the ground rules under which he's operating are. He understands pretty well what this government will do in order to get information and what it will not do.

BELL: If an employee is approached and the employee is not sure what to do, are there procedures, somebody for him to go to without becoming a suspect himself in some sort of way? TURNER: Oh yes, he has a superior, but as you pointed out, sometimes he must make his own decisions on the spot. It's just part of the job. It's one of those tough responsibilities you take on as an intelligence officer.

BELL: Howard.... TURNER: I'm....

BELL: Excuse me. TURNER: I'm very proud of the fact that they have made such good decisions over most of the time.

BELL: Howard Hunt, as a good American, you're working for your country, how far can you go in the means justifying the ends? HUNT: As far as your directed to and depending upon your own degree of squeamishness.

BELL: Your own degree of squeamishness? HUNT: That's correct.

BELL: If you thought that you were being ordered to go too far what could you do about it? HUNT: Well, you would simply say, 'Coach, take me out. I'm gonna sit this one out on the bench, and ask somebody else.' I actually did that at one time during my CIA career.

BELL: Could you tell us about it? HUNT: No, I can't tell you about it, but I did, and they found a substitute for me.

BELL: Adm. Turner, is there a situation now where somebody working for the CIA could be offered outside money and it would be legitimate, it would be part of double-agent or whatever operations? TURNER: There would never be, in my opinion, a legitimate situation where a CIA officer would take outside money without having permission to do so and having reported it to his proper authorities. HUNT: And particularly to the officer of security, if you'll forgive the interruption. TURNER: No, that's absolutely right.

BELL: And yet somewhat Edwin Wilson, in the eyes of almost everybody, managed to dupe an awful lot of people. He must have been some operator. TURNER: Well, I'm not sure it was always duping, Steve. I think some people acceded to temptation here to make money, to further their own personal interests.

BELL: Gentlemen, thank you. We ask you to stand by, because we'd like to bring back Mr. Duberstein's attorneys and open up

this conversation further. In a moment we will be joined once again by Waldo Dubberstein's two attorneys.

BELL: Joining us again now, here in our Washington Bureau, Waldo Dubberstein's attorney Howard Bushman, and his co-counsel Lewis Koutoulakos. Gentlemen, you've listened to the discussion by Admiral Stansfield Turner, former CIA director, also by Howard Hunt, formerly a CIA officer. Any observations that you would like to put in here at the beginning of this discussion? KOUTOULAKOS: Well, let me pick something up and then Howard can pick it up cause he knew Mr. Dubberstein a lot longer than I did. Of course, with reference to the Admiral, I'm one of his admirers and I think he did a real bang-up job when he was with the CIA. And given everything that he says, I think that one of the areas that's misunderstood in this Dubberstein case, is that this man had retired, he was not actively working for the government even during the time that the Admiral says that this order went out. He had retired I think, sometime in '74, but Howard can correct me on this. He was subsequently working as a paid consultant, an independent contractor type. So even assuming any of this went out, it wouldn't have gotten to him, in any event. I know what he told me, and of course, the client-attorney ethical relationship and confidential relationship prevents me from discussing it. But my own conclusion was that he in no way, in any way was any disservice to this country. He was about as loyal an American as I know and I think he was a credit to his organization. And again I stand on the fact that his accuser is somebody that got a break and therefore gave the government, at least in my opinion, what they wanted to hear.

BELL: Mr. Bushman? BUSHMAN: Well, I certainly agree with that and I certainly believe we need a strong security system of, in this country. It's very, very important to the integrity of everyone's safety and well-being.

BELL: Let's not put Mr. Dubberstein on trial here, but try to understand how, how something like this can happen. He obviously had contacts with Wilson. Are we saying that he thought that whatever relationship he had with Wilson he was doing something good for the benefit of his country, something consistent with all the things he had done when he was in the intelligence community. BUSHMAN: Well, you have to understand, he was one of our foremost experts on the Middle East, the Libyan situation. And he would have been a likely person for anyone to talk to. His analysis of positions and the impact on certain actions that the United States would take or react to, explosive situation in that area, would cause someone like Wilson, who would be interested in information to contact the right people. As big as this country is, we have very few experts in such a specialized field.

BELL: And yet, you would think somebody that expert would have heard of Edwin Wilson. (Inaudible, both talking simultaneously) ...no shrinking violet in this area. BUSHMAN: First of all, he has heard of Edwin Wilson. We stated earlier that his contacts at the CIA, they had worked on task forces, they were familiar with one another. And Wilson was known to him to be a CIA operative. TURNER: And Steve, that's where I would take exception here. I accept Mr. Koutoulakos' point that Mr. Dubberstein not being on really active duty with the Defense Intelligence Agency when I issued my order to stay clear of Wilson in 1977, may well not have heard of that. But any expert on the Middle East, by '78, '79, knew that Wilson was a very active and nefarious, unethical, illegal character operating out there, and should not have wanted to be associated with him. Now whether he was or not is only allegation in the press today and I don't whether that's true. But if he was, he should have known better. BUSHMAN: Well, there were certainly enough people at the CIA, not including Mr. Dubberstein that were conned or duped by Mr. Wilson, a number of people in special operations at the CIA, who were in a position to know one way or another.

BELL: Excuse me. You're suggesting that it did go much further than the two that (inaudible, both talking simultaneously). BUSHMAN: Well, The Washington Post made it, for several weeks in a row, a complete investigation of the number of the people involved at the CIA, in high positions. Certainly they should have known. TURNER: There's been nothing ever proven that anyone in the CIA after 1977, mid-1977, associated with Wilson. BUSHMAN: But, we've only had two cases in court, and that's been Wilson's case, basically and *Schlacter's case. How many other people are being investigated right at the present time, and the scope of this investigation, whether or not there's other Waldo Dubbersteins out there, we don't know.

BELL: Again, I'd like to pull it away from guilt or innocence for poor Mr. Dubberstein. What I would like to know, Admiral is...Mr. Hunt, I know you've been left out here, and I want to bring you in, but I have to ask the Admiral at this point how can a bad actor like Wilson operate free from you people? I mean, here is this worldwide agency. We had Frank Snapp, a former agent in here last night on the subject of secrecy in government. The CIA managed to get pretty good control over him. How could a Wilson run loose all those years? TURNER: The two cases are quite different. Mr. Snapp violated a contract with the CIA which said that he would let us check his manuscript of his book for security purposes only, before it was published, and he did not do that. On the other side, Mr. Wilson, once he left the employ of the CIA, is a (sic) American

citizen protected by all of our constitutional rights. And the CIA stays very clear of tracking down and keeping an eye

on Americans in that category. We turned that all over to the FBI to do whatever surveillance had to be done as evidence came in that he was doing illegal things with Libya.

BELL: Mr. Hunt, we don't mean to shut you out. A final word please. HUNT: Steve, I'd like to just point out one thing that I think a great deal of emphasis has been paid to in the Dubberstein case. I've read that it's been charged that he made a covert clandestine trip to Libya, I think back in '78, using false identification. Now that in itself, while it sounds bad to the reading public, is nothing unusual in intelligence work. Lord knows, I've had numerous passports under different identities and all sorts of identities, documents, pocket litter and that sort of thing. They were provided me in the course of my official duties by the agency. So that aspect of the Dubberstein enigma, I think, has been overemphasized.

BELL: Gentlemen, I must say, I wish we had more time to pursue this conversation. It is one, I'm sure that is without conclusion because for a long time this kind of moral dilemma, ethical dilemma, choices made in difficult situations has been with us, and will continue to be. Thank you very much for joining us this evening.

EXCERPTED