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U.S. Won't Charge Ex-Agent Over Book On C.I.A. Operations

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WASHINGTON, March 20—The Justice Department has told Philip B. F. Agee, the former Central Intelligence Agency officer who wrote a controversial book about the agency, that he will not be prosecuted for violations of the Espionage Act if he returned here from England.

The decision, which was made Friday by Benjamin R. Civiletti, the new head of the criminal division, came less than two months after his predecessor in the Ford Administration, Richard L. Thornburgh, told Mr. Agee that he was still the subject of an investigation because of classified material disclosed in his book, and that he might be prosecuted if he returned.

Mr. Civiletti said today that his decision did not represent any change in attitude on the part of the department toward possible violations of the Espionage Act but simply reflected the fact that the investigation had come to its logical end and that no ground for prosecution had been found.

The decision by the department comes at a time when Mr. Agee is facing deportation from Britain "in the interests of national security" and at a time when officials of the Central Intelligence Agency have been openly complaining that current laws are not adequate to prevent the release of classified information.

Andrew Falkiewicz, a spokesman for the agency, said today that the agency was told Friday that the Justice Department had given the notification to Mr. Agee through his lawyers. "Of course we're upset," Mr. Falkiewicz said. "It's not that we want to hurt Mr. Agee, but [reinforces] our argument that we don't have laws to prevent people from disclosing classified information."

Earlier in the day, without making any specific reference to Mr. Agee, Stansfeld Turner, the new Director of Central Intelligence, said on CBS-TV's "Face the

Nation" that he was weighing various measures to curb the disclosure of information about intelligence activities, including stronger application of existing legislation and seeking stronger laws against disclosure.

He said that he had found it disturbing to learn that a Department of Agriculture employee could be sent to jail for disclosing information affecting crop futures while it was "very difficult" to prosecute an intelligence officer for disclosing national security information.

Mr. Agee came under heavy criticism from his former colleagues in the agency, many of whom believed that his book, "Inside the Company: CIA Diary," jeopardized agency projects and operatives in Latin America because of the great

amount of specific detail about agency programs there.

Mr. Agee maintained that he was providing a public service in alerting citizens to the type of clandestine activities that the agency was undertaking and that many of the operations he wrote about had been either illegal or improper.

Melvin Wulf, one of Mr. Agee's attorneys, said today that it was not certain whether Mr. Agee would return to the United States to live but that he expected Mr. Agee would at least return to lecture. "He wants to take part in the debate over the future role of intelligence agencies," Mr. Wulf said.

Mr. Wulf, who until his recent resignation was the legal director of the American Civil Liberties Union, and Ramsey Clark, the former Attorney General, met

with Mr. Civiletti last Thursday to discuss the Agee case. Mr. Wulf had maintained in the past that it was wrong that Mr. Agee should face prosecution here, saying, "It continues to puzzle me that Agee is in jeopardy while all the scoundrels who broke the law are home free."

Mr. Civiletti said that before his meeting with the two lawyers he found that the investigation of Mr. Agee had been ended "sometime in January" and that it had been concluded that there was no grounds for prosecution.

On Friday he sent a letter to Mr. Wulf and Mr. Clark, saying that Mr. Agee was not under investigation now but that the department could not guarantee that it might not reopen the matter if additional evidence came to light that would suggest a violation of Federal law.