

channels—while anyone presumably can start a newspaper—and so these scarce channels must be regulated in order to prevent a licensee from monopolizing all viewpoints presented on that section of air. However, there is hardly a city in the country that does not have more competing television channels than newspapers. With regard to “scarcity,” the glum fact is that in 97 percent of American cities, there is no competition among newspaper owners. Yet, television and radio, except for CBS, have not fought to claim their full

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First Amendment rights. Perhaps broadcasting has become habituated to its second-class citizenship—even unto relative passivity when, during the Nixon years, the FCC ordered stations to censor rock lyrics that might be interpreted as “glorifying” drug-taking and other unseemly mores of the young.

The most determined paladin of broadcasting’s First Amendment rights has come not from the industry but from the high court. A vigorous dissenter to all decisions chilling broadcast speech, William O. Douglas insisted that “tv and radio stand in the same protected position under the First Amendment as do newspapers and magazines.” tv and radio are also “the press.” And that is why, said Douglas, “The Fairness Doctrine has no place in our First Amendment regime. It puts the head of the camel inside the tent and enables administration after administration to toy with tv or radio in order to serve its sordid or benevolent ends.”

In one of his last speeches before leaving the bench, Douglas noted sadly that the Court had repeatedly held “by overwhelming majorities” that the First Amendment rights of broadcasting could be reduced. And so, said Douglas, “we approach the 1980s with a large chunk of the ‘press’ under government control.”

**A**N INDEX OF HOW DIFFICULT it will be to liberate that large chunk of the press is the fate of Senator William Proxmire’s First Amendment Clarification Act (S. 22). In the spirit of William O. Douglas, the bill calls for the abolition of the Fairness Doctrine and the equal time rule. By June 1978, when the Senate Communications Subcommittee held a hearing on the measure, Proxmire had been able to recruit only two cosponsors. And one of them, Lee Metcalf, has died—leaving only Spark Matsunaga of Hawaii.

Proxmire is a long-distance runner, and he intends to keep introducing the First Amendment Clarification Act until there is a constituency for it—but that may take decades. Television, in the meantime, with its free-speech rights already attenuated by law and FCC actions, could be reduced to total inanity if Olivia Niemi wins her “vicarious liability” suit in San Francisco. Even should NBC ultimately prevail before the Supreme Court—for television has not yet lost *all* its First Amendment protections—it would take years to exhaust all appellate procedures. As Floyd Abrams says, this “could not help but chill” other media as well as television.

So long as there’s a shot at winning, and so long as negligence lawyers operate on contingency fees, a lower court triumph by Olivia could well trigger hordes of suits against newspapers, book publishers, movie companies, and libraries. And if, as wildly improbable as it seems, the Supreme Court should uphold a judgment for Olivia, this *First Amendment Watch* will be mainly limited to a monthly body count.

We can only hope that this tale of dread may eventually awaken more of the citizenry to the indivisibility of First Amendment freedoms. As a result of our having allowed television’s First Amendment protections to become weaker than those of the print media and movies, the defendant in *Niemi* is more vulnerable than, say, the *Los Angeles Times* would be. But a decision against the defendant in this case would break new antilibertarian ground. And if the defendant, television, ultimately loses in the high court, its special vulnerabilities will soon infect all other media. Once it has been demonstrated that an action for this kind of random “negligence” can strip one medium of its freedom of speech, claimants will rise to smite all the others. □

## POLITICS

VICTOR MARCHETTI

### Twilight of the spooks

**A** DIRTY CLANDESTINE WAR is now being waged in the political back alleys of the nation’s capital. It is a vicious free-for-all involving several former top-level CIA professionals and their allies, some still in the agency. Established reputations and promising careers are at stake. The success, or lack thereof, as well as the wisdom of the operational philosophies favored by the various contending cliques are being questioned. Even the patriotism and sanity of the major adversaries are being exposed to doubt. All the combatants are determined to justify their covert careers and operational methods. And they intend to avenge the attacks of their rivals.

In such a war, there can be no victors—only bloodied survivors. It is, in a sense, the CIA’s *Götterdämmerung*. It is the twilight of the spooks.

Usually, the agency’s intratribal battles are silently resolved within the hallowed halls of headquarters at Langley, Virginia. Only rarely does word of the clandestine throat-cutting extend beyond the Potomac River, much less to the American public. But in this instance, because of the scope and significance of the warfare, rumors have begun to surface in the national news media. The leading antagonists are therefore compelled to go public to save themselves. An ironic twist, considering how these men of excessive secrecy deplore whistleblowers and leakers.

Former CIA Director Bill Colby has published a book entitled—are you ready for this?—*Honorable Men: My Life*

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in the CIA, and he appears almost daily on TV, attempting to explain his past clandestine actions to both God and man. His predecessor, Dick Helms, recently sat for a TV interview with David Frost, which he used to set forth his version of certain events and to establish his distance from the other protagonists in the current CIA battles. And Jim Angleton, the CIA's longtime master spy catcher, continues to skulk about, agonizing over the state of the CIA's internal security and constantly feeding conspiratorial theories of KGB penetrations to the press. The others, for the time being, seem torn between hunkering down and taking potshots at the major adversaries.

This fierce clandestine war has been building for a long time. For decades, there has been disagreement within the agency on how best to deal with its prime intelligence target, the Soviet Union. Essentially, there were two schools of thought: one, actively recruit spies and fully exploit all walk-ins (i.e., defectors), thereby accepting the inherent risks of public exposure and decep-

tions (i.e., false defectors); and two, play a cautious defensive game of suspecting and refusing defectors, and recruiting only a few spies, or none at all, thus minimizing the chances of a KGB penetration (i.e., double agent) working his way into the CIA's covert apparatus.

Angleton was a staunch advocate of the latter philosophy. Colby preferred the former. As for Helms, nobody ever knew what his thinking was. He seemed to be on both sides of the issue—in keeping with his usual style. When he was fired and shipped off to Iran by President Nixon and Henry Kissinger, the balancing factor in the dispute was removed. Soon, Colby became the director, and he immediately took the steps necessary to oust Angleton by leaking the latter's mail intercept program to Sy Hersh of the *New York Times*. (Colby himself researched the program's legal status in the CIA's law library. When the director of the CIA personally studies the law in an effort to fire an old hand, the height of his animosity is clear.) Colby won the initial skirmish.

**M**EANWHILE, THE OFFICIAL investigations of the CIA had begun. Colby talked, and he talked a lot, revealing all sorts of wrongdoings on the part of the agency, but what he disclosed was actually quite selective and calculating. He apparently was intent upon disgracing certain colleagues, such as Angleton, and, by implication, focusing the blame for their misdeeds on former Director Helms. At the same time, he was deflecting attention away from his own dubious covert activities over the years and attempting to project a public image of himself as Mr. Clean Jeans.

Colby had now won the second battle in the CIA's internecine war, but it was a costly victory. Even before the investigations had ended, President Ford—no doubt at the urging of the likes of Nelson Rockefeller, Kissinger, and the agency's traditionalists—had already decided to remove Colby as director. But Colby is a tenacious man. Shortly after being retired, he went on the lecture circuit to promote his cause and announced his intention to write a



BRUCE MCGRAW



book about the CIA. That was more than some of his opponents had bargained for.

Thus, Angleton and his allies beat Colby into print by openly supplying dramatic and explosive new information regarding the KGB's connection with Lee Harvey Oswald to Edward Jay Epstein for his recently published book, *Legend*. These sources also argued that the CIA's clandestine services (and the FBI) had been penetrated by false defectors, and they hinted that certain senior officers, Colby, for example, had been duped or—perhaps worse yet—corrupted by the Soviet opposition. Even Helms was not placed above suspicion.

Epstein's book may not be a best seller, but it has caused a firestorm in

tween him and Helms run deeper than clandestine operational methods and philosophies.

**L**IKE ALL COVERT INTELLIGENCE struggles, the truly important action is taking place behind the scenes. Well-informed sources say that attempts are being made by the major adversaries to launch official investigations in an effort to smear each other as security risks, if not as actual double agents. Secret files, old and dusty, are being tracked down to expose further misdeeds and blunders on the part of the combatants. Whispering campaigns have been started in Congress, in the White House, and among the news media. Each day the war of the clandestine gods gets dirtier—and

geous claims. J. Edgar Hoover may be dead, but there are others in Washington who have taken his place as untouchables. Helms is one. And now that he is rebuilding his alliance with the master counterspy, Angleton, and has started to go public, there isn't a politician in town who would dare to challenge him.

The Sunday after Helms was fired by Nixon, Tom Braden (a syndicated columnist, former CIA officer, and Rockefeller protégé) threw a party for the deposed director. It was attended by such luminaries as Averell Harriman, Robert McNamara, and Henry Kissinger. There were numerous teary toasts and a strong show of establishment loyalty. When Colby was fired by Ford a few years later, he had to settle for a turkey dinner with James Schlesinger, the secretary of Defense, who had also just been fired.

It is in the light of all the above developments, then, that one must view Colby's book.

He says that he wanted to "write an account of my adventures in intelligence instead of a series of academic essays." But the book fits neither category. It lacks the thoughtfulness, depth, and honesty to qualify as a treatise. And it definitely is not an adventure story. Colby could not bring himself to tell any good anecdotes, much less spin any fascinating inside-the-company yarns. But then how could Colby be anything other than what he is: a former spook trying to rationalize his past? To write a good book, he would have had to tell the truth, or at least discuss certain matters of public interest, such as the Korean CIA matter, the CIA's attempt to manipulate the Australian elections a few years ago, the Zaire-Angolan affair, the Ethiopian-Somalian imbroglio, the Thai agent who was smuggling heroin into Chicago but was mysteriously released after a CIA lawyer, John Greaney, leaned on the U. S. prosecutor.

**S**UCH A FRANK DISCUSSION is beyond Colby's capacity as a career clandestine officer. He lamely protests that the CIA, which reviewed his manuscript prior to publication, required too many "excisions." The agency, however, says it made only two deletions. If, as seems likely, Colby is being disingenuous, it would fit the pattern and purpose of his book and career.

This is not to say that Colby is a liar, at least not a blatant prevaricator like

**Well-informed sources say that attempts are being made by the major CIA adversaries to smear each other as security risks.**

U. S. intelligence circles. For former high-level officers to suggest publicly that the CIA and FBI might be penetrated *at the top* by the KGB destroys the final myth behind which both organizations have always operated, the fairy tale that they, unlike other intelligence agencies, are immune from the nefarious machinations of Moscow's spies. To shatter that myth undercuts their claim of being above the law because it proves they are no purer than the rest of the bureaucracy, only more secretive. And it makes clear why the agency considers excessive secrecy—i.e., keeping the American people uninformed and misinformed—not just an expediency but, rather, an absolute necessity.

Colby largely ignores the KGB penetration issue in his book, although he does imply that Angleton is a sort of brilliant madman whose conspiratorial bent was an unbearable handicap in the CIA's clandestine operations against the Soviets. In addition, he insinuates that Angleton was somehow responsible for the unsatisfactory status of the agency's liaison with Israeli intelligence. What could be of greater significance, however, is the subtle manner in which Colby damns Helms with faint praise. In so doing, Colby again indicates that the differences be-

bloodier. And always the official response of the CIA is one of feigned ignorance and "no comment." But unofficially, the officers have much to say. The message is to save the agency at all costs, regardless of who or what will have to be sacrificed in doing so.

Faced with this combination of events, Helms, the master bureaucratic and artful dodger, has been forced to come to his own defense. Continuing to play the role of the dedicated professional who does not approve of washing the CIA's dirty linen in public, even if it means committing perjury before Congress, he has taken the position of defending the agency against critics and doubters who have no part in the present clandestine war, while at the same time demanding more secrecy for the CIA—a clever move intended to raise him above the bloody, vindictive mess surrounding him. But then Helms has always managed to find unique solutions to sticky problems. (He wears his conviction for perjury as a badge of honor, he says. Furthermore, he challenges the right of the Senate Foreign Relations Committee to question a director of the CIA on matters of intelligence.)

Unfortunately, Helms's position is so strong that most senators either wilt in his presence or join him in his outra-

some of his “honorable” colleagues. He’s a lot worse. He’s a cunning dissembler, a man who avoids the truth simply by refusing to deal with it. He is also shamelessly calculating in his effort to win the reader’s sympathy, all too often telling us that he is a loyal husband, devoted father, and devout Catholic. And he claims to be a liberal who once even joined the ACLU. (For those who might not approve of such liberalism, he notes that he used to work for a staunchly conservative law firm on Wall Street and comes from solid military stock.) But what he conveniently neglects to mention is that he rose to the top of his profession by mastering and employing all the dirty tricks of the clandestine trade—and that he still rates secrecy above honesty.

Like Helms and Angleton, Colby is a prisoner of his covert mentality, a mind-set he acquired from more than 25 years spent in the spy business. Even the people who helped him write his book could not be certain when he was telling the truth or when he was deliberately avoiding it.

Like his adversaries in the twilight war of the spooks, Colby is a man of the past, an orphan of World War II and the Cold War. The world and his own country have passed him by, leaving him in the dust of history. It is perhaps unfortunate that he did not die on some secret mission early in his career. Then he could have been a hero. He would have been happy in that role. And we would have been spared his inept and incorrect apologia for the Vietnamese affair, his specious and legalistic defense of the CIA’s attempted assassinations of foreign leaders, and his hollow claims that he always thought the true purpose of intelligence was collecting and analyzing information—not conducting covert wars, or instigating *coup d’états*, or secretly propping up corrupt, but friendly, dictators.

Despite itself, Colby’s self-serving book, with its self-serving title, reminds us that there are no *Honorable Men* in this business. There is no honor among spooks and certainly not among the three former top CIA officials, Helms, Angleton, and Colby, who are at the moment attempting to tear each other limb from limb. The irony of the situation, of course, is that the more they succeed in exposing each other—and themselves—for what they are, the more likely they are to succeed where their critics have failed for so many years—in bringing about meaningful controls on the CIA. □

## DISPATCH

STEVE WEISSMAN

### Philip Agee on the run

**I**N MAY, PHILIP AGEE, THE CIA’s most troublesome quitter and critic, was banned from entering Norway. This was the fifth time in less than a year that the 42-year-old Agee has been banned or deported; the governments of Britain, France, West Germany, the Netherlands, and now Norway have closed their borders to him. This much is clear—the question remains, why? Has the former CIA man gone to work for new masters in Moscow and Havana, as the five European governments have hinted but not said straight out? Or is Agee the victim of an international frame-up, hatched by the CIA and put into effect by the agency’s European allies?

A spy-handler in the CIA’s clandestine services, Agee quit the agency in midcareer in 1969, made several trips to Cuba, and finally settled in England to write his highly explicit *CIA Diary*, which named the names of hundreds of operatives and local hirelings with whom he had worked in Latin America. The book became an international best seller, forcing the CIA to spend a small fortune finding new faces throughout the hemisphere. Soon Agee was leading a widely publicized campaign—some would say crusade—to unmask CIA people and operations wherever he could find them.

According to CIA veterans, agency officials were furious—all the more since Agee caught them at the very moment congressional investigators were forcing them to be on their best behavior. But the reaction against Agee came from an unexpected quarter: the

British government, which announced in mid-November 1976 that it intended to start deportation proceedings against the former spook as a threat to British security. Agee managed to drag out the proceedings until the following June, when the British finally kicked him out; in August the French, in December the Germans, in March the Dutch, and in May the Norwegians followed suit. Rarely have NATO allies shown such accord.

This affair is spiced, of course, by the Old World tradition of keeping matters of state strictly secret, and at no point in any of the expulsions did any of the five governments tell Agee—or the public—what he was supposed to have done or why they were throwing him out.

The British charged only that Agee had “maintained regular contacts with foreign intelligence officers” and helped to obtain and disseminate “information harmful to the security of the United Kingdom.” But they never said who the foreign intelligence officers were, why he had met them, or what harmful information he had put out. As Home Secretary Merlyn Rees explained to the House of Commons, the government couldn’t reveal the case against Agee, even to Agee himself, without revealing state secrets and jeopardizing the sources and methods of British intelligence.

The French were similarly forthcoming, jailing Agee for a night in the frontier town of Boulogne-sur-Mer, then throwing him out for “his past activities and the consequences that some of his current activities could have on relations that France maintains with certain friendly countries.”

The Germans, who nabbed him during a Christmas visit to Hamburg, said nothing at all. The Dutch, who had originally given Agee a residence permit after he was deported from Britain, changed their minds and decided that his speaking and writing “could be detrimental to the good relations of the Netherlands with other powers.” And the Norwegians, who refused Agee permission for a two-day visit to Oslo to attend a protest meeting against an official secrets act trial, simply refused comment.

No specific charges were filed in any of the five countries. No details were given. No evidence was presented.

The whole business was enough to make any red-blooded American spit. Yet most unnerving was Agee’s response. Almost instinctively, he urged his friends not to make too big a fuss, at

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