



ALAN CRAWFORD

Who's new on the right

IT TAKES NO SMALL amount of hubris for a Republican right-winger to charge into the New Hampshire presidential primary knowing William Loeb is poised there to trip him, but that—apparently—is the death-defying act Illinois Congressman Philip M. Crane is about to attempt.

Crane, of course, is the nine-year veteran of the House who on August 2 became the first announced candidate for the GOP nomination, while Loeb is an enormous force in Granite State politics by virtue of publishing the *Manchester Union-Leader*. This stridently right-wing newspaper is New Hampshire's only statewide daily, and, as such, it carries a good deal of clout. And Loeb, in an editorial fired off as soon as he'd gotten word that a Crane candidacy was in the works, warned that any such move would be "disastrous" for the party. Crane announced anyway, and the New Hampshire fire-eater exploded with a front-page editorial headlined "A Stab in the Back." Calling the Crane announcement "an exercise in egotism and vanity," Loeb charged that Crane had done an "about-face" since telling the powerful publisher that Ronald Reagan is the one man in America who can handle the nation's problems. "To divide the strength of the conservative element at this time," Loeb summed up, "is nothing except insanity."

Insanity or not, the Crane candidacy is off and running. And, given the inability of Crane's aides to convince even Bill Loeb that the decision makes any sense, you can imagine the bafflement in other quarters.

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After all, Reagan plans to seek the GOP nomination, too, and Crane says he cannot think of one significant question in the conservative metaphysics on which they disagree. Crane, who is 47, denies that his relative youth is a factor in his behalf (although he has spoken somewhat cryptically of the value he places on the "physical strength" of a presidential nominee), and his aides say they won't allow what columnist John D. Lofton calls "an acrimonious Crane-Reagan bloodbath" to take place. Insiders take Crane at his word, too, when he denies that he is a Reagan stalking-horse.

The whole thing makes no sense at all, unless viewed as one result of a long-simmering feud between Reagan, an orthodox Republican, and the militant neopopulists of the New Right. These political operators, led by direct mail fund-raiser Richard Viguerie, think the Reagan camp has been infiltrated by "closet liberals." Their power will be gauged, to a large extent, by the success of the Crane candidacy over the grueling months ahead.

The feud goes back a long way, at least as far as 1975, when Reagan urged his followers to stick with the GOP, while the New Right crowd wanted to start a party of their own. They soon began casting about for al-

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deny financial support to any candidates who were challenging Republican incumbents in the 1978 primaries. This decision would not be too surprising in the world of party politics, except that the New Right militants don't operate in that world. Beyond that, it meant that Jeff Bell, then opposing Senator Clifford Case in the New Jersey primary, would be bypassed, too. And Bell had been a loyal Reagan staffer throughout the hard-fought 1976 campaign. He won without Reagan's help, but at the time, needless to say, he was counting on some of the \$250,000 the Reagan committee planned to spread around.

The decision was almost certain to steam hard-core conservatives, and it did. *Human Events*, the conservative weekly, implored the Reagan camp to "cast aside its timidity" and come out, full force, for Bell. Party unity? Reagan himself had taken on a sitting President and waged one of the toughest intraparty cockfights in a decade.

Yet Reagan has in recent months undertaken a policy of nonbelligerency toward party moderates that goes far beyond the Bell challenge. In a move that has not endeared him to the GOP's hardliners, he recently urged Republicans to "stop giving each other political saliva tests . . . to find out the degree of our Republican purity." Six weeks after

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ternatives to Reagan, resulting in an ill-conceived attempt to take over the American Independent Party, whose members are still wet with mud from the Fever Swamps.

OLD WOUNDS WERE opened more recently when Citizens for the Republic (CFTR), a political action committee formed with the cash left over from Reagan's previous bid for the presidency, took a solemn oath to steer clear of the Viguerie-sponsored insurgents altogether. That's when the committee's directorate—including Reagan, Senator Paul Laxalt of Nevada, press secretary Lyn Nofziger, and campaign strategist John Sears—resolved to

these ecumenical utterances, CFTR insiders convened in Los Angeles to discuss bankrolling Bell, and, Evans and Novak report, that's when the conversion to the gospel of party unity became official. Nofziger and Sears urged that the committee throw its support behind the former Reagan speechwriter, but Laxalt demurred. He argued that the committee was formed on the premise that it would not go "headhunting" against other Republicans, and Laxalt prevailed.

The New Right activists also fear that Reagan is softening his positions on a number of key issues in keeping with Sears's belief that his candidate's most serious liability is the public's perception of him as a right-wing

ideologue. Sears has predicted that "events may erase that impression," and he's been at work trying to make the prediction come true. To that end, he has announced that Reagan is seriously considering dropping his long-held opposition to full diplomatic ties to Peking—which Reagan now denies—leading the *New York Times* to report that Reagan is ready to embrace a "correspondingly more flexible attitude toward international Communism"! Reagan is, unquestionably, playing down his reputation as a crypto-Social Darwinist in domestic policy. "I know I'm supposed to be a terrible right-wing person," he recently told a group of Chicago businessmen. "But I just wish people who think that would look at my record in California." There, he boasts, he initiated "conjugal visits" in state prisons, made the state income tax "more progressive," and increased welfare benefits to the "truly needy" by 43 percent.

Such breathtaking reversals—or so they're seen—have dismayed the right-wingers who suspect, with some justification, that Reagan's days as an intraparty scrapper who wants the GOP fashioned into an ideological war machine are finished. Kevin Phillips, the pollster and former Nixon adviser, is typical. In addition to marking the "transformation [of CFTR] into a vehicle of party, not principle," Phillips says that the recent behavior of the Reagan camp may well signify the Californian's effective retirement from relevant political struggles: "Gone is the would-be charismatic insurgent of several years ago, the crusader who called for a politics of bold ideological colors, not pale pastels. Now we have in his place a 67-year-old party regular preaching unity while aides hint that he'd serve only one term (from 1981–1985), leaving the Republican ideological-factional future up for grabs.

"Advisers who encourage Reagan to shed his ideology," Phillips warns, "may be misreading the intensity of his strength on the right, though. Among the rightwing activists, a considerable number see Reagan as an aging figure from another era, an easy-going man who could easily be ineffective—or worse—as president." Writes Phillips in his nationally syndicated column: "To the extent that he retains his ideological vim and credibility, Reagan defuses these private critics. But to the extent he becomes just another faithful Republican, he gives doubters the reinforcement they require."

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THERE IS CERTAINLY NO shortage of the doubting Thomases, especially among Phillips's pals on the New Right. And they are the outfit responsible, in large part, for the insurgent candidacies the Reagan committee resolved to bypass. It is probably no coincidence that Reagan has been preaching party unity at the same moment that fundraiser Richard Viguerie and his constellation of political action committees have been intensifying their well-heeled campaign to knock off such GOP liberals as Case, Edward Brooke of Massachusetts, and John Anderson of Illinois. Thus may Reagan's new-found Republicanism be viewed as a deliberate if subtle repudiation of the New Right mischief-makers, an interpretation strengthened by a testy letter Nofziger fired off to the *Washington Post*. The *Post*, to Nofziger's considerable dismay, had linked him in late January with the leaders of such New Right groups as the Conservative Caucus and the Committee for the Survival of a Free Congress.

"I am not a part of the New Right or any other rightwing network," Nofziger wrote. "I am a Republican and the only things I am part of, politically speaking, are Citizens for the Republic and the Republican party. CFTR has no formal dealings with any of the groups you mention and we certainly don't always agree with them. Citizens for the Republic, which Governor Reagan heads and which I run on a day-to-day basis, supports only Republicans and works within the Republican party. This is not true of any other PAC [political action committee], business or political, that I know of. We are interested primarily in building the Republican party and strengthening the two-party system. That is hardly true of all those you identify as part of the New Right network."

Nofziger's letter, like CFTR's decision to deny funds to candidates who challenge GOP incumbents and Sears's statements regarding diplomatic ties with Peking, has not been lost on the New Right leaders who believe that Reagan has lost his taste for the battle. Consequently, there was soon talk that some right-wing leader—perhaps Senator Jesse Helms of North Carolina—should come forth to enter the 1980 primaries. "This way they feel that they can keep the Reagan campaign honest," as one prominent conservative leader put it.

Crane, it turns out, is the candidate the New Right leaders have selected. And Crane wants to run regardless of what Reagan decides to do. His decision is widely rumored to have been influenced by the fact that he is still smarting over Reagan's selection of Senator Richard Schweiker as his 1976 running mate. He will retain Richard Viguerie as his fund-raiser.

Attractive, youthful, and well-educated, the former history professor is now chairman of the American Conservative Union. This 300,000-member organization was for several years the stronghold of conservative traditionalists but has come increasingly under the influence of the New Right leaders, with whom Crane is on very good terms indeed.

There's no small irony in these developments. Reagan's apparent turn-about—which reflects his Republican orthodoxy as well as his desire to put aside his reputation as a right-wing ideologue—suggests once again that he is a more moderate politician than even his most ardent admirers want to believe. His new-found belief that Republican incumbents should not be challenged may well consolidate his position with the party leaders and, therefore, increase his chance to win the Republican nomination two years from now. That, of course, assumes that Crane—as the candidate of the New Right mischief-makers—will not splinter the conservative community, a possibility that can't be discounted.

It is a gamble, and Reagan may already have lost it by alienating the same die-hard right-wingers who believe—correctly—that they made him a credible candidate in the first place. Already, it is clear, they are feeling betrayed; and as Joseph Kraft observed on the day after Crane threw his hat into the ring, this might have been "the best news Jimmy Carter had had in months."



DOROTHY J. SAMUELS &
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How Justice shielded the CIA

IN JUNE 1975, THE ROCKEFELLER Commission revealed the existence of a secret 1954 agreement between the CIA and the Justice Department that permitted the intelligence agency to shield its personnel from criminal prosecution. For 21 years, the CIA could refuse to refer cases of agency misconduct to the Justice Department if it believed that a trial would risk disclosure of "national security" information. The "1954 agreement" is no longer formally in effect. Yet the CIA's and FBI's claims that "national security" secrets will be exposed at trial continue to hinder Justice Department prosecution of crimes by the intelligence agencies. To this day, the department functions more as a protector than as a prosecutor of these agencies.

Just this past year, Attorney General Griffin Bell engineered a plea bargain for former CIA Director Richard Helms, who had been charged with falsely testifying about U.S. involvement in Chile. This slap on the wrist allowed the CIA to avoid a public airing of the case. Bell also refused to seek indictments against all of the FBI agents responsible for past FBI illegality in the New York area because he feared that too many indictments would hamper the effectiveness of the bureau. And now the Justice Department intends to drop three of the six charges against Edward Gerrity, the RTT vice president accused of lying about his firm's activities in Chile; again, the department

wants to prevent disclosure of sensitive—and possibly embarrassing—information about American interference in Chile.

For the past year, a Senate Intelligence subcommittee, chaired by Senator Joseph Biden (D.-Del.), has been looking into these problems of law enforcement and "national security," and it is expected to release its findings shortly. But the Biden subcommittee is not the first to examine these matters. In a study written two years ago, but never before released to the public, the House Government Operations Subcommittee on Government Information and Individual Rights, then chaired by Bella Abzug (D.-N.Y.), explored the cozy relationship between the Justice Department and the CIA that has existed throughout the post-war period. Piecing together the confused history of the "1954 agreement," and drawing from little-publicized 1975 hearings on the agreement and from other material made available to the subcommittee, the study shows that the CIA was virtually immune from prosecution during the 21 years of the agreement and that the Justice Department has consistently catered to CIA secrecy concerns. This 28-page



document is a startling reminder that the department has never been able to police the CIA.

According to the study, a February 23, 1954 memorandum from CIA General Counsel Lawrence Houston to CIA Director Allen Dulles is the basis of the "1954 agreement." The memo summarized a discussion that Houston had had with Deputy Attorney General William Rogers about the CIA's concern that its secrets might be disclosed by Justice Department prosecution of agency personnel. In the memo, Houston wrote that he had told Rogers about a case involving misuse of funds by a CIA employee. The CIA did not want the case prosecuted because agency officials could not devise a way to have the employee tried without re-

vealing classified information. Houston, who served as CIA general counsel for 26 years, believed that even Justice Department review of the file for this case would breach security.

According to Houston, Rogers replied that "under these circumstances" there was no reason to refer the case to the Justice Department and that, given the peculiar circumstances of the case, the CIA was "perhaps better equipped to pass on the possibilities for prosecution." The memo indicated that these procedures would apply to other cases. Rogers said that "an understanding on these matters" could be formalized with an exchange of letters, if it became necessary, but that "present practices" could continue without further documentation.

HOUSTON SENT ROGERS A copy of this memorandum. In his cover letter, dated March 1, 1954, Houston requested that Rogers return the memo to the CIA if he had "no objection" to it, so that the CIA could retain the memo in its files for "future guidance." (The Government Operations subcommittee obtained its copy of the Houston memo and cover letter from the CIA, while the Justice Department—probably because Rogers had returned his copy to the CIA—could not locate these documents in its files.)

The CIA told the Government Operations subcommittee that 31 cases of CIA misconduct were handled under the terms of the Houston memo. Most of these cases appear to have been financial crimes, such as embezzlement and misuse of government funds, although one case, not prosecuted, involved a murder. None of the 31 cases, says the CIA, concerned conduct authorized by the agency. As implemented by the CIA, the "1954 agreement" allowed the CIA to screen cases of agency wrongdoing and to decide whether or not to refer any particular case to the Justice Department for possible prosecution. CIA records show that at least nine cases were not referred to Justice because of "national security" reasons.

Perhaps as telling as the CIA's use of this arrangement is the fact that the Justice Department seldom prosecuted cases that *were* referred to it by the CIA. The subcommittee study reports that only two were brought to trial, resulting in a single conviction. (The CIA initially told the Government Operations subcommittee that 20 cases were

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