

Author of successful book on

EDITOR'S NOTE — Frank Snepp's book about the end of the Vietnam War, "Decent Interval," sold well. In ordinary circumstances, he should be comfortably off. But little about the book, the author, and the battle he lost to his erstwhile employer, the CIA, was ordinary, and so Snepp is broke and in debt, though not exactly penitent.

By **SID MOODY**
AP Newsfeatures Writer

ARLINGTON, Va. (AP) — Just hours, if that, remained. It was Die Gotterdammerung, the twilight of the gods, twilight, finally, at the end of the tunnel.

The CIA station chief in Saigon sent a valedictory message to Washington before smashing the equipment:

"Let us hope we will not have another Vietnam experience and that we have learned our lesson.

"Saigon signing off."

That same spring night in 1975, a helicopter lifted out of the flames and the clutching hands of those left behind. Their screams were an appeal and a curse, together, screams that still search and destroy the sleep of one of the passengers on that flight. Their discordant trespass jerks him awake.

Frank W. Snepp III has dreamed

another of what he calls his "soundmares."

One man's voices in the night are too personal, too gossamer to be the concern of the justices of the Supreme Court of the United States. Nowhere are they heard in the somber, juiceless pages of *United States v. Frank W. Snepp III*, docket No. 79-265, which found him culpable, in effect, of "faithlessness" to the security of his country.

Those voices neither incriminate nor acquit Frank Snepp before the bar. They are hearsay.

Frank Snepp wrote a book about the last months of Vietnam entitled "Decent Interval." It chronicles diplomatic and intelligence fumbling and the abandonment of thousands of Vietnamese who worked for the CIA and other agencies. No one has questioned its accuracy or argued that it revealed secrets. But the CIA, for whom Snepp served two tours in Saigon, sued because he did not submit his manuscript for prepublication review in accordance with an oath he had taken at least twice.

Snepp fought all the way to the Supreme Court, lost and has been penalized \$140,580 so far — the amount is dependent on his royalties and the book is still in print — something of a landmark for a private citizen. He is now broke and \$40,000 in debt because of the penalty.

Snepp says he wrote "Decent Interval" because he had come to believe that otherwise the story would not have come out. He says he intended no "irreparable harm" to the CIA whose purposes he still supports.

He disdains ex-CIA authors like Philip Agee, who named names. Those who decry the CIA would find no ally in Frank Snepp, which may account for why he is alone, working furiously on a novel and a book on his travails simultaneously, writing to stay afloat in his \$411-a-month apartment here. When the phone rings, it is often a foreign journalist hoping Snepp will spill some beans about CIA operatives. He tells them he will not.

Snepp is 37, bright, handsome, a North Carolinian raised in the cavalier tradition of the Old Confederacy.

Vietnam in the '60s, however, did not bring out the warrior Snepp. "The one thing I knew about Vietnam was I didn't want to be there."

A Jekyll-Hyde mixture of the South's

Vietnam

War broke,

in debt

chivalric code and Snepp's desire to beat the draft led him to accept a professor's recruitment into the CIA in 1968. That September 16 he signed an oath swearing "... not to publish ... any information or material relating to the Agency, its activities or intelligence activities generally, either during or after my term of employment without specific prior approval by the Agency."

That was the first step towards docket No. 79-265.

Snepp got to Vietnam because some colleagues volunteered him as a practical joke. Nonetheless, he fought a good war. He survived a hand grenade thrown at his car that has left him deaf in the left ear. A deskbound analyst specializing in North Vietnamese intentions, he nevertheless constantly toured the countryside, became skilled at interrogation and at briefing — U.S. congressmen, journalists and even South Vietnamese generals.

When it was all over, Snepp was awarded the Intelligence Medal of Merit.

As soon as he arrived in Saigon, Snepp had decided the war was unwinnable, "but I thought the outcome was modifiable." When Snepp saw how his reports were being edited or filed away,

he says, he became increasingly uneasy that the truth wasn't getting back to Washington.

"I kept answering my disenchantment with the bureaucrat's rationalization: If I hang in, tomorrow I'll be strong enough to change. But tomorrow never comes. You get in deeper and deeper. Fail to fight for your analysis. Lie to the press. Once you begin to waffle, it's a dance step very difficult to unlearn."

He thought the CIA, of all agencies, should learn from Vietnam: the thousands of native employees left behind, the chaos and conflicting signals at the end. He wrote a 15-page report entitled "End Game" but thought a full-scale "after action" report would be forthcoming. It wasn't.

Several journalists Snepp had known in Saigon had told him: "You had it right in Vietnam. Why don't you do a book?" Why not indeed?

Snepp says the CIA and the Justice Department have tried to portray him as a mercenary who wrote for the money. Snepp says he wrote because the agency wouldn't.

Before leaving the agency in early 1976 to do his book, Snepp signed another agreement:

"I will never divulge, publish or reveal ... any classified information, or any information concerning intelligence or CIA that has not been made public by CIA ... without the express written consent of the Director."

That was the second step.

The government says Snepp wrote "Decent Interval" "deliberately and surreptitiously." Well, he hadn't been a CIA spook for eight years for nothing.

"Every time I came back to my apartment I was afraid I'd find they had burned the manuscript." He kept Xeroxed copies around town, used pay phones for key calls, met secretly with his editor in Central Park in New York.

He knew the CIA had assigned a case officer to him.

Snepp insists today that he felt he did not have to submit so long as he revealed nothing classified.

"I have no question Frank thought he was legal," says Mark Lynch, his American Civil Liberties Union lawyer.

Snepp asked his case officer if an informal review would be acceptable to the CIA: It wasn't.

"Decent Interval" came out in late 1977 and sold well. The CIA sued Snepp, not Random House.

"They would have lost against us and aroused the public as well," says Robert L. Bernstein, Random House president.

The CIA says it had to find out if its secrecy agreement would stand up in court. "With Snepp, we had to take a stand," said a spokesman.

The CIA did not claim "for purposes of this action" that Snepp had revealed secrets. It sued instead under equity law normally applied to trustees of estates and such. Snepp, the agency claimed in essence, had betrayed the CIA's trust in him by not playing according to its rules. Therefore, he had done "irreparable harm" to American intelligence and its image.

Damages would be in the form of a "constructive trust" which would require Snepp "to disgorge the benefits of his faithlessness" — his proceeds from "Decent Interval" including the already spent advance.

A federal judge in Virginia found for the CIA. Snepp appealed, mentioning his First Amendment rights to print unclassified information. The appellate court upheld the verdict for the most part.

Not wanting a jury trial where secrets might have to be aired, the CIA tentatively offered to settle for \$80,000. Settlement for money would portray him as a mercenary, Snepp felt. He refused.

"I wanted vindication on the legal and moral issues. I decided to go down in flames if need be." He appealed to the

Supreme Court. And went down in flames.

The vote, last February, was 6-3.

Alice Daniel, an assistant U.S. attorney general active in Snepp's case, told a closed House subcommittee hearing in July that "the Department of Justice does not seek to use the (Snepp) decision to reduce people to penury."

But Snepp has turned over all his income for three years, the proceeds from "Decent Interval." On Aug. 12 he gave Justice a cashier's check for \$116,658.15; on Sept. 2 another for \$23,921.50. This leaves him, as mentioned, \$40,000 in debt. Random House lent him a chunk and an advance on "Irreparable

Harm." The Authors League Fund recently lent him \$5,000. A woman sent him a check for the price of a copy of "Decent Interval" so he, not the government, would have something to show for his work. Others have sent checks.

A Who's Who of noted authors, including John Hersey and Robert Penn Warren, have protested to the Justice Department.

Snepp said he "absolutely" will not hide funds in a Swiss bank account. Reluctantly, he has submitted his new novel to the CIA. They asked him to make one change. He did.