

The Scandal-Maker Stakes

BY TAYLOR BRANCH

When we last left Seymour Hersh, he had just blown his lungs out pushing his scoop on the secret bombing of Cambodia, a story that failed to ignite ["The Scandal That Got Away"—October 1973]. Last year, he went on to another round of flurry journalism exposing the CIA's role in the overthrow of Chile's President Allende. By flurry journalism, I mean a series of 20 or more front-page stories on the same subject by the same reporter within the space of a month. It is unquestionably reporting of an advocacy nature, and the term is associated with Hersh or with Bernstein and Woodward's work during the critical phases of the Watergate investigation. The Chile series made its mark in the press and generated some Congressional inquiry, but it failed to develop its own momentum like Watergate—the point at which both the press and the Government feel publicly obliged to get to the bottom of it. Like the Cambodia story, the CIA's subterfuge in Chile faded into the scrapbooks.

Now Hersh is back again with an exposé that finally hit pay dirt. On Dec. 22, he broke a story in *The New York Times*, headlined, HUGE C.I.A. OPERATION REPORTED IN U.S. AGAINST ANTIWAR FORCES, OTHER DISSIDENTS IN NIXON YEARS. Citing "well-placed Government sources," Hersh alleged that the CIA had assembled—through surveillance, informants and infiltration—files on at least 10,000 Americans. The 4,000 word story went on to report that the agency had been up to "dozens" of other domestic stunts, including break-ins, wiretapping and mail inspection, in an apparent violation of its charter, which prohibits "internal security" functions. All this, charged Hersh, added up to a "massive illegal domestic intelligence operation," and the *Times* backed him up by playing the story as big as the next war or the return of Nixon.

In the month following the break, Hersh churned out 21 front-page stories and eight others inside. Many of these were woefully thin on substance but served to keep the original charges alive, and the official reaction to those charges came straight out of a reporter's dream. President Ford ordered CIA director William Colby to report to him on the charges "within a matter of days," and Ford appointed the blue-ribbon Rockefeller commission on Jan. 5. With this deed, the CIA scandal became officially sanctioned. Widespread criticism of Rocky and his panelists, for being spooks and militarists at heart, stirred speculation about a cover-up and reinforced the notion that something big was afoot.

Meanwhile, the news broke that CIA counterintelligence chief James Angleton, the mysterious spy's spy whom Hersh had reported to be in charge of the domestic activities, resigned, followed shortly by three of his aides. On Capitol Hill, congressmen and senators fell over themselves rushing to have their outrage quoted, announcing investigations and comparing the scandal favorably to Watergate. On Jan. 20, near the end of Hersh's flurry month, the Senate Democratic Caucus voted 45 to 7 in favor of setting up a Sam Ervin special, a select committee to investigate all U.S. intelligence agencies, the number of which is still in dispute. The House recently established its own select committee, and it appears certain that we will soon see a lot of subpoenas, hearings and dirt in the press about the clandestine actions of various

Taylor Branch, the Washington editor of Harper's magazine, is working on a book about the Watergate Cubans and the CIA.

As coverage of the recent CIA revelations illustrates, competition between the Times and the Post is so special that it clouds judgments. But we are not likely to see much source sharing because too much journalistic manhood is at stake.

agencies, especially the CIA. The intelligence field is now hot. The Washington press corps smells blood, and its members are scouring for new CIA and FBI sources. At least one reporter is known to be looking for suspicious postal inspectors.

Beneath this journalistic advance, however, a great deal of energy is also being channeled into a professional skirmish over the relative performances of the *Times* and *The Washington Post* during the first month of the CIA scandal. Backbiting is intense. Some people at the *Post* feel strongly that the *Times's* original story was inaccurate, overplayed and subsequently buttressed by rehearsed material and non-stories. "I thought Sy's first story was a bad story," said one *Post* reporter. "It went further than his information warranted." One source at the *Post* said that editor Ben Bradlee expected "to blow the *Times* out of the water" with stories undercutting its charges. Other sources said the *Post* editors chortled with anticipation that the *Times* would be sawed off its limb. Hersh, for his part, is not known for being insensitive to criticism. "I was certainly aware of what the *Post* was saying," he commented, with some resentment. "I knew that Ben Bradlee had said stuff about the story. I don't think it was overplayed. We had a major exposé, and *The New York Times* knew before the story ran that the story was accurate, down to the numbers." Partisans of the *Times* seem equally bitter about the *Post's* coverage of the scandal. "I'm very upset about it," said David Wise, co-author of *The Invisible Government*. "*The Washington Post* in particular went to great lengths to try to discredit the story. The whole town seemed to turn on Sy Hersh."

Even more scurrilous charges are leveled off the record, and it is clear that large organizational egos have come into play. The *Post* is still warm with the afterglow of its Watergate successes, and the *Times* is still smarting from its defeat on that story. The title of number-one scandal-maker may be at stake here, adding to normal competitive jealousies, and people on both sides say that these human pressures led to journalistic irresponsibility—excessive pride at the *Post* or overreaching ambition at the *Times*, or both.

Two media issues rise out of the CIA scandal thus far. First, what are the merits of the charges and the subterranean gossip and name-calling? Second, why did this latest effort by Seymour Hersh enjoy such instant and spectacular success compared with his previous two scandals, which died even though the charges were at least as grisly as domestic spying?

The newsroom of the *Post* went on full-alert status even before the first Hersh story hit the stands. Whatever the *Post* thought of the charges,

it would not take them lightly because the *Times* had given them such mammoth attention. "And I think a big part of it, which nobody will admit to you now, was Sy's reputation," said a *Post* reporter. "It wasn't the police reporter." According to one *Post* newsman who later worked on the CIA story, Ben Bradlee called a meeting of reporters and laid down a strategy. Acutely aware of the black eye the *Times* had gotten for underplaying the early Watergate stories, Bradlee charged his troops: "We're not going to do what they did on Watergate." Implicit here is the awareness that the story might prove very explosive and that the *Post* would have to guard against knocking it down prematurely.

A reading of the clips leads me to believe that Bradlee should have repeated this warning from time to time. For the *Post's* coverage was, with some exceptions, lax and spotty, and marked by frequent discovery of sources skeptical of Hersh. Many of the pieces were unsigned, which supports speculation that no one wanted to take up the charge against the *Times*. Different reporters trotted in and out of the fray.

Murray Marder, out skiing with President Ford in Colorado, got first crack. In his piece for Dec. 24—FORD ORDERS PROBE OF CIA BY KISSINGER—Marder acknowledged that the charges of massive surveillance against antiwar demonstrators were new, but went on to note that the other allegations "have been raised before in many forms." His sources said the main charges were "considerably exaggerated." The overall story fit into a *Post* pattern of interest tempered with doubt. But Marder ran into trouble on his leads, since Ford had ordered Colby, not Kissinger, to investigate the Hersh allegations. After a pained correction the next day, Marder retired from the battle.

On New Year's Day—after a William Greider piece, an unsigned story and pieces picked up from UPI and *The Los Angeles Times*—the *Post* surfaced with two stories under the headline, FIRING OF ANGLETON WAS URGED EARLY. This was to be the first big salvo of a running argument over whether Hersh could claim credit for getting the counterintelligence chief fired. Marilyn Berger's story noted that Angleton "personally handled exchanges of information with Israel," and she cited sources worried that his loss might hurt Israel. The unsigned companion piece portrayed Angleton as a hyperparanoid Cold Warrior whose head had been sought by Colby for some time. It is hard to know what impression most people gathered from the combined articles, or which newsroom found satisfaction in them. A pro-Israeli reader might conclude that Angleton's demise was bad but that Hersh was not to blame; whereas an antiwar reader might believe that Angleton was a menace, but that Colby, not Hersh, got rid of him. The Angleton water was muddied.

Ron Kessler entered on Jan. 3 with a story entitled FORMER CIA-FBI LIAISON MAN SEES OPERATIONAL GRAY AREAS. Summarizing the liaison man's views, Kessler wrote that "the statutory restriction against CIA domestic activity is impossible to follow." Kessler spelled out the loopholes and ambiguities in the CIA charter, which added up to the big gray area. Guided by his source, Kessler then stretched out paragraph after paragraph of innocuous CIA activities within the United States, such as running background checks on domestic employees. After this story, the *Post* laid low until the announcement of the Rockefeller commission.

Hersh, in the meantime, was keeping up a barrage, although he could not turn up substantive new material. "More stuff is very hard to get," he says. "I don't see former undercover men running into newspaper offices to talk about domestic spying." The first story just hung there like a pinata, with no solid confirmation or denial from official spokesmen, and Hersh could only pump the response. PROXIMITY TO SEEK INQUIRY, said his first follow, and the labels on subsequent stories sounded as though Dave Dellinger had reassembled an army of protesters: CONTROVERSY GROWS, CONGRESS HEARINGS SET, PROTESTS GROW, ANGLETON LEFT AMID UPROAR OVER REPORTS OF SPYING IN U.S. On Dec. 26, the fifth day, Hersh rolled out the venerable Clark Clifford—who had been quietly out of harness for several years—for a story based on Clifford's call for a special inquiry into the CIA. The *Times* ran it on the front page. The next day, Hersh came back with a story headlined, HELMS WAS VAGUE IN 1973 ON SPY BID. It was based on "secret Senate Foreign Relations Committee hearings," but the *Post's* Laurence Stern had written essentially the same story 18 months earlier. The quoted testimony, in fact, had already come out in *The CIA and the Cult of Intelligence*, by Victor Marchetti and John Marks. Nevertheless, the *Times* ran the Hersh story on page one, and it was a sign of recycled stories to come.

On Sunday, Dec. 29, Hersh did push things forward a bit with the new story based on the experience of an ex-CIA agent who had infiltrated the antiwar movement in New York. This provided some confirmation, but it was not "massive," and the *Times* fell back on slim stories. Howard Hunt was featured on the front page two days later, confessing that he had been the first head of the CIA's Domestic Operations Division. This material, like almost everything else from the executive sessions of the Ervin Committee, had been published months earlier. Soon thereafter, Hersh fell off the front page. He wanted big treatment of a story about the CIA's investigation of singer Eartha Kitt, but the *Times* buried it inside because the story came out more than two years ago. Jan. 2 was a Sunday, Hersh's favorite news day, and it passed without a single CIA story in the *Times*. The scandal went into a coma.

When President Ford revived the issue by appointing the Rockefeller panel, both the *Post* and the *Times* gave the story banner treatment. It now seemed clear that the story would not fall of its own weight, as it probably would have if Ford and Colby had skillfully hunkered down. The story might even develop into a major scandal, which shifted some of the journalistic pressure from the *Times* to the *Post*. Given Bradlee's warning about the consequences of hanging back, one might have expected the *Post* to move into a more aggressive, Watergate-like posture, if only to protect itself.

It was therefore surprising when the *Post* took a swipe at the heart of the *Times* story on Jan. 9, four days after Rockefeller received his charge. Larry Stern appeared on the front page with JUSTICE DEPT. GAVE THE CIA NAMES OF 9,000 AMERICANS. This came exactly three weeks after Hersh went out on a limb with his charge that the CIA had assembled 10,000 names through a special "massive" program of street surveillance and infiltration. Gumshoe stuff, with lots of agents and super-secrecy. The strong implication of the Stern story was that all this furor had been over nothing more than a computer tape that Justice had sent to the CIA as part of a request for the agency to check whether antiwar radicals had known connections with foreign powers. Stern

wrote that he wasn't sure whether his list was the same as Hersh's, but he followed immediately with a quote from his Justice Department source: "... I hate to see the CIA accused of developing a list that we developed ourselves. It would be a bum rap."

If this story had collapsed the *Times's* scandal, Hersh might have been forced to begin his memoirs. But he defended himself on the front page the next day. It could not be learned what verbal torture he inflicted on Stern's source, but the poor man admitted that he had no idea whether his list was the one in question. Speaking of the source, Hersh went on without mercy: "He added that he was sorry he had suggested that the C.I.A. might be receiving a 'bum rap' because of its receipt of the Justice Department files. 'It's something that just slipped out,' he said. 'I'm sorry I said it.'" Hersh quoted his own sources to the effect that the secret Angleton files were still at the CIA and did not come from the Justice Department.

Stern, apparently remorseful about the thrust of his story, appeared on Jan. 10 with CIA READ MEANY'S MAIL IN '50'S AS FUND CHECK. From my reading, this is the only *Post* story that gave substantive support to Hersh over the weeks when he was hanging by his sources. It lent credence to one of his marginal charges—that the CIA had minor bugging, surveillance and mail programs as far back as the '50s.

Over the next week, the *Post* basically dropped out again, and Hersh became increasingly desperate for ideas to keep the story alive. He had a front-page story, flanked by a big picture of John Stennis, headlined SENATE PANEL MAY OPEN CIA HEARINGS TO PUBLIC. The photograph was the best part of the story. Then there was one on the front page called SECRET FUNDING FOR CIA HELD ILLEGAL BY LAW STUDY, in which Hersh relied exclusively on a treatise by a third-year law student. Later, he dredged up four ghosts from the Johnson Era—Rusk, Rostow, Califano, Jones—who declared that their boss would have nothing to do with anything as dirty as domestic spying by Nixon's CIA.

Fortunately for Hersh, the CIA's bubble finally burst on Jan. 15, when Colby testified before a Senate subcommittee and handed the *Times* a confirmation of its essential charges. The headline ran across the entire front page: C.I.A. ADMITS DOMESTIC ACTS, DENIES 'MASSIVE' ILLEGALITY. The *Post* also ran a banner headline, over a piece by Greider and Spencer Rich. It said, near the top, that Colby's statement "confirmed major elements of the revelations first made last month in an article in *The New York Times*." Hersh could afford to be gracious: "I thought the way the *Post* played that story was as gentlemanly as you can get."

This truce was short-lived. Ron Kessler, last seen with his "gray areas" source in early January, broke a big Sunday story three days later: FBI HAD FILES ON CONGRESS, EX-AIDES SAY. Kessler provided the names of two former aides to the late J. Edgar Hoover, both of whom said that Hoover's files "contained data on the girl friends and drinking problems of members of Congress..." Another source said that he had seen "information of a personal nature" on virtually every member of the Congressional leadership. Kessler listed them all, and quoted numerous Congressmen on the heinous nature of the practice.

Some reporters at the *Times* speculated that the new *Post* story was actually a counterscandal, quickly engineered by the *Post* to offset the Bradlee problem, i.e., the *Post's* vulnerability for lagging on what proved to be a successful *Times* break. "My God," said a *Times* reporter, "that's the oldest running scandal going." A reporter at the *Post* said that the story "didn't exactly knock me out of

bed." Kessler, for his part, says that he had been working on the story for nearly two weeks, and that it was the first hard documentation of widely circulated reports. "The question," said Kessler, "is whether these stories were overplayed or hyped, and mine were not."

Over the next few days, Kessler telescoped some of the same sort of follow-up work that Hersh had done on the CIA story. For example: CONGRESSMEN ASK PROBES OF FBI PRACTICES, complete with more quotes from the legislators, like "as insidious as Watergate." Far more quickly than Hersh, Kessler got a confirmation: "FBI director Clarence M. Kelley yesterday confirmed that the bureau keeps files containing information volunteered by the public on members of Congress, as it does on other persons." The *Post* ignored the CIA story while Kessler chased the FBI and measured blood pressure in the Congress, and the *Times* repaid the compliment by ignoring Kessler.

Thus, both papers were ready to take stock of things when the Senate Democratic Caucus voted on a long-standing, broad resolution to create a select committee for an investigation of all intelligence agencies. On Jan. 21, the *Times* ran a big headline: DEMOCRATS VOTE WIDE CIA STUDY BY SENATE PANEL. The *Post* finally found the story equally as important: SENATE PROBE OF CIA, FBI APPEARS SET.

Some people think the *Post* drifted against the *Times* because its executives have always been tight with the CIA's Old Boy network, sharing years of friendships and Georgetown as common cultural ground. There are enough tidbits and associations to set off an alarm in the mind of any dedicated conspiracy freak. Katharine Graham lives in "Wild Bill" Donovan's old mansion and has been personally close to a lot of elegant, refined, spoons. Ben Bradlee has had a top CIA official in his family. Philip Geyelin, the editorial page editor, was himself a CIA agent in 1950-51, while on temporary leave from *The Wall Street Journal*. Geyelin recalls that he was recruited by a cluster of personal friends from the upper reaches of the agency, but he left CIA when he "couldn't see any justification for what I was doing." He declined, with diplomatic apology, to reveal what dirty or ridiculous CIA projects led to his resignation, because he still considers himself bound by the CIA's secrecy oath. To guard against charges of bias, Geyelin said, he disqualified himself from writing the *Post's* CIA editorials: "The only thing I can remember is that I made some of them less, rather than more, sympathetic to the agency."

I don't think you can make too much of the presumed mental harmony between the CIA and the *Post*. Geyelin's editorial posture was only marginally more friendly than the *Times's*, and he is quite critical of CIA in conversation. What sympathies he has with CIA seem more personal. His comments carry a feeling of pained empathy with the plight of his old friends from the agency, the heroes of the CIA glory days, as they now get roasted. "It bothers me a little when they talk about Helms lying," said Geyelin. "When the Congress licenses an organization in the government to engage in covert operations, it is licensing it to lie... If you're doing things for which the U.S. Government wishes to disavow responsibility, you have to lie. And so lying, I guess, comes rather easily."

Old ties may move the *Post* a few degrees closer to the CIA, but it seems far more important in this scandal that the *Times* was there first. Even the petty bickering between the papers is of higher voltage than their differing views on CIA, as evident in the gratuitous comments and suspicions. "Sy is putting it out that I'm still in the

agency, isn't he?" asked Geyelin. "The problem with Bradlee," observed Hersh, "is that you can't take anything he says seriously."

Competition between the *Times* and the *Post* is so special that it clouds judgments about the effect of the competition on readers or on journalistic standards. It has nothing to do with money, circulation, or building financial empires—the kind of competitive hype that Hearst once used to snare readers and drive adversaries out of business. Neither does it have much to do with "scoopism," who can pull off the largest number of exclusive news breaks. The two papers are much too well established—almost adjuncts of government—for that kind of atavistic competition. What they seem to care about is a reputation for national importance—who can make or break reputations, who can change policies and set the tone of national political debate. They compete, in short, over which paper can achieve a reputation for power and dignity closest to that of a President. They are unannounced candidates.

The quest for national impact naturally involves the papers in advocacy journalism, an issue that is argued about in principle but usually resolved according to personal politics and taste. Its normal baggage includes charges of hype and rehash, but disguised advocacy often seems required for moving cumbersome things like governments. While embarrassed by some of the *Times*' scrapings in the follow-up stories, I cheered Hersh's advocacy because I, like him, lust to see the CIA brought out of the closet and out of covert subversion. In that context, it is intriguing how, in the peculiar realm of *Post-Times* competitive advocacy, the competition seemed to undercut the cause.

Here is Hersh, having whipped himself up into a cyclone in order to get something done about the CIA, knowing that his whole purpose, to say nothing of his reputation, depended on getting confirmation of his original charges. He knows that the story is basically accurate, and the *Times*' management has high confidence based on prior confirmations from within the CIA, probably from Colby himself (Colby has said publicly that he saw the story before it came out). But all this is useless as long as the sources and information remain locked within the *Times*. Why could not Hersh, once the news break is safely to the *Times*' credit, discreetly introduce another reporter to his sources or otherwise share his information? Wouldn't such a noble act be necessary to protect the cause?

What happened, of course, is that no other paper confirmed the charges and the whole scandal hung precariously on the vine for three weeks. Had it not been rescued twice by the enemy—once by Ford and once by Colby—it might have faded away. Meanwhile, Hersh became one of the loneliest and most frustrated people in town, furiously throwing filler stories on page one.

Obviously, the sharing of sources is a difficult matter, involving the sensitivities of the sources themselves, as well as the reporter's protective concerns about his next story. But it does happen in Washington when reporters want to push the same cause. Purely as a matter of advocacy, there must be a point at which advancing the issue by bringing in the credibility of other newspapers becomes more important than hoarding a cherished source.

We are not likely to see much source shaming between the *Post* and the *Times*, because there is too much journalistic manhood at stake. Hersh's sources remain Hersh's. And, for that matter, the celebrated Deep Throat never became a crucial source who could help the newspaper phalanx get on with Watergate; he remained the *Post*'s mysterious source, probably doing more for the *Post* than he did for Watergate.

And yet, perhaps we are fortunate that the advocacy of the *Times* and *Post* is limited by their competitive jealousy. For if the reporters pooled their information, the *Post* and *Times* would become even more powerful in setting our political agenda, and our scandal diet would depend more or less on the prevailing whims at the two papers. There would be no House and Senate of journalism, no checks and balances, no one to filibuster a scandal approved by the other paper.

Whatever the merits of competitive advocacy journalism for national affairs, it is tough on the readers. Anyone who read only one paper's accounts of the CIA scandal was doomed to the bewilderment, witnessing only one half of an esoteric feud. But, of course, the readers don't matter much for fixtures like the *Times* and *Post*, anyway. When they get their plumage up over a major impact story, they are really writing for a nexus of about one thousand telephone lines, mostly in Washington, and the future of the story depends mostly on some strange chemical reaction over those lines.


How did the CIA scandal succeed so dramatically in such a jungle? The contributions of Ford and Colby have already been noted, and the enthusiastic response of the Congress was also important, as the legislators were drawn to the issue like so many iron filings. One clear distinction of the uproar is that it is domestic, not foreign. It raises the police state specter and familiar questions of Constitutional protection—issues that the Congressmen have practiced up on since Watergate. If Hersh had, with equal fanfare, charged CIA with overthrowing Sihanouk in Cambodia or Caetano in Portugal or Selassie in

Ethiopia, I wager the fee for this article that the select committee would not exist and that Rocky would be tinkering with the economy.

The domestic focus of the present scandal held yet another advantage for Hersh: he did not take on the CIA in its cherished and traditional domain of foreign operations. No one who has studied the agency believes that it ever cared about domestic spying, which was, in fact, an inconsequential nuisance for CIA. Ironically, this story may have succeeded because it raises matters of less moral and political gravity than the CIA's mission to pull levers, bribe officials and topple governments overseas. Congress knows that it is not attacking anything dear to CIA; it may not have the will. Colby, no doubt, would gladly and piously forswear his domestic territory in return for a renewed hunting license abroad.

If this is Colby's strategy, things may well have gotten out of hand for him. With the select committee in place, the whole nature of CIA journalism will change. Any self-respecting reporter who breaks a halfway solid story will go immediately to Senator Church's office, seeking to have his charges declared within the select committee's mandate—which is so broad that the reporter will probably succeed. The committee might thereby serve as a kind of oxygen tent for scores of stories—Chile, Phoenix, things yet unknown—that otherwise would have expired. In that case, it will be interesting to see what Hersh has up his sleeve and how the *Post*, starting fresh, recovers from its post-Watergate letdown. ■

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