

How dare ex-CIA agent talk about journalistic ethics?

I doubt there is anything one can't safely say about the president of the United States. Safely say, that is, without fear of adverse legal consequences. You could probably say — indeed, perhaps Garry Wills has done so in his new book — that during the war Ronald Reagan was really Ivan the Terrible, and sleep peacefully at night unafraid of the marshal, though there are other forces that should interfere with the sleep of some writers and journalists.

The February issue of the Columbia Journalism Review carries a fascinating piece. Its author is identified as follows: "David Atlee Phillips was editor, and publisher of The South Pacific Mail, in Santiago, Chile, when he was recruited by the CIA in 1960. He served with the agency for 25 years; at retirement he was chief of Latin American and Caribbean Operations."

Now Mr. Phillips (who, incidentally, I have never met) became in 1975 a "public figure." The quotation marks are here used because in marginal cases whether one is or is not a public figure is a judi-

William F. Buckley Jr.
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cial finding. But Phillips doesn't deny it. On his resignation, he founded the Association of Former Intelligence Officers, in pursuit of whose objectives he toured the country speaking and writing about the need for a robust intelligence service. He became a public figure.

A few years later, a gentleman called Anthony Summers wrote a book, published by Gollancz in London, called "Conspiracy." One of its theses was that a man called Maurice Bishop conspired with Lee Harvey Oswald in Dallas shortly before the assassination of John F. Kennedy. And guess who "Maurice Bishop" was alleged to be in real life? Yawp: David Atlee Phillips.

It isn't, really, pleasant to go through life as the man who was behind the assassination of John

F. Kennedy, but not only was there now a book pressing that thesis, the thesis was retailed in the London-based Observer, a newspaper of international standing. And, soon after British publication, McGraw-Hill published an American edition of "Conspiracy."

Things were warming up for Phillips. A press conference was called in Washington on June 25, 1980, convened by one Dr. William F. Pepper, who was introduced as a "distinguished lawyer, psychologist and educator." The thesis of that press conference was that David Atlee Phillips had manipulated the murder, in Washington, of Allende's former foreign minister, Orlando Letelier, and that Phillips had proceeded to steal documents from the dead man's briefcase, re-jiggered them for disinformation purposes, and distributed them to the world. That allegation was made at the press conference by a representative of (what else?) the Institute for Policy Studies — Saul Landau.

And then in November 1980, Washingtonian magazine pub-

lished an 80,000-word article (yes, an article about the size of the average book), "Who Killed JFK?" The name of Phillips was mentioned 300 times, that of Oswald 100 times. The thesis? Phillips was "Maurice Bishop," the master planner of the assassination.

That did it, and Phillips sued, and lost, on the grounds that, as a public figure, he needed to prove actual malice. Needed to prove, that is, that all those people really knew that he WASN'T Maurice Bishop, president killer, but it is very hard to prove actual malice. And then Lawrence Hill & Co. of Westport, Conn., published a book called "Death in Washington," written by two free-lancers who were present at Dr. Pepper's press conference and were carried away by the thesis about Phillips' use of the corpse of Letelier. Then, Henry Holt published "Reasonable Doubt" by Henry Hurt, complete with the Maurice Bishop equals David Atlee Phillips yarn. Henry Holt declined to permit Phillips to write 2,000 words to appear at the end of the book even though Phillips promised, in re-

turn, that he would surrender any potential legal claim.

Things looked pretty black, but in February 1986 there was a ray of light. The authors and publisher of "Death in Washington" published a handsome retraction, and paid over money (the amount unspecified) to Phillips. The distinguished lawyer, psychologist and educator Dr. Pepper is distinguishing himself in some very elusive place: Nobody has succeeded in finding him after four years' effort. And, in London a year later, the High Court announced a resolution of a libel suit against The Observer: A retraction and a substantial sum in damages.

Mr. Phillips ends his lucid account by asking, "Whatever happened to the Sigma Delta Chi Code of Ethics and its 'The news media should not communicate unofficial charges affecting reputation or moral character without giving the accused a chance to reply'?"

One supposes, resignedly, that there are those who believe that the CIA put Phillips up to the dirty business of resurrecting Sigma Delta Chi's Code of Ethics.

William Pepper - CIA Lawsuit?

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