Reviews

Irreparable Harm: A Firsthand Account of How One Agent Took on the CIA in an Epic Battle Over Free Speech

by Frank Snepp

New York: Random House (1999) ISBN 0394 505 034
(391 pages, £16.99)

Reviewed by James D. Calder

All governments seem willing to invest extensive resources, which they justify mainly in the name of national unity, to invent ways of burying the secrets of their embarrassments and illegal actions. Iron-fisted security protection blankets sensitive intelligence matters; and from time to time even people like Frank Snepp could agree with the rationale for this. Many such occasions, however, are mere exercises in covering mistakes and protecting hides; and Snepp's revelations about the absurdities and unconscionable actions of the US government in the last days of the Vietnam war fall into this category.

Snepp's *Irreparable Harm* is a memoir of experiences in the dark days of the late 1970s, when the US Justice Department sued Snepp to seize the profits from *Decent Interval*, an account of the last days of US action in Vietnam. As a CIA case officer in Vietnam, Snepp had conducted street-level clandestine operations and recruited agents to work for the US government. Violating his CIA secrecy agreement, Snepp named names and revealed mistakes and betrayals by US officials in the departure from Vietnam, although by the government's own admission he never exposed any classified information. Litigation against Snepp travelled to the steps of the US Supreme Court, but, as he describes in *Irreparable Harm*, a day he will never forget is the day the Court denied his writ of *certiorari* to hear his appeal.

His account contains four well-crafted sections. In Part I, 'Search and Redemption', Snepp summarizes his final days in Vietnam and his unceremonious return to the United States, to the halls of CIA-Langley, and to his rather public plans to write a book about views on the war that even some of his close friends did not wish to revisit. Part II, 'Mightier Than the Sword', takes up the story after his departure from the CIA in 1975, through months of writing, editing and nail-biting secret negotiations to bring the book to print, to the early volleys of retaliation by CIA insiders. His third section, 'Trials', describes the phases of litigation in the federal courts, including the government's desire to make an example of Snepp's actions via inquisition in ways that it had not accomplished with others who had embarrassed the intelligence regime. The final section, 'No Quarter', traces the evolving circumstances that paralleled the Snepp litigation, emphasizing that he could not have chosen a worse period in American history to present First Amendment arguments to a deaf court that determined to label his actions in terms of 'irreparable harm on such thin government testimony'. The 'Postscript' leaves the reader with a clear impression that neither the justice system nor the law treated Snepp's case even-handedly, but the whole scenario underscores the role of fate and timing in matters of heretical speech. He was the right insider to tell of the tragic final days in Vietnam, but he did so at the wrong time.

This book is well written, and without question it should be read by those professionals in the security field who can move beyond the narrow issue of Snapp's admitted indiscretions to the larger question of how people in security positions, once having discovered unlawful, immoral or grossly wrong-headed acts within their scope of employment, should resolve their dilemma. Snapp provides an excellent case study of his methods of coping and acting affirmatively, but it is only one approach among the many that can attract rich debate in the classroom. If it is used as an instructional vehicle, however, it must be prefaced by substantial insight into the government's perspectives, and discussion of how the timing of books like *Decent Interval* can pose no harm or real threat to the national state's security.

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