

JL: Snepp book; CIA/Secrecy/Withholdings under FOIA

12/17/77

Although you will have seen today's Post story I'm attaching a copy to call two marked parts to your attention.

The story is probably straight, accurate citation of sources. The content is the malarkey. I have believed and said from the first that there would be no suit vs. Snepp and Random House over his book. This is not because it is not actionable, as the sources, thus the story, suggest. It is quite actionable. The reason is political, not legal or factual.

It is because of the unseriousness with which the CIA has withheld from us that I call these things to your attention, on the chance you can find use for them.

I'm a little more than 1/2 way through the book. I am satisfied that within human limitations and Snepp's belief it is an accurate book and that he intends accuracy.

It also is a very long book, loaded with detail. It is this detail that assures there is a basis for legal action. As example, Snepp discloses that the CIA had a spy high in Hanoi political circles and that it participated in other plots against the southern regime. Both qualify for high classification. I have no recollection of either having been reported earlier. The nature of the information he uses from both sources is such that either government could figure out who had access to it thus who the spy was.

Failure to prosecute thus means that the CIA recognizes, DJ with it, that for purposes of suit disclosing that we had spies and that specific information came from these spies does not meet the requirements of the Act on protection of installations, sources and methods.

There is more that could be used in civil or criminal suits. Much more.

The reasons in addition for no action have to do with Snepp and what his doctrine is in the book. Neither will the CIA litigate if it has any choice. Nor will DJ.

Snepp is not a liberal. He is of the right, far enough right to have been a Wallace supporter. Thus there has not been a peep from the Congress, which would have rent the welkin had Snepp been any kind of liberal. The content of the book discloses the CIA's total lack of concern for protection of its sources or ever records and its failure to punish those responsible for it. I believe some were promoted.

Emphasis on the Snepp/CIA contract is a diversion. The reality is that Snepp has published what spies seek out and enemies use. About that the government could do something even without basing it on the contract. In the interpretation the same CIA and DJ use on us he has disclosed sources and methods. Thus they have redefined it to within reason as they never do with us, to mean that disclosure has to be in the dictionary meaning, letting out what is new. It means that having a plant or source does not meet the requirement of the laws. What does or can lead to identification can meet the legal requirements but not the fact of having agents. That is not a secret source or method. Not since the walls of Jericho tumbled down.

This is true of all kinds of interceptions, as of communications.

The book also discloses the frivolity of classifying and declassifying. Classification was used to keep secret what the enemy knew, as a means of propaganda. Declassification was used regularly so that the declassified information could become propaganda. For the propaganda purpose information well within the requirements of the CIA Act was released, with the resultant disclosure of the identification of the source.

With sources and methods violated, in the sense used in all FOIA cases, and with the admission that they did not dare test classification, there is no case. The suit would, from the book alone, be a major destruction of all these false pretenses by means of which what everyone except the American people knows has been and remains withheld from the people.