

Judge Says CIA Review Needed for Snepp Stories

By Jane Seaberry

Washington Post Staff Writer

A federal judge in Alexandria ruled yesterday that former CIA officer Frank W. Snepp III cannot publish a fictional love story or an essay on disillusioned government employes he has written without first submitting them to the Central Intelligence Agency for review.

U.S. District Court Judge Oren R. Lewis reiterated his July ruling on the publication of "Decent Interval," Snepp's unauthorized account of CIA operations in Vietnam. That ruling requires Snepp to submit to the agency for prior review anything he writes about the CIA in accordance with a secrecy oath he signed when he joined the agency.

"I'm not questioning this man's loyalty to the United States . . . I'm not impugning his personal loyalty and integrity because I believe he's a fine gentleman," said Lewis, whose criticism of disclosures by CIA agents punctuated Snepp's June trial. "If he's got a right to print these two articles, he's got a right to print book number two book number three and anything he wants to."

Lewis' ruling in July, the government's first test of the CIA secrecy oath, apparently covers fiction and written outlines of works not just the works themselves, that Snepp may want to publish, according to Lewis' decision yesterday.

Snepp was seeking a stay of that order pending appeal. He claimed that his two works—a short story about a CIA agent in Saigon who falls in love with a French woman, and an essay concerning his and some State Department officials' disillusionment with the government—only "tangentially" relate to the CIA and do not contain classified information.

"I can't believe that the CIA, if he has a fictional story, they wouldn't clear it in the proverbial 15 minutes," Lewis said.

But Snepp's attorney, Mark H. Lynch, argued that prior review constitutes censorship and unduly burdens Snepp's First Amendment rights.

"I don't buy this First Amendment argument," Lewis said.

To support his contention, Lewis cited the ruling by the 4th Circuit

Court of Appeals in the case of former CIA officer Victor Marchetti, who coauthored "The CIA and the Cult of Intelligence." That court ruled that the contract he signed on joining the CIA was valid, but applied only to any classified information he sought to publish. The CIA won the right to delete passages from his manuscript. TR FOR ADD THREE

But Lynch said Snepp's case was different because no classified information was involved.

"He didn't have to take that job with the CIA," Lewis continued. "Nobody put him in a straightjacket" and forced him to join the agency, he said.

In papers filed in court last week, Snepp said Esquire and Atlantic Monthly magazines, on the basis of brief oral communications, were interested in the two works he had just completed. Snepp said he is prohibited by Lewis' order from submitting a written outline or details of the works to possible publishers.

The essay "is a reflection on how government officials compromise their personal beliefs and views in order to stay in step with official policies and perceptions of events. The essay includes a number of vignettes concerning State Department officials whom I knew in Vietnam while serving with the CIA," Snepp said in court papers.

The essay "includes reflection on the compromises which I made while in government service" and information on the U.S. involvement in Vietnam that already has been made public, Snepp said.

His love story "is based on observations which I made while serving with the CIA in Vietnam," he said in court papers.

Snepp said outside the courtroom that writing is his new career and plans articles or books about refugee work and his trial, and spy novels, for which he has a contract with Random House. All of those will have to be cleared by the CIA he said, "although none of them has classified information."

Snepp said he is careful never to write beforehand any speeches or lectures he might give about the CIA because they, too, are covered under Lewis' order.

Lawyer Lynch said he will appeal Lewis' ruling.