

## THE WEEK

Editor: Madalynne Reuter

### Judge Defers Hearing in "Decent Interval" Case

A federal district judge decided last week that there were too many unanswered questions about the nature of the contract between author Frank Snepp and the Central Intelligence Agency to rule immediately on the government's request for a summary judgment in the case involving publication of the book "Decent Interval."

Judge Oren R. Lewis, after a courtroom exchange, said he would defer a decision on the motion until after he had seen further evidence, and gave the parties two months to prepare for discovery.

At the hearing in U.S. District Court in Alexandria, Va., on March 31, the Department of Justice argued that the Snepp case was like the Marchetti case in that Snepp was required by contract to submit the manuscript of his book on the fall of Saigon to the CIA for review prior to publication. Random House published the Snepp work last fall without any prior review by the Agency. "The CIA and the Cult of Intelligence" by Victor Marchetti and John Marks had been reviewed by the Agency,

which made many deletions of what it considered to be classified information.

Judge Lewis noted that his court was bound by the decision in *Marchetti* because that ruling was never appealed. The Fourth Circuit Court of Appeals upheld the government's claim that the secrecy oath was constitutional, but limited it to classified information. The Supreme Court refused to review the case.

Mark Lynch, the American Civil Liberties Union lawyer arguing for defendant Snepp, said this case was different from *Marchetti* because no classified information was involved. Under questioning by the judge, Deputy Assistant Attorney General Thomas Martin said the government's claim to recover damages was based on Snepp's breach of his contractual and fiduciary duties caused by his failure to submit his manuscript to the CIA as required by the agreement he signed at the time of his employment in 1968. Since the CIA was not allowed to look at the manuscript, it did not know whether there was any classified information involved, he said.

In an affidavit filed with the court the day before the hearing, Snepp argued,

among other points, that his decision to resign from the Agency and write a book about his Vietnam experiences was made slowly after numerous unsuccessful attempts to convince the CIA of the need to write an official after-action report. "As I learned that Agency officials were more interested in publicly whitewashing our failures in Vietnam than in conducting an honest internal review, I began leaning more heavily toward writing a book," Snepp states.

At the same time, in mid- or late September 1975, he says, he learned that high-level government officials were assisting journalists Marvin and Bernard Kalb in writing a book about Vietnam's collapse by providing them with classified information. "Douglas Pike, who was the Vietnam expert on the policy planning staff of Secretary of State Henry Kissinger, remarked to me that he and others had been ordered to 'open their files' to the Kalb brothers," Snepp asserts.

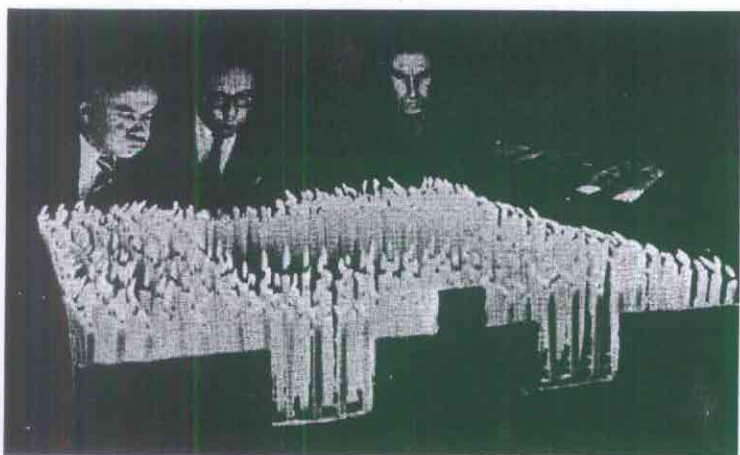
But even then, Snepp insists, he continued to push for an internal after-action report, explaining to a number of people in Washington "who shared my concern for what had taken place in Saigon's final days," that he also might write a book and admonishing them not to give him any classified information.

According to Snepp's account, he decided to resign in early 1977 after congressional disclosures that the CIA "had engaged in plots to assassinate foreign leaders." Snepp asserts that his original secrecy oath was fraudulently obtained because he asked at the time of his employment in 1968 whether the CIA engaged in assassination and was told by superiors that it did not.

In publishing "Decent Interval," Snepp asserts that he abided by the terms of a document he signed on January 23, 1976, which did not contain a requirement for prepublication review of all publications. "It only requires Agency consent with respect to classified information and information which has not been made public by the CIA," he writes. "Decent Interval" contains no such information, and plaintiff has not alleged that it does."

The former CIA analyst also protests that numerous employees of the Department of State, the Department of Defense, the National Security Council and the White House have written books based on information acquired during their employment. Among them

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The cake was shaped like the Oxford University Press quadrangle, and it held 501 candles, believed to be the largest number ever assembled on one piece of pastry. The occasion was the opening of the OUP Quincentary Exhibition at the Pierpont Morgan Library in New York City last month, first of the U.S. events to mark the press's 500th anniversary.

The officials who tried to blow out the record-making birthday candles were (left to right) George Richardson, Secretary to the Delegates and chief executive of the Press; the Rt. Hon. Lord Blake, Pro-Vice-Chancellor of Oxford University; and Byron Hollinshead, president of OUP, New York



he mentions Henry Stimson, Dean Acheson, George Kennan, Arthur Schlesinger, Jr., John Kenneth Galbraith, George Ball, John Ehrlichman and H. R. Haldeman. "It is well known that Henry Kissinger is now preparing a memoir for publication," he says. "To my knowledge, the government has never claimed that such officials have a fiduciary obligation to seek prepublication review of their writing or that such officials have unjustly enriched themselves by publishing without prepublication review."

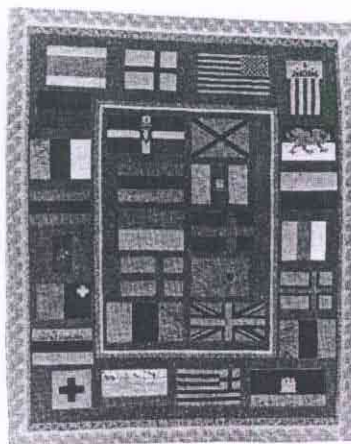
Furthermore, CIA officials have frequently provided classified information to the press, he says. "A current example of unauthorized disclosures by former CIA officials is contained in the book 'Legend' (McGraw-Hill, 1978) by Edward Jay Epstein, which concerns extremely sensitive counterintelligence matters. Epstein acknowledges that he has drawn heavily on information provided to him by former CIA employees—to the best of my knowledge none of these individuals sought or obtained approval from the Agency before providing Mr. Epstein with this information. However, the government is not taking any action against them."

SUSAN WAGNER

## Harlequin Paperbacks Enter French Market

Softcover romantic novels bearing the Harlequin imprint are now available on the French market, via a new Paris affiliate of Harlequin Enterprises Ltd. of Toronto. On the first Wednesday of each month four new \$1.25 titles translated from Harlequin's reservoir of 8000 titles in woman-oriented, Anglo-American fiction are released via Hachette and offered to bookselling outlets on terms not heretofore available in France. Books are delivered without charge to the retailer, who gets full return privileges (returning only the front cover). Each title gets a single printing of 100,000 copies, benefiting from radio and magazine advertising (book advertising is forbidden on government-controlled television). The French editions are distributed by Marabout in Belgium, and by Naville and Office du Livre in French-speaking Switzerland.

Established in Canada in 1949, Harlequin operates in that country and in the U.S., UK and Australia, as well as in West Germany and the Netherlands; soon Brazil and Japan will be added to the chain. It sold some 78-million books in the English language alone in 1976. Global turnover is given as more than \$80-million in 1977, with earnings of \$12.5-million (both figures up from the previous year's \$52-million and \$5.3-million). France represents Harlequin's first invasion of Europe's "Latin" market, undertaken after market studies defined Harlequin readers as



*The Temple Fielding Quilt, commissioned by William Morrow to commemorate 31 years of publishing Fielding's "Travel Guide to Europe," was presented to the author recently by Lawrence Hughes, Morrow's president. Appliqued on the quilt are flags of the 27 countries covered in the "Guide," the Stars and Stripes and the flag of Majorca, where Fielding lives*

100% female, 50% working women, 60% between 18 and 39, and living in towns with populations between 2000 and 20,000.

Christian Chalmers, managing director of the French company, was formerly with Editions Chancere (periodicals, advertising, how-to books) and Chancere Publications Ltd. in the U.K.

H.R.L.

## TSM Group Announces Second Annual Book Awards

Four winners from more than 100 books submitted by some 30 publishers were selected by the judges for the second annual Book Awards Program of the Technical, Scientific and Medical Division of the Association of American Publishers. The awards were presented at the division's annual meeting in Absecon, N.J., at a dinner ceremony April 2.

The award for a medical book went to W. B. Saunders for "Forensic Medicine: A Study in Environmental Trauma and Hazards" by Tedeschi, Eckert and Tedeschi. An honorable mention was given to Little, Brown for "Reconstructing Microsurgery" by Daniel Terzis. In the business category, Rutgers University Press won for "A History of Interest Rates" by Sidney Homer. The award for the outstanding technical/scientific book went to MIT Press for "Encyclopedic Dictionary of Mathematics," Vols. I and II, by Shokichi Iyanaga and Yukiyoishi Kawada. For this work, MIT Press also received the R. R. Hawkins Award,

which goes automatically to the top-ranking TSM Award recipient.

The award for the outstanding journal went to John Wiley & Sons for *Journal of Graph Theory*.

The judges were Ted van den Beemt, formerly of W. B. Saunders; Lyman Newlin, formerly of Kroch's & Brentano's; Eric Proscauer, cofounder of Wiley Interscience; Mark Carroll, formerly of Harvard University Press; and Earl Coleman, formerly president of Plenum Publishing.

## Arno Launches Magazine of Daily Times Book Reviews

Billed as "a way to supplement" the Sunday *New York Times Book Review*, which has almost 43,000 subscribers, a monthly magazine of the daily *Times* book reviews is being launched by Arno Press, a New York Times Company. *Books of the Times* contains facsimile reproductions of all book reviews that appear Monday through Saturday and a column of publishing news by Lillian Friedman, retired vice-president of Brentano's. Its \$12 subscription fee also pays for an annual index to the titles reviewed in the 12 issues.

Herbert J. Cohen, president of Arno Press, said the new publication is "a logical idea and we should have done it sooner."

Test mailings of the magazine, which has 48 pages and is 5½" x 8½", began with the January issue and have met with a favorable reception, Cohen said. He added that the quality of the facsimile reproduction has increased and is of "high quality" in the March issue. The first promotional mailing, to librarians, is now going out. Ad rates will be announced in several weeks, but, Cohen said, "we don't want the magazine to be overburdened with advertising."

## Education for Publishing Program to Start July 1

Initial funding has been approved by the board of directors of the Association of American Publishers to launch the Education for Publishing Program July 1. It will have a full-time director and be located in the New York office of the AAP. The program is the result of a three-year study by the AAP Education for Publishing Committee headed successively by Samuel Vaughan of Doubleday and Werner Mark Linz of Seabury Press. Curtis G. Benjamin assisted in the shaping of the final recommendations.

One of the primary purposes of the program is to guide educational institutions in providing authoritative courses on book publishing. To this end the program staff will work with a university in the New York metropolitan area to develop model courses that will then be given broader dissemination.