

Other editors speak

FPack  
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# Court, CIA, press

Almost casually, a near-unanimous U.S. Supreme Court has compromised freedom of the press and free speech by allowing the Central Intelligence Agency to censor a critical book by a former CIA employe.

The former CIA agent is Victor Marchetti, who with John D. Marks wrote a book, "The CIA and the Cult of Intelligence," which was published without some sections, stricken by agency officials. The Supreme Court refused to review a lower-court decision, denying Mr. Marchetti's suit to have the censored portions reinstated.

The court thus sanctioned — blithely and in a relatively obscure case — the prior restraint long considered anathema to the Bill of Rights. The effect of the decision is to encourage government agencies unhappy about proposed books by former employes to suppress such writings — on the pretext of their choice.

Unlike other nations, including Great Britain, the United States has no "official secrets" act to allow the government to censor newspapers in the name of national security. Nor are there laws, such as also exist in Britain, prohibiting the press from discussing matters under litigation.

The reason for the absence of such opportunities for censorship is a strict and literal construction of the First Amendment to the Constitution, which prefers the risk of license to the risk of thought-control. This tradition does not release American citizens — or publishers — from the responsibility to be law-abiding. Libel laws exist for the prosecution of those who abuse freedom of the press by malicious distortion of the facts. Treason and espionage laws

provide a similar punishment for the publication of troop movements or other truly vital defense secrets.

What makes the Supreme Court action in the Marchetti case doubly disturbing is that the court allowed prior restraint not for reasons of national security but to enforce a contract between private parties — a secrecy agreement signed by Mr. Marchetti when he joined the agency. The court

upheld the CIA's argument that in signing the agreement Mr. Marchetti effectively forfeited the First Amendment rights that would have protected his right to publish.

The CIA is not the only government agency which could suffer embarrassment from published criticism by former employes. The encouragement offered by the Supreme Court's action will make prior restraint, no matter how repugnant to our constitutional traditions, increasingly attractive.

Our hope is that the next time this issue reaches the court, the justices will insist on hearing the case themselves, rather than rely on the record of proceedings at a lower level. And we further hope that that, after hearing those arguments, the court will change its position. — PITTSBURGH POST-GAZETTE.