

CIA Upheld On Book Censorship

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The Supreme Court refused yesterday to review a lower court decision sustaining broad powers of the Central Intelligence Agency to suppress the writings of former employees about what they learned as CIA agents.

Without comment, the court let stand a ruling by the Fourth U.S. Circuit of Appeals rejecting First Amendment claims on behalf of the book, "The CIA and The Cult of Intelligence," by Victor L. Marchetti and John D. Marks.

Only Justice William O. Douglas registered a vote to hear the case, which the authors said involved a major threat to free expression but which the Justice Department said involved only the government's right to enforce contracts requiring some employees to respect confidences.

CIA censors called for the deletion of more than 200 passages from the manuscript of the book, which sharply criticized the agency. The book was published with blank spaces noting the deletions while the authors and publisher Alfred A. Knopf Inc. fought the deletions in court.

U.S. District Court Judge Albert V. Bryan Jr. in Alexandria held that the government failed to prove that the deletions reflected actual acts of classification by the agency as opposed to on-the-spot judgments by the manuscript censors that the information was embarrassing or classifiable.

But on Feb. 7 the Court of Appeals reversed Bryan, noting that the publishers and authors, not the government, had the burden of proof on the classification issue, despite recent amendments to the Freedom of Information Act that appeared to shift the burden to the CIA.

The case now goes back to Judge Bryan's court for new hearings.