

Former CIA agent must surrender 'ill-gotten gains' from book = Post 7/1/78

ALEXANDRIA, Va. (AP) — Former CIA agent Frank W. Snepp III was ordered by a federal judge Friday to surrender his "ill-gotten gains" from a book about CIA conduct in Vietnam and to get the agency's approval before publishing anything else.

U.S. District Judge Oren R. Lewis did not rule on whether Snepp will be required to forfeit his profits, only that they be placed in trust pending appeal. Snepp has 60 days to ask for appellate review.

But Lewis rejected Snepp's contention that the evidence justified at most only a symbolic penalty.

"Nominal damages in a case like this would be nothing more than a license to continue doing what the law forbids," the judge said in a written order. "This action involves a substantial wrong to the United States and to the public's interest in the effective functioning of its government."

Snepp, who was a CIA agent for 7½ years and served two tours of duty in Vietnam, contended in his book that the intelligence agency made errors in judgment in the evacuation of Saigon that resulted in leaving behind many Vietnamese who had aided the United States.

The CIA sued him, alleging he had broken an oath to clear his manuscript with the agency before publication.

Snepp told reporters after the judgment was issued that forfeiture of his royalties "won't buy back the honor that

the CIA lost in the final days of the Vietnam war or purchase its immunity from responsible criticism . . .

"You're witnessing here something that is really quite unprecedented in American history because an American dared to criticize the government and do so responsibly," Snepp said. "He is being gagged and cannot speak out . . . And that's something I thought was reserved for the countries the CIA is working against."

Snepp and his lawyers said the case will be appealed to the 4th U.S. Circuit Court of Appeals.

The former agent complained that CIA Director Stansfield Turner "was allowed to appear on the stand to impugn my integrity, but when I tried to answer him on the stand I was interrupted repeatedly and was unable to put

my particular side of the case on the record. It looked like a stacked deck to me from the beginning."

Snepp has said that so far he has realized about \$60,000 from the sale of his book, "Decent Interval," to Random House, Inc., and from paperback rights. He testified at a two-day trial that this is less than he would have made if he had continued to work for the CIA.

He said movie rights have not been sold, but that he has received \$20,000 for paperback rights and is promised \$20,000 more.

Snepp contended the publication was legal. He said the agreement he signed when he joined the CIA in 1968 was modified by another he signed when he left in 1976. The second required only that he submit any manuscript containing classified material, he said.