

Judge Orders Data Produced to Back Deletions in Book on C.I.A.

By LESLEY GELSMER

ALEXANDRIA, Va., Dec. 21

—A Federal judge here ordered the Government today to turn over a number of documents to back up its contention that certain information must be deleted from a book about the Central Intelligence Agency before the book may be published.

The judge, Albert V. Bryan Jr. of the United States District Court, also ordered the Government to begin security clearance procedures immediately for the law for a New York publishing firm so that the lawyer would be able to represent the publisher in its fight with the CIA over censorship of the book.

Neither the publisher, Alfred A. Knopf, Inc., nor the lawyer, Floyd Abrams, has yet been able to read the full manuscript because the agency has classified certain portions as secret. The Government had refused to "clear" Mr. Abrams to read the classified segments of the book, giving that clearance only to the lawyer for the two authors, Melvin L. Wolf of the American Civil Liberties Union.

Both Mr. Abrams and Mr. Wolf argued, however, that Mr. Abrams would not be able to present adequately Knopf's objections to the CIA's censorship unless he was able to see the information that the agency wanted censored.

Checks Ordered

After listening to arguments this afternoon, Judge Bryan ruled that the Government must begin security clearance checks at once for Mr. Abrams as well as for his two assistants, Loretta Presca and Eugene Scheiman of the New York law firm of Cahill, Gordon.

Judge Bryan also ordered the Government to begin security clearance procedures for a "reasonable number" of other persons whom the authors and publishers want to read the manuscript so that they can testify, as "experts" on security matters, as to whether the information to which the CIA objects should be censored.

Among the experts is Dr. Morton Halperin, a former Deputy Assistant Secretary of Defense for International Security Affairs. The lawyer in charge of the

Government's case, Irwin Goldberg of the Justice Department, said later this afternoon that the Government was "just evaluating it now" and had not decided yet whether to appeal Judge Bryan's rulings.

The book in question is titled "The CIA and the Cult of Intelligence." It was completed last summer by a former employee of the agency, Victor L. Marchetti, and a former worker at the State Department, John Marks. Today's court ruling was the latest round in a court battle initiated last year by the CIA in an effort to keep Mr. Marchetti from disclosing all that he wanted to about his former employers.

When Mr. Marchetti joined the CIA in 1955 he signed a contract, similar to those that would-be workers at various other Federal agencies must sign, pledging secrecy about CIA operations. He left the agency in 1969; after a while, he began work on a book about the agency and submitted a proposed outline to some publishers. The CIA learned of the outline and in May, 1972, it sought an injunction against

Mr. Marchetti. Judge Bryan granted a temporary restraining order, on the basis of Mr. Marchetti's obligation under the contract, specifying that he must gain the agency's approval before publishing material about it.

The Court of Appeals substantially affirmed the ruling, though it limited the injunction to a ban against unauthorized publication of "classified" material. Judge Bryan thereupon issued a permanent injunction in line with the Appeals Court ruling.

So, last summer, after completing the book with the help of Mr. Marks, Mr. Marchetti submitted his manuscript to the CIA. The agency specified 339 portions that, it said, must be deleted. After meeting with Mr. Marchetti and his lawyer, it cut down its objections to 225 portions.

At that point, the authors and the publishers began the today, contending that the First Amendment gave them the right to publish the book despite the "secrecy" contract. The lawyers argued, among other things, that the Govern-

ment must do more than simply state, as it did, that the 225 portions were classified because responsible officials had classified them. The lawyers demanded proof of this, some of which the judge said to-day the Government must provide. He declined to order the Government to turn over evidence justifying the classifications.

According to the publishers and authors, the Government's deletions of what it considered "classified" information in the book included some items already in the public domain in one form or another.