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Head of CIA Enters Book Court Fight

By Laurence Stern
Washington Post Staff Writer

Central Intelligence Agency Director William E. Colby has intervened directly in a court battle over a book manuscript that he said would compromise highly sensitive intelligence sources and operations.

The CIA director, in an affidavit filed Wednesday in U.S. District Court in Alexandria offered to testify in private before Judge Albert V. Bryan Jr. in support of the government's efforts to prevent publication of 225 deletions ordered by the agency on security grounds.

Colby asserted that the disclosures in the manuscript by two former government intelligence officers would "cause serious harm to the national defense interests of the United States and will seriously disrupt the conduct of this country's foreign relations."

The authors of the manuscript, former CIA analyst Victor L. Marchetti and former State Department intelligence official John D. Marks, are challenging the basis of the CIA's security deletions. This could lead to a new legal battle on the issues of governmental secrecy powers that were thrashed out in the Pentagon Papers trial, which was decided by the Supreme Court.

Specifically, the government has asked Bryan to reconsider his Dec. 21 ruling requiring the CIA to produce documents supporting its classification of the 225 offending items in the Marchetti-Marks manuscript, entitled "The CIA and the Cult of Intelligence."

Attorneys for the government also asked Bryan to reconsider his order that attorneys for the publisher, Knopf, and expert witnesses on classification be given access to the manuscript, which the CIA has classified "Top Secret-Sensitive."

In his affidavit, Colby said of the Bryan ruling:

"Production of additional

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documents as ordered by the court causes additional difficulties for the Central Intelligence Agency. These additional documents will in most cases contain further classified information and in many cases are of a highly sensitive nature. . . .

"Compliance with both aspects of the court's order exposes additional highly classified information not only to plaintiffs and their attorneys but to their expert witnesses."

The one expert witness to be qualified under Bryan's Dec. 21 decision was former National Security Council staffer Morton Halperin, who served as part of the defense team for Daniel Ellsberg in his California trial. Halperin is also currently suing Secretary of State Henry A. Kissinger for damages in the taping of his telephone from 1969 to 1971.

In requesting the secret hearing before Bryan on the reconsideration issue, Colby cited the language of the 1947 National Security Act, which provides that "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

The CIA director also said he is "personally knowledgeable of many incidents of leaked privileged or classified information, for example, the publication of testimony before a grand jury investigating the Watergate break-in."



WILLIAM E. COLBY

. . . sees "serious harm"

Earlier this year columnist Jack Anderson published transcripts of grand jury proceedings in the Watergate investigation.

The government brought its case against Marchetti in April, 1972, after obtaining a

copy of a book outline he had submitted to several New York publishers. It dealt with covert intelligence operations.

The government was granted an injunction to prevent Marchetti from publishing, without prior review by the agency, classified material gathered during CIA service. The injunction was upheld by the U.S. Fourth Circuit Court of Appeals.

After Marchetti, in collaboration with Marks, completed the manuscript and submitted it for CIA review the two authors went ahead with a legal challenge of the 225 deletions ordered by the agency.

In their challenge of the security actions the two authors are seeking to invoke the standard applied by the Supreme Court in the Pentagon Papers case — whether publication would "surely result in direct, immediate and irreparable injury to the nation or its people."

But the case has not yet moved on to this issue.