

Court Rules Undue Pressure Was Put on C.I.A. Over Book

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RICHMOND, Feb. 11 (UPI)—The United States Court of Appeals for the Fourth Circuit has ruled that a lower court judge used excessive pressure on the Central Intelligence Agency to establish whether information in a book about the agency was classified information.

The panel yesterday sent the case back to United States District Judge Albert V. Bryan Jr. in Alexandria for further action.

The case involves a book entitled, "The C.I.A. and the Cult of Intelligence," by Victor L. Marchetti, a former agent for the intelligence organization and John D. Marks, a former State Department employe.

Sections of the book were deleted pending resolution of the legal battle over the material that the intelligence organization said was classified information.

In 1972, the same judges, Chief Judge Clement F. Haynsworth and Associate Judges J. Braxton Craven Jr. and Harrison L. Winter, upheld the C.I.A.'s right to impose a secrecy oath on its employes. That ruling upheld Judge Bryan's decision that Mr. Marchetti must submit all information pertaining to the agency to the C.I.A. for approval at least 30 days before publication.

Mr. Marchetti, who spent 14 years with the intelligence agency before resigning in 1969, signed the secrecy oath when he joined and when he left the agency.

After the manuscript was submitted, the organization found 339 items it said were classified and should be deleted. Meetings between the C.I.A. and Mr. Marchetti and

his lawyers reduced the number of items to 168 and the agency refused to reduce it further.

The case returned to Judge Bryan's court and the judge concluded that there was only proof that 26 of the 168 items were classified while Mr. Marchetti was an agent of the organization. He allowed publication of the other 142 but stayed his order pending the C.I.A.'s appeal.