

# Ex-CIA Agent Sues To Stop Censorship

By Stephen Isaacs  
Washington Post Staff Writer

NEW YORK, Oct. 30—Former Central Intelligence Agency official Victor L. Marchetti, his co-author and his

publisher sued today to try to enjoin the government's censoring Marchetti's book, which criticizes the CIA.

Named as defendants in the suit, filed in federal court here, are CIA Director William Colby and Secretary of State Henry A. Kissinger.

Lawyers for Marchetti insist that the censorship of sections of his book—about a 10th of it—constitutes prior restraint and is unconstitutional.

Marchetti was joined in the suit by co-author John D. Marks, a former State Department employee, and by Alfred A. Knopf, Inc.

Before Marchetti wrote the book, the CIA sought and won an injunction against him from U.S. Judge Albert V. Bryan Jr. in Alexandria. That injunction was upheld by the Fourth Circuit Court of Appeals in September, 1972.

Last December, the Supreme Court refused to review the appeals' judgment.

At issue is whether Marchetti and Marks retained rights to freedom of speech when they signed secrecy agreements upon joining their government agencies.

Melvin L. Wulf of the American Civil Liberties Union, representing Marchetti and Marks, said that "This is only the second case—the Pentagon Papers being the first—where the government of the United States, in its whole 200-year history, has gone to court or sought to enjoin by way of prior restraint the publication of material concerning government practices."

Wulf warned that if the CIA's censorship is upheld, the practice of requiring secrecy oaths could spread through the government and shut off information about government affairs.

The suit asks that the prior restraint be enjoined, that the secrecy agreements be declared void, and that the government be kept from interfering with publication and sale of the book, tentatively titled "The CIA and the Cult of Intelligence."

## Roll Call Upholding Nixon Veto

Here is the 54-to-42 roll call vote by which the Senate failed yesterday to override President Nixon's veto of the U.S. Information Agency authorization bill. Two thirds majority required to override.

<b>Democrats For: 47</b>	Hatfield (Ore.)
Abourezk (S.D.)	Javits (N.Y.)
Bayh (Ind.)	Mathias (Md.)
Biden (Del.)	Schweiker (Pa.)
Burdick (N.D.)	Weicker (Conn.)
Byrd (W. Va.)	<b>Democrats</b>
Cannon (Nev.)	<b>Against: 7</b>
Church (Idaho)	Allen (Ala.)
Clark (Iowa)	Bentsen (Tex.)
Cranston (Calif.)	Byrd (Va.)
Eagleton (Mo.)	Chiles (Fla.)
Eastland (Miss.)	McGee (Wyo.)
Ervin (N.C.)	Pell (R.I.)
Fulbright (Ark.)	Sparkman (Ala.)
Gravel (Alaska)	<b>Republicans</b>
Hartke (Ind.)	<b>Against: 35</b>
Haskell (Colo.)	Baker (Tenn.)
Hathaway (Maine)	Bartlett (Okla.)
Hollings (S.C.)	Beall (Md.)
Huddleston (Ky.)	Bellmon (Okla.)
Hughes (Iowa)	Bennett (Utah)
Humphrey (Minn.)	Brock (Tenn.)
Inouye (Hawaii)	Buckley (N.Y.)
Jackson (Wash.)	Cook (Ky.)
Johnston (La.)	Cotton (N.H.)
Kennedy (Mass.)	Curtis (Neb.)
Long (La.)	Dole (Kan.)
Magnuson (Wash.)	Domenici (N.M.)
Mansfield (Mont.)	Domnick (Colo.)
McClellan (Ark.)	Fannin (Ariz.)
McGovern (S.D.)	Fong (Hawaii)
McIntyre (N.H.)	Goldwater (Ariz.)
Metcalf (Mont.)	Griffin (Mich.)
Montoya (N.M.)	Gurney (Fla.)
Moss (Utah)	Hansen (Wyo.)
Muskie (Maine)	Helms (N.C.)
Nelson (Wis.)	Hruska (Neb.)
Nunn (Ga.)	McClure (Idaho)
Pastore (R.I.)	Packwood (Ore.)
Proxmire (Wis.)	Pearson (Kan.)
Randolph (W. Va.)	Percy (Ill.)
Ribicoff (Conn.)	Roth (Del.)
Stennis (Miss.)	Saxbe (Ohio)
Stevenson (Ill.)	Scott (Pa.)
Symington (Mo.)	Scott (Va.)
Talmadge (Ga.)	Stafford (Vt.)
Turney (Calif.)	Stevens (Alaska)
Williams (N.J.)	Taft (Ohio)
<b>Republicans For: 7</b>	Thurmond (S.C.)
Brooke (Mass.)	Towe (Tex.)
Case (N.J.)	Young (N.D.)

## Md. Cigarette Tax Revenue Distributed

ANNAPOLIS, Oct. 30 (AP)—Baltimore City and Maryland's 23 county governments will receive \$4.1 million in revenues from state cigarette taxes for July, August and September, state comptroller Louis L. Goldstein has announced.