

# Judge Rules Against CIA In Manuscript Struggle

## Washington

The Central Intelligence Agency has received a major setback in a court battle to keep its cloak over its covert activities.

In a ruling made public yesterday, federal Judge Albert V. Bryan Jr. held that the CIA had exceeded its classification authority in ordering 168 deletions in a forthcoming book, "The CIA and The Cult of Intelligence."

After having gone through the manuscript deletion-by-deletion, Bryan reduced the number of national security excisions to 15. On originally reviewing the draft the CIA said 339 omissions would have to be made before publication on national security grounds.

In his ruling Friday, Bryan said the CIA had "failed to meet the burden of proving classification."

The American Civil Liberties Union greeted Bryan's ruling as having a profound impact on secrecy in government.

"It is the first time that any court has ever held that the government's asserting certain material is classified is not sufficient to prove it is classified," said ACLU attorney Melvin L. Wulf, who participated in the court arguments.

The book was written by two former government intelligence officers, Victor L. Marchetti of the CIA and John D. Marks of the State Department's office of intelligence and research. Both men have been out of the government since 1969.

It was a case in which the government for the first time sought to exercise prior restraint on security

grounds over a manuscript written by former government employees.

In 1972 Bryan upheld the right of the CIA to prior review of the Marchetti manuscript, which at that time had not yet been written.

Both the government and the defense have a basis for appeal. The CIA will presumably seek to restore the omissions it ordered in the manuscript. The authors

will ask to re-open the question of whether their respective oaths of secrecy did not violate their First Amendment rights.

The CIA declined yesterday to comment on the decision. But the decision, if left standing, could strip away sanctions of secrecy covering many operations it is seeking to keep out of the public domain.

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