

FOR PUBLIC AFFAIRS STAFF

PROGRAM Eyewitness News

STATION WTOP TV

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CITY

Washington, D.C.

AN INTERVIEW WITH VICTOR MARCHETTI

GORDON PETERSON: A U. S. district court judge has handed the Central Intelligence Agency a setback in its battle to keep the lid not only on its covert activities, but on what its former employees say about the agency. Judge Albert Bryan ruled that the CIA exceeded its authority in ordering many deletions from a book on the CIA by a former CIA intelligence officer, Victor Marchetti, and former State Department intelligence officer, John Marks. In effect, the judge ruled that the CIA cannot declare something classified simply by saying it ought to be classified.

Two years ago, Judge Bryan had ruled that the CIA did have a right to censor Marchetti's manuscript. At that time, it hadn't even been written.

I talked to Marchetti at his suburban Virginia home today.

VICTOR MARCHETTI: The book is both a critique of the CIA and the U. S. intelligence community. But it also points out that the intelligence is a necessary function and that some of the things the agency does are worthwhile and should be continued.

The criticism is that -- focused on what is known as the covert action activities. This is propaganda, paramilitary activities, disinformation, the penetration of various student and cultural groups; the things that are usually described as dirty tricks.

PETERSON: Well, as I recall, the CIA was after you to stop publication of this book even before you had any of it down on paper. Is that right?

MARCHETTI: That's correct. About two years ago when they learned that I was going to write this book, I had first written a novel called "The Rope Dancer," in which I was critical

of the agency in a fictional fashion. When I decided to go nonfiction and they found out about it, they immediately took me to court and managed to get a permanent injunction against me, so that as of today, anything I write about the CIA or intelligence, factual, fictional, or otherwise, must first be given to the CIA for censorship.

PETERSON: Is that true even in the light of this most recent court decision?

MARCHETTI: Yes, the injunction has not changed. All that the judge has done -- we won a great victory. But what he has done is he has let the injunction stand while saying that, in this particular instance, the CIA has been unreasonable and arbitrary in its attempt to censor my book. And so he reduced their request for three hundred -- roughly three hundred and forty deletions down to something like twenty.

PETERSON: What were some of the things they wanted to delete?

MARCHETTI: Well, because we're under -- still under a protective order, I can only generalize about these things. But it's references to the CIA's activities in Chile in the overthrow of the Allende government; references to the CIA's relationships with certain leaders of foreign governments; references to various activities such as propaganda and disinformation, sponsoring books, for example, that are aimed at exposing, say, the KGB, for example, but, in the process of doing that, they're also propagandizing the American public.

And it's a wide variety of matters that they tried to stop. In essence, whenever I would make a general criticism in the book and then try to support it with specific examples from my experience and those of other officers whom I knew, these were the things they tried to take out, the examples.

PETERSON: Under the heading of national security?

MARCHETTI: Under the heading of national security.

PETERSON: I understand that Mr. Colby, the Director of the CIA, is suggesting legislation to tighten up security in government.

MARCHETTI: Yes, he is. He has drafted a bill which the administration, I assume, is going to shortly submit to Congress. There will be, in effect, the same thing as the British National Secrets Act that will give the government carte blanche on maintaining secrecy, particularly with regard to former personnel.

But already the FBI has informed its agents that if they speak out that they will be prosecuted under the Marchetti

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precedent. So it's getting a little spooky. I mean if they can beat me down and pass this new law, you'll have more secrecy in government than ever before, and that's bad.

PETERSON: Marchetti says he'll continue his fight for release of the book, which is to be published by Alfred A. Knopf under the title, "The CIA and the Cult of Intelligence."

FOR PUBLIC AFFAIRS STAFF

PROGRAM All Things Considered...

STATION WETA Radio
NPR Network

DATE April 1, 1974

5:00 PM

CITY

Washington, D.C.

AN INTERVIEW WITH JOHN MARKS

MIKE WATERS: For the last two years the CIA has been blocking publication of many sections of a book about intelligence activities. It's co-authored by a former CIA agent and former State Department employee.

On Friday Judge Albert Bryan Jr. ruled that only 15 of the 162 CIA-censored portions of the book should not be published on grounds of national security.

John Marks, one of the co-authors, learned of the court's decision today. Judy Miller interviewed him this afternoon in our studios.

JUDY MILLER: Mr. Marks, the CIA seems to have suffered a major defeat in their efforts to censor Victor Marchetti's and your book on the CIA. What, in effect, has Judge Albert Bryan decided?

JOHN MARKS: Well, we got word today that Judge Bryan has decided that of the 162 items that the CIA demanded be censored from our book, that 147 of them would be returned to us. In other words, the CIA now is only successful in censoring 15 items, not 162. And I can say we're very happy about this decision.

MILLER: What kind of items were censored and what reasons were given for their being censored?

MARKS: Well, the CIA in court didn't give very many reasons at all. They essentially said, "We know what the national security of the United States is and it is up to us to decide what items contravene or hurt the national security, and we say these items are bad and therefore they're bad."

They were things that discussed, for instance, the CIA's role in Chile in 1970, the CIA's black propaganda efforts around the world, the CIA's use of dummy front companies, in other words, companies that are supposedly private, but actually belong to CIA. Things of that sort.

MILLER: And how many items will now remain censored from your book and how will your publishing company handle the deletion of these items?

MARKS: Well, we're not exactly sure on how we're going to handle them because the decision just came through today. We were originally planning to publish a book that had blank spaces spread across its pages. I've just seen the galley proofs and it's quite impressive. I mean some pages are all white.

But now with this material returned, I think what we're going to do is put it in, but in bold-face type so the public can see the kind of material that the CIA did not want in the book.

Incidentally, I might add that the government still has the option to appeal this, and considering the unprecedented legal effort that they've gone through in the last two years to block publication of this book, I would be very surprised if they didn't appeal. But we're hopeful that the appellate courts will quickly clear the material because Judge Bryan made a decision and under the terms of the laws and the injunction he was working under and everything of that sort -- that we were working under and that sort -- and I think that it would be unlikely that an appellate court is going to overthrow.

MILLER: What kind of evidence did the CIA present to the court that the information that you wanted to publish was in fact classified?

MARKS: Their main tactic was to bring in front of the court -- and I might add it was a closed courtroom, at the insistence of CIA, but they brought in the four deputy directors of the agency who said, "We are men who are authorized to classify material and we hereby say that this material is classified."

And they didn't submit much evidence beyond that, though they did put various pieces of paper on the record, on the secret record, which supposedly showed why the information -- that the information was in fact classified, but the judge carefully read through that information and he found only in 15 cases did it prove the fact of classification.

MILLER: Is this a total victory for you and Victor Marchetti, or do you feel there's still something that has to be done?

MARKS: Well, in practical terms, it's a very large victory for us, but on First Amendment grounds, we won absolutely nothing.

MILLER: How so?

MARKS: Well, the judge did not address the fact of whether or not the CIA had the right to censor our book. All he addressed was the question of whether they had properly or improperly censored, and he ruled that in the large part they improperly censored it. But we feel that under the First Amendment, that the government has no right to censor our book and that this whole framework of censorship we've been working under is unconstitutional.

You might remember that the reason the government says they have the right to censor is that Marchetti used to work for the CIA and I used to work for the State Department, and when we joined our respective agencies, we called what are called secrecy agreements in which we signed a piece of paper saying we would not reveal any information without the permission of the government. And the government's position all along has been that they are trying to enforce a contract, the contract being that secrecy agreement and it has nothing to do with the First Amendment.

Our position is that you can't sign a piece of paper that signs away your First Amendment rights.

MILLER: So the First Amendment issues in this case are still to be decided.

MARKS: That's right. And we plan to appeal up to the Supreme Court on the First Amendment question. The American Civil Liberties Union has been representing us. And I might say, without the ACLU, we never would have been able to come this far. They've been wonderful. And the ACLU is more interested in the constitutional issue than the technical issue we won on today. But I can say it's very nice to win on some technical issues, too.

MILLER: Thank you very much, Mr. Marks. John Marks, co-author with Victor Marchetti, of "The CIA: the Cult of Intelligence."