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Winding down the First Amendment with Harper & Row

In his letter in last week's Voice, B. Brooks Thomas, Vice President and General Counsel of Harper & Row, writes that he felt compelled to respond to my column about his firm and the CIA because of the potential impact of my assertions on "the author community."

I had written (Voice, August 10) that any writer working on a book which might offend the government ought to be wary of going to Harper & Row in view of that publisher having yielded to a request by the CIA that it see Alfred McCoy's "The Politics of Heroin in Southeast Asia," before publication.

Nothing I wrote then, or will write now, is more harmful to Harper & Row in "the author community" than Brooks Thomas's own letter last week in The Voice and Harper & Row's apologia in the form of an ad on the August 15 New York Times book page. The ad was signed by Winthrop Knowlton, President of Harper & Row.

Both Thomas and Knowlton claim that letting the CIA see the book in advance of publication is the very model of "responsible" publishing—no matter what the author in this case thinks. After all, they emphasize, the book has now been published without a single change. So what harm has been done?

Quite a lot, as you will see, and as I expect most writers—certainly those involved in investigative reporting—already know. Alfred McCoy, the author of "The

Politics of Heroin in Southeast Asia," certainly knows. This is what he said on August 14, after Harper & Row had decided to go ahead and publish his book without any changes: "I disagree absolutely with their decision to show the book to the CIA before publication on pragmatic and on philosophical grounds. It was a bad decision in every possible way."

Melvin Wulf, legal director of the American Civil Liberties Union, said to me the following day: "Harper & Row's point that it did not accede to any of the CIA's requests for changes begs the fundamental question, because Harper & Row should never have let the CIA see the book in advance of publication in the first place. Harper & Row doesn't

seem to realize that there is a whole amendment to the United States Constitution—the First—that would have protected it against the arrogance of the CIA. It's pathetic that a leading publisher would surrender its integrity to the CIA or to any government agency that had the presumption to demand, or even merely to ask, to review an unpublished manuscript. A terribly bad precedent has been set. Today, the CIA—tomorrow, HEW or some other government agency."

Before examining Brooks Thomas's remarkable document in last week's Voice, some additional background which you won't find in Harper & Row's statements on the case. Mel Wulf speaks of the CIA's "arrogance." In early June, the CIA did indeed come on very strong to Harper & Row—verbally. But by the time the agency sent in its written review of the book in late July, the CIA's tone had become much less importunate.

A primary reason for that change in tone was the decision of Alfred McCoy—once he learned that CIA pressure was on Harper & Row—to go to the media. ("I thought the liberal media would be outraged and would find material to corroborate what I was saying.") He did this against the wishes of Harper & Row. Taking his case to the press and to television, McCoy was responsible in part for three sizable New York Times stories on the politics of heroin in Southeast Asia (two of them on the front page, including one breaking the story of Harper & Row's agreement to let the CIA review the book). There was also an editorial, "Heroin and the War," in the July 26 Washington Post. And McCoy himself appeared on NBC-TV's "Chronolog" on July 28.

It was during that week that the CIA, courtesy of Harper & Row, had official possession of McCoy's book. Because his publisher would not fight for him, McCoy

fought for himself and for the integrity of his book. In that week, McCoy, by publicly pressing his case against the CIA, was instrumental in putting the CIA on the defensive. If there has been a "victory" over the CIA in this case, the credit is due McCoy. As a man close to the events put it, "If the CIA had come on as strong at the end as it did in the beginning, I am far from sure that Harper & Row would have refused to make all the changes the CIA wanted. I believe McCoy going public had a considerable effect on so toning down the CIA's final response that Harper & Row could itself—belatedly—come to the defense of its author."

Another point that ought to be cleared up. In my August 10 column, I quoted Brooks Thomas as telling me that he didn't know whether Harper & Row would have published the book if McCoy had resisted turning it over to the CIA before publication.

Mr. Thomas, to put it kindly, was being disingenuous in that statement.

From a July 18 letter from Alfred McCoy to James Fox, assistant general counsel of Harper & Row: "I have only acceded to Harper & Row's determination to give the book to the CIA because you have told me that unless I did so, you would categorically refuse to publish the book." (Emphasis added—N. H.)

Harper & Row twisted the arm of its author—let there be no mistake about that.

But, says Mr. Thomas in last week's Voice:

"In this case, the author had other equally attractive publishing options which did not involve showing the manuscript to the CIA. The fact that he chose to go along with us rather than publish elsewhere only reflects the fact that our commitment to the book was clearly more important to him than our difference of opinion about showing it to the CIA."

Aw, Mr. Thomas, do you really think this paper's readership is that gullible?

From Alfred McCoy's July 18 letter to James Fox, assistant general counsel, Harper & Row:

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