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'Always Say What I Think'

Snepp Broke Contract With CIA, Judge Says

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"I always say what I think," declared U.S. District Judge Oren R. Lewis during the trial of Frank W. Snepp III in federal district court in Alexandria.

And Lewis lived up to his words yesterday when he all but found Snepp guilty of breaching an agreement with the CIA not to divulge information obtained while in the agency's employment.

Since joining the district court bench in 1960, the 75-year-old judge has become noted for taking over cross-examinations, rephrasing questions to witnesses and making no secret of what he thinks about a defendant or the merits of a case before handing down a decision.

When Lewis "retired" from the district bench and became a senior judge in 1973, he said he would never stop hearing cases. "I was born to work, I enjoy working, and the only way I'll leave here is horizontally," he said. "I'll be just as mean and cantankerous as ever."

LEWIS' BLUNT approach was in full view yesterday at the close of the case against Snepp, a former CIA agent whose book, "Decent Interval," was published without prior approval by CIA officials. The book was a stinging account of the CIA's handling of the evacuation from Saigon in 1975.

Lewis characterized himself as a "poor district judge" who has had to "run schools and penitentiaries, and now I'm going to have to run the CIA." He said it was time "to determine once and for all" the restrictions the government can legally place on intelligence officers.

After closing arguments the judge indicated that, while he would not rule on the case immediately, he would discuss his views at length for the benefit of newspapers which earlier had "distorted" his conduct of the trial.

Lewis said "the evidence in the case was undisputed" — that Snepp had committed "a willful, deliberate and surreptitious

The real issue in the case, according to Lewis, is whether CIA employees can be "the sole judges of what they divulge." He said that "if the CIA is deprived of controlling its employees, it might as well go out of business."

Defending his evidentiary rulings, Lewis said, "I went five steps further than I had to go to give the defendant every opportunity to state everything he wanted to state." Defense attorneys earlier had argued that there were issues of fact that should go to a jury, but Lewis said that the case only presented issues of law and that no jury was necessary.

The judge indicated the only aspect of his decision left to be determined was the government's remedy.

"That's what disturbs me, what the remedy might be," said the judge. "It might be to relieve him of all his ill-gotten gains."

Snepp has said he has made about \$60,000 from book sales and the sale of paperback rights so far.

THE GOVERNMENT is asking that Snepp be enjoined from divulging further information about the CIA and to have his earnings from "Decent Interval" go to the government.

The judge also said Snepp's manner of writing and publishing his book "buttresses this conclusion."

"He did it surreptitiously, behind people's back, in a public park," the judge said, citing Snepp's testimony that he had met with Random House agents only in parks and restaurants when discussing the contract to write the book.

According to Lewis, Snepp published his book only for financial gain. "He did it for money. There's no question that he did it for money. He had an agent . . . and he didn't want anybody to know about it."

Snepp had no patriotic motives, said Lewis. "He never said he was doing this a la the Pentagon Papers, to save the United States."

Outside the courthouse, Snepp said Lewis' comment about financial mo-

Snepp also said that "it was absolutely wrong to say I did it secretly. I informed officials on the CIA about my book prior to leaving the agency."

According to Snepp, he met with publishing agents in obscure spots because "I didn't want the agency to interfere with publication." He said he feared the CIA might "intrude illegally to stop publication."

He stressed that he had exposed no classified information in his book.

"I've merely criticized the CIA for a botch," he said, referring to its handling of the Saigon evacuation.

"I POINTED out agency errors in Vietnam and told no secrets. I did this in a responsible manner. Because I did that, the agency is trying to get everything I've earned from writing the book."

When asked what the CIA would have done if he had submitted his book for pre-publication review, Snepp said, "The agency would have torn the book to shreds."

Snepp took exception to CIA Director Stansfield Turner's testimony during the trial that publication of "Decent Interval" had hurt faith in the CIA abroad.

"Turner doesn't know what he's talking about," Snepp said. "The way to demoralize agents abroad is to demoralize the ones at home, and Turner is doing that to a T."

Snepp called for an improvement in the internal "managerial policy" of the CIA, maintaining that if the CIA properly handled the grievances and suggestions of its employees, there would be no need for books such as his.

According to Snepp, if he loses the case "we'll have a system where under former CIA employees will not be able to responsibly criticize the CIA. If the American people want a CIA where employees will muffle all their grievances, they'll get it."