

PUBLISHERS WEEKLY
8 January 1979

Article appeared
on page 24

Ex-Agent Sues to Block CIA From Stopping Book

Former CIA intelligence officer Ralph W. McGehee is seeking court action to enable him to submit manuscripts about the agency to book and magazine publishers without first having the manuscripts cleared by the CIA. Specifically, the suit filed December 22 in the U.S. District Court for the District of Columbia seeks:

1. A judgment that "Documents signed by plaintiff McGehee in the course of his employment with the Central Intelligence Agency cannot be enforced to restrain or penalize the publication of information which plaintiff McGehee acquired during the course of his employment"; and
2. An injunction restraining the defendants, CIA director Stansfield Turner and U.S. Attorney General Griffin Bell, from taking "any legal action for damages or injunctive relief against plaintiff McGehee as a result of any publication by him."

Other plaintiffs are Public Affairs Press, Inc., Washington, D.C.; Michael Kinsley, managing editor of *The New Republic*; and D. Gareth Porter, also of Washington, who was identified in the complaint as a journalist and scholar specializing in Asia.

Attorneys for McGehee are Mark H. Lynch, of the American Civil Liberties Union Foundation, and John Cary Sims. The two lawyers also represent Frank Snapp, the ex-CIA agent who has been ordered to turn over royalties from his book "Decent Interval" and enjoined from writing of his CIA employment without prior approval from the agency. Both Snapp and McGehee had signed documents requiring them to submit all writings containing information relating to the CIA or intelligence matters acquired during their employment to the CIA for pre-publication review.

The complaint said that the signing of such documents as a condition of employment constituted a "burden on the First Amendment rights of CIA employees."

McGehee, the attorneys said, is nearing completion of a book concerning Asian Communist movements and the CIA's failure to understand such movements. Using these particular examples, the book draws general conclusions about the quality of U.S. intelligence gathering and analysis.

Plaintiff McGehee's book is based in part on research conducted after he retired from the CIA and in part on information acquired during his employment with the CIA, particularly during tours of duty

His lawyers said he does not plan to include in the book any information which is classified and which has not already been made public by the CIA and other U.S. Government agencies.

On November 29, the complaint says, McGehee met with M.B. Schnapper, editor of Public Affairs Press, to discuss possible publication of the book. Schnapper indicated interest and asked to see part of the manuscript. McGehee is unwilling to provide Public Affairs Press because he fears the legal consequences of such action.

The complaint states: "Accordingly, the documents which McGehee signed . . . constitute an impermissible burden on the First Amendment right of plaintiff Public Affairs Press to receive and publish manuscripts and the right of the public to read such publications without governmental interference."

On December 15, the complaint says, McGehee discussed with Kinsley the possibility of submitting an article to *The New Republic* summarizing the thesis of his book. The ex-agent turned author believes the conclusions he has reached in his book "would contribute to the current public debate over the performance of the CIA with respect to producing and analyzing intelligence concerning recent events in Iran."

Although editor Kinsley would be interested in such an article for *The New Republic*, plaintiff McGehee is unwilling to provide it because of the defendants' view that such action would be a breach of contract, according to the briefs thus constituting a violation of Kinsley's First Amendment right to receive, edit and publish articles, and the right of the public to read such articles without governmental interference.

Plaintiff Porter, continued the complaint, is eager to read such a book—and his First Amendment right to receive information is also being blocked.

MALCOLM OLIVER

Malcolm Oliver is a Washington-based freelance writer.