

OGC 78-6472

28 September 1978

MEMORANDUM FOR: Chairman, Publications Review Board

FROM : [REDACTED]
Associate General Counsel

SUBJECT : Kermit Roosevelt's Draft: 28 Mordad:
The Countercoup

1. On 14 August you advised the Director of the problems concerning the publication of Roosevelt's book which were discussed at a meeting with Kermit Roosevelt, Jonathan Roosevelt, [REDACTED] and myself on Nantucket on 2 August 1978. At that meeting the policy of not approving publications of books which describe CIA operations overseas of Mr. John McMahon, the DDO, was explained to the Roosevelts. This policy was set forth in a handwritten note in response to a speed letter dated 26 July which stated "I agree regarding [REDACTED] but I will not approve any publication which in any way refers to CIA activities abroad." Jonathan Roosevelt telephoned and asked me to meet with him and Kermit Roosevelt on Monday, 2 October, to again discuss the book. [REDACTED] will accompany me to the meeting.

2. In discussing the forthcoming meeting with the Roosevelts with the General Counsel, he explained that the Agency would not be able to defend in court a blanket prohibition as set forth by Mr. McMahon against the publication of a book because it refers to CIA activities abroad. Therefore you are requested to obtain from the DDO a detailed identification and justification of those portions of the book which are classified and should be deleted.

3. It should be understood in preparing this material that the only information which the Agency can request to be deleted from a manuscript is information which is classified, information which was learned during the course of Agency employment by the author and information which has not placed in the public domain by the United States Government. Should this book ultimately require litigation, the courts will require the Agency to provide detailed proof of classification. Merely describing information as relating to sources and methods will not suffice. In order to be deleted information has to meet the classification standards set out in the Executive Order 11652.

4. It would be appreciated if this material could be assembled quickly in order to discuss it with the Roosevelts. If the book were to come out as matters now stand, the General Counsel believes that we would have no legal recourse because it could be shown that (a) the book was in fact submitted for review as required, and (b) the Agency applied an impermissible standard in its review. Under these circumstances the Agency could not demonstrate that it had been deprived of any legally protected right. Therefore if we want to make any headway in this matter, our only option is to put our discussions with the Roosevelts on a proper footing and justify strictly on classification grounds any deletions that we propose.

