

Documents

Cover '68

Tet Attack

By George Lardner Jr.
Washington Post Staff Writer

Insisting on the right to obtain classified documents "without any strings attached," the House intelligence committee yesterday rejected a package of records it had subpoenaed from the Central Intelligence Agency because of the restrictions placed on them.

Chairman Otis G. Pike (D-N.Y.) refused to accept delivery of the CIA documents, all bearing on the quality of U.S. intelligence reports during the war in Vietnam, and charged that the White House was frustrating compliance with the subpoena that demanded the records.

"It is essential that the subpoenas of the CIA be complied with," Pike said after the committee meeting yesterday afternoon and evening in his actions.

If White House claims that Congress has no right to release classified information were to prevail, Pike protested, "we couldn't reveal criminal or illegal acts of the executive branch without the consent of the executive branch."

At its closed-door meeting yesterday afternoon, the committee agreed that its subpoena—which called for the surrender of CIA documents concerning the 1968 Tet offensive by 10 a.m. yesterday—had not been honored.

The committee also decided not to return any of the classified documents already in its possession, as the administration demanded last week.

In a partly conciliatory gesture, however, the House committee members agreed at the same time to require 24 hours' notice before they vote to declassify any secret documents, and to let the administration underline or mark any especially sensitive portions of records to be delivered in the future. Administration spokes-

men will thus have 24 hours "to explain their position" and persuade the committee why a secret should be kept.

The New York Democrat indicated, however, that the committee has no intention of accepting any sanitized records studded with deletions. He also hinted that the committee may decide to make public portions of already-delivered classified documents when it moves next week into a public hearing on the U.S. failure to foresee the 1974 Turkish invasion of Cyprus.

Meanwhile, the committee will go ahead with a hearing today on the 1968 Vietnam Tet offensive despite the impasse over the documents subpoenaed from the CIA. Pike

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said the chief witness will be former CIA intelligence analyst Sam Adams, who has said he was repeatedly frustrated in his efforts to persuade the intelligence community to accept more realistic assessments of enemy troop strength.

The confrontation with the White House began last week over a four-word phrase about Arab preparedness in a U.S. intelligence report on the 1973 Arab-Israel war, which government experts failed to foresee. When the committee insisted on making it public, President Ford demanded the return of all classified reports sent the committee and vowed that no more would be produced "until the committee satisfactorily alters its position."

Instead, Pike followed up by subpoenaing the CIA documents on the Tet offensive. A five-member delegation from the White House offered a portion of them to Pike yesterday morning, but he said less than half of them were in their original form and the rest had been "screened" or edited by the executive branch.

In addition, a letter from CIA special counsel Mitchell Rogovin advised Pike that the documents were being offered only "on the condition that they remain classified documents not subject to declassification of publication by your committee." Rogovin said the records would have to be considered as "on loan to the committee" and still the

"property of the executive branch."

In a barbed reply, Pike noted that one of the subpoenaed documents was completely missing from the packet. He said he could not accept the package as responsive to the committee's subpoena when it had been previously screened by the executive branch, delivered with the condition attached, and was still incomplete.

"I shall ask the committee to address itself to this non-compliance with the subpoena and shall abide, of course, by the decision of the committee," Pike wrote Rogovin. "Pending such a decision, I suggest that you keep your documents in a safe place."

White House Counselor John O. Marsh made another effort to deliver the Tet documents yesterday afternoon, but Pike kept him and his aides cooling their heels while the committee met in closed session.

Arriving at the New York Democrat's office after the meeting had started, Marsh asked in vain that a letter, evidently suggesting some modified conditions, be delivered to the committee immediately, before any action was taken.

Sources said later that the letter proposed delivery of the Tet documents for the committee's use on condition that they be kept secret, at least until resolution of the overall dispute.

The ranking Republican on the House committee, Rep. Robert N. McClory (Ill.), told reporters after the meeting that he felt the 24-hour notice and companion procedures "should give adequate assurance to the President and to the intelligence agencies that we are going to act responsibly."

Joining in to emphasize the past tense, Pike added that "we have acted responsibly." Alluding to last week's dispute over the four-word phrase, he made clear that he saw no harm in its publication and no merit in the administration's arguments for keeping it secret.

"We have released nothing that jeopardizes the national security in any way," Pike declared.

Eventually departing for the White House with the letter unread and the Tet documents undelivered, Marsh said it

seemed doubtful that the administration would find the 24-hour rule completely satisfactory.

Pike emphasized that the committee had no intention of letting the administration attach conditions to congressional subpoenas.

"The bottom line is that the Congress has the right to receive classified information without any strings attached to it," Pike said. He indicated that he was reluctant to take the issue to court because of the delays involved, but said he felt the committee would approve litigation if this became necessary. Meanwhile, he said, the House investigations would continue.

"We have a wealth of classified material in our possession," he said. "We are moving ahead. We are not unreasonable people, but we are going to do our job."