

# Return Of Data Sought

## Conflict Erupts Over 4 Words in Reports on War

By George Lardner, Jr.  
Washington Post Staff Writer

Acting on orders from the President, the administration yesterday demanded the return of all classified documents from the House Committee on Intelligence and vowed to produce no more such information unless the committee stops asserting the right to make it public.

The confrontation, which abruptly halted the committee's investigation of the performance of government intelligence agencies in various international crises, erupted over the declassification of portions of a top-secret study showing the agents were "starkly wrong" about the 1973 Arab-Israeli war.

The committee, headed by Rep. Otis G. Pike (D-N.Y.), voted Thursday afternoon in closed session to make public a series of mistaken predictions and conclusions by U.S. intelligence experts. Several segments were deleted at the request of Central Intelligence Agency Director William E. Colby and other officials, but the committee refused to suppress one four-word phrase that Colby also wanted to keep secret.

CIA officials had claimed that release of those four words could jeopardize U.S. intelligence methods and sources, but committee members disagreed by a vote of 6 to 3.

Dispatched by the White House to what proved a tense, acrimonious hearing yesterday morning, Assistant Attorney General Rex E. Lee denounced the committee's action as "unprecedented" and

"unconstitutional." He maintained the committee had no right to declassify government documents on its own and said the decision was causing "serious and irreparable harm to the national security and foreign relations of the United States."

Pike interrupted him repeatedly in scornful, indignant tones, demanding to know who had sent Lee to testify "on behalf of the executive branch" and sharply challenging his claims that declassifying government documents "is not a legislative function."

The four-word phrase at issue was not disclosed during the debate, although Lee said at one point in his prepared statement that it dealt with "certain foreign communication intelligence activities of the United States government."

Sources close to the CIA indicated later that the dispute involved a phrase in a Defense Intelligence Agency summary on Oct. 6, 1973, that alluded to the mobilization of troops in Egypt "and greater communication security" which had been imposed. The sources said the four quoted words showed that the United States

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had the ability to intercept Egyptian communications despite Cairo's security precautions.

Pike and other committee members said they still saw no reason for keeping the offending phrase secret and Pike said it was "not any more revelatory than a lot of other words" that the CIA and other intelligence agency representatives eventually agreed to release.

Initially they had claimed that release of Defense Intelligence Agency summary dated Oct. 3, 1973, saying that "the movement of Syrian troops and Egyptian military readiness are considered to be coincidental and not designed to lead to major hostilities" would also jeopardize U.S. intelligence "sources and methods." But they dropped that claim at Thursday afternoon's executive session.

Sticking to his prepared text despite a barrage of questions, Lee maintained that the committee's release of the four other words "stands as a sharp departure from the traditional manner of handling classified information to accommodate the respective constitutional responsibilities of the executive and legislative branches."

"What is the traditional manner?" Pike demanded.

Lee said it was the delivery of documents to congressional committees for secret inspection only. Making such information public, he declared, "may be done by the executive branch" and at times by the

### Britain, Iceland Split on Fishery

REYKJAVIK, Sept. 12— Talks between Britain and Iceland on new fishing rights ended in deadlock here yesterday, raising fears of a new cod war between the two countries.

Britain wants Iceland to accept the present fisheries agreement between them as a basis of a new pact, but Iceland rejects this.

The agreement, which expires Nov. 13, ended the so-called cod war resulting from Iceland's extension of its fishing limits from 12 to 50 miles in 1972. Iceland has creered a new 200-mile limit, which goes into force on Oct. 15.



By Larry Morris—The Washington Post

#### CIA Director Colby speaks at a news conference.

courts, but, he asserted, "that is not a legislative function under the separation of powers."

"We are asking for a return to that traditional approach," Lee added in clipped tones moments later, declaring that it had been honored for decades.

Pike exploded. "That's exactly what's wrong, Mr. Lee," he exclaimed leaning into a microphone. "For decades, other committees of the Congress have not done their jobs and you've loved it in the executive branch. You come up here and whisper in one friendly congressman's ear, and in my opinion that's why we're in the mess we're in! That's exactly what you want to continue."

Pike maintained that the House resolution creating the committee—and the rules the committee later adopted—both make clear that it has the right to declassify government documents as it deems necessary.

The assistant attorney general, who is in charge of the Justice Department's Civil Division, acknowledged that he hadn't read the rules of either the House or the committee, having just been drawn into the case the night before by White House Counsel Phillip W. Buchen. Lee insisted, however, that the committee's action was a violation of the separation-of-powers doctrine.

Accordingly, he declared that President Ford's responsibilities "leave him no alternative but to request the immediate return of all classified materials" provided the House committee so far. He said Mr. Ford would also direct all government agencies to withhold any other classified information, including testimony and interviews, "until the committee satisfactorily alters its position."

Pike protested that effective congressional oversight of gov-

ernment operations would be impossible if only the executive branch could decide what to make secret and what to make public.

"In other words, the executive branch is telling this committee of the House it may not continue to operate," the New York Democrat declared. He told reporters later that the committee's investigations would have to be halted, at least temporarily.

The committee is expected to meet next week to decide the next move, Pike said that he felt it could win a court fight over the issue, but that the administration knows the committee would be reluctant to start one because it has a congressionally imposed deadline of Jan. 31 to finish its investigations.

"We are operating under a time constraint and they know it," Pike said. "They have enjoyed the tactics of delay."

At an unusual news conference later at CIA headquarters at McLean, CIA Director William E. Colby was asked whether the four words justified the confrontation between the White House and the Congress.

"I certainly think these four words are worth it," Colby replied. He said "the particular kind of material we're talking about also happens to be communications intelligence" which is endowed with specific statutory safeguards.

The CIA director maintained that disclosure of the phrase would enable experts of the country involved to "go back to the date," examine their own machinery at the time and determine "if there are gaps in their ability to keep secrets."

Colby acknowledged that these experts "may well spot the phrase easily now, but he refused to disclose it because "I don't want to help them." Reminded that he had already said the phrase dealt with "communications intelligence," the CIA director said he was still "not going to discuss the specifics of the four words."

He added that he hoped a settlement could be reached whereby committee members would agree to editing, para-



By James K. W. Atherton—The Washington Post

Witnesses, from left, Keith Clark of the CIA; William G. Hyland of State Department; Assistant Attorney Gen-

eral Lee, and deputy assistant attorney general Irwin Goldbloom hear testimony at House intelligence hearings.

hrasing and "changing words lightly" in the future. Asked whether he had proposed the cutoff of secrets

that the White House ordered yesterday or whether it was a recommendation made by Buchen, Colby refused to

answer directly and would say only that he "concurred" in the decision. He said he offered Thursday to meet with

House committee members in hopes of avoiding a vote that day, but said "they were not interested in my presence."