

By Walter Pincus

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Four Little Words

HOW BROAD is the congressional right to demand and receive classified information from the executive branch? How much of that information can Congress make public on its own, without the consent—or over the objections—of the department or agency which classified the material as secret in the first place? These questions of principle are at the heart of the current conflict between the House Committee on Intelligence and the White House.

As in many such struggles in the past, however, policies and personal pique rather than principle led to the conflict—and thus it probably will be settled, or abandoned unsettled, without the issues of substance having been faced.

A detailed recounting of this case history in executive-congressional relations is revealing:

The House intelligence inquiry got off to a late start. The committee chairman, Rep. Otis Pike (D-N.Y.), was determined to complete its work by the House-mandated deadline of Dec. 31. This required tight scheduling and cooperation from the executive in responding to committee requests for materials.

Last month the committee staff began studying the performance of the intelligence community in relation to the 1973 Middle East War, the 1974 Cyprus crisis and the recent struggle for power in Portugal. Documents were made available for staff agency was asked to deliver some documents to the committee.

ON MONDAY, Sept. 8, committee staff members informed the White House and CIA liaison men that a hearing on the Middle East war would be scheduled for that Thursday. The committee wanted to use a frank 35-page CIA post-mortem on the intelligence community's failures to predict

the war as a basis for the hearing.

The document has been turned over to the committee more than a week earlier. It was classified, however, and the committee asked the executive branch to provide a version in which security matters had been deleted. The response was that the cleansing job could not be done in time for the hearing.

Chairman Pike, thanks to years on the House Armed Services Committee, had strong views about what he viewed as the executive's overclassifying habits. He decided to subpoena the document for use at the hearing.

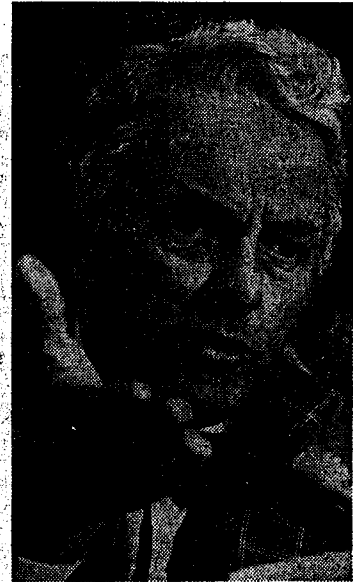
The day before the hearing a deal was struck. Pike reached agreement with representatives of the executive branch to withhold his subpoena in return for delivery of the document that same day with the classified words identified, a procedure with many precedents.

The document did not arrive, but Pike was promised that it would be delivered by 9 a.m. the next morning. The hearing was set for 10 a.m.

Late in the evening before the hearing, the committee staff director called his liaison man in the CIA to ask if a six-page summary, part of the 35-page report, could be sanitized for reading at the public session—with the head of the CIA's office of current intelligence, William Farmer, doing the reading.

That part of the report began with the interesting phrase, "There was an intelligence failure..." Read by a CIA official in public, it would make good listening material and, more particularly, would lend support to the thrust of the committee's inquiry into the success or failure of the multi-billion-dollar operations of the intelligence community.

The CIA yielded to the request, and CIA Director William Colby personally handled the matter of deletions in the



Rep. Otis Pike:
A matter of proving a point.

six pages of text. He deleted several words and phrases and dropped five paragraphs which summarized the reports of the CIA, the Defense Intelligence Agency and the combined intelligence community dealing with the eye of the war.

AT THE HEARING Pike compared his classified version of the six-page summary with the sanitized version being read by the CIA's Farmer. Although Farmer did read the conclusions about intelligence failures, the specifics demonstrating the extent of the failures were missing.

Pike immediately asked Farmer why the deletions had been made. It was quickly established that Farmer

and How They Grew

ter himself had had nothing to do with the sanitizing process. A closed session was scheduled for the afternoon to try to work out the release of additional material.

At that closed meeting the CIA's lawyer, Mitchell Rogovin, gave Colby's approval for release of the five missing paragraphs of intelligence summaries with the proviso that some 14 words be deleted. The proposed deletions were taken up one at a time, and the committee agreed with each request — some did reveal a source of intelligence information, one disclosed a happening's timing and thus could help trace a source, some characterized public figures in ways which could be diplomatically embarrassing.

After yielding again and again, Pike objected to Colby's last request for the deletion of four words, "and greater communications security" which appeared in a list of steps, as reported in a CIA summary, taken by Egypt prior to the war's outbreak. The argument for deletion was that the four words, if made public, would alert the Egyptians and others to U. S. capabilities in overhearing Egyptian communications.

Pike argued that the words should not be struck out. He says now that the phrase was vital since it showed that American intelligence failed to perceive Egyptian intentions even when presented with so strong an indication as the tightening of Cairo's communications.

Debate over the four words went on for more than an hour behind closed doors. At one point the debate strayed from the security issue to the question of the committee's public image. The argument was made that the public was growing tired and suspicious or released documents full of security deletions.

At least one majority committee

member, Rep. Ronald Dellums (D-Calif.), suggested that the four words should not be the basis for a confrontation with the executive. But Dellums' appeal did not cool Pike. In fact, according to one person present, it may have worked the other way.

In the end, by a 6 to 3 vote, Pike prevailed. Dellums voted with the majority.

Pike then asked for administrative agreement to release of the document with the four words intact. He was told such consent would be forthcoming. He went ahead, nonetheless, with public distribution.

THAT EVENING, CIA lawyer Mitchell Rogovin met with White House counsel Philip Buchen and others at the executive mansion to decide what to do about Pike's committee. Some of the participants in the strategy session favored trying to work out an orderly declassification system. Others favored an immediate cutoff of documents, partly because of what Pike had done, partly out of fear of what he might do in future.

The participants, of course, knew that the committee already possessed a six-inch stack of classified documents on Cyprus, documents which went deeply into the activities of Secretary of State Henry Kissinger. And the committee staff had done some preliminary reading of classified material on Portugal.

The group pushing for complete cutoff — which included Kissinger's White House aide, Lt. Gen. Brent Scowcroft — argued that the committee could harm ongoing diplomatic efforts if it released the classified information in its hands. That position prevailed, and the committee was told it would have to agree to abide by traditional practice: It would have to reach

agreement with the executive before publicly releasing material.

Pike was not moved. He later said the White House and particularly Kissinger, knowing that the committee has only three months to complete its work, may have been looking for a way to inhibit the inquiry. Negotiations continued into the weekend.

DECLASSIFICATION at the insistence of Congress has always been an arbitrary matter, depending upon the issues and the political powers of the individuals involved. There is no law giving either the executive or Congress a final say.

Looking beyond the immediate committee-executive issue, Pike wants to change this information declassification system with a law that would give Congress the right to get and release information. Though he is angered by over-classification, he acknowledges that there are matters deserving to remain secret. But he believes that Congress, if given the facts and arguments pro and con, is as capable as the executive of deciding on questions of secrecy.

What about demagogues such as the late Sen. Joseph McCarthy? Couldn't they use the principles Pike now proposes as the basis for irresponsible and perhaps ruinous attacks on an administration's foreign policy. "Demagogues," Pike said recently, "are as likely in the executive as in the legislative branch. It is a problem of democracy. . . . We have got to trust Congress to restrain our own demagogues."

Not many members of either house, however, go as far as Pike. Most committee chairmen seem satisfied with the system as it is and believe the delicate question of declassification should be settled in a practical way on a case-by-case basis rather than through a new hard-and-fast law.