

House Bars Pike Panel CIA Report

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The House voted overwhelmingly yesterday to prohibit immediate public release of the controversial 338-page House intelligence committee report which describes secret Central Intelligence Agency operations.

The 246-to-124 vote was a major victory for President Ford and just-departed CIA Director William E. Colby, who had argued strongly against its public release even though much of its contents has already been leaked to the press.

Whether the document is ever made public without further deletions being made is still in doubt.

The House action stipulates that public release must await certification from the President that disclosure would not harm the national interest. During the debate Rep. John B. Anderson (R-Ill.) said that once members have read the report they can have it made public by a simple majority vote.

But, after the vote, Committee Chairman Otis G. Pike (D-N.Y.) said he has no immediate plans to file the report and thus he would prevent it from being distributed to House members as a classified document.

He said he plans to let his committee vote next week either to kill the report or to agree to let the President make further deletions and then publish. He said he will vote to kill the report.

The White House had claimed that publication of the report with still classified information would violate procedures agreed to last October.

At that time, in a meeting with President Ford, Pike and senior Republican Rep. Robert McClory (Ill.) agreed to withhold public release of any classified information if the President certified that its disclosure would be harmful.

Pike, in yesterday's debate,

said his agreement "did not apply to our final report. . . I would not have agreed to it." He argued that this would have amounted to allowing the CIA to "censor the report."

McClory, however, declared that the agreement, and what he considered its potential violation, put the honor of the House in question.

Rep. Dale Milford (D-Tex.), a member of the intelligence committee, said: "The issue is can nine members of this House release information unilaterally" over the objections of the President. The committee voted 9-to-4 last week to approve and release the report.

Milford argued that every one of the deletions sought by the administration could be made and "it would not change a single thing in the report. What's in dispute are

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technicalities that neither the committee nor its staff understood but our adversaries would consider a virtual bonanza."

Pike, on the other hand, argued that the report "is not giving away any dangerous secrets" but admitted "there are classified facts that will be embarrassing."

The one Republican on the intelligence committee who voted to release the report, Rep. James P. Johnson of Colorado said that the report illustrates "despicable, detestable acts . . . and those responsible don't want their activities exposed."

Rep. Wayne Hays (D-Ohio), referring to the publication of many details from the report in the press, said during the debate: "Reading the report may be the biggest nonevent since Brigitte Bardot, after four husbands and many lovers, announced she was not a virgin."

Behind the debate over the committee report is the issue for both the President and the Congress of who will have final say on the release of classified information.

Administration spokesmen argued that the Pike committee received secret intelligence material with the understanding that it would not be publicly disclosed if the President determined that publication would harm the national interest. The committee's draft report was to be released without following that procedure.

According to committee and administration sources, the draft report was sent to the CIA on the afternoon of Jan. 19, so that it could be reviewed for publication.

The next day, copies were made and distributed by CIA to the State and Defense departments and the National Security Council. Administration officials were

angered by the fact that some material from the report was already in newspapers the morning they received their copies.

On Jan. 21, the committee received combined requests for some 250 deletions on the grounds of national security. The next day, the committee staff and administration officials reached agreement to delete about 70 of these.

Last Friday, the committee voted to overrule the administration's objections in some 150 instances and at that point a revised draft was compiled for members and the administration and prepared for public release.

According to the informed sources, some 70 per cent of the outstanding administration objections relate to information involving CIA operations in Angola, U.S. intelligence submarines which operated in Russian waters, past military aid to Kurdish rebels in Iraq and funds provided to Italian political parties and candidates. In the case of the Kurdish and Italian material, the draft report does not mention the names of the countries, but CIA officials believe they are readily identifiable.

Committee members and staff who argued for publication said that most of the material objected to has already appeared in the CIA's own reports and there is no difference in credibility between news items published in the House of Representatives.

In the Senate, intelligence committee chairman Sen. Frank Church (D-Idaho) introduced legislation on behalf of himself and seven committed colleagues to create a new permanent committee on intelligence activities.

The new unit would exercise both legislative and oversight authority over the CIA, National Security Agency, Defense Intelligence Agency, the national intelligence components of the Pentagon and the intelligence activities of the FBI.

Under present law, six congressional committees have jurisdiction over the intelligence community, a situation Church termed "chaotic." In the case of covert CIA operations, the head of CIA is required to report in a "timely fashion".

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AN INDEPENDENT NEWSPAPER

The Basis of CIA Oversight

MR. PIKE'S POSITION on the report of his House intelligence committee is, in brief, untenable. He agreed last September in accepting certain classified information from the Executive branch that the White House would be the final arbiter of what part of it would be disclosed. To claim that his pledge applied to the receipt of information then but not to the reporting of it now is to make a mockery of his pledge and to undermine the basis on which any future intelligence oversight committee could ask for confidential information. That the information at issue describes "atrocious and horrendous things," in Chairman Pike's characterization, does not dissolve his obligation to keep his word. Nor is it a suitable alibi that much of the information had leaked already. That merely raises the question of whether the Pike committee was living up to its obligation to maintain confidentiality in the period before the release of the final report became an issue.

Fortunately, the Rules Committee was of a mind to preserve the integrity of the House by holding up release of the report until the full House had acted on it. And the House followed suit last night by voting overwhelmingly to delay disclosure. Mr. Pike has insisted that he would release the full report or no report at all. We cannot believe, however, that the House will be guided by his stubbornness in the matter. Enough has leaked from the report to establish that there is much of legitimate public value in the sections of it likely to be approved by the President. Chairman Pike's cry of "cover-up" will only become reality if he is allowed to make it so.

The whole episode in fact underlines the difficulties of countenancing and controlling a secret agency in a democracy—even an agency whose ostensible purpose is to protect that democracy. Mr. Pike, not alone, went at the intelligence establishment determined to root out the abuses of secret power which had transpired over the years. Those abuses were real and frightening, imperiling not only the liberties of American citizens but, in

some cases, the very security which the agencies were meant to uphold. It is true, too, that to the extent that power continues to be wielded unaccountably, there can be no firm guarantee that it will not again be abused. It is a fair question whether the costs of secrecy outweigh the claimed benefits, which in the best of circumstances are likely to be difficult to confirm. Mr. Pike has no corner or honest concern.

The opposite risk is, of course, that too little weight will be given to the "fact" that the world remains a menacing place and that it would be tempting fate to go over to an open security system which would deny the country and within it, the Executive branch the flexibility needed to cope with what the President and his advisers perceive to be grave national threats. This is, we think, the trap into which Mr. Pike has fallen. Disclosure of the particular secrets which he would now like to tell may or may not be as harmful as the administration claims. The point is nonetheless, that the right to conduct some national security affairs in secrecy must be upheld.

There can be no congressional oversight unless the President takes the Congress into his confidence. But the Congress cannot take the Congress into his confidence if secrets are to be betrayed. Just how oversight should be conducted and to what extent Congress should be empowered to veto operations which its overseers disapproved are questions being addressed in the proposal for reform offered yesterday, for instance, by a majority of the Senate intelligence committee. We intend to return to these and other such proposals. If there is not a modicum of mutual confidence and trust between the Executive and Congress, however, it becomes foolish even to consider reform. The security of the country and the liberty of its citizens can best be pursued—we are tempted to say, can only be effectively pursued—when there is respect for the procedures agreed on between the two branches. That is why it is so important for both of them to keep the agreements they do manage to work out with each other.