

U.S. Officials On Contempt

By Richard L. Lyons
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Rep. Otis G. Pike (D-N.Y.) yesterday threatened contempt of Congress action against Ford administration officials if they continue to "obstruct and delay" the work of his House select committee investigating U.S. intelligence agencies.

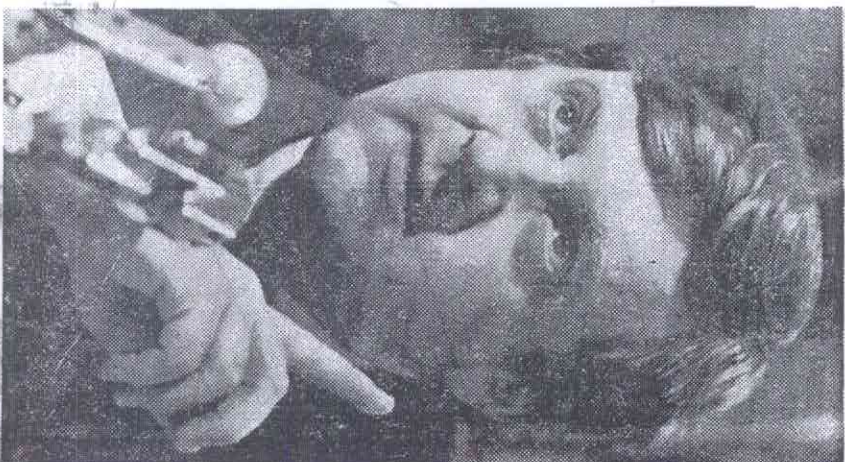
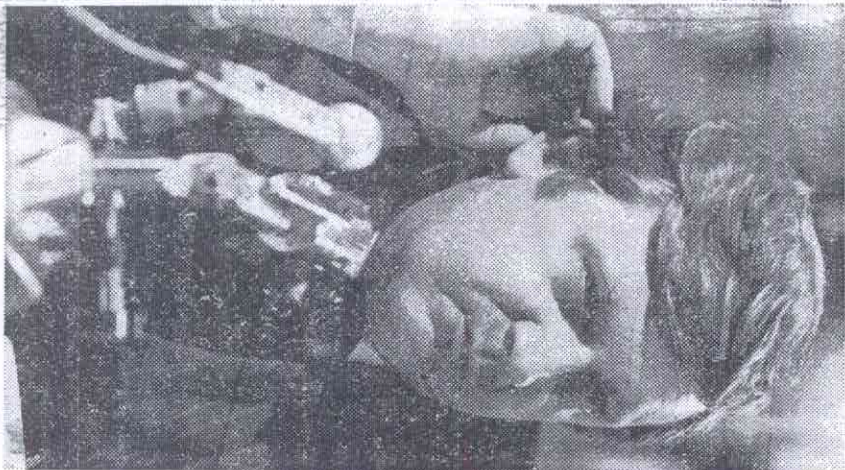
Committee members appeared united yesterday in denouncing a State Department order that would permit only a handful of its top officials to testify freely before them.

The order came on top of an administration announcement two weeks ago that the committee would be given no more classified information until it promised not to declassify and release the data on its own decision. That issue is still not resolved.

After hearing the State Department "flat" which apparently means only officials of the rank of assistant secretary or higher would be permitted to testify on policy-making matters, Pike said he felt the administration "is in contempt of Congress" and "we should move carefully and deliberately but steadily to determine that issue."

Pike suggested that the committee prepare a resolution to take to the floor asking for a vote of confidence from the full House in its efforts to

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State Department's Haglerburger testifies before House Intelligence Committee.

By James F. W. Anderson—The Washington Post

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get information it needs from the executive branch.

But Rep. Robert McClory of Illinois, senior committee Republican, while deploring "the lack of cooperation" from the State Department, requested and Pike agreed to a delay on the resolution until Monday morning to give the administration a chance to change its position.

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McClory said he spoke to President Ford Wednesday about resolving the issue of obtaining classified information and expected a response in a day or two.

The committee had offered last week to give the administration 24 hours' notice of intention to declassify information. McClory said yesterday he thought this would satisfy administration objections because White House counsel Philip W. Buchen had told him the problem was the "precipitous" manner in which the committee had declassi-

fied material the administration wanted kept secret.

Yesterday's uproar was triggered by a committee staff attempt to interview a middle-level State Department official in preparation for a hearing about intelligence in advance of the 1974 Cyprus coup, which has left unresolved problems including the status of U.S. bases in Turkey. The witness was to be Thomas D. Boyatt, then chief of the department's Cyprus desk. But the staff said Boyatt was told not to answer their questions.

Lawrence S. Eagleburger, deputy under secretary for management, testified yesterday that he had issued instructions on Tuesday that department officials interviewed by Pike's committee are "to Decline by order of the Secretary of State to give information which would disclose options considered by or recommended to more senior officers in the Department of State."

Eagleburger said this meant that junior or middle-level officials such as Boyatt could testify as to facts—but only unclassified facts until that issue is resolved—and their analysis of facts. But they could not testify as to advice passed up to senior officials. Only officials who make policy may testify on options considered, said Eagleburger. He said this generally would be limited to assistant secretaries and above—a few dozen at most from a department of 12,000 employees.

Eagleburger said the purpose of this order was to protect department employees from public disclosure of candid advice they gave superiors in the belief it would be kept confidential. He noted that the department and the Foreign Service had been "torn apart" 25 years ago on issues such as China policy and that officers were drummed out of the service for giving advice which was unpopular at the

time but which they believed to be in the long-range national interest.

Rep. Philip H. Hayes (D-Ind.) protested that the committee was not trying to "purge" or "abuse" the State Department as was done in the McCarthy era. Eagleburger said he did not mean to leave that implication.

Rep. Ronald V. Dellums (D-Calif.) said Eagleburger is known as Secretary of State Henry A. Kissinger's "enforcer" and asked if he was there to "take the Fifth Amendment" for Kissinger. No, replied Eagleburger.

Rep. James P. Johnson (R-Colo.) said the "absurd claim" that Kissinger could order department employees not to testify before a congressional committee "should be rejected out of hand." It could be used to cover up "incompetence or criminal activity," he said.

After the meeting, Pike told reporters:

"It is ridiculous that the committee should have to resort

to subpoenas and that all sorts of excuses are used to try to keep the committee from operating. There has been a pattern of obstruction and delay and concealment (by the executive branch) from the start to today. If the House adopts a resolution of confidence and it is not complied with I will go back to the House and state that someone is in contempt of Congress."

Pike wouldn't say which officials he considers in contempt of Congress.

The chairman said the State Department's refusal to let middle-level officials testify fully and freely is intolerable because "the people at the top tell you how the system is supposed to operate. The middle-level people tell you how it does operate."

Pike recalled that, on the House Armed Services Committee, "the secretaries were telling us how great our air power was, but the sergeants said that when they called for air support it didn't show up."