

PIKE TO REQUEST CONTEMPT ACTION IN C.I.A. INQUIRY

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Challenges Administration's
Right to Keep Classified
Material From Congress

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WASHINGTON, Sept. 25 —

Representative Otis G. Pike said today that in his opinion the executive branch was in "contempt of Congress," and that he would ask the House of Representatives to take action next week.

In making his assertion, the Suffolk County Democrat, who is chairman of the House Select Committee on Intelligence, challenged the Ford Administration's right to withhold classified information from Congress. He said that if the House backed him, he would name an official he wanted found in contempt—possibly President Ford, but more likely somebody like William E. Colby, the Director of Central Intelligence.

Mr. Pike indicated this afternoon that he felt the committee would support his request for a contempt resolution and that the House would muster sufficient votes to pass it because of widespread sentiment that the Administration had affronted Congress.

A White House spokesman also indicated a major confrontation was in the making, saying that an attempt by Republican members of the Pike committee to obtain White

House approval of a compromise had "fallen by the wayside."

The dispute between the two branches of Government began Sept. 11, when the House committee voted to declassify some United States intelligence data on the 1973 Middle East War. A day later, President Ford issued an Executive order barring disclosure to the committee of further secret information until an agreement on classification authority had been reached.

Robert McClory, the ranking Republican member of the committee, is attempting to reach a compromise with President Ford on the classification-de-

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classification issue.

He asked Mr. Ford yesterday to accept the committee's unanimous demand that it be accorded the right to notify the executive branch that it wished to declassify a secret and then invite comment in closed session, if necessary, from Administration officials.

According to the Illinois representative, Mr. Ford promised to reply to the demand "in a day or so."

With this in mind, Mr. McClory asked Mr. Pike not to go ahead with his plan to place the contempt question before the full house this afternoon but to wait until Monday. Although he expressed reservations, Mr. Pike agreed to the postponement.

This development followed a hearing this morning at which there were sharp exchanges between committee members and Lawrence S. Eagleburger, Deputy Under Secretary of State for management. The committee

was unanimous in criticizing the Administration.

Mr. Pike guided the hearing to a crescendo this noon by cutting off the testimony on the State Department and declaring: "It is time we moved on to something else—how we shall treat the refusal of the executive branch, it's so-called order, which no one has apparently seen.

"It is time that this committee went back to the full House of Representatives to either give us a vote of confidence or tell us we have gone too far. It is my feeling that the executive branch is in contempt of Congress. It is my feeling that we should move more carefully, more deliberately, but steadily to determine that issue."

At a news conference Mr.

pike said, "we got all kinds of candidates" for a contempt-of-Congress citation.

If he succeeds in obtaining House support for a resolution holding that the Administration is keeping back information needed by the committee to carry out its constitutional obligations, Mr. Pike said, "I would then ask for the House of Representatives to state that somebody was in contempt."

He said that his committee would then select the official to be found in contempt.

Hypothetically, the House Sergeant at Arms would be empowered to arrest the official and confine him in the Capitol basement. But such a matter would almost certainly be settled in court, House aides said.

The committee's demand to interrogate middle-rank State

Department officials on purported Administration failures on intelligence and policy involving Cyprus, Portugal, the Middle East and Indochina was met partly today in testimony by Mr. Eagleburger and other witnesses from the State Department, William G. Hyland, director of the Bureau of Intelligence and Research, and Monroe Leigh, the legal adviser.

However, in a statement of three principles, Mr. Eagleburger said that the State Department would decline to allow Congressional interrogation of lower-rank officials on policy questions because "we must preserve the confidentiality of the decision-making process."

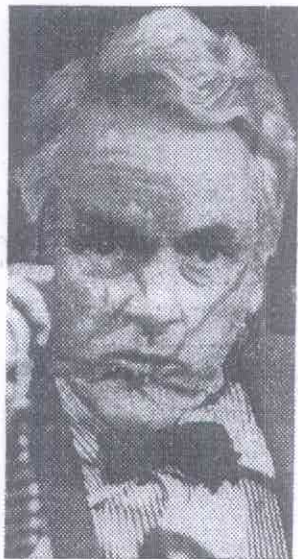
He said the principles were that until ordered otherwise, State Department witnesses were to decline to discuss clas-

sified material, that lower-rank officers would discuss facts, but not policy options, and that they must have legal counsel during testimony.

His presentation appeared to enrage several members of the committee. "You remind me of a sideshow magician," said Morgan F. Murphy, Democrat of Illinois. "You won't give us policy or the facts. It's this mumbo you're giving us."

Ronald V. Dellums, Democrat of California, said that under Mr. Eagleburger's guidelines, "we can't do a damned thing." He said "heads would roll" if the committee could get at the facts of failures intelligence or policy.

Also discussed today was the committee's unsuccessful attempt last Tuesday to extract policy information from Thom-



Associated Press

Otis J. Pike, Democrat of Suffolk, at House hearing.

as D. Boyatt, formerly the Cyprus desk director of the State Department, about the Cyprus crisis last year.

Mr. Eagleburger said "it was a mistake" to have let Mr. Boyatt testify without making clear to him that he could indeed talk about various aspects of the Cyprus crisis without violating his departmental instructions.

He then explained the distinctions in State Department practice between intelligence analysis and policy formation—which are separate functions—and between senior officials empowered to discuss and make policy and lower-ranking officers who merely draft policy options.

His explanation seemed to mollify some of the committee

members. David C. Treen, Republican of Louisiana, said that he felt "our investigation" could proceed satisfactorily under Mr. Eagleburger's guidelines for querying junior officers.

However, others still protested. Robert W. Kasen Jr., Republican of Wisconsin, said, "You have the ability to classify officials."