

House Panel Demands Security Charter

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WASHINGTON, Aug. 5—The House Select Committee on Intelligence appeared today to be headed for a confrontation with the Ford Administration and the Department of Defense over its attempts to obtain top secret national security documents.

The committee voted unanimously today to subpoena two documents—the National Security Council directive that created the National Security Agency, a 22,000-employee agency that directs electronic intelligence-gathering and code-breaking, and a 1970 study of Defense Department intelligence capabilities.

According to a White House aide, the first document, dubbed "nonskid number 6" in intelligence circles, is so highly secret that members of the Senate Select Committee on Intelligence agreed to look at it on government premises and not retain it for the Senate records. The aide said this same arrangement had been offered to the House committee.

Representative Otis G. Pike, Democrat of Suffolk, who is chairman of the House committee, said he was aware that the White House had made this offer before his committee voted to subpoena the materials. Moreover, he said, the House committee had agreed to the arrangement on other items.

"But we are not going to on this particular document," Mr. Pike continued. "You're

talking about the document that set up the entire N.S.A. it's one which all members are entitled to see without shutting back and forth downtown to look at."

The White House had no official response to the news that the committee planned to issue the subpoena. A White House aide said, however, "We wish they had come and talked this over before they took that step."

That has been the procedure that Senators Frank Church, Democrat of Idaho, and John G. Tower, Republican of Texas, chairman and vice chairman of the Senate committee, have consistently used. At the brink of confrontation the two Senators have met privately, in one case with President Ford, in other cases with Philip W. Buchen or Roderick Hills, Presidential counsels.

From these sessions have come agreements that have prevented the Senate committee from issuing subpoenas in cases up to now. One key intelligence agency source, however, said that Mr. Pike "isn't using this tack at all. He's fighting each case down to a handstand, setting precedents on each case. If that committee was all Otis Pike, I'd move to Australia. They'd dismantle the intelligence system," the source said.

Several sources suggested that the House committee's subpoena may prompt the Administration to take Congressional investigation committees to the mat on the issue of their access to national secrets.

A House source said, "Either way, we win, they lose. I can think of no way they can refuse to give us the very orders that created the intelligence system without looking terrible."

Differences in Panels

Several Capitol Hill sources believe the House committee is far more able to take an issue into court than is its sister committee in the Senate. A court confrontation over Congressional access, essentially an issue of executive privilege, could consume valuable investigation time for a Senate committee already delayed in its schedule.

The House committee appears to have less of a preconceived investigation plan and schedule and is going where the leads take it, these observers say.

The issue of subpoenaing the documents arose today as the House committee heard testimony from Albert C. Hall, Assistant Secretary of Defense for Intelligence. Mr. Hall was asked for "nonskids" during the testimony and said he had not brought it.

"Huge sums are going into this agency and we can't get a piece of paper," Mr. Pike told the witness. "Why didn't you bring it with you?"

"I need clearance," Mr. Hall answered. "It has secret material in it." At Mr. Pike's request the committee voted 11 to 0 to subpoena the documents.

Mr. Hall also testified that United States intelligence agencies had been sharply divided over whether the 1973 Middle East war would take place. "One agency was absolutely convinced there was not going to be a war and another believed war was imminent," he said.

He declined to say whether the conflict was between military intelligence and the Central Intelligence Agency. "It was a question in judgment in terms of what the information meant," Mr. Hall said. The committee voted in mid-day to hear the balance of Mr. Hall's testimony in closed session.

Meanwhile, the Senate Intelligence Committee interrogated other present and former defense intelligence agency officials in closed session, and there was no official statement on what they said.

The committee, responsible staff sources said, has not yet resolved the question of whether former President Richard M. Nixon will testify on C.I.A. involvement in the overthrow of the Chile Government and attempted military coups. The committee counsel, F.A.O. Schwarz 3d, was reported to be negotiating with Mr. Nixon's Washington lawyer, Herbert Miller.