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A 10-PAGE SPECIAL SUPPLEMENT

More From the Report on the CIA That They Still Don't Want You to Read

HOW KISSINGER, THE WHITE HOUSE, AND THE CIA OBSTRUCTED THE INVESTIGATION

The Unpublished First Section of the Pike Papers

INFORMATION DELAYED

'. . .We were given heavily "sanitized" pieces of paper. "Sanitized" was merely a euphemism for blank sheets of paper . . .'

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REFUSING TO TESTIFY

'. . . The authority invoked by the Secretary of State was neither "classification," nor "executive privilege," but a new doctrine that can best be characterized as "secretarial privilege". . .'

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THE SECRECY DILEMMA

'Classified information presents a classic paradox: without it, government sometimes cannot function; with it, government sometimes cannot function.'

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INFORMATION DENIED

'. . .The cut-off from information struck at the heart of Committee operations. One month out of our five-month investigative period was lost while the issue was negotiated . . .'

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OVER-CLASSIFICATION

'Overuse of classification is inevitable when . . . some 15,466 persons can classify information.'

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ATTACKING THE FLANKS

'On September 24, 1975 . . . the Deputy Secretary of State raised for the first time an innuendo that the Committee's action resembled McCarthyism.'

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The Select Committee's Oversight Experience

If this Committee's recent experience is any test, intelligence agencies that are to be controlled by Congressional lawmaking are, today, beyond the lawmaker's scrutiny.

These secret agencies have interests that inherently conflict with the open accountability of a political body, and there are many tools and tactics to block and deceive conventional Congressional checks. Added to this are the unique attributes of intelligence —notably, "national security,"[1] in its cloak of secrecy and mystery—to intimidate Congress and erode fragile support for sensitive inquiries.

Wise and effective legislation cannot proceed in the absence of information respecting conditions to be affected or changed.[2] Nevertheless, under present circumstances, inquiry into intelligence activities faces serious and fundamental shortcomings.

Even limited success in exercising future oversight requires a rethinking of the powers, procedures, and duties of the overseers. This Committee's path and policies, its pluses and minuses, may at least indicate where to begin.

Access to Information

The key to exercising oversight is knowledge. In the case of intelligence agencies, this translates into a need for access to information often held by the agencies themselves, about events in distant places.

It is an uncertain approach to gathering facts, given the best of circumstances. The best of circumstances thereby become a minimum condition.

The Select Committee's most important work may well have been its test of those circumstances, testing perhaps for the first time what happens when Congress unilaterally decides what it wants to know and how it wants to know it.

There were numerous public expressions by intelligences agencies and the Executive that full cooperation would be accorded.[3] The credibility of such assurances was important, since almost all the necessary materials were classified and controlled by the executive branch. Despite these public representations, in practice most document access was preceded by lengthy negotiations. Almost without exception, these negotiations yielded something less than complete or timely access.[4]

In short, the words were always words of cooperation; the reality was delay, refusal, missing information, asserted privileges, and on and on.[5]

The Committee began by asserting that Congress alone must decide who, acting in its behalf, has a right to know secret information. This led to a rejection of Executive "clearances"[6] or the "compartmentation"[7] of our staff. The Committee refused, as a matter of policy, to sign agreements. It refused to allow intelligence officials to read and review our investigators' notes, and avoided canned briefings in favor of primary source material. The Committee maintained that Congress has a right to all information short of direct communications with the President.

Our ability to abide by these policies has been a mixed record.

On the plus side, an aggressive pursuit of facts and a willingness to back up this pursuit with subpoenas produced some unprecedented results. As an example, never before had either the Executive or Congress put together a ten-year review of covert action projects. By subpoena—which, unfortunately, had to be taken to the brink of contempt enforcement—the staff of the Committee analyzed all official covert action approvals since 1965, and reported its results to the Committee in a closed hearing.[9] That presentation was one of the more interesting and accurate pictures of U.S. covert policies yet assembled, and was of no small value to our findings. Other examples appear throughout the remainder of this report.

Nonetheless, if that is the positive side, it was offset by the extraordinary efforts that were required, even in a climate favorable to reviewing past Executive conduct, to identify and obtain documents.

It is a commentary in itself that subpoenas were necessary.

It is a further commentary that much of the time subpoenas were not enough, and only a determined threat of contempt proceedings brought grudging results.

EDITOR'S NOTE

Last week, The Village Voice printed almost in full the text of the second of three sections of the report on U.S. secret agencies, dated January 19, 1976, prepared by the House Select Committee on Intelligence, chaired by Congressman Otis Pike of New York. That second section contains the investigative record of the Committee. As noted in our introduction, we could not publish the third section of the report—a section on recommendations—because the Committee had not written it. And we did not choose to publish the first section because it dealt not with the Committee's findings but rather with its frustrations as an investigative unit.

Herewith we are publishing the text of that first section because of the perspective it provides for understanding the reaction of Secretary of State Henry Kissinger, the White House, the secret agencies, and the Pike Committee itself to publication of the report and to the fact that it appeared exclusively in the Voice. By far, the greatest outrage has been expressed not toward those whose mismanagement, cynicism, and downright lawlessness have made a scandal and a disaster of our intelligence operations, but toward those in the Congress and the media who uncovered and reported the facts. The first section of the Pike Papers helps explain this inverted response. It tells of repeated efforts by, above all, Mr. Kissinger and by the White House, the CIA, Senator Henry Jackson, and others to contain, obstruct, delay, and if possible derail the Select Committee's investigation. It also tells some of the effects of these efforts.

In the end, the obstructionists did not succeed. But the turmoil itself and piecemeal leaks tend to focus attention on the clash of interests rather than the substance of the Committee's findings and still threaten to dilute its cumulative impact.

In the following text, space limitations require us to delete some non-substantive references from the footnotes. Therefore, footnotes are not numbered consecutively, but the numbering follows the report's throughout.

Footnotes:

[1]It is interesting to note that, despite volumes of literature, public utterance, and court cases on the subject, there are no clear definitions of what national security is. E.g., Note 87 Harv. L. Rev. 976 (1974); Becker, *The Supreme Court's Recent "National Security" Decisions: Which Interests Are Being Protected?* 40 Tenn. L. Rev. 1 (1972).

[2]Justice Van Devanter, speaking for a unanimous Supreme Court, wrote that the Congressional "power of inquiry—with process to enforce it—is essential and appropriate as an auxiliary to the legislative function." *McGrain v. Daugherty* (1972).

Early in the history of our republic, the power was accompanied by "instructions to inquire into the condition of the various executive departments, and the ability and integrity with which they have been conducted." 13 Cong. Deb. 1057, 1067, (1836).

[3]In a letter to the Chairman dated October 14, 1975, Secretary of State Kissinger stated: "I have no desire to keep anything from the Select Committee with regard to the Cyprus crisis or any other subject." Letter to Chairman Pike, from Dr. Kissinger, State Dept., Oct. 14, 1975.

In a second letter to the Chairman, dated November 3, 1975, Dr. Kissinger again pledged his cooperation: "Let me reiterate that my intention is not to withhold any information of use to the Committee . . . I remain as determined as ever to do everything possible to assist the Committee in its difficult and important task." Letter to Chairman Pike, from Dr. Kissinger, State Dept., Nov. 3, 1975.

At a news conference on June 10, 1975, President Ford stated: "I will make available to the Senate and House Select Committees these [Rockefeller Commission] materials, together with other related materials in the executive branch." He went on to say: "So there's not going to be any possibility of any cover-up because we're giving them the material that the Rockefeller Commission developed in their hearings, *plus any other material that is available in the executive branch.*" (Emphasis added.) President's News Conference, Wash. D.C., June 10, 1975.

[4]The following statement by the Chairman, on November 14, 1975, with reference to a subpoena of State Department documents, is typical:

"Chairman PIKE. That troubles me, Mr. McClory. The fact is that three days after the subpoena was due, we have nothing. You have had phone calls. Mr. Donner and Mr. Field have had phone calls. The President has not asserted executive privilege, but he hasn't done it."

The Committee also discovered what Chairman Pike described as the "dribble treatment," where one or two documents were delivered each day over the course of several weeks. This was a particularly subtle impediment, as it gave the executive branch an opportunity to deny that it was withholding information, while at the same time delaying the Committee's work.

In the domestic intelligence investigation, Drug Enforcement Administration documents, which had been requested for over three months, were opened for Committee "inspection" 48 hours before a hearing on DEA intelligence. Even then, a subpoena had been necessary to obtain information. The staff was not given access to the 17 so-called Kissinger wiretap materials until 24 hours before Dr. Kissinger appeared before the Committee; and that took place only after lengthy negotiations. (Justice Department memoranda relating to the 17 wiretaps are printed as pp. IX of the Comm. Hearings, Part 3.)

[5]The Chairman's comments on September 29, 1975, in a discussion of proposed agreements with the Executive, illustrate the point:

"Chairman PIKE. . . . You thought we had an agreement with the President two weeks ago—or a week and a half ago—and we adopted your proposals in order to get that agreement.

"Having adopted your proposals, they said, 'Well, that is the first bite, now we will come back for some more.' They have now come back for some more.

"You want us to adopt these proposals. You keep seeing huge cooperation just around the corner and it is not there, and it has not been there."

At a Committee meeting early in September, the Chairman described the Committee's experience thus far with executive branch cooperation:

"Here is what we run into. . . . Nothing is ever refused—things just are not delivered. They very carefully do not refuse, but the language is always the language of cooperation—the fact is the fact of non-production. . . ."

A month later, the degree of cooperation had not noticeably improved. As the Chairman stated:

"I think we all know what is going on here. You asked that we wait another week—and we can wait for another week. You say that we ought to be concerned with the official statements and, as I have indicated from the day I got on the Committee, the official statements always promise cooperation. There has never been an official statement which says, 'In no way are you going to get this information.' But the fact of the matter is that we don't get the information."

[6]The Committee did accept the assistance of the FBI in conducting background investigations of its staff prior to hiring. All decisions, however, concerning the members of the Committee's staff and their work were made by the Committee.

The Director of Central Intelligence requested that the Committee require its staff to sign secrecy oaths comparable to those which the CIA requires of its own employees. The Committee refused. However, each member of the staff was obliged by the Committee to sign an "Employee Agreement."

[7]"Compartmentation" is a system employed by the intelligence agencies to restrict the distribution of information even among officials with security clear-

ances. The justification for compartmentation is described in the following excerpts from a letter to the Chairman from CIA Director Colby, on July 28, 1975:

"National Security Council Intelligence Directive No. 1 (17 Feb. 1972) instructs the Director of Central Intelligence to '. . . develop and review security standards and practices as they relate to the protection of intelligence and of intelligence sources and methods from unauthorized disclosure.' Since the National Security Act did not provide for an authority corresponding with the DCI's responsibility in this area, the Directive provides that the Members of the U.S. Intelligence Board are responsible for: 'The supervision of the dissemination of security intelligence material.' The Director of Central Intelligence, acting with the advice of the U.S. Intelligence Board, has promulgated a number of directives, regulations, and security manuals, related to the protection of foreign intelligence and foreign intelligence sources and methods." Letter to Chairman Pike, from Mr. Colby, CIA, July 28, 1975.

[9]This report resulted from a subpoena of documents in possession of the "Forty Committee," which is a National Security Council subcommittee that approves covert action.

On November 14, by a vote of 10 to 2, the Committee approved a resolution citing Dr. Kissinger in contempt of Congress for his failure to comply with the Forty Committee subpoena. The report accompanying the resolution (94-693) was filed December 8. On December 10, after negotiations with White House officials, the Chairman informed the House that substantial compliance had been obtained, and the Committee's report was recommitted.

1. Delay

The record of subpoenas is worth reviewing.

It began on August 5, 1975, when an Assistant Secretary of Defense was asked to appear as a witness and bring with him the document by which the National Security Agency (NSA) was set up. It was a simple and logical request. The Defense Department controls NSA; the Comittee was holding hearings on intelligence budgets; NSA has the biggest budget; and the Committee wanted to see the authority by which NSA operates.

The official did not bring the document. He did not have "clearance" to.[10]

For this elementary piece of information, the Select Committee was forced to resort to the first of its many subpoenas. It is worth noting that the subpoena was promptly honored, which raises the question why the document was not delivered in the first place.

By late August, the Committee was preparing for hearings to review what kind of intelligence our money buys. Four events were chosen for hearings: the 1973 Mid-East war, the 1974 Cyprus coup, the 1974 Portuguese coup, and the 1968 Tet offensive in Vietnam. During August and early September there were repeated requests for documents and interviews.[13]

In some cases, we were given heavily "sanitized" pieces of paper. "Sanitized" was merely a euphemism for blank sheets of paper with a few scattered words left in, often illegible, sometimes misleading, and usually inconclusive.[14] In some cases, notably as to the 1974 coup in Portugal, there was an absolute refusal to provide anything, until early October.

As a last ditch effort, with hearings approaching, the Committee turned once again to its subpoena power. On September 10, 1975, it subpoenaed materials from the three major intelligence agencies and the National Security Council.[15]

What were the materials that forced the Committee to resort to the force of law? Were they the names of agents? No. Were they descriptions of secret intelligence techniques? No. They were, simply, copies of intelligence publications that had been circulated in the executive branch during the week preceeding the events that we were examining,[16] documents circulated literally to hundreds, if not thousands, of people.

Were they turned over by the date specified in the subpoena? Not completely.

The three intelligence agencies supplied some of their publications.[17] Dr. Kissinger, as Assistant to the President for National Security Affairs, refused to turn over a single piece of paper from reports provided to the National Security Council during the weeks in question.[18]

By the time hearings on intelligence results began in mid-September, only two agencies had substantially complied with our subpoenas.[19] More than a month would pass before a good faith effort at compliance was forthcoming from the National Security Council.

Footnotes:

[10]On August 5, 1975, the Committee received testimony from Dr. Albert C. Hall, Assistant Secretary of Defense (Intelligence):

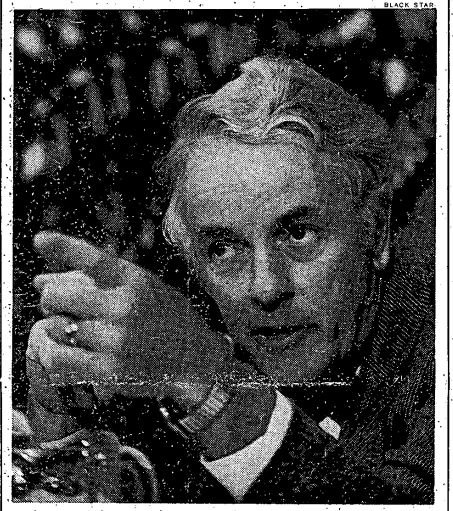
"Chairman PIKE. Well, Dr. Hall, we did make a formal request that you bring this piece of paper creating the National Security Agency with you and you tell us that you want us to have everything we need but you didn't bring it. Why?

"Dr. Hall. We have to get clearance for releasing this material to you, sir.

"Chairman PIKE. Here we are representing the legislative branch of Government, asked to appropriate hundreds of millions of dollars to a certain agency and we are having difficulty finding the statutory authority for that agency even to exist. Now, isn't that ridiculous?"

[13]Letters were sent to CIA on Aug. 18, 1975; Aug. 19, 1975; Aug. 27, 1975; and Sept. 5, 1975. State Department requests were sent on Aug. 19, 1975; Sept. 8, 1975; and again on Sept. 8, 1975. Requests were forwarded to the Defense Department on Aug. 15, 1975; Aug. 19, 1975; Sept. 8, 1975; again on Sept. 8, 1975; and Sept. 9, 1975.

[14]The last two pages of one set of documents were typical deletions. The first page was apparently a cable. It was blank, except for the following across the top: 3/ND/DOLL-VNM/T-0144-6SG TRANS-



BLACK STAR

House Select Committee Chairman Otis Pike: He got the "dribble treatment"—one or two documents a day.

LATED DECRYPT VNJAC/VN NR 1 Y 301300G FM IJB TO CQ INFO BBM STOP CNMB 30119 5610M Tol: 30JA68/1012Z 300"

The second page of the cable was even less informative. It was completely blank, except for a "Top Secret" Stamp.

[15]The subpoenas were directed to the National Security Agency, the Defense Intelligence Agency, the Director of Central Intelligence, and the National Security Council.

[16]The subpoena to the Defense Intelligence Agency on the subject of the Mid-East war illustrates the types of documents called for:

"1. For the period of September 25, 1973, through October 6, 1973, on a daily basis, or as frequently as same were issued, the original documents as follows: all Defense Intelligence Agency estimates. Current Defense Intelligence Summaries, situation Reports, and any and all cables emanating from the Defense Attache Office in Tel Aviv, National Military Intelligence Center daily briefings. . . ."

[17]A staff summary, prepared on September 12, 1975, indicated the following non-compliance:

"DIA Items Not Furnished—Cyprus and Mid-East War

a. DIA Intelligence Summaries for July 14.
b. DIA Intelligence Bulletin for July 13, July 14, and July 20.
c. DIA Daily Current Intelligence Briefings for July 13, July 14, and July 20.
d. DIA Daily Intelligence Bulletins for September 29, September 30, October 6.
e. DIA Intelligence Summary for September 30.

"NSA Items Not Furnished—Cyprus

a. SIGSUM's for July 13, July 14, July 19, July 20.
b. "Wrap-up messages" for July 13, July 14, July 15, July 16, July 17."

[18]The September 12, 1975, compliance summary for NSC reads as follows:

"NSC Items Not Furnished—Cyprus and Mid-East War

a. Nothing was furnished, unless NSC maintains that CIA and DCI documents transmitted to HSC via NSC are 'reports provided NSC by U.S. agencies.'
b. Nothing furnished."

[19]These were the National Security Agency and the CIA.

2. Cut-off

This problem was soon dwarfed by a new tactic—the cut-off.

On September 12, 1975, the President, or someone using his name, cut off the Committee from all classified information. As if that were not enough, his action was accompanied by a demand that we immediately turn over all classified materials from our own internal files.[21]

The reason? The Congress, through this Committee, had passed judgment, after lengthy deliberation of the merits, on whether four words "classified" by the Executive branch could be told to the American people.[22]

The Executive, by its legally questionable reaction,[23] had now set aside any immediate subpoena problems, and the public hearing problems as well.

As background, a hearing on September 11, 1975, had reviewed intelligence performance with respect to the Mid-East war in 1973. The result was shocking. In the words of a CIA document, "the principle conclusions concerning the imminence of hostilities reached and reiterated by those responsible for intelligence analysis were—quite simply, obviously, and starkly—wrong."[24]

That same document had verbatim quotes from two intelligence bulletins that were moderately favorable and from five bulletins demonstrating that intelligence estimates were embarrassingly wrong. The two favorable quotes were declassified and read into the record.[25] The five embarrassing quotes, containing the same type of information, were not declassified by CIA.

The Committee objected.[26]

The CIA returned that afternoon to report that, after all, the five quotes could be declassified.[27] However, in an apparent need not to appear arbitrary in their earlier decision, they insisted that some 13 words still remain classified.

The Committee debated those 13 words for over four hours in a closed session. The CIA Special Counsel was present and in telephone contact with CIA Director Colby; the head of the State Department's Intelligence and Research was there; the head of the Defense Intelligence Agency was there; and a high official of the National Security Agency was there. No agency was without representation, and all had a chance to speak. Nine words were mutually agreed to remain classified,[28] but four words were not.

The four remaining words could not reveal any secret "sources and methods," which is the basis of official classifications,[29] because the information they contained could have come from any number of sources. In addition, the intelligence was so old by the time it was reported that it could not reveal how rapidly our intelligence techniques operated.[30] The Committee satisfied itself on these and other points before taking some half dozen rollcall votes on the matter.

It is possible that never before had so much expertise and thought gone into a declassification decision. For this, the Committee was accused of being irresponsible.[31] To protect national security, the "President" invoked a cut-off, perhaps before the President ever heard of what was going on.

The Committee later learned that in a biography of Dr. Kissinger a year earlier, the subject to which the four words referred had been spelled out in great detail. So much for the validity of the classification argument. No "high State Department official" had been cut off from information or forced to turn over his files as a result of that earlier publication. So much for protecting against irresponsibility.

Police guarding Committee offices were instructed to prevent any takeover of files by the Executive, and nothing more was heard of that.

Nevertheless, the cut-off from information struck at the heart of Committee operations. One month out of our five-month investigative period was lost while the issue was negotiated. With little choice, the Committee agreed that for purposes of getting the investigation under way again, future disputes would be referred to the President.[34] This was agreed to on the assurance of the President that the Committee would have no further problem with access to information.[35]

It is perhaps significant that the day the Committee

was cut off was also the day hearings were scheduled on the 1974 Cyprus coup. Hearings were to be focused on the State Department's handling of intelligence, and of Dr. Kissinger's role therein.[36] Those hearings had to be cancelled. However, the Committee located a State Department witness who was to testify about Cyprus, even in the absence of classified evidence from the Executive—his name was Thomas Boyatt.

Thomas Boyatt was the State Department officer in charge of the Cyprus desk during the period in question. The Committee was interested in what kind of intelligence had been supplied to Boyatt regarding the 1974 coup against Archbishop Makarios and the consequent Turkish invasion.

More important, the Committee wanted to examine how that intelligence, as well as Mr. Boyatt's analysis of it, was handled by the decisionmakers at State. Mr. Boyatt had, in fact, advised one of our staff members that he vigorously criticized the handling of intelligence at the time of the Cyprus crisis. This criticism was embodied in a written report which was sent through the State Department's "dissent channels."[37]

[Page 25 of the Draft Final Report not available—*editor's note.*]

Footnotes:

[21]Rex E. Loe, Assistant Attorney General, Civil Division, delivered the order:

". . . [T]he President's responsibities for the national security and foreign relations of the United States leave him no alternative but to request the immediate return of all classified materials heretofore provided by any department or agency of the executive Branch and direct all departments to decline to provide the Select Committee with classified materials, including testimony and interviews which disclose such materials, until the Committee satisfactorily alters its position."

[22]When Mr. Rex Lee appeared before the Committee to announce the President's cut-off of information it became evident that the executive branch had not given the matter equally careful consideration.

'Chairman PIKE. Mr. Lee, you say it revealed certain foreign communications activities of the United States. Is that your language?

'Mr. Lee. That is what I am advised, Mr. Chairman.

'Chairman PIKE. Did you look at the language of what the Committee released?

"Mr. LEE. I did not.

"Chairman PIKE. You are sitting here making a statement, saying that we have released language relating to the communications activities of the U.S. Government, and you did not even look at the language we released."

[23]In his appearance before the Committee, the Assistant Attorney General asserted that the disposition of security information is solely within the prerogative of the executive branch:

"Chairman PIKE. You say the legislative branch of Government had no right whatsoever to make anything public that the executive branch of Government does not want public. Is that your position?

"Mr. LEE. That is our position as far as classified information is concerned.

. . . .

"Chairman PIKE. So what you say is that in this great democracy, one branch of Government, and one branch . . . alone may decide what is secret, and one branch of Government . . . alone may decide what is not secret."

In support of his position, Mr. Lee did not assert that the Congress or the Committee was bound, as a matter of law, by Executive Order 11652, which established the current classification system, nor did he offer any contrary interpretation of Section 6(a) of H. Res. 591, which explicitly authorized the Committee to release such information as it deemed advisable.

[24]This quotation is taken from the summary conclusion of a post-mortem prepared by the intelligence community itself. The principle conclusions of the post-mortem began as follows:

"1. There *was* an intelligence failure in the weeks preceding the outbreak of war in the Middle East on October 6. Those elements of the intelligence community responsible for the production of finished intelligence did not perceive the growing possibility of an Arab attack and thus did not warn of its imminence.

"The information provided by those parts of the community responsible for intelligence collection was sufficient to prompt such a warning." The Performance of the Intelligence Community Before the Arab-Israeli War of October 1973: A Preliminary Post-Mortem Report, Director of Central Intelligence December 1973).

[25]The two verbatim quotes which were voluntarily declassified by the CIA were:

"We continue to believe that an outbreak of major Arab-Israeli hostilities remains unlikely for the immediate future *although the risk of localized fighting has increased slightly.* . . . 4 October 1973 (emphasis in original).

"There are reports that Syria is preparing for an attack on Israel but conclusive evidence is lacking. In our view, the political climate in the Arab states argues against a major Syrian military move against Israel at this time. *The possibility of a more limited Syrian strike—perhaps one designed to retaliate for the pounding the Syrian Air Force took from the Israelis on September 13—cannot, of course, be excluded.*" INR Memorandum to the Secretary, 30 September 1973 (emphasis in original).

[26]The first of five quotes, which was later released, is as follows:

"Syria-Egypt—The movement of Syrian troops and Egyptian military readiness are considered to be coincidental and not designed to lead to major hostilities." DIA Intelligence Summary, 3 October 1973.

The text was the subject of an extensive discussion among the Chairman and representatives of the CIA:

"Chairman PIKE. Mr. Parmenter, before we go into questioning, would you tell me why you have omitted from your sanitized statement here the actual predictions, as contained in the report from which you read, i. e., the DIA Intelligence Summary Statement of 3 October 1973? I want you to look at what the original report says and tell me why we should not, here in open session, hear what the DIA actually said on October 3, 1973.

. . . .

"Mr. PARMENTER. There are sources and methods here that we will be happy to discuss in executive session.

"Chairman PIKE. Sources and methods in that statement?

"Mr. PARMENTER. Yes, sir.

"Chairman PIKE. I find that incredible. How does that differ from the one you read on the preceding page (INR Memorandum to the Secretary) as far as sources and methods are concerned? . . . All I am asking you is, could you tell us why the reading of this plain, blank conclusion by the DIA as to the likelihood of the outbreak of war, would reveal a source or a method?

Mr. ROGOVIN. I will assume that the reason for the deletion was the manner in which the information was secured—

"Chairman PIKE. It doesn't say how the information is secured. This is a conclusion.

. . . .

"Chairman PIKE. Mr. Rogovin, I find, as I look at what has been deleted and what has been omitted and what has been retained and read, differs not as to sources and methods, not as to the necessity of protecting the sensitivity of stuff, but whether it is in fact rather self-serving. . . ." Sept. 11, 1975.

[27]All five quotes are reprinted in the Mid-East War Post-Mortem in an appendix to this report. The first two quotes are typical:

"Syria-Egypt—The movement of Syrian troops and Egyptian military readiness are considered to be coincidental and not designed to lead to major hostilities." DIA Intelligence Summary, 3 October 1973.

"Egypt—The exercise and alert activities in Egypt may be on a somewhat larger scale and more realistic than previous exercises, but they do not appear to be preparing for a military offensive against Israel. Central Intelligence Bulletin, 5 October 1973." Post-Mortem, DCI, 6 (December 1975).

[28]Of the nine words which the Committee agreed not to release, few of them would have revealed, directly, any sensitive intelligence sources or methods. Instead, in most cases, they constituted personal characterizations, the publication of which might have been embarrassing to the United States or to individual foreign officials.

[29]"Sec. 7. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d) (3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure . . ." 50 U.S.C. § 403 (1973).

[30]In the closed session, Mr. Rogovin, Special Counsel to the CIA, stated: ". . . [T]he experts feel very confident this is the bottom line that can be made public. These are references to real time reporting. . . ." Comm. Execs. Sess., Sept. 11, 1975. . . .

[31]Mr. Lee referred to what he characterized as the traditional procedures by which the Congress has received and treated classified information, a characterization which elicited the following colloquy:

"Chairman PIKE. If it is your position that we may never disclose information, how can we carry out our responsibilities?

"Mr. LEE. The same way, Mr. Chairman, that for decades other committees in Congress. . . .

"Chairman PIKE. That is exactly what is wrong, Mr. Lee. For decades other committees of Congress have not done their job, and you have loved it in the executive branch. You tell us that Congress has been advised of this. What does that mean? It means the executive branch comes up and whispers in one friendly Congressman's ear or another friendly Congressman's ear, and that is exactly what you want to continue, and that is exactly what I think has led us into the mess we are in."

[34]Text of letter from Mr. William Colby, Director of Central Intelligence, to the Chairman, dated September 30, 1975:

"With the approval of the President, I am forwarding herewith the classified material, additional to the unclassified material forwarded with my letter of 29 September 1975, which is responsive to your subpoena of September 12, 1975. This is forwarded on loan with the understanding that there will be no public disclosure of this classified material (nor of testimony, depositions or interviews concerning it) without a reasonable opportunity for us to consult with respect to it. In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States, the matter will not be disclosed by the Committee, except that the Committe would reserve its right to submit the matter to judicial determination."

[35]On September 26, 1975, Mr. McClory described the President's position as follows:

"We have assurance, in my opinion, of getting everything we need, and I would hope we would find we were getting everything we need."

[36]Mr. William Hyland, Director of Intelligence and Research, Department of State, was scheduled to be the key witness on September 11, 1975. It was unfortunate that the cut-off and later restrictions on testimony from Foreign Service officers, prevented the Committee from a full investigation of the Cyprus crisis. There is a closely held State Department report identifying the people who killed the American Ambassador, Rodger Davies, during that crisis, and a public protest has perhaps not been raised because these same murderers are now officials in the Cyprus government. Questions related to that intelligence report should, and must, be cleared up.

[37]"The 'Dissent Channel,' through which this memorandum was submitted, provides those officers of the Department of State who disagree with established policy, or who have new policies to recommend, a means for communicating their views to the highest levels of the Department." Letter to Chairman Pike from Dr. Kissinger, Dept. of State, Oct. 14, 1975.

3. Silenced Witnesses

In response, a new tactic was fashioned—the silenced witness.

On September 22, 1975, Mr. Boyatt was ordered not to tell the Committee "information which would disclose options considered by or recommended to more senior officers in the Department."[38] The order was added on to the existing ban on classified information.

That was not the end. Anything Mr. Boyatt did say would have to be in the presence of State Department monitors, by order of the Secretary.

It is worth pointing out that this prohibition extended to more than Mr. Boyatt's options or advice. Any information that would disclose those options was also banned. An attempted interview by the staff, with monitors, demonstrated that this covered almost everything the man ever did or said.[40]

The State Department's order was issued in spite of two United States laws which protect and guarantee the right of a federal employee to provide information to Congress.

One statute says that the right of a federal employee "to furnish information to either House of Congress, or to a Committee or Member thereof, may not be interfered with or denied."[41] The second law, which directly bears on the Boyatt situation, was specifically designed to encourage candid testimony of employees from federal agencies, including the Department of State.[42]

The authority invoked by the Secretary of State was neither "classification," nor "executive privilege," but a new doctrine that can best be characterized as "secretarial privilege."[43]

The Secretary of State was demanding special treatment. If this Committee could not have received testimony from CIA officers or FBI agents about advice or options they presented to senior officials, it would have had no choice but to shut down.[44] Oversight would be dead.

Fortunately, the CIA, the FBI, and the other intelligence agencies had either not heard of "secretarial privilege," or did not believe it existed.

On October 2, 1975, the Committee voted to issue a subpoena for Mr. Boyatt's Cyprus critique. Dr. Kissinger responded on October 14, 1975, referring to the subpoena as a "request." It was denied, even though it was not a request, but a legal order to produce a document.[46]

Time and control are, as we noted at the outset, in the hands of those who have possession of documents. Therefore, the Committee, more than one month after issuing its subpoena, accepted from Mr. Boyatt no testimony and no document, but something less. We were given Mr. Boyatt's memo after it had been mixed into a number of other paragraphs drafted elsewhere in the State Department—ostensibly to protect Mr. Boyatt. It ended up very much like the proverbial "riddle wrapped in a mystery inside an enigma."[47]

This time the euphemism was "an amalgam."[48]

Footnotes:

[38]This order was embodied in a September 22, 1975, memorandum from Lawrence S. Eagleburger, Deputy Undersecretary of State for Management, to William G. Hyland, the Department's Director of Intelligence and Research. This directive stated that "the following conditions will pertain to sworn interviews by the Pike Committee staff:

"The Department of State insists that a State Department representative be present during the interviews. Should the interviewees wish to be represented by their own legal counsel, the State Department representative will be in addition to that private legal counsel.

"The interviewees are to decline, by order of the President, to discuss classified material.

"The interviewees 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."

When Mr. Eagleburger appeared before the Committee on September 25, he stated that the orders contained in his memorandum of September 22 were issued at the verbal direction of the Secretary of State.

[40]This was clearly indicated by the following exchange among Mr. Field, on behalf of the Committee, Mr. Boyatt, and Mr. Hitchcock, the Department's monitor:

"MR. FIELD. Mr. Boyatt, would you please describe for us in detail what was done in the State Department not with respect to classified intelligence reports or information, but . . . knowledge of any of these events, who was involved, and what they were doing? Would you please describe that for us in some detail?

"MR. BOYATT. I would like to ask Mr. Hitchcock's advice.

"MR. HITCHCOCK. I regret but it appears to me that this comes to the problem of the description of the decision-making process which my instructions seem to indicate is proscribed.

"MR. FIELD. In other words, it is your position that who was doing what in the State Department has something to do with decision-making?

"Mr. HITCHCOCK. Yes.

. . . .

"MR. FIELD. We can't discuss this activity? We can't discuss where he went to, what he did, who he told, what that person told him in response? We can't discuss as I understand it, whether or not he is aware of any moves made by the Secretary of State towards Turkey, towards Cyprus, either preceding or during this period."

[41]"The right of employees, individually or collectively to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied." 5 U.S.C. § 7102 (1973).

[42]"Upon the request of a committee of either House of Congress, a joint committee of Congress, or a member of such committee, any officer or employee of the Department of State, the United States information Agency, the Agency for International Development, the United States Arms Control and Disarmament Agency, or any other department, agency, or independent establishment of the United States Government primarily concerned with matters relating to foreign countries or multilateral organizations, may express his views and opinions, and make recommendations he considers appropriate, if the request of the committee or member of the committee relates to a subject which is within the jurisdiction of that committee." 2 U.S.C. § 194a (1973).

[43]Chairman Pike, questioning Dr. Kissinger in an open hearing on Oct. 31, 1975, stated, "I feel that you are alleging a privilege which has heretofore been reserved only to Presidents." Dr. Kissinger responded, "I have deliberately not asked the President to exercise executive privilege, nor am I asserting a secretarial privilege."

[44]One example comes from reports on the Cyprus crisis: "On the basis of a single CIA report from Athens, the analysts, notwithstanding their earlier concern, conveyed the impression to the policymakers that the world had been granted a reprieve." CIA Post Mortem on Cyprus, p. iii (January 1975).

Not only were we told about the report, we were also told about its impact on policymakers.

[46]The Committee Counsel, on Nov. 6, 1975, noted that, "MR. DONNER . . . A subpoena is not an invitation to negotiate. A subpoena is a command by a duly authorized body of government to deliver information."

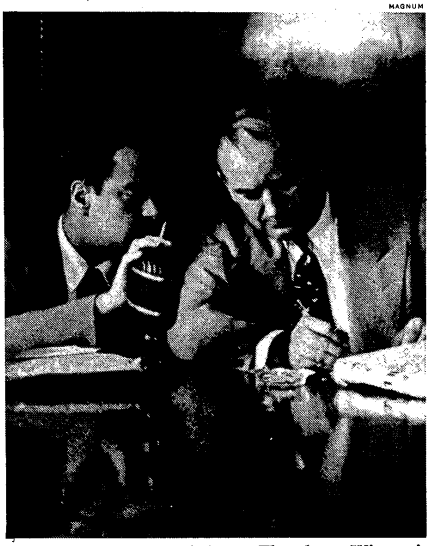
[47]Winston S. Churchill, radio broadcast.

[48]On November 4, the Committee, by a vote of 8 to 5, agreed to the following resolution:

"Resolved by the Select Committee on Intelligence of the House of Representatives that an amalgamation of Department of State documents to include in its entirety the papers described as the Dissent Memorandum prepared by Thomas Boyatt while Director of Cypriot Affairs in the Department, fulfills the requirement of the subpoena issued by the Committee on the 2nd day of October, 1975.

"Provided the amalgamation is accompanied by an affidavit signed by a person mutually acceptable to the Department of State and the Committee as represented by the Chairman and the ranking minority member, attesting that the aforementioned Boyatt memorandum is contained unabridged in the amalgamation:

"The adoption of this resolution shall in no way be considered as a precedent affecting the right of this Committee with respect to access to Executive Branch testimony or documents."



MAGNUM

Innuendo of McCarthyism: The late Wisconsin Senator at a hearing with helpmeet Roy Cohn.

4. Flank Attack

On September 24, 1975, two days after written instructions to Mr. Boyatt were issued, the Deputy Secretary of State raised for the first time an innuendo that the Committee's action resembled McCarthyism.[49] The Committee's initial reaction was to dismiss any such inference as a temporary lapse into poor taste.

Unfortunately, it was not a temporary lapse.

The next day, on September 25, 1975, Deputy Secretary Eagleburger appeared before the Committee to explain the Boyatt order. His statement again referred to State Department employees' problems with Congress in past times—a clear reference to the McCarthy period of the 1950's, as his subsequent testimony made clear.[50] On October 14, 1957, Dr. Kissinger's written response to the subpoena of Boyatt's intelligence critique again raised a reference to McCarthyism.[51]

The implication was baseless,[52] as both Mr. Eagleburger and Dr. Kissinger admitted under questioning.[53]

Facts seemed to make no difference. Within days of the innuendo being raised by Dr. Kissinger and his reply, newspaper columns and editorials were reporting their charges of McCarthyism.[54]

To the extent that such media activity may have been inspired, directly or indirectly, by the State Department, it helped erode support within and outside the Committee for pursuing the plain truth. With that opinion, the fiction of an amalgam became feasible.

Some day the full story of Cyprus may be told, but not by this Committee.

a. An Attack Averted

If no "flank" attack was launched by the FBI to discredit the Committee, it may have been because one was averted by the Committee.

On October 9, 1975, Mr. Martin Kaiser, a manufacturer of wiretap equipment, testified before the Committee. He indicated that the FBI bought his equipment through a middleman, U.S. Recording, who added a 10 percent markup. There was no justification for the markup, and it later developed that the president of U.S. Recording and a top FBI official were close friends.

The Committee began an investigation of U.S. Recording and its FBI friends. The Justice Department and FBI later began their own probe of the same matter.

On December 23, 1975, two and one-half months after Mr. Kaiser testified, he was subjected to a six-hour interview by two FBI agents. The agents were allegedly carrying out an internal FBI investigation regarding the agency's contractual dealings with U.S. Recording Company.

Mr. Kaiser called the Committee to relay his concern, and offered to give a statement under oath as to the conduct of the FBI agents.

In a Committee deposition of December 30, 1975, Kaiser claimed that the FBI agents were more concerned with discrediting the Committee's inquiry and personnel than conducting their investigation of U.S. Recording. Ultimately, the agents had elicited from him a statement, written by an FBI agent, which in some insignificant details recanted portions of his testimony. Mr. Kaiser then repudiated that written statement, which he had signed while agents stood over him and thrust it in front of him.

Taking the initiative, the Committee, on December 31, 1975, released a copy of the written statement, a full copy of Mr. Kaiser's December 30, 1975, deposition, and the text of a letter to the Attorney General demanding a full explanation of the entire incident.[56] This was done to head off any FBI "leak" of the statement its agents had taken while Kaiser was under some duress.

Footnotes:

[49]Mr. Eagleburger's statement, delivered to the Committee offices on September 24, 1975, read:

"Mr. Chairman, this is far from a hypothetical issue. To cite but a single example, the Foreign Service and the Department of State were torn apart in the late 1940's and early 1950's over an issue that raised some of the same concerns that are before us today—the ability of Foreign Service Officers to give to the Secretary and their other superiors their candid advice, secure in the knowledge that this advice will remain confidential. The events of those years not only injured individuals, but also did significant damage to the process by which foreign policy is made. Who can be certain how many recommendations during the years that followed were colored by memories of those experiences?"

[50]"I must say again, as I said in the statement today, the issue for me right now is an issue of principle. It is the question of our duty to protect junior and middle-grade officers of the Department in the conduct of their duties within the Department . . ."

[51]"While I know that the Select Committee has no intention of embarrassing or exploiting junior and middle-grade officers of the Department, there have been other times and other committees—and there may be again—where positions taken by Foreign Service Officers were exposed to *ex post facto* public examination and recrimination." Letter to Chairman Pike from Dr. Kissinger, Oct. 14, 1975.

[52]The plain facts are that Senator McCarthy destroyed the careers of State Department employees on the basis of their beliefs and politics. This Committee never sought the political views of any federal employee. Senator McCarthy operated without evidence. This Committee sought only evidence. Senator McCarthy forced people to testify. Mr. Boyatt wanted to testify. McCarthyism grew out of a lack of character and integrity, and from a climate of hysteria. Restrictive rules are no answer to such problems.

[53]"MR. HAYES. [O]ne of the things that has deeply offended me . . . has been the implication, the very clear implication, that your position of protecting middle and lower level Foreign Service officers is a position of protecting them from McCarthyism . . .

"SECRETARY KISSINGER. With respect to the charge of McCarthyism, I want to make clear that I do not accuse this committee of engaging in McCarthyism and I know indeed that the Chairman has a

record in this regard, and from the convictions of many of the members that I am familiar with, I know that this is not the intention of this committee."

"MR. HAYES . . . I don't think there has been one instance that you can cite or that Mr. Leigh can cite, where this Committee has ever taken it upon itself in the tradition of the McCarthys . . . to, in essence, run a purge operation.

"MR. EAGLEBURGER. Mr. Hayes, there is no implication in my statement that this Committee is performing in the way I described the Department went through in the late '40's and early '50's. That is not, sir, my point." Sept. 25, 1975.

[54]The New York Times editorial of October 19, 1975, was entitled, "Neo-McCarthyism?"

"In view of the facts, the Intelligence Committee's insistence that it has the right to reach into the interior of the State Department to subpoena the dissenting memoranda of junior and middle-rank officials—and to summon them to testify on policy issues—is clearly contrary to the national interest...."

The Washington Post editorial of October 6, 1975, entitled "Mr. Pike's Committee" had this to say:

"The analogy with McCarthyism evoked by the State Department is a relevant one, even though it appears that in this case the committee of Congress wishing to question Mr. Boyatt apparently is inclined to praise him for his views, not persecute him—and to use his testimony to fault Secretary Kissinger. Certainly Mr. Kissinger should be faulted for his Cyprus policy. . . ."

[56]One of the most disturbing aspects of the incident—quite aside from the propriety of interrogating a Committee witness about the Committee—was that the interview was replete with FBI suggestions of prejudice on the part of the Committee Counsel. Vigor was apparently seen as prejudice, and by two agents who had never met the Committee personnel they were denigrating.

5. Deletions

In early November, about the same time the Boyatt problems were being resolved, the Committee moved on from the subjects of money and what our money buys. The third topic of our hearings was risks, and how well those risks are controlled.

Seven new subpoenas were issued. Four were for materials pertaining to subjects of prior hearings. They were honored.[57] The remaining three were directed to Dr. Kissinger, for materials pertaining to upcoming hearings. Not surprisingly, those subpoenas went unanswered.[58]

Once again, some background is helpful.

Two of the three subpoenas were for covert action recommendations made by non-CIA officials, since the CIA had already opened up the covert action files to us. The third subpoena was for intelligence records on Soviet compliance with strategic arms limitation agreement (SALT).

When considering risks, covert actions rank as perhaps the highest risk operations in the government, short of war. The law allows CIA "to perform such other functions and duties related to intelligence affecting the National Security as the National Security Council may from time to time direct."[60] This is the legal authority for covert action. A subcommittee of the National Security Council, presently called the Party Committee, has been assigned the task of directing these actions.

By tracing money, the Committee came across millions of rounds of ammunition and weapons being purchased in the early 1970's. The purchases were destined for a questionable military venture in a far-off war that most Americans had probably never heard of, much less felt they had any national interest in.

The CIA's military escapade was bad enough, but, on examining documents, the Committee discovered that the Forty Committee appeared not to have met or voted on the operation. In fact, internal documents showed that CIA and the State Department had turned the project down three times in the previous two years.

It turned out that during a trip overseas, President Nixon and Dr. Kissinger had met alone with the head of a foreign government [the Shah of Iran—*editor's note*]. At that man's request, the Administration had involved CIA in an internal war in the head of state's neighboring country [the Kurdish rebellion in Iraq—*editor's note*]. John Connally, on the verge of heading Democrats for Nixon," was sent back to the foreign leader, apparently to bring him the good news of final approval.

A month later, after training for the project had already begun, Forty Committee members were sent a memo by Dr. Kissinger informing them, for the first time, of President Nixon's decision.

In a separate matter, this Committee was told by former CIA Director Richard Helms of a decision to undertake a covert action project in Chile. Mr. Helms had been called into the Oval office and told by President Nixon, with Dr. Kissinger and Mr. John Mitchell present, that he was to undertake the project in spite of CIA reservations. He was also told "not to inform the other members of the Forty Committee."[64]

A pattern was emerging.

Not all covert actions were generated by the CIA. In particular, paramilitary operations of the worst type seemed to come from outside the CIA. Some projects came from the President. Some projects came from his Assistant for National Security Affairs, and some had their beginning in the Department of State.

Forty Committee records were subpoenaed to see if the pattern was valid.[66] The subpoena was limited to the official document by which a covert action was approved. These records were often no more than one paragraph long.

What arrived in response to our subpoenas showed nothing—because it was mostly deletions.

The deletions came in all shapes and forms. Typically, there would be one line left on a page, saying, "A CIA project was telephonically approved," or, "The Committee voted to approve a CIA paper entitled [title deleted]." Ofen, if there had been numerous items considered at a meeting, the deletions themselves had been cut and pasted together. For example, item eight might follow item one, giving the impression that only two items had been considered that day.[67] Sometimes there would be only one word left on a page—"Chile"—nothing else, anywhere; but it was still classified top secret. The information, needless to say, was worthless.[68]

Secretary Kissinger: He was "alleging a privilege heretofore reserved only to presidents."

Wholesale deletions were encountered in the Committee's investigation of domestic covert activities as well.

COINTELPRO, the FBI'S program for disruption of the "New Left," like nearly all FBI actions, was extremely well documented. The Committee requested the appropriate documents in July.[69] What it received were summaries so heavily excised as to be unusable.

One memorandum, for example, referring only generically to the "New Left," contained the subheading, "Recommended Procedure," on one page, and "Results" on the next. The pages were otherwise blank. Another document with the same type generic reference, "Black Extremist Organization," was likewise excised in its entirety.

The Committee protested. Negotiations followed.[70] Finally, in mid-October, an agreement was reached whereby less excised memos were made available to Committee staff, at FBI headquarters. The Committee persisted, selecting a representative number of memoranda to be delivered to its own offices. After some delay, they were delivered, still excised.

Requests for the documents pertaining to FBI national security wiretaps led to a similar experience. One set of documents was delivered, excised beyond use. Negotiations took place for almost a month. Finally, a second set of documents was provided, but, again, without identifying targets of electronic surveillance.

Footnotes:

[57]The following subpoenas were honored:

1) To the Assistant to the President for National Security Affairs, for all minutes of the National Security Council Intelligence Committee, its Working Group and its Economic Intelligence Subcommittee;

2) To the Assistant to the President for National Security Affairs, for the minutes of all meetings of the Washington Special Action Group concerning the Mideast War, the Cyprus crisis, and the Portugal coup;

3) To the Assistant to the President for National Security Affairs, for all intelligence reports furnished to the National Security Council between October 5 and October 28, 1973, relating to the Mideast war;

4) To the Director of Central Intelligence, for all written requests and memoranda of requests from the CIA to the Internal Revenue Service since July 1, 1961, for tax information or official action by IRS.

[58]These subpoenas were not complied with:

1) To the Assistant to the President for National Security Affairs for all Forty Committee records of decisions taken since January 20, 1965, reflecting approval of covert action projects;

2 To the Assistant to the President for National Security Affairs for documents relating to the Soviet Union's adherence to the provisions of the Strategic Arms Limitation Treaty of 1972 and the Vladivostok agreement of 1974; and

3) To the Secretary of State for all State Department documents recommending covert actions to the National Security Council since January 20, 1961.

[60]The National Security Act of 1947 states:

"(d) Powers and Duties.

"For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

. . . .

"5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." 50 U.S.S. 403(d) (1973).

[64]"MR. FIELD. In the case of the Chile operation, could you describe very briefly how that was directed?

"MR. HELMS. Well, there was a part—

"MR. FIELD. How you came to be told—

"MR. HELMS. There was some activity undertaken at the President's direction in Chile by his saying to me that he wanted this effort made and that I was not to inform the other members of the Forty Committee.

"MR. FIELD. In other words, in the case of the Chilean operation, were you called to the Oval Office?

"Mr. HELMS. I was in the Oval Office.

"Mr. FIELD. You were called into the Oval Office and who was present?

"MR. HELMS. The Attorney General and Dr. Kissinger." Exec. Sess., Oct. 23, 1975.

[66]"CHAIRMAN PIKE. The question then becomes—and Mr. Field stated this yesterday—are those operations which are generally within the CIA, and in the normal course of business, normally more responsible? Do they normally get our nation into less difficulties than those which somebody outside of the intelligence operation department tells them to do?"

"CHAIRMAN PIKE. Well, here we are seeking to look at the genesis of all oversight and the degree of control and the degree of responsibility by which these operations get launched.

"You and I, and Mr. Dellums, and Mr. Treen, as members of the Armed Services Committee, for years heard the magic word, "The Forty Committee." It has seemed to us as we get deeper and deeper into this that the Forty Committee really has not been all that relevant in the decision-making process in the oversight process. The Forty Committee is always held forth as being that body which exercises judicial restraint, perhaps, in authorizing these various operations. It has seemed to me and I think most of the members of this committee that the activities of the Forty Committee have been relatively negligible in authorizing these operations.

"We are trying to get the information to see whether anybody ever really argues about these things, to see whether anybody votes no on these things, to see whether the Forty Committee is a reality or a rubber stamp."

[67]"MR. FIELD. I think this is the best example of the kind of deletions. The items skip from Item 1 to Item 4. Items 2 and 3 are clearly cut and pasted out of the document. It then skips from 4 to 7. In other words, here is a document that could conceivably be two or three or four pages long. It gives you the feeling that you have gotten a reasonable amount of information, but in fact all somebody has done is snip out little sections and paste them together and com-

pact them and make it look like it is a complete document."

[68]"MR PIKE. I think that as any of us look at what they have given us, we will simply make a pretty easy judgment that what they have given us is so heavily censored and deleted as to be meaningless for our purposes."

[69]It was part of a general request on July 22, 1975, for all documents previously provided the Senate Select Committee.

[70]The Senate, which received the same excised material, also objected, with more or less the same results. All of this happened before July 22, 1975. Much time could have been saved had that information been volunteered to the House.

6. Privileges

The second Kissinger subpoena brought even less than the first one.

For the first time in the history of the Ford Administration, executive privilege was invoked. The subpoena which caused this historic assertion was directed to Dr. Kissinger as Secretary of State. It was intended for the purpose of examining the type of covert actions recommended by the State Department since 1965.

The State Department reported that it had recommended only eight projects—this was later changed to 16, and still later to 20—but that none of the documents could be provided to the Committee.

Although only a few of the recommendations were from a Secretary of State to a President, all documents were being withheld because they were deemed privileged communications with Presidents. They included recommendations from lesser State officials to the staff of the National Security Council, with no apparent intention that the document be for the eyes or the use of the President.

The communication did not take place in this President's administration. All privileges recognized by law are controlled specifically and personally by the person whose communication is being protected, and this President was not in that position as to all the documents.[74] It must be noted, again, that no other intelligence agency or department withheld recommendations for covert action—or anything else—sent to the National Security Council. If they had, the Committee's work would have come to a halt.

In any event, nothing came forth from the State Department.

At no time was there a legitimate question as to which documents the Committee was seeking, under either this subpoena or the subpoena for Forty Committee documents. At no time was the physical amount of paper a problem, since only a few hundred sheets of paper were at issue. At all times, this Committee, as well as the Congress, had a right—and, in fact, an obligation under law[75]—to review the information at issue.

With no other recourse, the Committee cited Dr. Kissinger for contempt on November 14, 1975.[76]

On November 20, 1975, the Committee approved a report to the House of Representatives, asking that the Committee's contempt citation be supported by the House itself and referred to the U.S. Attorney for prosecution. Contempt proceedings began to produce results with respect to the Forty Committee records. Revised editions, with fewer deletions, were soon provided.

Nothing came forth from the State Department.

The Committee then entered its last two weeks of hearings, having endured more than three months of uninterrupted delays, cut-offs, silenced witnesses, amalgams, attacks, deletions, and privileges.

Finally, the evening before the Committee was to take a contempt citation of Dr. Kissinger to the floor of the House for a vote, the Committee was given access to State Department recommendations for covert action.[78]

Footnotes:

[74]"MR. JOHNSON. . . . I don't think we ought to even acknowledge that this is a possibility that a President can control everything that has happened in the government files and government documents; that the President has absolute control over this since the time of the inception of the Republic."

[75]"Sec. 2. The select committee is authorized and directed to conduct an inquiry into—

. . . .

"(5) the necessity, nature, and extent of overt and covert intelligence activities by United States intelligence instrumentalities in the United States and abroad;" H. Res. 591, 94th Cong., 1st Sess. (1975).

[76]"Resolved, That the Speaker of the House of Representatives certify the report of the Select Committee on Intelligence of the House of Representatives as to the contumacious conduct of Henry A. Kissinger, as Secretary of State, in failing and refusing to produce certain pertinent materials in compliance with a subpoena duces tecum of said Select Committee served upon Henry A. Kissinger, as Secretary of State; and as ordered by the Select Committee, together with all the facts in connection therewith, under the seal of the House of Representatives to the United States Attorney for the District of Columbia, to the end that Henry A. Kissinger, as Secretary of State, may be proceeded against in the manner and form provided by law."

[78]"MR. FIELD. . . . Mr. Hyland . . . had both the State Department recommendations and the Forty Committee minutes before him. He read verbatim from the Forty Committee minutes, and he used the State Department recommendations to verify the date, the country, and the type of program that was recommended by the State Department, and in response to our questions, he was very forthcoming."

7. More Delay

The third so-called Kissinger subpoena was intended for the review of strategic arms limitation agreement (SALT) intelligence handling, but brought instead a return to the delay.

What is SALT, and why was the Committee so interested in the intelligence aspects of it? Briefly, SALT covers the strategic arms limitation agreements signed with the Russians in 1972, to limit the arms race. The agreements specifically limit such things as missile production, deployment, and testing by the United States and the Soviet Union. The ability of our intelligence services to detect whether the Russians are violating this agreement is of vital strategic interest. More important, SALT intelligence must be able to move through channels, uninfluenced by bias or ulterior motives, to appropriate decisionmakers.

The Committee had earlier received testimony that, during the Vietnam War, a desire to please highlevel officials may have caused some intelligence to reflect what the upper levels wanted to hear. Vietnam is history, but SALT is not.

To check how intelligence was being handled at the highest levels, and whether it was ever withheld from top Executive officials or Congress, the Committee subpoenaed all reports on Soviet compliance that had been sent to the National Security Council.

At first, Committee staff went to the White House and was given a few SALT monitoring reports. These, it was said, were absolutely all that the National Security Council had in its files on the subject of SALT compliance. It did not seem possible.

For one reason, the Verification Panel, which exists primarily to review SALT matters, is part of the National Security Council and has been quite active. For another, the Committee had already identified dozens of pertinent documents from the intelligence community which had been sent to the National Security Council.[82]

The skepticism proved accurate. After Committee proceedings to cite Dr. Kissinger for contempt of the SALT subpoena, on November 14, 1975, volumes of SALT intelligence materials began to come forth.

A week had passed since the return date of the subpoena before the documents we needed were even identified, making preparations for hearings most difficult.[83] This was the last of the subpoenas, however.

In reviewing the oversight experience, access to information, even when it was backed up by subpoena, was not satisfactory. As an example, at the State Department we found that lower level officials had eventually been ordered not to testify before the Committee; their documents were likewise refused to Congress. Upper level officials at State had become inaccessible because of executive privilege; and diplomatic exchanges, an important element of intelligence, were similarly off limits to the Committee.

To place the importance of this in perspective, intelligence has two primary consumers: military and diplomatic. Diplomacy is preferable to war; yet it is nearly impossible, today, to evaluate how well intelligence serves diplomatic ends. If it does not serve well, it is hard to imagine how anything could be known or done about it by Congress.

The passion for confidentiality and secrecy at State is curious, because in many cases the Russians and other adversaries were either directly informed of the name secrets the Committee sought, or the Russians know of them by other means.[84] It is hard to imagine a justification for allowing the unelected to keep elected officials in the dark, in a democracy.

Footnotes:

[82]We had not received any documents from the Verification Panel or its subcommittee, the Restricted Working Group. In addition, we had identified some 40 documents sent to the NSC from CIA that should have been included in the subpoenaed material.

[83]The lack of access to documents was the primary reason no administration witness was called to testify at the Committee's first SALT hearing. Without documents to identify issues, we called a SALT critic, Admiral Elmo Zumwalt, to testify.

Ironically, the same officials who withheld primary source materials from us criticized the Committee for not presenting administration witnesses. However, we had no evidence to question them about.

After documents were sent to the Committee, a hearing was held to receive testimony from two senior administration officials with reference to certain documents that appeared to show withholding of intelligence. The point is that until the Executive opened access to documents we could not select appropriate witnesses or be prepared with issues; nevertheless, that same Executive made it seem that responsibility for not calling their witnesses rested with the Committee.

[84]For example, SALT intelligence was put on "hold"— which means it was not only classified, but not even generally distributed in the executive branch. Mr. Hyland testified as to one of these "hold" items:

"MR FIELD. But the Russians were told it twice while it was on hold.

"MR. HYLAND. That is the purpose of the system. If you decide not to do it, that is one decision.

"MR. FIELD. Who was it kept from?

"MR. HYLAND. As far as I am concerned, officials who had an operational policy decision were informed.

"MR. FIELD. That is not the question. Whom are we keeping it a secret from?

"MR. HYLAND. We are keeping a hold item secret from people who might read the Central Intelligence Bulletin that is disseminated in several hundred copies.

"MR. FIELD. We tell the Russians.

"MR. HYLAND. Of course."

8. Routine Problems

When legal proceedings were not in the offing, the access experience was frequently one of foot-dragging, stonewalling, and careful deception.

A few examples should suffice.

The President went on television June 10, 1975, and reassured the nation that the uncompleted work of the Rockefeller Commission would be carried forward by the two intelligence committees of the Congress. The files of the Commission, President Ford announced, would be turned over to both committees immediately.[85]

The Committee began requesting those files within the week. We requested and requested.[86] We negotiated.

Finally, by threatening to announce publicly that the President's word had not been kept, the files were turned over—in mid-October, some four months late.

In another case, likewise involving basic research information, the Committee in early August, requested a complete set of what has become known as the "Family Jewels." This 693-page document was the very foundation of the current investigations. It had come into existence as the result of an order by former CIA Director James Schlesinger, on May 9, 1973, in the wake of Watergate revelations. Dr. Schlesinger had ordered CIA employees to report any possible past wrongdoing, and those reports were compiled into the "Jewels" on May 21, 1973.[87]

By the end of August, the Committee had been provided only a sanitized version of the document. Letters were sent and negotiations proceeded throughout September. On October 7, 1975, the staff was told that they would not be allowed to see the complete record of wrongdoing as assembled in May 1973.[88]

A second sanitized version was sent in mid-October, but it was hardly less sanitized than the first. As an interesting sidelight, the second version did have one page that was not in the first. It was a photocopy of a Jack Anderson newspaper article, nothing more. In the first version, that page had been blanked out, with the message, "This information deleted because it reveals sensitive operational techniques and methods." The second version was not deleted, but it was classified.

The Chairman demanded a complete copy of the report, and was told that one would be forthcoming. None was. As a result, he scheduled a press conference for 12:00 noon on October 11, 1975.

At 11:45 a.m. on October 11, 1975, the report was finally delivered,[89] after the life of the Committee's investigation was more than half over.

These two examples represent some of the most basic research materials available to the Committee. Their contents were crimes, abuses, and questionable

conduct, not sophisticated or legitimate intelligence secrets.

Other important information was withheld, such as a Committee request for certain records of the President's Foreign Intelligence Advisory Board. On August 25, 1975, a letter was sent asking for a copy of the Board's agendas since 1961. No written response to that letter has even been received.

The Board interested the Committee from the standpoint of command and control. There have been numerous recommendations, for example, that a pending executive reorganization make this group the key command and control unit for foreign intelligence.[91]

The Committee is still waiting for the Board's documents to be delivered, despite the fact that the ranking minority member of the Committee took a personal interest in the matter. A month of his efforts produced only a limited right to see certain information, not the documents themselves.

Another important piece of information the Committee requested was the names and relationships of newsmen who worked for both the CIA and the American news media at the same time. Congressman Dellums asked for this in executive session on August 6, 1975.[92] The information was re-requested by letter on October 14, 1975, and on October 21, 1975, and on October 31, 1975, and on September 2, 1975.[93]

The Committee is still waiting for answers about the newsmen. The only information it did receive was in response to inquiries about specific newsmen, after we had determined from other sources that there was a CIA connection. In fact, in one case, the CIA denied the relationship until confronted with irrefutable proof.

As a final example, there is a category of intelligence that is sent to the Secretary of State, who then controls its further dissemination. It is called "NODIS CHEROKEE."[94]

The Committee specifically requested NODIS CHEROKEE information with reference to the Cyprus crisis in 1974. It was told none existed. Two months later other officials revealed that the materials do exist. When the Committee went back to State with this new information, it was simply told NODIS CHEROKEE was not going to be given to us.[96] By then, there was no time left to issue a subpoena.

a. The Right Question

Perhaps the most difficult problem in developing information about intelligence activities is knowing the right question to ask.[97]

As an illustration, Committee staff obtained the names of CIA proprietaries, after lengthy negotiations. Some time later, staff members noticed that certain names were not on the list. The explanation was that those were "fronts," and we had not asked for fronts.

Nor was this sort of semantic contest confined to staff inquiries. In one public hearing, Congressman Stanton and the FBI's Raymond Wannall consumed more than five minutes drawing distinctions among "surreptitious entry," "burglary," and "illegal break-in."

Another example grew out of a Committee investigation of a covert action project that had taken place some years ago. This particular project was the subject of unusual interest by the Committee, both because of the country involved and because it entailed tampering in the free election of an allied nation. The Committee's objections to the project were strong enough that it voted to recommend to the President that the project no longer be kept secret.

Astonishingly, while the Committee was in the midst of objecting to this past project, CIA was obtaining approval for re-instituting the same type of project in the same country. The CIA never told the Committee about this renewal. When newspapers revealed the new project, Committee staff asked the CIA why it had not been told. The response was, "You didn't ask the right question."

Time and again, a question had to be repeated and variously repeated. Only then would the sought-after facts emerge, even though the intent of the questions had been readily apparent. The operable ground rules were, as one official put it, "After all, we're not a Coke machine; you don't just put in a quarter and expect something to come out."

Examples of the difficulty in asking the right question are a bit like trying to prove a negative; the full impact may not be possible to illustrate. It was, however, the most nagging factor in attempting to exhaust the items that deserved Congressional insight. The significance is that it reflects an attitude which cannot be expected to change; and, as long as that is the case, ready access to documentary evidence and primary source material is all the more imperative.

Footnotes:

[85]"Because the investigation of the political assassination allegations is incomplete . . . I will make available to the Senate and House Select Committees these [Rockefeller Commission] materials together with other related materials in the executive branch. . . . I should add, that the Senate and House Committees are also in the process of making further investigations as they have been charged with the responsibility by the Congress; so there's not going to be any possibility of any cover-up because we're giving them the material that the Rockefeller Commission developed in their hearings. . . ." President's News Conference, Washington, D.C., June 10, 1975.

[86]More than two dozen phone calls were made, by three separate members of the staff, over a three-month period.

[87]"MR. JOHNSON. On May 9th of '73, Mr. Schlesinger issued a directive calling on all CIA employees to report any and all abuses by the CIA. That is a matter of public records, there isn't any question about that, is there?

"MR. COLBY. No, sir.

"MR. JOHNSON. And is it also a fact that by May 21, just 11 days later, there were several hundred separate reports of abuses which had been reported to him?

"MR. COLBY. There were a number of abuses. I couldn't give you a quantitative statement.

"MR. JOHNSON. That is the report that has been called by a variety of names, it has been called potential flap activities, or jewels, or the family jewels; isn't that the report we are talking about?

"MR. COLBY. Yes."

[88]"On 4 September I formally requested to see the original copy of the unsanitized 'family jewels' from the Review Staff at CIA. I was put off. Then Seymour Bolten, Chief of Review Staff, countered with an offer to have someone sit with Mr. Pike and let him read a version. This was unacceptable, so they further 'compromised' and offered to let Jack Boos and A. Searle Field sit at CIA with the sanitized 'family jewels' and ask for each sanitization as it came up. This was also unacceptable and the access flap started.

"Now, I have been told by Donald Gregg and Seymour Bolten that 'no one will see the original, unsanitized family jewels.' " Memorandum to Mr. A. Searle Field, from Emily Sheketoff, Oct. 7, 1975.

[89]"Pike told reporters the documents had been turned over to him, for Committee use, 'a few minutes before noon.

" 'We have been trying to get documents with hard evidence and a particular document including the report generated by Mr. Schlesinger about alleged improprieties within the CIA,' [Pike] said.

"Defense Secretary James R. Schlesinger served as CIA director for a few months in 1973 and held an in-house investigation of the agency before he left that post." "Pike Gets a New Report," The Washington Star, p. A-10, Oct. 11, 1975.

[91]From time to time, the Board has examined the scope and effectiveness of covert action and the technical means of gathering intelligence. Staff was informed of current discussions to enhance the responsibilities and resources of the Board. Another concern was the role and interrelationships of members of the Board with the business community. Many of these members are affiliated with major intelligence community contractors.

[92]"MR. DELLUMS. Describe the existence and nature of the CIA secret propaganda operations in the U.S. I would appreciate detail. How many U.S. journalists overseas are in contact with the CIA? How many outlets for media operations does the CIA have in the U.S.?"

[93]This set of requests was for "a complete list of all people now in the news media who have ever had a relationship, contractual or otherwise, with the Agency." Letter to Donald Gregg, Assistant to the Director, CIA, from Emily Sheketoff, Oct. 21, 1975.

[94]"MR. HITCHCOCK. NODIS CHEROKEE is a particularly sensitive category of NODIS messages limited in use to relatively few embassies, covering intelligence materials of extraordinary sensitivity, handled virtually only by the Secretary, the President, if he is involved, and the Chief of Mission. And virtually one-man dissemination in Washington and the field."

[96]"All of them (NODIS CHEROKEE) . . . contain diplomatic correspondence between the capitals and Washington. . . . Thus, these messages do not deal with the intelligence matters of concern to the committee and do not relate to your request of 16 October." Letter to Gregory Rushford from J. J. Hitchcock, Department of State, Jan. 5, 1976.

[97]"MR. PIKE. It has been my experience and judgment that if you [Mr. Colby] are asked precisely the right question, you will give an honest answer. You do not lead us into those areas which would help us know what the right question was to ask. You do not make it easy for us to ask the right question. Anyone who thinks you have been running back and forth to Capitol Hill with briefcases bulging with secrets which you are eager to bestow upon us hasn't sat on my side of the desk."

Congress and the Secrecy Dilemma

Classified information presents a classic paradox: without it, government sometimes cannot function; with it, government sometimes cannot function.

Spy agencies cannot publish details about their operations. At the same time, Congress cannot fail to report to its constituents about abuses of their government. What it all means is that there must be a responsible system of classification, accompanied by an equally responsible and effective system of declassification.

We have neither.

It has been easy to create secrets, but this government has yet to construct an adequate way to handle the problems too many secrets create. We have no Official Secrets Act—which would make it a crime to publish secrets—because such a law would be unconstitutional.[100] Therefore, the only real enforcement of classification is sanctioning those who depend on access to secrets,[101] such as Congress. Congress can be, and has been, either cut off from classified information or convinced to receive secrets selectively.

That is only the beginning of classification problems.

The law says that there are to be only three categories of classifications: top secret, secret, and confidential.[102] In spite of this, intelligence agencies spawn all sorts of "higher" classification, such as "code word" or compartment" categories. Just as often, information is simply withheld from Congress under ad hoc arrangements. This Committee was frequently told that, whereas its mandate was legal authority to receive classified information, that was not enough.

Footnotes:

[100]Mr. Colby stated: "I do believe that the question of an Official Secrets Act has to be looked at in the context of our Constitution . . . I would not apply it to the press, for example, because I think that would run into real conflict with our Constitution."

Chairman Pike summarized the witnesses' testimony as follows: "I gather that you are all agreed there should be no Official Secrets Act or the equivalent thereof, and that our Constitution simply doesn't allow it, for openers."

[101]In the course of the investigation, one official reminded Committee staff of an anecdote involving President Kennedy and Chairman Khrushchev. During one of their visits, President Kennedy apparently asked the Russian leader about a Soviet citizen who had been sentenced to 23 years for running naked through Red Square shouting, "The Party Leader is a moron." Chairman Khrushchev allegedly replied, "He got one year for indecent exposure, two years for insulting the Chairman, and twenty years for revealing a state secret."

[102]The classification categories and criteria used by the executive branch are defined in Section 1 of Executive Order 11652, as follows:

"SECTION 1. Security Classification Categories. Official information or material which requires protection against unauthorized disclosure in the interest of the national defense of foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories, namely "Top Secret," "Secret," or "Confidential," depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute."

1. Oaths and Agreements

The first matter of business between the CIA and the Committee was a request by the Agency that all of the staff be required to sign six pages of CIA oaths.

These elaborate oaths stipulated, in effect, accept-

able conduct for Congressional employees with respect to things CIA had determined were secret. Without oaths, secrets would not be forthcoming. The staff represents, of course, Committee members, but the members were not asked to sign oaths. Perhaps this was because members would not do anything untoward with secrets. More likely, it was because they would protest loudly.

The Committee reminded CIA that subjecting our employees to Executive oaths would violate the concept that Congress is an independent and co-equal branch of government.

It is the Constitutional responsibility of Congress to control its own staff, and this is the course the Committee followed. It required every employee to sign a statement, drafted by the Committee, reflecting the needs and considerations of Congress, and enforced by Congress.[107]

This may seem like so much posturing; but it is important not to underestimate the significance of firmly establishing the premise that a target of an investigation does not lay down ground rules. As the Agency noted, this has not been the case in the past; and it may be one of the reasons this investigation had become necessary.[108]

The next move was to require the Committee to enter into agreements.

The proposed agreements outlined certain categories of information so sensitive that the Committee was to agree in advance not to see them. When this was rejected, a modified version of those agreements set forth proposed rules and regulations the Committee would abide by if certain classified information were to be made available.[109] These agreements also included a proposal to "compartment" our staff.[110] Compartmenting would mean dividing them up and restricting their access to each other's work.

The Committee refused to sign. It refused even to agree, as a matter of "understanding," that Executive rules would be binding. Such proposed understandings included allowing intelligence officials to review the notes of investigators before notes could be brought back to Committee offices. Other committees have consistently been subjected to that arrangement.[111]

The FBI then came forward with a six-page agreement that they requested be signed before classified information could be handled by the Committee.

The FBI proposal was even more restrictive than CIA's. Secret documents would be made available in special rooms at the FBI, with FBI monitors present. Notes would be reviewed by FBI agents. After notes had been appropriately sanitized, they would be sent to our offices.[112]

Once again, the Committee refused to sign. It did agree orally to put all future requests for documents in writing. The repercussions of this oral agreement illustrate quite nicely the problem with agreements. A few days later the Committee received a letter from the Justice Department stating that requests for materials that had been made a month earlier by Committee members in public hearings had not been fulfilled. Even though FBI officials had publicly agreed to furnish the documents promptly, the requests had not been "in writing."[113]

While the Committee was negotiating an end to the cut-off from classified information, another agreement for handling secrets was proposed by the Executive. The Committee was asked to agree that certain categories of information be inaccessible.[114] Other categories would be available only to senior members, by means of selective briefings. Again, it was not agreed to.

Footnotes:

[107]The following excerpts are from the agreement signed and honored by the members of the Committee's staff:

"EMPLOYEE AGREEMENT

"1. I have read House resolution 591, 94th Congress, establishing the House Select Committee on Intelligence, and the Committee's Rules and Security Regulations.

"2. I understand that as a condition of employment with the Committee I am required to, and hereby agree to, abide by House Resolution 591, 94th Congress, and by the Committee's Rules and Security Regulations.

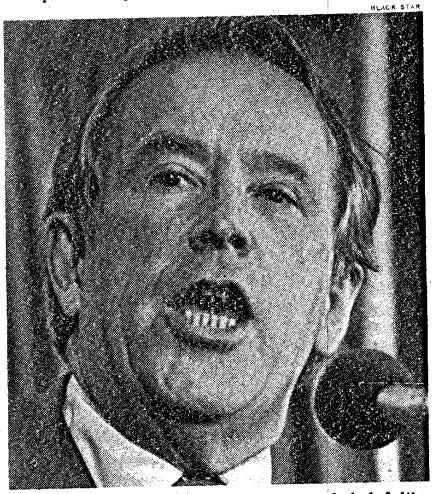
. . . .

"4. I further agree that I will not divulge to any unauthorized person in any way, form, shape or manner the contents of classified information received or obtained pursuant to House Resolution 591, 94th Congress. I understand that it is my responsibility to ascertain whether information so received or obtained is classified. I further understand and agree that the obligations hereby placed on me by this paragraph continue after my employment with the Committee has terminated."

[108]As the Chairman expressed it to Mr. Rex Lee of the Justice Department: "It means the Executive Branch comes up and whispers in one friendly Congressman's ear or another friendly Congressman's ear, and that is exactly what you want to continue, and that is exactly what I think has led us into the mess we are in."

[109]"c. The compartmentation procedures of the Intelligence Community have been established pursuant to statute and National Security Council Intelligence Directives. The simplest way for the staff to obtain access to this compartmented material would be to accept the normal secrecy arrangements as modified in the enclosed. This would ensure against difficulties in access to such compartmented material throughout the Intelligence Community." Letter to Chairman Pike, from Mr. Colby, CIA, July 28, 1975.

[110]The specific suggestion came in a letter to the Chairman: "The security principle of 'compartmentation' involving special access and information dissemination controls is designed to ensure that only those individuals whose 'need to know' have been specifically approved by some higher authority, who have been specially indoctrinated, and who undertake special commitments to protect it are provided access to a particularly sensitive category of foreign intelligence sources and methods. Compartmentation assists in the application of the 'need-to-know' principle by ensuring that individuals are provided access to only that information clearly essential to the performance of their duties. . . .



Senator Henry Jackson: He was "extremely helpful" to the CIA in its "problems" with Senate investigators.

"For your information, in addition to the Senate Select Committee's use of the modified secrecy oath dealing with compartmented access, the following House and Senate committees have obtained compartmented access for their staffs, which was granted after the normal briefings and signing of the secrecy oath:

"Armed Services Committee

"Appropriations Committee

"Aeronautical and Space Sciences Committee" Letter to Chairman Pike, from Mr. Colby, CIA, July 28, 1975.

[111]The CIA has also informed this Committee that all other Congressional committees leave their personal notes at Agency headquarters.

[112]"(3) The Department will furnish access at the Hoover Building in Room 4171 to those materials requested:

"(a) only to the members of the Committee, where it is determined by the Attorney General that the materials involve peculiarly sensitive foreign intelligence sources of peculiarly sensitive ongoing foreign intelligence operations.

. . . .

"(c) An exception to (a) and (b) above is made for the identities of so-called "live" informants or potential informants as defined in the FBI Manual of Instructions as to which no access will be furnished unless the identity of the individual as an informant or potential informant has already been made known to the Committee. . . .

. . . .

"(a) Before the copies of . . . materials are taken to the Committee's offices, the Bureau shall, within 24 hours of the selection, make appropriate excisions and paraphrases of information which might, if inadvertently disclosed, endanger sensitive FBI sources or sensitive ongoing operations.

. . . .

"The Committee staff may remove notes on unscreened materials only if such notes are reviewed and cleared by the Bureau under the provisions of (6) (a) thru (c) above." Procedures, submitted by the Department of Justice, to the House Select Committee on Intelligence, Aug. 19, 1975.

[113]"You will recall that the Committee agreed to put all requests for materials, documents, information, and briefings in writing. . . .

"To date the Department has not received written requests which encompass all of the oral requests which were made by the different Committee members during the testimony of Messrs. Pommerening and Walsh before the Committee on August 7, 1975. Letter to Mr. Field, from Mr. Steven Blackhurst, Department of Justice, Aug. 21, 1975.

[114]"1. Identities of secret agents, sources and persons and organizations involved in operations which, if disclosed, would be subject to personal physical danger, or to extreme harassment, or to economic or other reprisals, as well as material provided confidentially by cooperating foreign intelligence services; diplomatic exchanges or other material the disclosure of which would be embarrassing to foreign governments and damaging to the foreign relations of the United States; and

"2. Specific details of sensitive intelligence methods and techniques of collection. . . .

"Verification procedures will continue to be available in case of Committee questions concerning matters deleted by the Executive agency.

"Other matters, the complete confidentiality of which the President personally certifies is essential to the effective discharge of Presidential powers, may be withheld." Draft Agreement, submitted to the Committee, Sept. 28, 1975.

2. Selective Briefings

Soon after the opening hearings, staff began investigating a high-risk, secret program. A request was made to interview the official in charge of the program. The interview was granted, but the official refused to talk about the program. He sat with a thick book of documents, but he refused to let any documents be reviewed. They were too secret.

Intelligence officials made a proposal the Committee would hear again and again. The Chairman and perhaps the ranking minority Member could be briefed on the program.[117] In light of the fact that the Committee had been told that clearances would not be used to block the staff's work, it protested. When the Chairman refused to be briefed alone, intelligence officials relented and allowed staff to have access to the information, so long as the Chairman was briefed first.

A second example illustrates the problem with selective briefings. The Committee inquired into a project that included foreign military assistance via the CIA. It was "too sensitive" to discuss with staff. Once again, intelligence officials asked to brief the Chairman and senior Members.

The full Committee and staff were briefed, and the consensus was that the project had turned out to be one of the more outrageous ventures by CIA. Some months later, this same project was the subject of a Committee action to ask the President that the full story be made public.

A recent CIA operation in Africa followed the same awkward course of senior Member and senior staff briefings first, then full and prompt disclosure to the Committee. This Committee consistently maintained this policy that everything told to senior members was promptly told to the full Committee.[119] If Congress wanted a one- or two-man Committee, it had every opportunity to set one up. It has not done so to date. Preventing this from happening de facto was, and is, a serious challenge.[119a]

Footnotes:

[117]This request was a constant problem, as illustrated by the Chairman's remarks with reference to subpoenaed Forty Committee materials:

"Chairman PIKE. It has been indicated to me that I would be permitted to go down and look at these documents. That is not satisfactory to me. We subpoenaed these documents for the Committee. One of the difficulties which my predecessor had was that he was in possession of information which the rest of the Committee did not have. This Chairman has made it clear from the outset that when we subpoena documents for the Committee and when there is information which the Committee feels it is essential that the Committee have, I am not going to look at the information and deprive the rest of the Committee of it."

[119]"Chairman PIKE. I have two problems with that verification situation.

"We have had this situation time and time again in the House of Representatives where the members of a committee, and the members of the House are asked to trust the discretion of the Chairman, or of the Chairman and the ranking Member.

"I have a great deal of problem with the concept that I should be privy to information which is withheld from the rest of the Committee. That is No. 1."

[119a]Intelligence agencies are constantly maneuvering to keep information from Congress:

"MEMORANDUM FOR
THE RECORD 23 February 1973
FROM: [deleted], CHIEF, WESTERN HEMISPHERE DIVISION
RE: MEETING WITH SENATOR JACKSON TO DISCUSS HOW CIA SHOULD HANDLE INQUIRIES FROM SENATOR CHURCH'S SUBCOMMITTEE ON MULTINATIONAL CORPORATIONS, IN REGARD TO CIA INVOLVEMENT WITH ITT IN CHILE IN 1970.

"*TOPICS DISCUSSED.* Senator Jackson's advice to us was as follows:

"1. Senator Jackson felt strongly that the first order of business for CIA in terms of handling the basic issues that were involved in the Senate Foreign Relations Subcommittee on Multinational Corporations asking the Agency about its activities in Chile in 1970, was to discuss the problem with the White House. (Jackson) was quite explicit that this conversation should be carried out by Schlesinger and that he should talk with no one other than President Nixon and Mr. Halderman (sic). The Senator stressed repeatedly that the Church Subcommittee on Multinational Corporations had focused on ITT only in the sense that this was the top of the iceberg. . . .

"2. Senator Jackson felt that the ultimate solution to the problem facing the Agency . . . could be found in getting Senator McClellan, acting on behalf of Senator Stennis, to call a session of the CIA Oversight Committee. This Committee would then look into the nature and scope of CIA's activities in Chile in 1970. Once that was accomplished, the Oversight Committee would handle the Foreign Relations Committee. Senator Jackson repeatedly made the comment that in his view the CIA Oversight Committee had the responsibility of protecting the Agency in the type of situation that was inherent in the Church Subcommittee. As a result of this conviction, Senator Jackson would work with the Agency to see that we got this protection . . .

"4. Once the Oversight Committee had heard the details provided on the CIA's involvement, 'the Agency could send a brief statement to the Church Subcommittee staff members in response to the questions which they had previously posed to CIA. Senator Jackson agreed that the following statement would be perfectly adequate for this purpose:

"'The testimony of Mr. Helms on 5 and 7 February before the Senate Foreign Relations Committee clearly established that CIA neither gave to nor received from ITT funds for use in Chile in 1970 for support of political parties. In addition, Mr. Helms' testimony brought out the fact that there were no joint action programs established in the context of the 1970 political developments in Chile. CIA regards Mr. Helms' testimony on this topic to be accurate thus, no further elaboration is planned.'. . .

"9. *Comment.* Senator Jackson was extremely helpful throughout 23 February on the issue of the Agency's problems with the Church Subcommittee. Senator Jackson is convinced that it is essential that the procedure not be established whereby CIA can be called upon to testify before a wide range of Congressional committees."

3. Special Restrictions

Committee Members are not the only object of secrecy arrangements proposed by intelligence officials. Other Members of Congress apparently cannot be trusted with secret information about the government they govern.

Time and again, staff was told that it would be difficult to turn over documents because of Rule 11. Rule 11 is a House rule that allows members of the House of Representatives to have access to all "committee hearings, records, data, charts, and files . . ."[120]

The Committee was asked to sign letters affirming that it would not turn over any documents to another Member of the House. The Committee was eventually asked to pass a Resolution to that effect. Sometimes this acted to delay the forwarding of documents. The primary result was that most materials the Committee received in the closing months of its investigations were "on loan."[121]

The concept of loaning materials to the Committee had other advantages for the intelligence community.

The first advantage is the right to possession and control of final disposition of our files. Without a loan arrangement, staff was told that certain papers could not be provided.

The other advantage in loaning documents pertained to a possible court contest over release of classified information. If release of a document were going to be legally disputed, the Executive clearly wanted to be in the position of having legal possession of that document. Unfortunately, release or publication of Committee information raised far more immediate, and practical, problems.

Footnotes:

[120]Specifically, House Rule XI(2)(e)(2) provides that:

"All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto."

[121]The standard caveat, which accompanied all materials turned over to the Committee, was adopted from a letter of Sept. 30, 1975:

"This is forwarded on loan with the understanding that there will be no public disclosure of this classified material (nor of testimony, depositions or interviews concerning it) without a reasonable opportunity for us to consult with respect to it." Letter to Chairman Pike, from Mr. Colby, CIA.

4. The Release of Information

One of the most troubling problems the Committee faced was what information to release and what process to follow in making its decision. A corollary problem was what to do about unauthorized release of information.

Existing standards for classifications are vague, arbitrary, and overused. Almost anything can be a "source" or "method" of intelligence—which are the primary criteria for foreign intelligence classifications. As a result, the sources or methods by-line is used to classify items that have practically no bearing at all on intelligence, but was extremely embarrassing.[123]

Overuse of classifications is inevitable when, by the Executive's most recent estimate, some 15,466 persons can classify information.[124]

The difficulty is that no one in Congress can declassify. The Executive Branch claims exclusive and sole jurisdiction. This gives an administration the power to use the classification system in a manner that can result in manipulation of news by declassifying information that can be used to justify policy, while maintaining classification of information that may lead to contrary conclusions. Another aspect to be recognized is that classification can hide conduct from the American people that is well-known to the foreign country involved. Castro knew of the assassination attempts, the Cambodians knew they were being bombed, but the American people, whose government was engaging in these practices, were not aware of the activities because of the classification system.

The dilemma arises when a Congressman or Committee receives information which one or the other decides should be brought before the people they represent. This Committee faced that problem and did not reach a satisfactory solution.

The procedure followed by the Committee was that when it decided to consider making public certain information taken directly from classified documents or testimony, it would give appropriate executive branch officials 48 hours' notice. It would then allow those officials to appear before the Committee, in closed session, and present arguments against release of all or part of the information. If no agreement could be reached, the materials at issue would be forwarded to the President. They would be released unless the President asserted, personally and in writing, that release would be "detrimental to the national security."[126]

The Committee used this process with three separate pieces of information. All three were covert CIA projects. Their release was proposed in separate motions placed before the Committee by Congressman Johnson.

The initial Johnson motions were introduced in November 1975, and voted down by the Committee, with five Members not present. Some weeks later, the motions were made again, with all but one Member present, and approved by the majority.[128] This began the release of information process.

The next step was to draft a short statement outlining the significant aspects of each covert operation.[129] The statements were forwarded to the Special Counsel to the Director of Central Intelligence, with an accompanying letter notifying him of an opportunity to present the Intelligence Community's views in a hearing three days later.

The Director of Central Intelligence, Mr. Colby, appeared, accompanied by appropriate officials, to present any specific objections he might have. His response was specific, but sweeping. He objected to everything, no matter how it was worded, and no matter how impossible it would be to identify a country, a source, or an operational method.[131]

Mr. Colby's response seemed to end any good faith effort to work out mutually acceptable release of information, but the Committee made one more effort. The three statements were rewritten, making them even more general than before. Names of countries were taken out; only gross dollar totals were used; and innumerable generic descriptions were inserted. In one case, far less remained than had appeared in newspaper articles attributed to high executive branch officials.

In a hearing the next day, Mr. Colby still objected to the release of anything.[132]

This meant that all the materials had to be forwarded to the President for a decision on whether release would be detrimental to the national security. The President, of course, turned to CIA for guidance.

More than three weeks later, the Chairman was informed in writing by the President that the Committee could not implement its decision to release the two statements.

Incredibly, the President's letter was classified "secret." The secret stamp was unnecessary, because there were no facts at all about the covert projects in his letter. The types of projects at issue were not even mentioned. The letter was simply a rhetorical pronouncement of how important confidentiality is, and how telling the American people what their government is doing in these matters would harm our best interests.

It should be noted that one of the items that allegedly would harm this nation's security if made public had already been made public—by Dr. Kissinger.[134]

Footnotes:

[123]A typical example was the CIA refusal, at first, to declassify part of the 1973 Mid-East War Post-Mortem. That position produced the following exchange with the CIA Special Counsel:

"Chairman PIKE. Mr. Rogovin, I find, as I look at what has been deleted and what has been omitted and what has been retained and read, differs not as to sources or methods, not as to the necessity of protecting the sensitivity of stuff, but whether it is in fact rather self-serving, or whether it is in fact rather damaging."

[124]This estimate was provided to the Committee by the Interagency Classification Review Committee, which was established by President Nixon in Executive Order 11652, which also established the security classification system now in force. . . .

[126]In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States, the matter will not be disclosed by the Committee, except that the Committee would reserve its right to submit the matter to judicial determination." Letter to Chairman Pike, from Mr. Colby, CIA, Sept. 30, 1975.

[128]The votes were 10-2, 10-2, and 10-2.

[129]The shortest statement was two pages; the longest was 14 pages.

[131]Mr. COLBY. Mr. Chairman, we have several difficulties with this report. We looked through it. We tried to identify what things might be released and what things might not. There are a few odd sentences that might be released."

[132]"Mr. NELSON. . . . I consulted with the Director. It is his position that he would object to the declassification of either of these papers as I described them to him over the phone."

[134]"Tokyo-U.S. assistance prevented a takeover by Soviet-backed elements in Angola in July, a senior official aboard U.S. Secretary of State Henry A. Kissinger's plane said en route to Tokyo yesterday." Washington Post. A-17, Dec. 8, 1975.

This was the first administration acknowledgement of U.S. involvement in Angola.

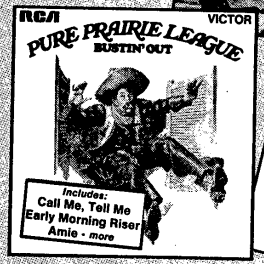
"Secretary of State Henry A. Kissinger's admission that the United States is trying to be helpful to some neighbors of strife-torn Angola is a surprise only because Kissinger has openly acknowledged it." Jeremiah O'Leary, "U.S. Admits Indirect Aid to Angola," Washington Star, A-4, Dec. 10, 1975. □

Announcing The First New York Appearance Of Pure Prairie League.

Feb. 19-21
The Bottom Line
15 W. 4th St., N.Y.C.

Feb. 23
My Father's Place
19 Bryant Ave., Roslyn, L.I.

Catch 'em live and hear the songs from their new album, "If The Shoe Fits."



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$4.29 LP $5.79 Tape

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9th St E 623-3 Rms $90/Mo.No Fee 11 St E 642-2 Rms $75/Mo. No Fee See Supt at 628 E 9 St or Call 674-8913 or 516-678-1634

9th Ave-40s NO FEE

3 ROOMS $125
Well maint walk ups.Ownr-mgt221-5710

10th St-W(130) Apt to rent Murray Space shoes to see Wed, Sat 12-5. Call 242-7754.

10 ST-374 E-No Fee
Large beautiful apts. 3 Rooms $65 4 Rooms $90. Near shopping. Supt Apt.14 or CA 8-1201

10 ST.,216 EAST(off 2nd Ave)

4 ROOM APTS $195
QUIET,LOCKED BUILDING

10TH ST-323 East.2 duplexes,both w/private garden.3 ft.livrm;$290 &$305.Big airy flr-thru;5 rm over-looking Thompkins Sq. $275.NO FEE Call Bill 675-1384

10 ST., 35 EAST

EXCITING DUPLEX $500
Spiral staircase,terr.,huge windws

LARGE 1 BEDRM $400
Lrg terr.,dishwshr,hi ceils-No Fee

RODAL REALTY 755-3555

10 ST & TOMPKINS SQ-Sunny 6 rm 2nd flr facing park.1125 sq ft flr-thru.Fplc,A/C,intercom. Owner occup brnstn.$420. 533-9346

11 St,67 E.-Large studio w/sep kitchen in newly renov cast iron landmark.Sublet Apr.1 to Sept 30 at $296 or new lease $302. 473-8674 or supt

11 STREET,610 EAST
Livingrm,Kitchen,tile bath $100.No Fee. Office 608 E.11 St

11th St W(off Greenwich)Ideal share 5rm fl thru,xlnt cond,2dflr,walkup $335

Univ Pl-Prewar Doorman bldg,studio w/eat in kitch & foyer $285

12th St,145 W(6/7Av)Tree lin blk Well mnt elv bld;3 r/eatin kit $312.50

Charlton St-Elev bldg,Bright large 1 Bedroom $325

17 St,200 E(3d Av)mod elev bldg. STUDIO,seprt kitchen $245 ALSO Very lite cnr 1 Bedroom $365

23 St,312 W-Mod elev bldg.Mod STUDIO kitchen, tile bath $185

All Fee. Supt premises or call

BUCHBINDER & WARREN 243-6766

11 ST,227 EAST(nr 3rd AVe)
CHARMING 1½ RM STUDIO
Newly renov. bldg. Sep kitch & eating area-full tile bath-wdfplc-$225, NO FEE. CALL 254-1808 or see supt. on premises

11 St. E. (Nr 1st Ave) 2½ rm apt Free gas, Fplc, quiet block $150. 260-3084 After 12pm

11th St. West-2½ rms wbfplc, hi ceils, porch, sep kitch, brick wall, $200. Call 691-8242 after 6PM

12 ST.,527 EAST(Off Ave A)

4 ROOM APTS $125
TWO MONTHS FREE RENT

12th St.E. Garden apt very large one bdrm,lovely yard.Nice building Very reasonable rent. Call 473-1779

12 St E,Nr 3rd Av-Freshly painted 1½ rms,well kept brnstn, full kitch equip,mod bth $195 G.G.REALTY 41 W.96 ST 866-7700

12 St(321 East)-3 Rms-ALL BRAND NEW!
Well-Kept Bldg w/Good Tenants!Conven.To Trans & Shopping!Outstanding Buy at $185.Bkr.255-5089/279-7660

13th St E-226, Bet 2 & 3 Aves Beaut 3 & 4 rm apts.Large,lite,clean secure $165 month.For working couple or students.See Supt on premises

13TH ST. 15 EAST,STUDIO
Second Floor. (Top Floor)
Suitable artist, sculpture, designer, etc. Private Entrance, sky-light.
MORRIS GOLDMAN R.E. CORP.
WA 5-3939

13TH ST-212 East.Elev bldg spacious 1 bdrm apt. No fee. See Super or call 254-7146.

13 ST, 243 EAST
4 RMS, $155; 5 RMS, $185
NO FEE! Good security system
Apply Supt or call 524-1236

13th ST. 440 E. bet 1st & A 3 rms sep BR, complete mod kitch & bath, Renov building $140. NO FEE. Supt on premises

14St.,313 EAST-NO FEE
STUDIOS & 1BRs $200-250
Newly rnvtd Brownstone.Garden duplex Some w/terraces.Hi ceils.Grt for loft Agent on prem 12-4pm Sat,Sun.12-5pm daily.LPI RENTALS 799-6005

14 St, 234 E-Mod Lux elv-NO FEE
Brite Studio $188. Bay windows hi ceils,nr trans/shop.
Supt 260-1380

14 St. E. Nr 1st Av. Very lov lg studiommod kit,tile bth,brk walls,locked, intercom,good value $175. NO FEE 377-2046/799-9142

UNFURN APTS MANHATTAN (300)

14TH ST EAST,205
2 Bedrms,$235.Renovated bldg. A/C,NO FEE.See Howard 677-6033

14 St, 234 E-NO FEE,Mod brite
1BR,WBF $269.Brk walls;hi ceils nr trans/shops.Supt or 260-1380

14 ST. 24 Hr Lux Drman Bldg

PARKER GRAMERCY
7 WEST 14TH ST
NO FEE

MAGNIF STUDIO,sep kitch	$290
1 BEDROOM APARTMENT	$335
HUGE 1 BEDROOM APT	$375
FULL 2 BEDRMS,2 BATHS	$475

CENTRAL A/C & GAS INCLUDED
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14 St(338 W.)-A Garden In The City! Lvrm w/W/BFplc!Brick Wall!Bedrm, Kitch AND Lg Spacious Grdn! Quiet,Well-Kept Bldg With Old NY Charm!Good Trans & Shopping.$295. Broker 255-5089/279-7660

14 ST.W(204) Lge Studios$220
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15TH ST NEAR 7TH AVE
Charming St.3 nice rms.Clean bldg. No fee. $175/month 736-3587

15 St.220 WEST NO FEE

VICTORIAN HOTEL
Converted by architect/builder into handsome 10 sty apt bldg. 1 BR;sep kitch,A/C,walnut stained oak kitch cabinets & flrs. $300 Everything new thruout bldg.Tenant roof garden;laundry room.See 5-7 wkdays;12-3 wknds.924-6661.Ownr/Mgt P & J REALTY CO 929-4210

16 St 160 W (cor 7th Ave) NO FEE

BEAUTIFUL
LOFT BLDG
Converted by arch/bldr into handsome MODERN APT HOUSE
All apts have spacious rms,hi ceils, A/C,free gas,light oak kit cabinets o'k flr/.Full sz refrigs;lots of kit work space,huge windows,use of tenant roof deck,some apts are bi-level;have terraces,views of Empire State Bldg,arched windows, D/Ws,bldg has lanudromat,bsmt storage space,live in supt and is wired for cable TV.Rents $285-$390

OPEN HOUSE
3:30-7 wkdays;11-4 wknd.Clos Friday
Renting office prem 989-0918
P&J Rlty Co Own/Mgt 929-4210

16 St 160 W (cor 7th Av) NO FEE

THE KNITTING MILLS
PENTHSE DUPLEX
Knockout 2BR;spiral staircase private terrace,LR 18X30,arched windows,hi ceils,light oak flrs, dishwasher $625. To Inspect:

OPEN HOUSE
3:30-7 wkdys;11-4 wknds (Clos Fri)
Call Prem 989-0918 or our home ofc at 929-4210 for further details
P & J REALTY CO-Owner-Mgmt

16 St(230 W.)-3 Mod,Spacious Rooms! Brite & Sunny!Select Prvt House!Nr Trans & Shopping!Refs.Unusual Buy! $275.Bkr 255-5089/279-7660

16th St, E. Gram Pk. Area

IS THIS YOUR SPACE?
Style and space for flexible living architect designed top floor loft apt. huge windows skyline view lr 36x16 Bdrm 12x15
Skylight studio bdrm 15x15 all new kitchen w/dwshr bath & laundry pass. & Frt elevat. $750 incl util Call OR7-3834 Days 935-0975Eves

17th St 134 E.Beautiful residential block,charming older brnstn,partial renov.1½&2½ rm apts w/sep kitchens&mod appliancs.No Fee Immed occup. fr. $150-$180 See Super prem.

W. 18 St.
18 St. W. (8-9) Newly renov spacious sunny 1 BR brnstn flr thru. 2 WBFP Hi ceils, mod kitench & bath, cable TV $350. 1 Or 2 yr lse 989-7164

19TH ST EAST GRAMERCY PARK
On Block Beautiful, Penthouse sky lighted, dble gardens, duplex 2 bedrms, balcony,working fireplace air cond, $1200 and/or on contiguous floors, 2 bedrm,2 bath Breuer designed ranch style compl. new gourmet kitchen,working fireplace air cond. $1000
Mr. Forrester 777-3017

20th St.W.207 (off 7th) 2 rooms, beautiful floors,open fireplace. $260.No agency. Call Georgina at 924-6750 between 10am and 12pm

20's WEST NEW

Chelsea Mews

235 West 22nd St.

A NEW TOWNE HOME
IN RESIDENTIAL NEIGHBORHOOD
BETWEEN 7th & 8th AVENUES
DOORMAN SECURITY SYSTEM
ALL THE LUXURY AMENITIES
HANDSOME A/C APARTMENTS
SOME WITH TERRACES &
WOODBURNING FIREPLACES

STUDIOS fr $250
1 BEDRMS fr $330
IMMEDIATE OCCUPANCY
924-4787
Renting Agt on prem Daily & Sunday
J.I. Sopher & Co., Inc.

UNFURN APTS MANHATTAN (300)

20 W. Chelsea
2 BDRM-$345-NO FEE
Renov twnhse w/elev,carpeted halls intercom,free gas.Come to 326 W.23 St. 10am-5pm or call 691-5900

20s W-LANDMARK AREA
Mod renov 2BR flr-thru. Fplc,3 sky-lites,lots closets a/c $340 no fee.
E.W. REALTY 242-5020

20s W/GOOD BLOCKS BRNSTNS
CHOICE 1BR APTS $225
$280.Mod kit/bth,brk walls,a/c work fplc NO FEE E/W RLTY 242-5050

22 ST 340 EAST NO FEE

TOWNHS 1 BR/WBF
Converted by architect/builder Windowed kitch/bath,hardwd flrs A/C,$320.Laundry rm.See 6-8 wkdys 11-2 wkends. 677-6032 or ownr-mgt P & J REALTY CO. 929-4210

23rd St-West.Brite 1BR;duplex in renov twnhse.W/garden.A/C.No Fee Rent $338. Come to 326W.23rd St 10AM -5PM or call 929-4944

23 St.W.Bright 2BR apt in renov townhse w/elev,a/c,free gas intrcom No Fee.Rent $389.Come to 326 W.23 St 10am-5pm or call 924-2190

23 St.W.Bright 1 BR duplex in renov twnhse w/grdn,a/c,marvelous shape.Rent $328.Come to 326 W.23 St. 10am-5pm or call 929-4944

23 ST., 208 W(NR 7TH AVE)
Beaut bedrm apt,livrm,sep kitch, bth,elev,drmn $275-$325.NO FEE
CALL MANAGER 929-7060

25 ST.,231 WEST-Luxury Elev Bldg
1½ Rms $229;2 Rms $235
ONE MONTH FREE RENT

25ST. Chelsea,Attic Studio,Owner Occup Brnstn,French Windows,WBfplc, Brk Walls,Small Kitch Alcove,Sunny, Suitable 1 person. $185. 741-0215

25th St 209 East (off 3rd Av) No Fee
1 BEDRM, SEP KITCHEN
WOODBURNING FIREPLACE
New Air Cond Elev Building $325 Mo

25th St 209 E (3dAv)No Fee
Large modern studio apt $235 mo
New Air Cond Elev Building.

30TH ST-308 W. Moderate priced. 2 bdrm apts, incl electric,from $280.Attractive,well maintained apt bldg in Madison Sq. Garden area, walking distance to R.R.947-2341.

30s/Mid,9th Ave WALK-UP

Lge 3 & 4 Rms $110-125
Recent paint/tub kit, 947-3270/1-5pm

31 East 1 St Nr 2d Av
Livingrm,kitchen,pvt bathroom, Free gas. Locked bldg. No Fee
$125-$135. 477-1492
or see Supt on premises.

31 St (166 Lexington Ave) Unusual flr thru; expos joist ceils; recessed & track lighting; several skylights; large living & bedrm, $385 mo. Owner-mgmt 371-6512

31st Street-Park &,Lex. Large studio,dining area. Tile bath,elev $250/mo. Call Agent 242-3700.

35TH ST-221 E NO FEE
Charm'g lg 1 Bdrm,hi ceils,ground flr front $280, Hardwd flr, share garden Supt or owner-mgmt 371-6512

35th Street-Nr all transp,Charming townhouse,hi ceils,brk walls,3½ rms Very reasonable. Call 247-3651 or 247-3664

36 St,East-Murray Hill
Garden apt,3½ rms,conv loc,suit business couple.
MU9-5951 by appt.

42nd St(Betw 8th/9th)
2 ROOMS $125
Well maintained walk up bldg.
OWNER-MGMT 221-5710

50's OFF AVENUE OF AMERICAS
No Fee-Lge studio attended lobby. Elev bldg $225 mo. 757-3404 kitte.

50th ST-454 W LRG 1 BDRM
$260.Walk to work area.Brick wall. fplc,renov Twnhse.No Fee. 734-3668

56TH ST WEST-THEATER DISTRICT
Extra lg sunny studio w/foyer in lux bldg.24 hr drmn.$275. Call 246-7314

57 St.W-Walk to Work-No Fee
Beaut 1 bdrms,skylite or fplc $345
WESTPARK Rlty 155 W.72 St.595-0900

70's THRU 90's EAST
Specializing in apt rentals.
Brnstns,renovations,semi lux,pre war lux,lux drmn bldg.
A/C Studios in renov bldgs $175-200
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NEVER A REGISTRATION FEE
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70s-90s-W.Side NO FEE
Lg studio,full kitch,only $200
Lg.brite,1Bdrm,brnstn,nu kit $255
WESTPARK Rlty 155 W.72 St.595-0900

70s W.-New huge bnstn
20x20 LR, 13 ft ceils, $390
WESTPARK Rlty 155 W.72 St.595-0900

70 ST, 333-335 EAST
2 RMS + KITCHETTE, $175
I.WOLLMAN, Bkr, 354-9400

UNFURN APTS MANHATTAN (300)

70's West.Vic.Lincoln Center
+W.80's+CPW Vic-3 selected bldgs: for performing arts-fine arts-writing Well built,thick wall prewar elev bldgs (24 hour security service)

Studios	$140-$190
1½ Rooms	$195-$235
2 Rooms	$235-$285
3 Rooms(eat in kit,when avail)	$295-325
4 Rooms(2 BRs,when avail	$375-450

Rehearsal,practice & wkshop spaces being planned;music(pianos when avail) dance,theatre,photo dkrms and all arts and crafts shops.
GOOD OPPORTUNITY FOR MUSIC AND ALL ART TEACHERS
Huge clsts,hi ceils,good light, hardwood flrs or carpeting.
Some apts have oak mantle fireplaces & room moldings.
FREE UTILS NO BROKERS FEE
Well furn apts avail if requested. Special consideration to all teachers and students.
Call: 873-7717 If no ans., 866-2412

71 ST OFF C.P.WEST
Brownstone-Bedrm $275
MR.BLAZER 563-7440

71 St. W. Owner's own charming south gdn apt in renov brnstn, brick walls,Gourmet kitch, W/W carpet in LR & BR.Free cable TV. avail immed. $395. Call 877-3663

72StW(off WEA)newly rnvtd bldg,lge 2BR,LR20x25,brand new kitch;So expos

$350 LPI Rentals 799-6005

73(on WEA)½ fee paid-Lovely 1 BR, bay wind,sep mod kit,A/C $230

THETAN REALTY, CO.
200W72nd St 799-9510

73 ST.,201 EAST (Corner 3rd Ave)

STUDIO w/Kitchenette
Walk-Up Apt. Available Immed.No Fee
Ms Lamas 889-8555 Mon-Fri/See Supt

74th St West-No Fee-lovely 2½ rooms $265/Month. 3½ rms $325/Mo Some have river view. 24 Hr svce. Free elec. Agent 787-1100.

74 St W-solid prewar 24hr attend 1 BR,kitle,lg clos,free utils$230

THETAN REALTY, CO.
200W72nd St 799-9510

75 ST. W. (CPW area) NO FEE
New 6 story elev bldg. Studios & 1BRs A/C, lots of closets, lite, $210 up
LPI RENTALS 799-6005

77 St. 201 W. Beautiful 4½ rms $415. Also 3½ rms $325.. No Fee. See Doorman anytime 682-8475

77th St, West Attr neighborhood Two one bedroom apts available $225 month each. Heat paid Chris Murphy 580-8207

77TH ST 1471 2ND AVE
LARGE 2 ROOM APT $225
Shown betwn 4-6pm NO FEE.Own-Mgmt

77th St. 315 W. bet WEA & RFD 2 studios avail, $150 & $190. Avail immed,brnstn. No fee. Mr. See Super Mr. Matiko

78th St.,306 W. bet WEA & RFD, small,cute basement studio,avail immed,$150 incl G&E.See Super Mr. Zaitz or call 564-4945

78th St CPW vic-Sunny small studio,older brnstn.Kitch't,mod bath; Immed $150. G.G.REALTY 41 W.96 ST 866-7700

79th St East.Charming 3 rm apt, exposed brick & fireplace. $165/mo including utilities. Call Jodie 751-6617 10-5 days

80's E. 1 BR, recently renovated 2 A/Cs, clean bldg. simulated fireplace. $285. Call Susan, days 374-7882 or Nights 249-3845

80's E (NR 2ND AVE)
4 rms $225/$250,studios $190/$225 others.OPEN 7 DAYS WK.
BERGMAN REALTY, 249-9941

83rd St-West.CPW. 1 garden apt Newly modelled.Immed avail. 1 or 2 persons. Call 787-0735. 7AM-4PM

84 St,just off RSD-Charm 3 rms secure brnstn,sep bedrm mod kitch & bath; immed $249 G.G.REALTY 41 W.96 ST 866-7700

84St.W(off CPW)beaut tree lined street Newly rnvtd Brwnstn,1BR,so exposure
LR exposed brick $235
LPI RENTALS 799-6005

W 85 ST-NO FEE

Charming,clean,newly renovated apts in secure elev buildings.Ultra modern colorful kitchens & bathrms with all new appliances incl laundry facils.
NO FEE OWNER MANAGEMENT

STUDIO $175
ONE BEDROOM APT $235
Call 877-7871

86 St(WEA)535,No Fee-Brownstn-hand carved wood paneling,fplc,loft bed& airy 1 Bdrm overlooking tree lined sq $384.Agen on premises Sat. (10AM-3PM) or Call 929-3254

86 ST. W. (CPW area) lg 1 BR, lots of lite, brnstn lg kitch, $250.
NO NO FEE LPI Rentals 799-6005

87-88 St & Amsterdam Ave-
4 rm front apt $235 mo.4 rm rear apt $210 mo.Walk-up,nr trans 873-9402

87 St West,343.Lge studio with pvt.bath & kitchen.Freshly painted. 3rd Floor in brownstone. Call anytime GE 5-2582, 873-3590

UNFURN APTS MANHATTAN (300)

87 St.nr.Central Pk.West,new renov,brnstne 1bdrm,hi-ceil,full kit very light,sunny.$255.Also 81 St. lg.studio 20'x22'fplc$230.787-3487

87 St. W. betw RSD & WEA. 19x28 hi ceils, walk in closets, 4 wndws mod kit & bath, parquet flrs. $235. 2 mos sec. 874-6428 Keep trying

88 St,CPW-Brite 2½,top flr,older brnstn,sep bdrm,hi ceils,W/B fplc shutters,needs painting. $220. G.G. REALTY 41 W.96 ST.866-7700

90's East-4 Large rooms
2 bedrms,eat-in kitchen.Elevator. No Fee. $295 mo. Call 348-8675.

91 St, 252 W.
Newly Renovated Bldg

4 rooms	$300-$
Studio	$190-$

No Fee See Supt or Call 777-8820

94TH ON SCENIC RIVER DRIVE
New lux elev bldg at 214 Riverside D Studio,1&2 bedrms-duplex.Huge room A/C.See Agent 11-6pm or call 865-0334 or 876-1700. NO FEE.

95 St,CPW vic-Fabulous flr thru 2 bedrms,huge liv rm,fplc,expos brick,A/C;immed.A Knockout! $400 G.G.REALTY 41 W.96 ST 866-7700

95 St,CPW vic,secure older brnstn freshly painted small studio,kitch't prvt bath; incl G&E $160 G.G.REALTY 41 W.96 ST 866-7700

95t,220 E. (bet 2nd&3rd Aves)

YORKVILLE
NEW LUXURY BUILDING

3BR APT $390-$440
Unique Layouts,Dishwasher,A/C, Laundry,REsident Supts.FREE GAS
ONE MONTH FREE RENT
Call 831-8044 for appt.

95 St 134 W. off CPW.Gdn apt
Sep entr. Massive Livrm, sep big BR pvt kitch, mirrored walls, 80x20 gdn. $375 mo.Call betw 2 & 6 for appt 243-9834. Plenty of extras.

98th St,104 E.-4 brite rms, Unfurn,$190,Also one furnished $210.Quiet bldg.Good Loc.1 Or 2 adults pref.No pets.725-0399

101 Street Broadway
Modern studios from $210.Other lay-Othe outs also avail. Elev.bldg, excl. security. 850-1691

102 ST & WEST END AVE
3 rooms,free gas & elec.No fees. $240/month.Call 866-8883 10am-12noon

102 St,just off CPW-Freshly painted 4 rms(tenement style)-2bdrms, mod kitch. NO FEE $150 G.G.REALTY 41 W.96 ST 866-7700

103 St,just off CPW-Ideal 2½ rms older tenement type bldg, sep bedrm,kitch't.NO FEE $130 G.G.REALTY 41 W.96 ST 866-7700

105th Street West-Beautiful block nice studio.Lots of sun. $185 Also studio with sleeping loft.$200
H. Gibbons Realty 873-4

106 St(109 West)-4 Lg Rms-Newly Renov,Elev!Brite & Sunny!Good Trans & Shopping!$260.Bkr. 255-5089 or 279-7660

106 STREET,56 WEST
3½ Rm Apt, $205
Must be Seen-Newly Decorated! 749-7314 or LU 8-8000

107 St, on Bway-Ideal 4 rms, elev bldg, 2 bedrms mod kitch & bath; immed $260 G.G.REALTY 41 W.96 ST 866-7700

A new renovated building from $135 to $175.Tile bath,separate kitchen, brick walls,parquet flrs,all copper-tone utl.Free gas.533-4120(8-12am)

THIS AD WORTH $5

WHEN RENTING ANY AOT BELOW

ELEV	REMOD BLDGS	NO FEE
Studio	516 E 5 nr Ave A	$
2 rms	277 E 10	$
3 rms	361 E 10	$
4 rms	361 E 10	$
3 rms	728 E 9	$

Supt on Prem or call 201-755-5241

Manhattan-No Fee Apts
NESOR ASSOC.
New Buildings 865-0334 or 982-3

UNFURN APTS REF SVCE (301

Audubon Ave,STUDIO $145
3½ rms,$175-SECURE ELEV BLDG
For fast friendly Direct Svce,call Vivian,9-7PM,889-6566,Fee $35

Ave of Americas-Near WEst 4th Stre 3 Room Apt(1 Bedroom)in nice bldg Right at subway $270 mo.Call Glenn 687-0600 Two For The Money-$35 Fee

Bank St EFLS 799-9

W.VILL-4 ROOMS $2
Barrow St nr 6 Av in heart of West Village, 3½ rms,brownstone, avail immed, $286. Call Vivian at DIRECT SVCE, 889-6566, Fee $35

Barrow St at 6th Ave-Large 3½ Rms in well kept brnstn.Good AREa. $275 mo.Nr subway.Avail Imm.Davi 687-0600 Two For The Money-$35 Fee

Bleecker EFLS 799-9

W.VILL-2&3 RMS $165-1

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