

EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS				
5	DDI		X (Attn: D/OGI)		
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OEA	X (Attn: [Redacted])			
16	C/PAD/OEA				
17	SA/IA				
18	AO/DCI				
19	C/IPD/GIS				
20					
21					
22					
		SUSPENSE	Date		

Remarks:

Recommendation, please, to DCI per our conversation.

[Redacted Signature] Executive Secretary

12 May 82

Date

NINETY-SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMERCE, CONSUMER, AND MONETARY AFFAIRS
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-377
WASHINGTON, D.C. 20515

MAJORITY—(202) 225-4407

Rec'd 12/1/82

Executive Registry

82-912062

May 10, 1982

Mr. William J. Casey
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Director Casey:

Thank you for your letter of May 7, 1982, regarding a Washington Post report of an incident involving Commerce, Consumer and Monetary Affairs Subcommittee staff and employees of the Central Intelligence Agency. The incident followed a subcommittee meeting to consider public release of 17 CIA documents dealing with OPEC investment strategies and the impact of OPEC surpluses and investments on U.S. national interests. I share your concern that "the matter seems to be getting out of hand" and I pledge my support for restoring a "spirit of cooperation" between the subcommittee and the agency.

While I very much regret any possible misunderstandings, your letter does not address what I view as the central issue underlying the incident about which you wrote --namely, whether the Central Intelligence Agency or the House of Representatives should have control over the conduct of and transcripts from official meetings of House committees involving matters of interest to the CIA.

I regret to say that in recent weeks the CIA has acted repeatedly and I think improperly to intervene in and influence the subcommittee's decisionmaking process relative to release of the 17 documents. I am deeply concerned that the totality of these actions demonstrates a lack of sensitivity to the constitutional doctrine of "separation of powers" between the executive and legislative branches of government and a lack of respect for the independence of the legislative process traditionally shown by executive branch agencies. My concerns stem from a series of CIA actions, some of which are enumerated below:

- (1) On April 27, 1982 -- two days prior to the subcommittee's first meeting to consider H. Res. 433 (which would authorize release of the 17 documents) -- I invited the CIA to appear before the subcommittee to present its positions and to respond to any questions. The CIA specifically declined this invitation and stated that its views were already known to the subcommittee. Notwithstanding this refusal to appear, Congressman Clinger of the subcommittee reported at the meeting on April 29 that the CIA was "in contact with me yesterday and indicated they would be willing to appear in a closed executive session." Mr. Clinger also stated that the CIA declined to appear because "they felt there was really insufficient time for them to get in a position to make a full case."

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Quite frankly, I believe it is inappropriate to decline a subcommittee chairman's invitation to appear at a meeting and then advise minority members of the subcommittee that it is willing to do so. If the CIA's objection to appearing on April 29 was insufficient time to prepare its case -- a reason not communicated to the chairman -- then a request for a postponement should have been made directly to the subcommittee chairman.

- (2) The subcommittee advised the CIA several weeks in advance that a meeting would be held during late April to consider H. Res. 433. Thereafter, on a number of occasions, CIA attempted to discourage the subcommittee from having an official House reporter or any official transcript of the proceedings of the meeting. Apparently the CIA is not aware of the importance of having an official transcript and of the House Rules that require a record of all official meetings, particularly those dealing with the markup of legislation.
- (3) In my view, the level of security applied by the CIA to the May 6th meeting was totally inappropriate to the level of information at issue and, more importantly, infringed the right and responsibility of Congress to maintain control of its own proceedings. The morning of the hearing, CIA security personnel "swept" the meeting room and placed CIA personnel in the back of the room with equipment designed to detect radio-type transmissions of the proceedings. When the subcommittee staff arrived at the hearing room at 10 A.M. (the scheduled time of the subcommittee meeting) the door was locked and guarded by CIA security personnel. In effect, the staff was locked out of its own meeting and could not enter except by leave of CIA employees.

Your congressional relations staff should know that the Rules of the House require all congressional committee meetings to be open until a recorded vote of the members is taken to close the meeting. If the CIA believed that it was necessary to place a guard at the subcommittee hearing room door, it should have communicated this request to the subcommittee chairman who could have arranged for the Capitol Police Force to perform this function. Only House police officers, not CIA security personnel, have jurisdiction over the grounds and buildings of the House of Representatives.

- (4) The incident that gave rise to the Washington Post story took place immediately after the subcommittee meeting was concluded and involved control and disposition of the official stenographic tapes and records of the meeting. When the subcommittee staff director and its chief counsel returned to the subcommittee office, at least eight CIA employees were there with the official House reporter. All of the official reporter's stenographic tapes and notes were already in the physical possession of the CIA.

I fully accept the sincerity of the view expressed in your May 7 letter that the CIA "merely sought to follow a long established and accepted procedure." However, the subcommittee has been informed by the Office of the Clerk of the House that the established procedure in the case of meetings involving documents classified "top secret" and below (and the highest classification for the 17 CIA documents is "secret") is for physical control and custody of the stenographic tapes and notes and the resultant transcription to remain in safekeeping with the House of Representatives and its committees.

Even assuming, for the sake of discussion, that all other committees and subcommittees permitted the CIA to take such physical possession and control, the CIA should not have assumed that the Government Operations Committee or its Commerce, Consumer and Monetary Affairs Subcommittee operated in this fashion. A simple request to the subcommittee chairman as to the handling and disposition of meeting tapes and notes,

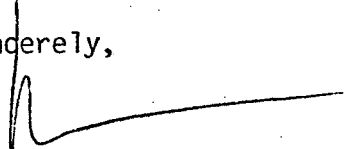
would have avoided any dispute over this issue. I also believe it is inappropriate for CIA security personnel to escort congressional employees on Capitol grounds. If determined to be necessary, arrangements could have been made with the Capitol police to perform this function.

- (5) I think you will agree that the subcommittee has a demonstrated record of absolute good faith with respect to its dealings with the Central Intelligence Agency on the overall matter of the release of the 17 documents. These documents, which have been in the subcommittee's possession for more than 2 years, have been kept, at all times, safe and secure. The subcommittee has given the CIA advance notice of all subcommittee actions and meetings involving the documents. The subcommittee even permitted the CIA to review, for security classification purposes, a subcommittee staff memorandum analyzing the 17 documents, prior to its circulation to subcommittee members.
- (6) It is my view that CIA's deletions from most of the 17 documents are totally out of proportion to any reasonable effort to protect national security sources and methods. Moreover, unlike documents in the possession of the Treasury and State Department, the CIA declined to provide the subcommittee with summaries of the 17 documents which could be released to the public.
- (7) Finally, as to the "whisked away to Langley" phrase: there may have been a misunderstanding. The official House reporter stated on a number of occasions that he was going with the CIA employees to transcribe the notes. Moreover, a CIA official told a subcommittee staff member that the notes would be transcribed in Langley and a copy made available to the subcommittee. Given the fact that a CIA security officer already had physical possession of the stenographic tapes and notes, together with the House reporter's statement that he was going with the CIA employees, it was logical to assume (even without the statement that the tapes would be transcribed in Langley), that the reporter would be going to Langley to transcribe his tape and notes.

In any event, the subcommittee staff had reason to believe and did indeed believe that the House reporter would be going to CIA headquarters to produce a transcript of the proceedings. We have been advised that private firms, reporting subcommittee meetings involving the CIA, have transcribed their tapes and minutes at CIA headquarters at Langley.

We have been advised by the House Clerk's Office that on numerous other occasions involving other committees of the House, problems have developed over CIA's efforts to take physical custody and control of stenographic tapes and notes of meetings involving CIA issues or personnel. Because of my concerns over the involvement of CIA employees in the conduct of House proceedings and because of the apparent differences of opinion over standard House practices in dealing with classified materials, I am bringing this matter to the attention of Speaker O'Neill.

Sincerely,



Benjamin S. Rosenthal
Chairman

BSR:bv